

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

**Filtration Avoidance 6.1 Enforcement Actions  
For the period April 1, 2021 through September 30, 2021**

**October 2021**

*Prepared in accordance with Section 6.1 of the NYSDOH  
Revised 2017 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 2,000 square miles. Protecting this watershed is the responsibility of the New York City Department of Environmental Protection's Bureau of Water Supply (the Bureau). To ensure that the high quality of the water is sustained and the sources of the water are protected, the Bureau has developed an aggressive enforcement program both in the field and through the legal system. Enforcement activities of the engineers, inspectors, police and attorneys responsible for the protection of the watershed are detailed in the following report.

This semi-annual report on enforcement actions for the period April 1, 2021 through September 30, 2021 has been submitted as required by the 2017 FAD and provides valuable information about the 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 report first presents an overview of the responsibilities of the Regulatory and Engineering Programs Division (REP) which administers Bureau enforcement activities and the associated City entities that assist in those efforts. Next, the report addresses new enforcement actions that have been undertaken during the above-mentioned reporting period and includes updates to ongoing violations.

The report is divided into sections relative to applicable FAD watershed areas. The **West of Hudson** (WOH) area is comprised of the following reservoir 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 which is comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.<sup>1</sup> Within each of these sections of the report, enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), or in connection with subsurface sewage treatment systems (SSTSS) and active construction sites, as well as with other regulated activities, such as solid waste management facilities. In addition, individual actions of the DEP police are included.

## 2. Enforcement Responsibilities

The Bureau is charged with implementation of the Watershed Regulations which 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

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<sup>1</sup> 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 reservoir basins relevant to the 2017 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 New Croton water supply system.

WWTPs, new or altered SSTSs, construction activities that require stormwater pollution prevention plans (SWPPPs) and the construction of impervious surfaces within certain limiting distances to surface water features.

Following the approval of planned regulated activities, those activities are monitored to assure compliance with the conditions of the approval, the Watershed Regulations and any applicable state or federal standards. The Bureau also conducts inspections throughout the watershed to ensure that any violations of the Watershed Regulations or of local, state or federal law are identified and reported; citizen complaints are also routinely investigated. When an enforcement action is commenced, the Bureau works with DEP's Bureau of Legal Affairs and the New York City Law Department to resolve the identified violations. The Bureau will monitor the activity for compliance with the terms of any consent order or other enforcement document such as a Notice of Violation (NOVs).

The first portion of this report provides an overview of the responsibilities of REP and the duties specific to the identified Sections within REP. In addition, the Bureau's Water Quality (WQ) Directorate supports enforcement efforts by monitoring water quality throughout the watershed and alerting other Directorates of any adverse water quality conditions. Also, the Bureau coordinates with various other agencies on violations and enforcement actions; including the New York State Department of Health (DOH), the New York State Department of Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), the office of the Watershed Inspector General (WIG), as well as county and municipal regulatory entities.

## **2.1. The Regulatory & Engineering Programs Division**

REP is divided into three (3) regional Sections: Arkville, Kingston & Valhalla. For the purposes of this report, the implementation tasks performed by staff in each regional Section are divided into wastewater and stormwater related activities.

### **2.1.1. Wastewater**

The Sections review and approve sewer systems, WWTPs and SSTSs in accordance with the Watershed Regulations and applicable New York State standards. Engineering reports and facility plans are reviewed and technical standards are applied to all new and/or modified facilities prior to approval. Section staff are also responsible for the investigation of WWTP non-compliance events, sewer system overflows, and residential and commercial SSTS failures. Upon determination of an SSTS failure, as an example, a formal NOV procedure is initiated which includes review by DEP's Bureau of Legal Affairs and the New York City Law Department who remain involved should further legal steps become necessary.

There are several programs sponsored by DEP that fund the remediation of SSTSs that are documented to be in failure within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds design and construction of such remedial actions. CWC solicits property owners within eligible areas, inspects the site and ensures the necessary SSTS improvements are completed as designed. The review and approval of these repairs is performed and tracked by DEP. Program details and progress are reported in the FAD Report 3.1 "Septic Rehabilitation and Replacement Program."

DEP, thru the NYS Environmental Facilities Corporation, sponsors a similar SSTS repair program in the watershed areas of the East of Hudson FAD reservoirs.

As the above programs are voluntary, DEP does not pursue enforcement actions on failing SSTSs where the owners are eligible for funding under in order to encourage property owners to participate and to self-report failing systems. DEP believes that pursuing enforcement actions in such cases would reduce the overall number of failing SSTSs being detected or repaired and thus minimize water quality benefits and reduce the overall effectiveness of these programs. DEP will issue an NOV and pursue appropriate enforcement on a case by case basis where significant progress within these program has not been made.

### **2.1.2. Stormwater**

The Sections review and approve Stormwater Pollution Prevention Plans (SWPPPs); Individual Residential Stormwater Permits; Crossing, Piping or Diversion Permits and the construction of impervious surfaces within certain limiting distances. For all regulated construction activities, staff review engineering reports, drainage calculations and site plan drawings in accordance with DEP and NYS technical stormwater standards prior to approval.

Section staff conduct weekly inspections of all approved active construction sites from commencement of construction through final stabilization and file written reports of findings. Staff are also responsible for investigating possible violations of water quality standards including turbid discharges, illicit solid waste disposal, and discharges from improperly stored winter highway maintenance materials (road salt). Upon determination of non-compliance at any DEP permitted SWPPP or other stormwater-related site or confirmation of other sources of contamination to the Water Supply, a formal NOV procedure is initiated which includes review by DEP's Bureau of Legal Affairs and the New York City Law Department who remain involved should further legal steps become necessary.

### **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 Environmental Enforcement Division, is responsible for all patrol operations, protective functions and short-term investigations relating to environmental and criminal complaints. Additionally, the Detective Bureau and Intelligence Division is responsible for all long-term investigations relating to pollution, crime and terrorism.

Where necessary, close coordination between REP and these DEP Environmental Police divisions is crucial to ensuring that swift, proper and appropriate actions are taken when violations of environmental laws or regulations are discovered.

### **2.3. DEP's Bureau of Legal Affairs**

The Bureau of Legal Affairs (BLA) provides legal support for enforcement of the Watershed Regulations. As noted previously, BLA reviews all NOVs in advance to ensure that all pertinent issues have been addressed and fully documented and proper steps have been taken.

### **2.4. New York City Law Department**

The New York City Law Department, in conjunction with BLA, 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; and, the federal Clean Water Act, to bring SPDES violators into compliance. The New York City Law Department also defends, where necessary, regulatory decisions rendered by REP and renders legal opinions, interpretations and advice on enforcement matters, as necessary.

### 3. Specific Enforcement Actions

#### 3.1. Subsurface Treatment Systems and Stormwater

The following tables were established as a summary of the 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	39		33		35	
CONESVILLE	13		10		10	
GILBOA	19		15		17	
HUNTER	117		88		97	1
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		51	
LEXINGTON	48		45		46	
OLIVE	197		167		174	
PRATTSVILLE	33		24		33	
ROXBURY	31		23		27	
SHANDAKEN	145		133	1	141	1
TANNERSVILLE (V)	7		2		7	
WINDHAM	84		66		81	
WOODSTOCK	61		53		51	
<b>Total</b>	<b>911</b>	<b>0</b>	<b>763</b>	<b>1</b>	<b>828</b>	<b>2</b>

#### Delaware District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ANDES	83		75		74	
ANDES (V)	4		2		2	
BOVINA	36		33		34	
COLCHESTER	5		6		8	
DELHI	71	1	65		74	
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANNS (V)	1		1		1	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	33		30		30	
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	
JEFFERSON	6		6		6	
KORTRIGHT	64		54		61	

LIBERTY	1		1		1	
MASONVILLE	13		11		11	
MEREDITH	22		20		19	
MIDDLETOWN	119		106		112	
NEVERSINK	223		188		202	
ROCHESTER	1		1		1	
ROXBURY	35	1	29		38	
STAMFORD	36		34		37	1
TOMPKINS	42		37		40	
WALTON	93		86		84	
WALTON (V)	1		1		1	
WAWARSING	35		32		31	
<b>Total</b>	<b>1001</b>	<b>2</b>	<b>884</b>	<b>0</b>	<b>935</b>	<b>1</b>

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

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
CARMEL	11		10		13	
EAST FISHKILL	1		0		0	
KENT	4		4		4	
PUTNAM VALLEY	0		0		0	
<b>TOTAL</b>	<b>16</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>17</b>	<b>0</b>

### Kensico Basin

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0		0		0	
HARRISON			0		0	
MT. PLEASANT	0		0		0	
NEW CASTLE					0	
NORTH CASTLE						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.1.1. Catskill District

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

#### Overview and Action:

DEP met with the applicant and engineer on the site for a pre-construction meeting on 9/14/18. DEP observed that construction commenced on or before 10/12/18. DEP performed site visits on 10/12 and 11/9/18. There were deficiencies, there was no discharge and the site was occupied. Construction for this project is on hold as of 11/16/18 due to winter. DEP exchanged emails with the owner on 11/16/18 regarding the winter shutdown of the retention pond and water bar. DEP sent an e-mail to the owner and engineer on 3/26/19 regarding setting up a meeting to go over the plan for this season. A site meeting is scheduled for 4/12/19 to discuss the work being performed this season. DEP, CWC, the engineer and applicant will attend. DEP held a meeting with the applicant, original engineer and the new engineering firm on 4/12/19, which E&S inspections were performed. The applicant anticipates restarting within the next two weeks. DEP performed site visits on 6/5, 7/9 and 7/16/19; there were no deficiencies and there was no discharge. The site was vacant. DEP sent an e-mail to the owner on 7/24/19 regarding no further progress noticed at site visits. DEP would like to see this closed out by the end of summer. DEP received an e-mail from the owner on 7/25/19 stating that the project should be completed by the first part of September 2019. DEP spoke with the engineer and the applicant said they should be starting work next week. DEP performed a site visit on 9/10/19; there were deficiencies and there was no discharge. The site was vacant. DEP performed a site visit on 10/8/19. There were deficiencies, there was no discharge and the site was occupied. DEP observed that construction commenced on or before 10/8/19. DEP performed site visits on 10/16, 10/22, 10/30, and 11/19. There were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owner and the engineer on 11/7/19 regarding the site visit on 11/1/19 and the deficiencies noted. DEP performed site visits on 11/8 and 11/22/19. There were no deficiencies, there was no discharge and the site was occupied. DEP exchanged emails with the engineer on 03/26/20 regarding scheduling a site visit to get construction completed this season. DEP performed a site visit on 3/27/20. There were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/17, 5/28, 6/18 and 7/10/20. There were no deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the engineer on 7/29/20 confirming that construction was put on hold. Owner plans on resuming and completing construction later this year. DEP sent an e-mail to the owner on 8/28/20 asking when work will resume. DEP performed a site visit on 9/3/20. There were no deficiencies, there was no discharge and the site was occupied. A meeting to discuss reimbursement was held with the project applicant and CWC on 9/3/20. According to the applicant, work is to resume next week. DEP performed a site visit on 9/15/20, there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 10/1/2020, there were no deficiencies, there was a discharge and the site was occupied. A meeting was held with the project engineer on 11/9/2020.

No further work has occurred since the last site visit. The project will be going into winter shut down in the next couple of weeks. DEP met with the contractor, engineer, CWC and the applicant on site for a pre-construction meeting on 4/15/2021 to discuss the plan for the upcoming work season. It is anticipated the project will be completed this summer. DEP performed site visits on 5/18, and 6/17/2021. There were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owner on 6/18/2021 advising that construction is expected to be completed this year. DEP received an e-mail from the owner on 7/6/2021 regarding starting construction. DEP exchanged emails with the owners on 7/27/2021 regarding construction. DEP sent an e-mail to the owner on 8/24/2021 requesting a construction schedule. DEP received a response from the owner on 9/2/2021 regarding construction. DEP performed a site visit on 9/20/2021. There were no deficiencies, there was no discharge and the site was vacant. DEP exchanged e-mails with the owner on 9/21/2021 regarding the 9/20/21 site visit and when to expect construction completion. Owner plans to complete construction in October 2021.

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

#### Overview and Action:

DEP exchanged emails with the engineer on 11/6/2020 regarding issues at the site. DEP received a call from the neighboring land owner on 11/9/2020 regarding concerns about the project. The neighbor said no easement was provided for the project, yet he believes that a trench was dug through his road. DEP advised that the approved plan did not show improvements on his property and that there was discussions for a modified plan based on acquiring an easement. DEP provided the neighbor with the engineer's contact information. DEP sent an e-mail to DEC on 11/10/2020 regarding site visits of 11/6 and 11/10/2020 and the deficiencies of the site conditions. DEP performed a site visit on 11/12/2020, there were deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from DEC on 11/12/2020 regarding the deficiencies. DEP sent an email to DEC on 11/13/2020 regarding the drains. Water is still flowing, but it is clear and better than observed on 11/6/2020. DEP performed a site visit on 12/1/2020, there were deficiencies, there was no discharge and the site was vacant. DEP sent the Stormwater report and photos to the engineer on 12/4/2020 regarding the 12/1/2020 site visit. DEP performed a site visit on 12/9, and 12/15/2020. There were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer, DEC and CWC on 12/17/2020 regarding the 12/16/2020 site visit. DEP performed a site visit on 12/28/2020. There were deficiencies, there was no discharge and the site was vacant. On 12/23/2020 DEP met with the contractor and engineer to discuss SWPPP status. The Engineer is going to prepare an addendum for the pond including clean water diversion around the pond. Contractor was actively coating the surface of the entrance road with crushed stone. A teams meeting was held with the project engineer on 1/6/2021 to discuss reconfiguration of the lower pond. DEP received a call from the engineer on 1/6/2021 regarding redesigning the lower pond. The engineer will

complete the revision and submit a formal revised plan for the pond. DEP exchanged emails with the engineer beginning 12/23/2020 to 1/7/2021 regarding items to be discussed. DEP received the Hunter Pond sketch on 1/7/2021. DEP performed a site visit on 1/13/2021. There were deficiencies, there was no discharge and the site was vacant. A site meeting was held to discuss water diversions and stabilization with the project contractor on 1/22/2021. The contractor had a lot of questions about ACOE and DEC regulatory requirements. DEP received an e-mail from the engineer on 2/16/2021 regarding winter shutdown. DEP performed a site visit on 2/25/2021. There were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 3/9/2021 regarding an update. A meeting was held with the project engineer, new engineer to perform E&S inspections, contractor and DEC on 3/30/2021 to discuss the restarting of site work. DEP received an e-mail from the engineer on 4/6/2021 regarding the stabilization of the slope above the pond. DEP performed site visits on 4/23/2021. There were no deficiencies. There was no discharge. The site was occupied. DEP performed a site visit on 5/5/2021. There were deficiencies. There was no discharge. The site was vacant. DEP received the SWPPP Inspection Reports 53, 54 & 55 from the engineer on 5/5/2021. DEP sent the latest E&S Inspection to the engineer on 5/7/2021 with deficiencies that need to be addressed. DEP received the SWPPP Inspection report #56 from the engineer on 5/11/2021. DEP performed site visits on 5/18, 5/21, and 5/28/2021. There were deficiencies, there was no discharge and the site was vacant. DEP received the SWPP inspection Report #62 from the engineer on 6/2/2021. DEP exchanged emails with the engineer on 6/2/2021 regarding scheduling a meeting at the site. DEP received the SWPPP Inspection Report #64 and 65 from the engineer on 6/8/2021. DEP received the SWPPP Inspection Reports #66 & #67 from the engineer on 6/17/2021. DEP received the SWPPP Inspection Report #68 from the engineer on 6/18/2021. DEP received the SWPPP Inspection Report #69 from the engineer on 6/23/2021. DEP received the SWPPP Inspection Report #70 from the engineer on 6/29/2021. DEP received the SWPPP Inspection Report #71 and DEP.s latest Construction Report from the engineer on 6/29/2021. DEP received the SWPPP Amendment #1 from the engineer on 6/30/2021 with Report and plans. DEP performed a site visit on 7/2/2021. There were deficiencies, there was no discharge and the site was occupied. DEP received the SWPPP Inspection Report #72 from the engineer on 7/6/2021. DEP received the SWPPP Inspection Repot #73 from the engineer on 7/7/2021. DEP performed a site visit on 7/8/2021. There were deficiencies. There was a discharge. The site was vacant. DEP sent an e-mail to the engineer on 7/9/2021 regarding the site visit of 7/8/2021. DEP received an e-mail from the day's inspection on 7/9/2021 with the results of their finding. DEP returned a call from the engineer on 7/14/2021 regarding the documented contravention. The engineer was unavailable. DEP initiated an Enforcement Action on 7/16/2021. DEP issued an NOV to the owner on 7/16/2021. DEC issued a NOV on 7/19/2021. A meeting was held with the project engineer, contractor, DEC and DEP on 7/20/2021. The site was assessed the violations cited in the NOVs were discussed. DEP received the SWPPP Inspection Repot #75 and 76 from the engineer on 7/21/2021. DEP received meeting notes from the engineer on 7/23/2021. DEP performed a site visit on 7/26/2021. There were deficiencies. There was no discharge. The site was vacant. DEP received the SWPPP Inspection Report #78 from the engineer on 7/27/2021. DEP received the SWPPP Inspection Report #79 from the engineer on 7/28/2021. DEP received the SWPPP Inspection Report #80 from the engineer on 8/3/2021. DEP received a copy of the letter and the Certificate of Compliance responding to DEC's NOV from the engineer on 8/11/2021. DEP received the Returned NOV from the Post Office on 8/9/2021. DEP received the SWPPP Inspection Report #82 from the engineer on 8/9/2021. DEP received the SWPPP

Inspections Reports #81 and #83 from the engineer on 8/11/2021. DEP performed a site visit on 8/12/2021. There were no deficiencies. There was no discharge. The site was occupied. DEP received an e-mail from the engineer on 8/13/2021 providing the amended SWPPP. DEP received an e-mail from DEC on 8/18/2021 concurring that the NOV items have been addressed. DEP received an e-mail from the engineer on 8/24/2021 advising that the amended SWPPP will be presented to the planning board on 8/26/2021. DEP received the SWPPP Inspection Reports #85, 86 and 87 from the engineer on 8/25/2021. DEP received an e-mail from the engineer on 8/26/2021 that clearly shows the modifications to the plan. DEP received the SWPPP Inspection Report #90 from the engineer on 9/7/2021. DEP received the SWPPP Inspection Report #91 from the engineer on 9/8/2021. DEP observed that construction commenced on or before 9/10/2021. DEP performed a site visit on 9/10/2021. There were no deficiencies. There was no discharge. The site was occupied. DEP received the SWPPP Inspection Report #92 from the engineer on 9/14/2021. DEP received the SWPPP Inspection Report #93 from the engineer on 9/15/2021. DEP received an e-mail from DEC on 9/15/2021 regarding the need to modify the individual construction stormwater SPDES for this project, as the permit references the 4/11/2019, SWPPP and associated drawings. DEP performed a site visit on 9/20/2021. There were no deficiencies. There was no discharge. The site was occupied. DEP received the SWPPP Inspection Report #94 from the engineer on 9/21/2021. DEP had a call with the Watershed Inspector General (WIG) on 9/23/2021 regarding a 4 lot addition and the former SWPPP violations. DEP received a letter responding to the NOV from the engineer on 9/24/2021. DEP received the SWPPP Inspection Reports #95, 96 & 97 from the engineer on 9/27/2021.

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

DEP issued a Modified Approval Determination letter on 10/2/18 to the engineer along with the approved plans. DEP called the CWC on 3/26/19 regarding the project. CWC indicated now that the reimbursement program rules have changed and that the applicant is eligible for reimbursement. DEP sent an e-mail to the owner on 3/26/19 regarding CWC's program and asked him to reach out to them directly to see if he is eligible for a refund. DEP exchanged emails with the owner on 7/2/19 regarding a date when the rain gardens will be constructed. The owner responded that hopefully next month when it is dryer. DEP received an e-mail from the owner on 9/24/19 regarding the status of the work. He is looking for estimates, but is having difficulties finding someone. DEP exchanged e-mails with the owner on 11/26/19 regarding meeting in the spring to get the rain gardens in. DEP exchanged emails with the owner on 3/24/20 regarding contacting a contractor and getting the work done. DEP issued a letter to the applicant on 6/16/20 advising that the NOV was still outstanding, outlining what work is required to close out the NOV and requesting a construction schedule. DEP received an e-mail from the owner on 6/21/20 advising that a meeting is setup for the next day with a new contractor. DEP sent an e-mail to the owner on 6/23/20 setting up a site visit. DEP sent an e-mail to the CWC on 6/24/20 requesting that they attend the meeting. A meeting was held with the

project applicant, contractor and CWC on 6/26/20. The site work will start in approximately three weeks. DEP sent an e-mail to the owner on 7/28/20 regarding starting the work. DEP responded to an email from the CWC on 8/17/20 regarding the contractor's estimate. DEP and the CWC responded to an email from the owner on 9/9/20 regarding cost estimates from the contractor. DEP has not heard back from the applicant or CWC in regard to new contractor estimate. DEP exchanged emails with CWC on 10/27/2020 regarding the owner doing the work himself. DEP exchanged emails with the owner on 11/16/2020 providing an update. He has contacted several nurseries in order to get the soil mix and is waiting for estimates. DEP sent an e-mail to the owner on 1/19/2021 regarding materials needed for spring construction. DEP received an e-mail from the owner 2/15/2021 stating that he has not heard back from the two contacts he had for supplying the media. DEP received an e-mail from the owner on 2/17/2021 regarding the planting media. DEP received an e-mail from the owner on 3/23/2021 stating that he is waiting for a full itemized quote from his supplier and will submit when he received it. DEP received an e-mail from the owner on 4/5/2021 regarding the plants and topsoil. DEP sent an e-mail to the owner on 4/6/2021 regarding being able to get plants from any nursery and offered suggestions. DEP observed that construction commenced on or before 5/5/2021. DEP performed site visits on 5/12 and 6/17/2021. There were no deficiencies. There was no discharge. The site was occupied. DEP completed construction inspections on 7/2/2021. DEP issued a letter of Construction Compliance on 7/8/2021. The violation was resolved and the case was closed on 7/8/2021 with DEP Closure letter dated 7/8/2021.

Project Name: 12 Regina's Way (2011-AS-0848)  
Town: Lexington  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: RE.2 (2016): Failed repair. RE.1 (2011): Likely to Fail-Rock pit-CWC-60%. NOTE: Owner in WaLIS is Bather, Paul.  
Discovery Date: 12/12/19  
Status: Ongoing

**Overview and Action:**

On 11/4/19 DEP performed a follow-up inspection of the septic system. DEP called the CEO and received a call back on 12/10/19 regarding locating a proper address to resend the NOV. DEP also commented that there is a third house on the property which is not on tax rolls. DEP issued an NOV to the owner on 12/12/19 to three separate addresses, return receipt. DEP sent the NOV via email to CWC, and DEP attorneys on 12/12/19. The two NOV's that were sent to the Shandaken addresses were returned. On 12/23/19, DEP performed a follow-up inspection of the septic system. DEP received signed return receipt requested on 12/31/19 that was sent to the Kentucky address. DEP sent an e-mail to the on building inspector for Lexington 1/10/20 regarding a request for information on the three homes and their addresses located at this one property. DEP sent an email to DEP attorneys on 2/5/20 that the draft NOV follow up letter to the owner, regarding lack of response to the DEP issued NOV. DEP received the NOV that was signed for on returned as the addressee is deceased 02/11/20. On 2/20/20 DEP performed a follow-up inspection of the septic system. DEP issued a copy of the former NOV to several new addresses on 9/23/20 in an attempt to gain resolution to the SSTS failure. On 11/13/20 DEP performed a follow-up inspection of the septic system. On 11/23/20 DEP performed a follow-up inspection and spoke to the tenant regarding contact information for the owner. On 3/31/21 DEP

performed a follow-up inspection of the septic system. DEP spoke with DEP Police on 7/2/2021 to request assistance in locating when the property owner was on the premises, in order to be able to hand deliver the NOV. DEP received a call from the owner on 9/21/21 after the DEP Police dropped off the NOV directly to him, as DEP had not been able to reach him for years. DEP returned a call to the owner on 9/22/21 and had a cordial conversation regarding how the owner explained he would file a lawsuit against CWC, DEP, the engineer and the contractor for the first septic system gone wrong. He said he had another Engineer evaluate it that said it never should have gone there. He said to give him a week to work with his lawyer and get an engineer on board to do soils. DEP asked him to reach out to CWC to discuss his plan and keep us in the loop to witness soils. DEP reminded him that there is an approved design and he needs to work with CWC. DEP reiterated that we just want to see this resolved and if we can work on a plan to get there that is the best scenario and he agreed.

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

**Overview and Action:**

DEP performed a site visit on 10/23/18. Septic failure was observed. The ditch is full of sewage coming from the cesspool. The level in the ditch is the highest it's ever been but still not to the surface or leaving the ditch. A very strong odor was observed. DEP's Assistant Counsel issued a letter to the owner on 11/21/18 regarding the NOV and the lack of response. DEP received an email from the owner on 12/17/18 stating he is waiting for drawings from engineer to approve before submittal to DEP. DEP called the engineer on 12/18/18 who stated that the previous approved design could be implemented without impacting the future addition of a courtesy toilet to the existing garage, which may not happen for years. This possible improvement is what has been holding up revised plans from being submitted. DEP stated a construction commencement date will probably be required come spring. On 1/8/19 DEP REP, Legal, and NYC Law Department discussed and determined that stipulation agreement is a reasonable approach at this time. DEP Legal will draft a document for review, with milestone dates for construction commencing and completion/receiving DEP's construction approval. DEP received the Stipulation letter from the Bureau of Legal Affairs (BLA) on 6/19/19. DEP received a copy of the signed Certified Receipt from BLA on 7/24/19. DEP received digital draft revision from engineer of plans on 4/1/20. DEP sent email to engineer that plans are ready to be approved and they should submit hardcopies. DEP received revised plans from the engineer on 4/20/20. DEP issued a Modified Approval Determination letter on 4/23/20 to the engineer along with the approved plans. DEP emailed the owner for a construction schedule on 8/18/20. DEP performed a site visit on 9/9/20, the property as unchanged. The cesspool is still exposed on one side to a manmade ditch. DEP couldn't visibly see if sewage was in the ditch due to overgrowth, but did smell a strong odor. DEP sent an email to the engineer on 9/17/20 to check if they had any information on a proposed schedule to get this project done. DEP performed a site visit on 7/19/2021. Unable to get a visual of sewage in ditch due to overgrowth. The grass in the ditch is

still present and there is a very strong odor of sewage present. DEP performed a site visit on 9/27/2021. Septic Failure: Observed. Wetness in trench. One side of the cesspool is exposed all the way down to the trench and seeps out into the trench. This is difficult to get a clear photo due to all the overgrowth but there are small spots where it can be seen and there is a very strong septic odor.

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

Overview and Action:

DEP performed a site visit on 7/12/17; septic failure was not observed. There was no sign that the house is being used. DEP has put the Enforcement Status on hold as of 9/22/17 due to the property not being inhabited. Project will be monitored by tasks every six months for re-inhabitance and will deal with possible loss of NCRA status and compliance with regulations time of re-inhabitance. DEP is monitoring this project site for inhabitance/failure. DEP performed a site visit on 1/11/18. The house is abandoned and boarded. DEP performed a site visit on 7/10/18. Septic failure was not observed. It appears that the residence has not been accessed and the house is in disrepair. DEP performed a site visit on 1/4/19. Septic failure was not observed. The property still appears to be abandoned. DEP performed a site visit on 7/9/19; septic failure was not observed. The house appears to be vacant and in disrepair. DEP performed a site visit on 7/9/20. Septic failure was not observed. No sign of inhabitance. The prospective buyer called DEP on 9/10/20 inquiring about what needs to be done to be compliant on this site. He already had a copy of the NOF from the current owner. DEP asked that he get the owner's permission to share the project information with him via email. DEP removed this project from the priority enforcement project list on 11/17/2020, and moved to non-priority to watch since this is a holding tank, used seasonally. DEP performed a site visit on 12/28/2020. There was no sign of inhabitants. DEP performed a site visit on 5/5/2021. Residence appears to be recently occupied. Some property maintenance has been done. Leaves and debris have been removed and there are ruts in the driveway from recent traffic. Plastic tank is still exposed. No visible effluent. DEP received a request for a pre-application meeting from the engineer/applicant on 6/9/2021. DEP performed a site visit on 9/30/2021. Septic Failure: Not Observed. Home is under repair. Plastic septic tank is exposed. No visible effluent.

Project Name: 65 Mckenley Hollow (2019-AS-0701)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: Individual Residential SPPP (IR)  
Type of Violation: Demolishing the old house and building new. Requires IRSP; DEP NOV  
Discovery Date: 2/5/2021  
Status: Ongoing

Overview and Action:

DEP issued an NOV to the owner on 2/5/2021 for 18-39(a)(5)(iii); limiting Distance. DEP sent an e-mail to involved parties on 2/16/2021 stating that DEP has not received a response from the owner regarding the NOV. DEP performed a site visit on 3/11 and 3/18/2021. There were deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the applicant on 4/5/2021 regarding the NOV and that the contractor and engineer are working on resolving the issue at the property. DEP responded to an e-mail from the applicant on 4/8/2021 regarding status of the NOV. DEP sent an e-mail to the owner on 4/9/2021 with a pre-application form and copy of the NOV. DEP performed a site visit on 5/11/2021. There were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the applicant on 5/12/2021 informing them that the deadline for submitting an IRSP has past and requested an update on the project status. DEP sent an e-mail to the engineer on 6/18/2021 requesting a status update. DEP performed a site visit on 6/29/2021. There were deficiencies, there was no discharge. DEP sent an e-mail to the engineer on 8/19 and 9/22/2021 requesting a status update. DEP sent an e-mail to the owner on 9/23/2021 outlining the history of the project and the no response history from the engineer to move this project forward and resolve the NOV.

Project Name: 466-478 Oliverea Rd (2014-AS-0719)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: Intermediate Repair (CR.2)  
Type of Violation: DEP NOV. Failed SSTS serving 2 residential buildings. Originated as a complaint. Five foot deep cesspool intermittently overflowing into surrounding grass. 2019 - New DEP NOV & CWC for Small Business for 3 houses.  
Discovery Date: 11/22/19  
Status: Approved/Under Construction

#### Overview and Action:

DEP performed a site visit on 11/21/19; septic failure was observed. Backup of sewage into house, surfacing of sewage on ground. Sewage with strong odor pooling on the surface of the ground. Tenant stated that the septic was backing up into the house. Landlord did something, she didn't know what, and it's been better. DEP Police were called initially and forwarded it to REP septic group. DEP observed and prepared a violation report on 11/22/19 DEP initiated an Enforcement Action on 11/22/19. DEP issued an NOV to the owner on 11/25/19. DEP's Assistant Counsel issued a letter to the owner on 12/11/19 regarding the NOV and the need to contact DEP. DEP performed a follow-up site investigation on 12/23/19 and observed sewage puddled on the ground as noted on a prior inspection. On 1/23/20, DEP performed a follow-up inspection of the property and did not observe sewage on the surface as the ground was snow covered. DEP received a call from the project engineer on 1/24/20 regarding the failing septic system and that he was contacted for engineering services. This project is funded under CWC Septic Repair Program. On 2/4/20, DEP received CWC's notice of likely to fail for all three houses listed as a Small Business. DEP called the Engineer on 2/25/20 to explain proper emergency repair procedures and note that there is no emergency repair paperwork on file, so this does not constitute emergency repair at this point. (This is in follow to the Engineers phone conversation with DEP project manager on 1/24/20 that the Engineer did an emergency repair). DEP explained we are aware the applicant is now in the CWC repair program but if the project does not progress DEP will work with NYC Law to pursue gaining compliance. DEP removed

this project from the priority enforcement project list on 3/24/20. DEP sent an e-mail to the engineer on 6/2 and 6/17/20 requesting a status update. The engineer left a voicemail advising that a design was in the works. DEP called the project engineer on 6/19/20 regarding the project status and when DEP might see proposed plans for review. DEP performed a follow-up inspection on 6/25/20 and found no failure observed. DEP sent an e-mail to the engineer on 7/24 and on 8/27/20 requesting a status update. DEP received an e-mail from the engineer on 9/1/20 advising that design is nearly complete. DEP sent an e-mail to the engineer on 10/13 and 11/17/2020 requesting a status update. DEP received an e-mail from the engineer on 11/24/2020 advising that he may get the plans submitted next week. DEP performed a site inspection on 12/16/20 and did not observe a septic failure. DEP sent an e-mail to the engineer on 1/20 and 2/17/2021 requesting a status update. DEP received an e-mail from the engineer on 2/23/2021 advising that he is trying to submit the plans by the end of the week. DEP received an Application for a SSTS on 3/16/2021 from the engineer. DEP sent an e-mail to the engineer on 3/25/2021 regarding project status. A meeting was held with the project engineer on 4/1/2021 regarding a minor change to the proposed design plan as submitted. Engineer will make correction and resubmit for review and approval. DEP issued a NOCA on 4/2/2021. DEP issued an Approval Determination letter on 4/15/2021. DEP sent an e-mail to the engineer on 6/18/2021 inquiring when construction might begin. DEP sent an e-mail to the engineer on 8/19/2021 requesting a status update. DEP observed that construction commenced on or before 9/23/2021. DEP sent an e-mail to the engineer on 9/22/2021 requesting a status update. DEP performed a site visit on 9/23 and 9/27/2021. Inspection of 1000 gallon concrete septic tank and concrete dosing chamber installed at house 3 (2 BR). Bedded & level. These were not set exactly as plan showed but Engineer was ok with it and will show the change on the as-built drawing he submits. Inspection of bed for 6 BR house and inspection of bed for the two cottages (2 BR & 3 BR). Also, two dose tests completed. DEP took photos and ties for as built.

Project Name: 46 Route 214 (2010-AS-0283)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: DEP NOV. Managed repair area for Phoenicia. House with 2 apartments and storefront; NCRA; failed. 1 bedroom addition connected to new SSTS; house with 2 apartments and storefront was then tied to that.  
Status: Closed

**Overview and Action:**

DEP issued a NOV to the owner on 11/15/2012. A meeting was held with the project applicant on 11/21/2012. They are both seniors in their 80's dealing with serious health issues. They claim to not have the money to do the repair. The two upstairs apartments are currently rented. The rear cabin is winterized and unoccupied. On 2/20/13, DEP performed a visual inspection of the yard in the area of the septic tank. No sewage discharge was observed. On 5/28/13, DEP performed a visual inspection of the yard in the area of the septic tank. No sewage discharge was observed. On 8/28/13, DEP performed a routine followup inspection of the SSTS. No problems were observed. The owner currently has 2 tenants. On 1/22/14, DEP performed a routine inspection of the septic tank from the driveway. No problems were noted. On 8/7/14, DEP performed an inspection of the septic system. No problems were observed. On 12/1/14, DEP performed an inspection of the septic tank/absorption field area. No problems were observed. On

8/18/15, DEP performed an inspection of the area where the septic system is located. No problems were noted. The owner was not home at the time. DEP issued an NOV reminder letter to the owner on 11/25/15. DEP requested a response within 14 days of the letter date and also requested that the letter be given to any prospective buyers. Project was sent to Bureau of Legal Affairs on 3/23/16. On 3/23/16 the violation was forwarded to DEP Legal for follow-up on enforcement action. DEP Legal issued a letter to the owners on 3/24/16 regarding their lack of response to the NOV. To avoid referral of the project to NYC Law for possible litigation, deadlines were given for: 1) An application to be submitted (within 60 days of the letter date); 2) An approved plan to be implemented (by 7/30/16); and 3) DEP to be contacted (within 5 business days of the letter date). DEP received three phone messages from the owner since 4/1/16. DEP returned the call on 4/5/16 and left a message to apologize for missing the 4/1/2016 appointment and to reschedule for 4/8/16. On 4/8/16, DEP met with the property owner at the site. He did not put the property up for sale, and plans to stay there. All apartments are occupied, and he will contact an engineer to propose a solution to DEP. On 8/10/16, DEP met with the engineer and the owner on site for a meeting. On 9/8/16, DEP met with the engineer and hauler to investigate the absorption field. The tank outlet pipe and another pipe were located with an electronic device. An excavator is needed to finish the investigation. On 3/30/17, DEP stopped at the site to look at the lawn area where the SSTS is. There were no signs of failure. DEP called engineer on 10/23/2017 requesting a schedule. On 3/22/18, DEP inspected the site. No signs of the SSTS failing were observed. On 11/29/18 DEP inspected the property. There was no visible evidence of the SSTS failing. On 06/10/19 DEP inspected the property. There was no visible evidence of the SSTS failing. DEP issued a letter to the Realtor on 12/27/2019 regarding the outstanding NOV that still has not been resolved and that potential buyers should be made aware of. DEP received a call from the engineer on 01/23/2020 to schedule a site investigation of the existing SSTS. A soil/site evaluation was performed on 02/04/2020. DEP sent an e-mail to the engineer on 06/17/2020 requesting an update of the project schedule. Engineer left voicemail stating that a submittal was made in March, but he will resubmit next week. DEP received an Application for a non-conventional individual SSTS on 12/11/20. DEP issued a NOCA on 12/18/20. DEP issued an Approval Determination letter on 12/23/20. DEP sent an e-mail to the engineer on 4/26/2021 requesting an update. DEP sent an e-mail to the engineer on 5/20/2021 requesting a status update. On 6/3/21 DEP performed a satisfactory construction inspection of the absorption bed. DEP observed that construction commenced on or before 6/3/2021. On 8/5/21 DEP performed a final construction inspection. Adequate grass cover is established. DEP completed construction inspections on 8/5/2021. DEP sent an e-mail to the engineer on 8/19/2021 requesting a status update. DEP received As-Built plans and an engineer's certification letter from the engineer on 9/20/2021. DEP issued a letter of Construction Compliance on 9/21/2021. DEP sent an e-mail to the engineer on 9/22/2021 confirming project closeout.

Project Name: 5564 State Route 23 (2019-SC-0142)  
Town: Windham  
Basin: Schoharie  
Type of Use: Stormwater (SP)  
Type of Violation: DEP NOV for the clearing and grading of approximately 5.4 acres on steep slopes.  
Discovery Date: 4/9/19  
Status: Ongoing

**Overview and Action:**

DEP issued an Incident Referral Report to DEC on 4/4/19 with a map of the parcels and the area of disturbance. DEP initiated an Enforcement Action on 4/9/19. DEP issued an NOV to the owner on 4/16/19. DEP received a call from the land owner responding to the NOV on 4/22/19. A meeting was held with the landowner on 4/22/19. He acknowledged the NOV and suggested the next step of have a meeting with DEP, engineer and CWC to discuss the SWPPP. DEC issued a NOV on 5/3/19. DEP exchanged emails with DEC on 5/31/19 regarding the SWPPP and temporary stabilization. DEP received an e-mail from the engineer on 7/02/19 regarding target dates for the project. DEP received the site stabilization plan from the engineer on 7/23/19. DEP sent an e-mail to the engineer and DEC on 7/25/19 regarding comments on the interim stabilization plan. No check dams in the roadside swale have been installed. DEP exchanged emails with the engineer on 10/8/19 regarding the site conditions and the check dams. DEP sent an e-mail to the engineer on 11/26/19 regarding working on the SWPPP and asked if the check dams were put in. DEP discussed the project with the engineer. The applicant never had the check dams installed and now there is too much snow to get the check dams in. The engineer will be working on the SWPPP over the winter and the site will be stabilized in the spring when weather permits. DEP sent an e-mail to the engineer on 2/25/20 regarding submission of the SWPPP. DEP called the engineer on 2/27/20 regarding the E&S plan. The engineer indicated the applicant has not responded to several attempts by the engineer to discuss the project. DEP received an e-mail response from the engineer on 6/2/20 advising that there are no updates on the project. DEP issued a letter to the applicant on 6/16/20 requesting a construction schedule and outlining the outstanding work necessary to close out the NOV. DEP sent an e-mail to the owner on 7/7/20 regarding the owner's plan to address the remaining work as soon as funding is received. DEP drove by the site and there are no changes. DEP performed a site visit on 11/24/2020. There were no deficiencies, there was no discharge and the site was vacant. No changes to the site. DEP issued a letter to the owner on 11/24/2020 regarding the outstanding NOV. DEP performed a site visit on 4/9/2021. There were no deficiencies. There was no discharge. The site was vacant. DEP exchanged emails with the owner on 4/27/2021 regarding the For Sale sign being taken down. The owner stated that he wants to lease it to a Solar Panel company. Owner is retaining another engineer to pick up where the prior engineer left off. DEP received an e-mail from the owner on 6/16/2021 stating that he has hired a new engineer to prepare the SWPPP and SSTS's for the lots. A site meeting was held with the project applicant, engineer, contractor and DEC on 6/23/2021. The project will consist of either 3-5 homes or a solar panel field. DEP sent an e-mail to the owner and engineer on 8/24/2021 requesting design status.. DEP sent an e-mail to the engineer on 9/15/2021 regarding what was required, along with an application. DEP received an Application for a SWPPP on 9/21/2021 from the engineer.

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

**Overview and Action:**

DEP received a call from the engineer on 11/30/18 regarding modifications to the stormwater controls. The engineer will work on reducing the size of the practices due to less impervious cover over the winter. DEP performed a site visit on 2/22/19. There were deficiencies, there was no discharge and the site was occupied. DEP exchanged emails with the engineer on 3/7/19 regarding the revised SWPPP. The engineer replied that he didn't want to revise the entire plans but to wait until spring and propose some tweaks to the approved plans. DEP performed a site visit on 3/15/19. There were deficiencies, there was no discharge and the site was occupied. DEP sent the latest field report to the engineer on 3/26/19. The engineer responded the same day that they should have something soon that addresses the deficiencies. DEP performed a site visit on 4/5/19; there were deficiencies and there was no discharge. The site was occupied. DEP exchanges emails with the engineer on 4/9/19 regarding items discussed at the last meeting. DEP sent an e-mail to the engineer on 4/16/19 regarding the need for stabilization work to be completed. DEP received an e-mail from the engineer on 4/16/19 stating that most of the items in DEP's email of the same day have been completed. DEP performed a site visit on 4/19/19; there were deficiencies and there was no discharge. The site was occupied. A meeting was held with the project applicant and engineer on 5/03/19 to discuss site stabilization. DEP performed site visits on 5/10 and 5/24/19; there were deficiencies and there was no discharge. The site was occupied. DEP issued a letter to the owner on 5/30/19 regarding un-resolved issues at the site. A meeting was held with the project applicant on 5/31/19. There is a hold up with the engineer and NYS DOT. DEP will discuss the project with the engineer on 6/3/19. DEP performed a site visit on 6/5/19; there were deficiencies and there was no discharge. The site was occupied. DEP received a call from the engineer on 6/13/19 regarding the redesign of the bioretention cells. DEP received modified plans and drainage sketch from the engineer on 7/2/19. DEP received Final Plans for approval by DEP from the engineer on 7/11/19 regarding SWPPP revisions. DEP issued a Modified Approval Determination letter on 7/15/19 to the engineer along with the approved plans. DEP performed a site visit on 8/15/19; there were deficiencies and there was no discharge. The site was occupied. A meeting was held with the project engineer on 9/3/19 to discuss the project. The permit from NYSDOT has been issued. The engineer will stake out the stormwater controls in the next two weeks and construction will commence after. DEP performed a site visit on 9/12/19; there were deficiencies and there was no discharge. The site was occupied. DEP performed a site visits on 10/2, and 10/8/19. There were no deficiencies, there was no discharge and the site was occupied. DEP issued a letter to the owner on 10/10/19 regarding the punch list of items that still need to be addressed and requested the status for a winter shutdown. DEP performed site visits on 10/30, 11/8, and 11/22/19. There were no deficiencies, there was no discharge and the site was occupied. Construction for this project is on hold as of 12/1/19 due to winter shutdown. DEP performed a site visit on 2/27/20. There were deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 4/17 and 5/15/20. There were deficiencies there was no discharge and the site was occupied. DEP issued a letter to the applicant on 6/16/20 requesting a construction schedule and outlining the outstanding work necessary to close out the NOV. The applicant responded advising DEP that construction resumed on 6/8/20. DEP setup an inspection for 6/18/20. DEP performed site visits on 6/18 and 7/10/20. There were deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from DEC on 7/28/20 regarding the oil/water separator. DEP performed site visits on 7/30, 7/20, 9/3 and 9/15/20. There were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 10/2, 11/5 and 11/20/2020. There were no deficiencies there was no discharge and the site was occupied. Construction for this project is on

hold as of 12/23/2020 due to winter shutdown. DEP performed site visits on 5/21, 5/28, and 7/26/2021. There were deficiencies. There was no discharge. The site was occupied. DEP exchanged emails with the owner on 7/27/2021. Owner is still not feeling well, but hopes to complete construction. DEP performed a site visit on 9/20/2021. There were no deficiencies. There was no discharge. The site was occupied.

### **3.1.2. Delaware District**

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

#### **Overview and Action:**

DEP Legal issued a Notice of Intent to Revoke Approval letter to the owners on 11/28/16 via certified/return receipt mail; if plans showing the required information are not received by 12/9/16, DEP intends to revoke the 3/16/16 design approval. DEP performed a site visit on 1/11/17; septic failure was not observed and the site was uninhabited. On 2/13/17, NYC Law notified DEP that the 11/28/16 legal letter was re-sent to the owner at two different addresses via return receipt mail. On 2/12/17, one of the receipts was returned from one address, without a signature, but the letter was not returned. DEP Legal issued another Notice of Intent to Revoke Approval letter to the owners on 3/24/17; DEP intends to revoke the 3/16/16 design approval on 5/8/17, unless certain written statements are provided within 15 calendar days of the date the owners receive the letter. Affidavit of service was completed for Notice of Intent to Revoke Approval on 4/6/17. DEP performed a site visit on 4/7/17. Paperwork on the door indicates that the property may have fallen into a foreclosure status. The date could not be made out during the site visit. DEP issued a Revocation of the Approval letter to the applicant on 6/19/17 effective 5/8/17 the date specified in the Notice of Intent dated 3/24/17. DEP performed site visits on 10/13/17 and 1/29/18; septic failure was not observed. DEP called the owner on 3/16/18 and spoke with the secretary. DEP requested that the owner call back for an update on the property status, plans, and ownership change, if applicable. DEP performed a site visit on 12/3/18. Septic failure was not observed. There was no visible failure. DEP performed a Follow-up site visit on 12/6/19. Septic failure was not observed; the residence is still unoccupied. DEP performed a site visit on 6/25/20; septic failure was not observed. The house is still unoccupied. DEP received a call from the adjoining property Owner on 9/9/20 regarding an active interest of prospective buyer(s) of the property. She is concerned about the possibility of the property becoming occupied without the SSTS being fixed. She was informed that the T/Andes CEO was sent a copy of the DEP NOV from October 2015 that documents the condition of the existing septic system and the Town has authority to address sanitary issues. DEP received a request for a pre-application meeting from the engineer on 6/10/2021. A soil/site evaluation was performed on 6/10/2021. DEP received a new application and plans from the original engineer on 7/9/2021. DEP sent an e-mail to the engineer on 8/4/2021 denying re-approval of the design due the design approval being revoked in 2017. A copy of the revocation documents were attached.

Project Name: Dirt Rd (2021-CN-0356)  
Town: Delhi  
Basin: Cannonsville  
Type of Use: Other (OT)  
Type of Violation: Report of an unpermitted Campground. OT.2 is for Wetland Filling  
Status: New

**Overview and Action:**

DEP received a call from the Delhi CEO on 5/14/2021 regarding unpermitted campgrounds in the Town. DEP sent an e-mail to the CEO on 5/18/2021 regarding a phone call on 5/14/2021 about unpermitted campgrounds. DEP exchanged e-mails with the CEO on 5/24/2021 regarding unpermitted campgrounds. DEP exchanged internal e-mails regarding information on the campgrounds 5/24/2021. DEP exchanged e-mails with DOH on 5/24/2021 regarding the campgrounds. DEP exchanged e-mails with DOH and the CEO on 5/27/2021 regarding an inspection of the campgrounds. DEP exchanged e-mails on 6/2/2021 with the DOH and CEO regarding a site visit. On 6/4/2021, DEP meet with DOH, Town CEO, and owner of the facility. The entire facility was inspected and potential wastewater violations were observed. DEP will discuss internally and with DOH on how to proceed. DEP sent an internal e-mail on 6/7/2021 regarding the use of privies in the watershed. DEP exchanged e-mails with DOH on 6/7/2021 regarding the status of DOH's follow-up to the 6/4/21 inspection. DEP received an e-mail copy of DOH's letter to the owners on 6/16/2021 regarding the 6/4/2021 site visit. DEP issued an NOV to the owner on 7/2/2021. DEP initiated an Enforcement Action on 7/2/2021. DEP received an e-mail from the owner on 7/8/2021 regarding scheduling a conference call with their engineer to discuss the NOV. A call was held with the owners, DEP and engineer on 7/12/2021 regarding the NOV. Engineer discussed using portable toilets in the interim to address DEP's concerns with the privies. DEP said portable toilets would be an acceptable short term solution. The showers were also discussed. All of the rain barrels at the cabin structures have been disconnected. There are only two showers at the bathhouses still in use. Alternatives were discussed including holding tanks. The owners offered to disconnect the showers until a permeant solution could be designed. SEQRA was also discussed. The owners have been before the town planning board for an initial meeting. The engineer and owners indicated that they will also be contacting DOH. DEP requested the owners notify them if the portable toilets are onsite and showers are disconnected. DEP exchanged e-mails with the owner on 7/19/2021 regarding a site inspection and installation of portable toilets. DEP exchanged e-mails with the owner on 7/21/2021 to schedule a site visit on 7/22/2021. On 7/22/2021, DEP performed a follow-up inspection with the owners. Two portable toilets were onsite and two of the four out houses were closed. DEP discussed progress and options for remaining out houses with the owners. Owners want to bring a portable bathroom/shower trailer onto the property with a holding tank. The portable bathhouse will need to be discussed with DOH. DEP received an e-mail from the owners on 7/23/2021 regarding a status update on the items in DOH's 6/11/2021 letter. On 8/19/2021, DEP performed a follow-up inspection with the owners. Two portable toilets remain onsite and are pumped out every two weeks. Four outhouses were closed and the doors are screwed shut. Closed signs on each outhouse direct patrons to use the portable toilets onsite. Two hand-washing stations are now onsite. Owners want to bring a portable bathroom/shower trailer onto the property with a holding tank. The portable bathhouse still needs to be discussed with

DOH. DEP exchanged e-mails with the owner on 8/19/2021 regarding a status update and to schedule a site visit on 8/19/2021. DEP exchanged e-mails with DOH on 8/20/2021 regarding the number of existing and proposed campsites. On 9/22/2021 DEP performed a follow-up inspection with the owner. An additional portable toilet was added for a total of three portable toilets onsite. Four outhouses remain closed with the doors screwed shut. Closed signs are on each outhouse door to direct patrons to use the portable toilets onsite. Two hand-washing stations also remain onsite. The owners want to bring a portable bathroom/shower trailer onto the property with a holding tank. DEP received an e-mail from the owner on 9/22/2021 regarding an additional portable toilet placed onsite and construction schedule to install holding tanks below the existing privies. DEP sent an e-mail to the owner on 9/23/2021 regarding requirements for holding tanks.

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

**Overview and Action:**

DEP performed a site visit on 10/26/17. Septic failure was not observed. The laterals were open for gravel placement. In the area of the previous failure, additional topsoil was added. The failure seems to be abated with the additional topsoil. Effluent was visible with four laterals open for gravel placement. The owner is trying to keep the water usage down to help mitigate the failure. DEP performed a site visit on 1/8/18. Septic failure was not observed. The area of failure was covered in approximately two inches of snow. The owner stated that the work that was started prior to winter has been completed. DEP called the Owner on 9/17/18 and left a message requesting an appointment to review the situation in the field. DEP performed a site visit on 9/17/18. There was a minor discharge; the site was stable; the site was occupied. DEP called the owner on 3/18/19 regarding scheduling a site visit. The owner indicated that there is still several inches of snow over the absorption area. DEP performed a site visit on 3/28/19. Septic failure was not observed. DEP called the owner on 11/14/19 and left a message regarding the new CWC program for 2nd time SSTS replacements and requested that he/she contact CWC directly to determine if they qualify for the program. DEP left a message for the owner on 12/13/19 requesting a return call to set up a site visit. DEP called the owner on 3/16/20 was unable to leave a message on the answering machine. DEP called the Owner on 7/17/20 and scheduled a site visit for 7/21/20. DEP visited the site on 7/21/20. Septic failure was not observed. The CWC 2nd repair program was discussed with the Owner. DEP left a message for the owner on 1/13 and 3/10/2021 requesting permission to conduct a site inspection. DEP issued a comment letter to a family member on 9/22/2021 regarding the NOV. DEP received a call from the owner on 9/28/2021 regarding a request for a site inspection. Owner said DEP is welcome to stop and visit site anytime.

Project Name: 359 Sally's Alley (2021-PE-0574)  
Town: Roxbury  
Basin: Pepacton  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failing SSTS - Surfacing Onsite- CWC - Complaint of Raw Sewage entering into the water. NOV issued for sewage surfacing on the ground.  
Status: New

**Overview and Action:**

DEP received a call from the Public Health office 8/9/2021 regarding Raw sewage going into the water. (Anonymous caller) DEP performed a site visit on 8/10/2021. Septic Failure: Observed. Surfacing of sewage on ground. Failure entering road side ditch. DEP called the residence at 359 Sally's Aly to see if resident is aware of failure on front lawn. DEP left message and is waiting call back. DEP initiated an Enforcement Action on 8/11/2021. DEP spoke to homeowner. Homeowner is calling CWC to get enrolled in septic repair program. DEP Inspector heard from homeowner who stated CWC said they are not taking any new applications at this time. DEP sent email to CWC on 8/17/2021 regarding program status, and stated that DEP will probably issue NOV soon regardless. DEP issued an NOV to the owner on 8/30/2021. DEP received a call from the owner on 9/2/2021 regarding the NOV. Owner said they have contacted an engineer who will be reaching out to DEP to coordinate design of repair. Owner also stated they have contacted a septic pumper to have the tank pumped. Expected to be completed today or tomorrow. Will send receipt of pump out when completed. Owner asked if any reimbursement for pump outs DEP advised owner to contact CWC to see what is available. DEP also discussed reducing water and use of the SSTS to eliminate surfacing of sewage. DEP stressed importance of pumping system regularly to keep sewage from leaving the site. DEP received an e-mail with the pump out receipt on 9/3/2021. DEP received a call from the engineer on 9/3/2021 regarding the NOV and designing a repair system. Engineer said they had been retained by the owners and would be sending a pre-application into DEP shortly to schedule field work. Engineer was also going to send documentation to DEP that they had been hired by owners. DEP sent an e-mail to the engineer on 9/3/2021 regarding an application for a TEA. Engineer called DEP to discuss installing new tank in the interim to aid with pump outs. DEP received an e-mail from the engineer on 9/7/2021 regarding soil testing. DEP received a request for a pre-application meeting from the engineer on 9/2/2021. This project is funded under CWC Septic Repair Program. On 9/7/2021 DEP received CWC's notice of failure. A soil/site evaluation was performed on 9/9/2021. DEP performed a site visit on 9/17/2021. Septic Failure: Not Observed. No failure at this time. Homeowner had existing tank pumped. DEP received an Application for a conventional individual SSTS on 9/27/2021.

Project Name: County Highway 18 (2008-CN-0263)  
Town: Stamford  
Basin: Cannonsville  
Type of Use: Intermediate Repair (CR)  
Type of Violation: DEP NOV for failed SSTS; Proposal to complete interior and exterior improvements, build a caterer's kitchens, add one bathroom and subdivide the existing parcel for their existing reception hall business.  
Discovery Date: 7/15/08  
Status: Closed

#### Overview and Action:

DEP received an e-mail from NYC Law on 6/22/16; NYC Law will contact the owner's attorney closer to the foreclosure trial, which is upcoming. DEP performed a site visit on 7/22/16 by driving by the property; it appears to be uninhabited. DEP received an update from DEP Legal and NYC Law on 9/29/16; there has been no change in foreclosure status. DEP received an e-mail from DEP Legal on 11/23/16 stating that per NYC Law, a trial date has not yet been set for the foreclosure. It was also confirmed that the owner is still in a nursing home. DEP drove by the site on 4/4/17. The house looks vacant and the property looks un-kept. Three horses were in the field to the rear of the property by the red barn. DEP drove by the site on 6/28/17. The grass has been recently cut, and a small maroon SUV was parked in the driveway. Nothing else has appeared to change. DEP legal received an update from NYC Law on 10/27/17 regarding the proceedings. The judge is considering a request for an adjournment. NYC law will seek an update in two weeks. DEP drove by the residence on 1/2/18. The house appears to still be occupied. DEP received an e-mail from NYC Law on 4/4/18 regarding the foreclosure proceedings being rescheduled to July 2018. On 6/26/18, DEP drove by the site and noted that it was still occupied. On 8/28/18, DEP did a windshield survey of the property. Despite the looming foreclosure, the home appears to be occupied. On 10/1/18, DEP did a driveby of the property. The home still appears to be occupied. On 10/25/18, DEP did a driveby of the residence. The yard was kept and the home had an appearance of being lived in, but nobody was observed on the property. On 1/17/19, DEP did a driveby of the residence. A car was parked and running in the driveway and the event space building door was open. The home had an appearance of being lived in, but nobody was observed on the property. On 6/22/2021 it was recommended by attorneys to close, REP to inspect twice a year to track. If failure is observed, DEP to re-open. DEP has resolved the Enforcement Action on 08/24/2021.

#### **3.1.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins**

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

#### Overview and Action:

DEP received a copy via email of DEP's Legal letter to the owner on 1/9/19 regarding the judgement awarded. DEP performed a site visit on 2/11, and 3/8/19; no work in progress. Temporary erosion controls have disintegrated and site is no longer secured, site snow covered. DEP received an email from DEP Legal on 3/12/19 regarding a conversation they had with the owner and his unwillingness to comply with the judgment. DEP received an e-mail from DEP Legal on 3/12/19 regarding updated attorney information for the project. DEP performed site visits on 4/9, 5/3, and 6/7/19; there was no work in progress. Temporary erosion controls have disintegrated and site is no longer secured. Although temporary erosion controls have disintegrated the site is now vegetated. Discussions between DEP, DEP Legal and the County via email on 6/13/19 regarding status of the property. DEP received an e-mail from DEP Legal on

6/26/19 regarding an update on the bankruptcy situation. DEP performed a site visit on 7/8, 7/26, 8/8, and 9/3/19. No change, No work in progress. DEP performed site visits on 10/2, 11/13, 12/13/19, 1/9, and 2/12/20. No work in progress. Although temporary erosion controls have disintegrated the site appears stable. Discussions between DEP Legal and the Town Attorney as well as discussions between DEP Legal and the DEC via email 2/10 to 2/19/20. DEP performed a site visit on 3/9/20. No work in progress. Although temporary erosion controls have disintegrated the site appears stable. Site Visits on 4/14, 5/8, 5/26, 6/10/20, no work in progress. Although temporary erosion controls have disintegrated site is vegetated and stable. Site is no longer secured. Internal e-mail sent on 6/10/20 regarding 6/9/20 EOH Enforcement meeting. DEP received a copy of DEC's letter to the owner on 6/11/20 regarding cleanup responsibility. Site Visits on 7/13/20. No change. No work in progress. Although temporary erosion controls have disintegrated site is vegetated and stable. The site is no longer secured. DEP received an email from the Law Department on 7/29/20 regarding recent correspondence among DEC Regional Director, Town Supervisor, and County Legislator. Site Visit on 8/10/2020. No change. No work in progress. Although temporary erosion controls have disintegrated site is vegetated and stable. DEP received a copy of the deed and NYS Department of State entity information sheet from Legal via email on 9/3/20 which the property has been recently conveyed to a new entity (the owner sold the property). Site Visit on 9/8/20. No work in progress at the time of this inspection but site has been secured and vegetation has recently been cut down. Erosion controls must be maintained in multiple areas where it is devoid of vegetation. REP emailed field report to DEP Legal on 9/16/20. DEP received an update from the Law Department on 9/16/20 via email. DEP sent photos of site conditions to the Law Department via email on 9/17/20. Site Visit on 9/28/20. Site has been graded with hay and seed applied and a minimal amount of germination has occurred. Silt fence has been installed but is not keyed in. DEP received an update from the Law Department on 10/26/2020 via email. DEP received a Soil Removal Report from the DEC via email on 10/29/2020. DEP performed a site visit on 11/4/2020. Areas on site that have been seeded has germinated and the majority of site is now stable. DEP performed a site visit on 11/24/2020. No work in progress. The site has germinated and is stable. DEP received an update from the Law Department on 12/02/2020 via email. DEP performed site visits on 12/23/2020, 1/7, 1/26, 2/8, 2/25 and 3/8/2021. No work in progress. The site is partially snow covered and undisturbed. Internal email on 3/10/2021 that DEC obtained the access warrant for the project. DEP performed a site visit on 4/6/2021. No work is in progress. The site is undisturbed and stable. DEP received project status from Legal via email on 4/13/2021. DEP performed site visits on 5/3 and on 6/9/2021. The engineer is in the process of installing 17 monitoring wells on site. Water samples are scheduled to be taken with results available in approximately 45 days. An additional tank has been found to the back of the property which will be investigated/removed. Also scattered plastic drums have been found on the property with the contents being tested but it appears the contents contain largely water. DEP performed site visits on 7/7, and 7/29/2021. No work is in progress and the site is stable. DEP received project status from Legal via email on 7/29/2021. DEP performed site visits on 8/17, 9/8, and 9/27/2021. No work is in progress and the site stable.

Project Name: 737 Croton Falls Rd (2010-CF-0892)  
Town: Carmel  
Basin: Croton Falls  
Type of Use: Solid Waste (SO)

Type of Violation: Fill section. Failure to comply with Rules and Regulations. Land Use Permit for survey and eventual remediation. DEP NOV.

Discovery Date: 10/14/10

Status: Ongoing

Overview and Action:

DEP received a Site Remediation Work Plan from the engineer on 2/14/17. DEP received a Stormwater Addendum from the engineer on 8/10/17. DEP received a copy of the Revised Site Remediation Work Plan from the geo tech engineer on 8/25/17. Communication between NYC attorneys and the Watershed Inspector General 5/2/19 to 6/11/19. Correspondence received on 9/17/19 from the NYC Law Department. DEP received a copy of the owner's response to the Watershed Inspector General via email on 9/26/19. DEP received the Executed Certification for the On-Site Areas Remedial Work Pan from DEP Legal on 1/24/20 via email. DEP issued comments to the applicant's attorney on 3/4/20 regarding the On-Site Areas Remedial Work Plan. DEP received a letter from the applicant's attorney via email on 4/1/20 in response to comments regarding the Off-Site Areas Remedial Work Plan. DEP received a copy of the DEC comment letter to the applicant's attorney and applicant on 5/12/20 via email. REP sent an internal e-mail on 7/6/20 regarding property status from the engineer. DEP received DEC's approval of remedial work relative to the property on 7/23/20 via email. DEP received a copy of the SWPPP from the applicant's attorney via email on 7/31/20 for the removal of construction and debris material from the Property. DEP received a copy of the discussion between DEP Legal and the Watershed Inspector General on 8/11/20 in response to the 7/31/20 email received from the applicant's attorney. DEP issued a SWPPP Approval to the engineer via email on 8/25/20 for removal of construction and debris material from the property. DEP received the engineer's response to all outstanding Carmel and WIG SWPPP items on 12/15/2020 via email. DEP received a copy of an update via email from DEP Legal on 1/20/2021. REP sent an internal e-mail on 1/22/2021 regarding the application update. Internal email sent that REP attended the pre-construction meeting on 3/2/2021 for cleanup of the Prato property only. DEP received an expected construction start date via email on 4/1/2021. DEP sent an e-mail to the Town on 4/16/2021 regarding site status. Daily Activity Report received via email on 4/23/2021. DEP sent an e-mail to the Town and DEC on 5/14/2021 regarding site status. DEP received a copy DEC's email to the engineer on 5/24/2021 regarding the site. DEP received an e-mail from DEC on 5/24/2021 regarding the site. DEP performed an inspection of the property site on 5/28/2021. DEP received an e-mail from the DEC on 6/3/2021 regarding status of the site. DEP received an e-mail from the DEC on 6/9/2021 regarding status of the site. REP sent an internal e-mail on 6/11/2021 regarding site status. DEP sent an e-mail on 6/18/2021 regarding recent site inspection update. DEP received a copy of an email the DEC received from the NYC Town Hall on 6/18/2021 regarding the clean soil bank. DEP received a copy of correspondence on 6/18/2021 via email. DEP received a copy of a letter via email on 6/21/2021 from the Attorney General to the applicant's attorney. DEP sent an e-mail on 6/25/2021 regarding recent site inspection update. DEP received an e-mail confirmation from the applicant's attorney on 6/25/2021 that arrangements are underway to move the material from the property to a solid waste management facility. DEP sent an e-mail on 7/2, 7/9, and 7/16/2021 regarding recent site inspection update. Internal email sent on 7/30/2021 regarding copy of e-mails from the DEC to the engineer on 7/21, 7/28, and 7/30/2021 requesting status of waste removal. DEP sent an e-mail on 7/30 and 7/30/2021 regarding recent site inspection update. DEP received a copy of the waste transport permit for the trucking company via email on 8/03/2021. DEP received an e-mail on 8/4/2021

regarding recent site inspection update. DEP received an e-mail on 8/11/2021 regarding recent site inspection update. DEP sent an e-mail on 8/13, and 8/13/2021 regarding recent site inspection update. REP sent an e-mail on 9/9/2021 regarding the recent meeting with DEC, WIG, applicant's attorney and consultant to discuss cleanup of the City property. DEP sent an e-mail on 8/13/2021 regarding recent site inspection update. DEP received an e-mail on 9/15 and 9/24/2021 regarding site update. DEP sent an e-mail on 9/24/2021 regarding recent site inspection update.

### **3.1.4. Kensico Basin**

**No enforcement actions to report during this time frame.**

## **3.2. DEP Police Actions**

### **3.2.1. Catskill District**

Name:	Hylyn Road	SJS 93367
Location:	Hunter	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	4/28/21	
Status:	Closed	

#### **Overview and Action:**

DEP Police received a phone complaint of household garbage discarded on NYC property and responded to investigate. Upon arrival at location, no garbage was observed on city property, but garbage on the road edge just across from there did yield traceable evidence. Initial attempt to contact subjects yielded negative results. Contact was finally made by phone and responsible subjects were directed to clean up the location. Follow-up by officer determined that clean-up had been completed. DEP Police involved.

Name:	118 Dale Lane	SJS 94825
Location:	Hunter	
Type of Use:	Residential	
Type of Violation:	Stream Violation	
Date Discovered:	7/18/21	
Status:	Closed	

#### **Overview and Action:**

DEP Police investigated a possible stream violation, first interviewing complainant regarding actions taken by his neighbor upstream. Complainant stated that neighbor had placed brush on the banks of the Sugarloaf Stream and also pointed out two pine log poles which had floated down stream and were laying on the bank across from his property. Officer then interviewed neighbor/subject who stated brush and pine logs resulted from a pine tree that he cut after it had fallen across the stream during a storm. Subject was issued Notice of Warning for violation of Disposing Solid Substance on the Banks of Trout Stream/Tributary and advised not to place any debris on the stream bank in the future. DEP Police involved.

Name: 70 Deer Valley Road SJS 95294  
Location: Jewett  
Type of Use: Residential  
Type of Violation: Stream Violation  
Date Discovered: 8/13/21  
Status: Closed

Overview and Action:

DEP Police received a complaint of a possible failed septic system and responded to interview complainant regarding concerns about the neighbor's septic at the above location. Complainant stated residence is now an Airbnb and believes septic system is failing. Owner has had septic tank pumped out three times in the past two weeks. Officer conducted foot patrol of the neighbor's residence (owner not on scene) and observed that the septic had been dug up and the lids exposed. Also, one of the leach field lines has lush green grass growing around the end of it. No discharge or odor from exposed line. DEP Engineering notified to follow-up. Photos taken for case file. On 9/21/21, this septic system matter was turned over to DEP WOH Regulatory and Engineering. DEP Police and DEP Regulatory and Engineering involved.

Name: State Route 28A SJS 93025  
Location: Olive  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 4/8/21  
Status: Closed

Overview and Action:

DEP Police on patrol came upon a dumping of household debris at Gate W-30. The dumping consisted of one rug and one mattress topper. No traceable evidence found. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 28A SJS 93072  
Location: Olive  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 4/11/21  
Status: Closed

Overview and Action:

DEP Police observed a 55 gallon plastic barrel dumped on NYC property in a pull off just east of Gate W-15. The barrel was clear in color and contained what appeared to be residue from a petroleum product. Barrel caps were sealed thus posing no spill threat to the water supply. Further investigation of the area revealed 3 large drum-style air filters dumped down the bank, all with no traceable evidence. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 28A SJS 93782  
Location: Olive  
Type of Use: Rural

Type of Violation: Dumping  
Date Discovered: 5/22/21  
Status: Closed

Overview and Action:

DEP Police observed a dumping of large black trash bags dumped on NYC property containing cardboard and beer cans that did not yield any traceable evidence. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name:	Chase Road & Peck Road	SJS 94862
Location:	Olive	
Type of Use:	Rural	
Type of Violation:	Stream Violation	
Date Discovered:	7/20/21	
Status:	OPEN	

Overview and Action:

DEP Police were contacted regarding a possible stream/stormwater violation and met complainant at a pond at the above location to investigate. Pond is owned by four separate subjects, one being the complainant. Officer was led to southwest side of pond in the vicinity of the dam where recent construction was observed. A trench measuring 80 yds by 3' deep by 3' wide had been dug to drain water from two meeting ground water springs into the pond. In the middle of the trench, a culvert pipe was added to extend a dirt road. Location in question previously flagged by DEP as active wetland. No silt fencing or other sediment deterrents were in place. Pond is six acres in size and feeds into the Butternut Stream which is a major tributary of the Lower Basin of the Ashokan Reservoir. No turbidity observed at the time, but would occur during rain event as there is nothing in place to prevent soil erosion from entering waterway.

Photos taken for case file. On 8/13/21, Officer met DEP Bureau of Water Supply West of Hudson Project Review Supervisor at pond site to assess construction zone. Supervisor stated area in question is designated as Federal Wetland which falls under the jurisdiction of the Army Corps of Engineers and he would file a proposal/complaint with the Army Corps to monitor location during next rain event for sediment entering the Butternut Creek. Charges pending. DEP Police and DEP BWS Project Review involved.

Name:	State Route 23	SJS 93514
Location:	Roxbury	Spill # 2101122
Type of Use:	Commercial	
Type of Violation:	Haz Mat Spill / Leak	
Date Discovered:	5/6/21	
Status:	Closed	

Overview and Action:

DEP Police was dispatched for diesel/gasoline spill at the Country Store in which a commercial flatbed rear-ended a turning car then continued traveling forward and jumped a curb before striking a gas pump head-on and a pick-up truck parked on the opposite side of the gas pump. Officer made contact with Roxbury Constable, Grand Gorge Fire Department and DEC Spill Response who were already on scene and had the spill contained to the nearby storm drain/catch basin. Negative impact to the watershed. DEP Police, Roxbury Constable, Grand Gorge Fire Department and DEC Spill Response involved.

Name: 19 Bonnieview Ave SJS 93991  
Location: Shandaken  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 6/3/21  
Status: Closed

**Overview and Action:**

DEP Police received a complaint of sewage on the roadway at the above location. DEP Watershed Maintenance Supervisor had responded to inspect and observed that sewage had seeped onto the roadway from a new utility pole recently installed by NYSEG that appeared to have severed one of the lateral septic lines. Solid sewage was removed and roadway cleaned with bleach and water. Officer responded to location and confirmed clean-up of area was complete. Follow up call with Watershed Maintenance Supervisor who advised that he would be in contact with homeowner and he also notified NYSEG as they would be responsible for repair and any further clean-up. Photos taken and logged into complaint file with BWS Incident Report. DEP Police and DEP Watershed Maintenance involved.

### **3.2.2. Delaware District**

Name: BWS Road 4 SJS 94630  
Location: Andes  
Type of Use: Municipal  
Type of Violation: Haz Mat Spill / Leak  
Date Discovered: 7/7/21  
Status: Closed

**Overview and Action:**

DEP Police at the Shavertown boat launch observed oil leaking from DEP ESU Dive Operations vehicle (9W60) that amounted to less than one quart. Officer determined dip stick was missing from generator causing leak. Oil cleaned up using spill pads and temporary plug substituted for missing dip stick. Contaminated soil and gravel was removed with a shovel, bagged and taken to the Ashokan garage for disposal. DEP Police involved.

Name: 175 Close Hollow Road SJS 94934  
Location: Andes  
Type of Use: Residential  
Type of Violation: Stream Violation  
Date Discovered: 7/23/21  
Status: Closed

**Overview and Action:**

DEP Police responded to investigate a stream violation complaint from DEP Land Management in which it was reported that buckets of chemicals had been dumped into a stream located at the above address. Officer canvassed the property and nearby waterway and found no signs of chemical pollution, no visible evidence of the presence of a sheen on the water. Household refuse on the property posed no negative impact to the watershed. Complainant to be notified of findings. DEP Police and DEP Land Management involved.

Name: Pepacton Reservoir, State Route 30 SJS 96094  
Location: Colchester  
Type of Use: Municipal  
Type of Violation: Stream Violation  
Date Discovered: 9/24/21  
Status: Closed

**Overview and Action:**

DEP Police Detective observed turbidity below the weir of the Pepacton Reservoir. Turbidity originated from the right side of the base of the dam. Detective Supervisor notified. Further investigation revealed the source originating from private property across Route 30 above the crest of the dam. Recent work and construction on the private road had washed away during the recent rains, sending turbid storm water runoff to the base of the dam through the culverts. No threat observed to the dam face or area, negative impact to the water supply. DEP Dam Safety Engineer notified of findings. Dam Observation report filed reflecting same. DEP Police and DEP Dam Safety involved.

Name: 3525 State Hwy 10 SJS 93625  
Location: Deposit Spill # 2101341  
Type of Use: Municipal  
Type of Violation: Haz Mat Spill / Leak  
Date Discovered: 5/13/21  
Status: Closed

**Overview and Action:**

DEP Police responded to a Haz mat spill of less than one gallon of hydraulic fluid that leaked from a bulldozer operating at the West Delaware Release Chamber. DEP Operations advised that contaminated soil had been cleaned up and removed to Downsville Shop for storage and disposal. Patrol on scene confirmed site had been fully cleaned. Police and DEP Operations involved.

Name: NYC Road SJS 93096  
Location: Middletown  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 4/13/21  
Status: Closed

**Overview and Action:**

DEP Police responded to a dumping complaint received from DEP Land Management located near the old Dunraven Bridge. Upon arrival, officer observed a tube-style television, household trash and various articles of clothing dumped over the embankment. No traceable evidence was recovered. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 30 SJS 93501  
Location: Middletown  
Type of Use: Rural  
Type of Violation: Dumping

Date Discovered: 5/5/21  
Status: Closed

Overview and Action:

DEP Police responded to a dumping complaint received from DEP Land Management. Police arrived at location and observed two garbage bags over the embankment which contained only household trash. No traceable evidence recovered. DEP Land Management contacted for removal. DEP Police and DEP Land Management involved.

Name:	Cemetery Road	SJS 93577
Location:	Middletown	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	5/10/21	
Status:	OPEN	

Overview and Action:

DEP Police investigated a dumping complaint received from DEP Land Management in which a bear had dragged garbage from a dumpster to a NYC parcel across the road. Patrol made numerous, regular visits to contact property owner responsible for clean-up with no success. When patrol did finally made contact with homeowner, he advised that he had cleaned up the site but patrol observed one remaining area still littered. Patrol will attempt to contact again at residence of place of business. DEP Police involved.

Name:	Little Hollow Road	SJS 92974
Location:	Neversink	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	4/6/21	
Status:	Closed	

Overview and Action:

DEP Police investigated a dumping of four garbage bags of household trash that did yield traceable evidence. Officer found mail with address and arrived at location to interview subject who admitted to dumping the trash. Subject was issued a Notice of Warning, stated he would clean up the trash and provide officer with receipts for proper disposal. DEP Police involved.

Name:	Lindholm Road	SJS 93592
Location:	Neversink	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	5/11/21	
Status:	Closed	

Overview and Action:

DEP Police on patrol, observed three 30 gallon trash bags on the Lindholm Road Unit. Officer attempted to retrieve traceable information from the bags, but discovered that all three bags contained human excrement. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: 958 State Route 55A SJS 93898  
Location: Neversink  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 5/28/21  
Status: Closed

Overview and Action:

DEP Police observed a trail of garbage leading into the woods on NYC property. Officer investigated and found two garbage bags containing used diapers and other refuse that had been ripped open and some of the contents strewn on the ground. No traceable evidence found. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: State Route 55 SJS 94175  
Location: Neversink  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 6/13/21  
Status: Closed

Overview and Action:

DEP Police observed a large white bag of household refuse on the side of the road which contained no traceable evidence. DEP Land Management contacted for removal. DEP Police and DEP Land Management involved.

Name: 89 Phil Martin Road SJS 95851  
Location: Neversink  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 9/12/21  
Status: Closed

Overview and Action:

DEP Police was dispatched to investigate a dumping complaint in which a bear had gotten into complainant's neighbor's garbage and dragged it onto his property. Words were exchanged between the neighbors resulting in a stalemate. Officer interviewed neighbor who fully intended to clean up the garbage and was further advised by officer to avoid contact with complainant/neighbor. DEP Police involved.

Name: 2101 Chamberlin Brook Road SJS 93216  
Location: Walton  
Type of Use: Rural  
Type of Violation: Haz Mat Spill /Leak  
Date Discovered: 4/20/21  
Status: Closed:

Overview and Action:

NYC DEP Police responded to the location of an oil spill resulting from a hydraulic system failure in which an estimated 30 gallons of hydraulic oil leaked from equipment and spilled into a nearby creek and the surrounding soil. Work crew servicing a power line at the time deployed

oil soak pads and booms. Investigation of the outlet to the Cannonsville Reservoir downstream revealed slightly cloudy water but no visible oil sheen on the surface. DEC Spill Response arrived and assisted patrol until crew from private cleanup company on scene began clean-up. DEP Haz Mat also present to help coordinate clean-up operation. Photos taken for case file and there was no impact to the Cannonsville water supply. DEP Police, DEP Haz Mat and DEC Spill Response involved.

Name:	State Route 10	SJS 95116
Location:	Walton	Spill # 2104195
Type of Use:	Municipal	
Type of Violation:	Haz Mat Spill / Leak	
Date Discovered:	8/2/21	
Status:	Closed	

**Overview and Action:**

DEP Police responded to a Haz mat spill near the West Branch of the Delaware River in which a tractor trailer had come free of its cab, spilling approximately 10-15 gallons of diesel fuel on the roadway. Spill kits used to clean the spill. DEC notified. No impact to the water supply observed. DEP and DEC involved.

Name:	#8 Country Meadow Trailer Park	SJS 95132
Location:	Walton	
Type of Use:	Residential	
Type of Violation:	Sewage Discharge	
Date Discovered:	8/3/21	
Status:	Closed	

**Overview and Action:**

DEP Police responded to an open septic complaint from a resident at the above address and observed a dug up open leach field and uncovered septic tank. The leach field hole had some pooling of gray water. Officer interviewed trailer park manager who reported that there have been ongoing septic problems. She stated a local company dug up the septic yesterday's date, a local plumber fixed the plugged septic pipe today's date and the park's maintenance worker would close up the open septic and leach field site that evening. Manager further stated she has contacted DEP and CWC and their engineering plan is to have four septic systems replaced initially and then eventually replace all of the systems. Photos of the scene taken for file and DEP Engineering advised of complaint. Office conducted a next day follow-up and confirmed that holes had been safely filled in. DEP Police, DEP Engineering and CWC involved.

Name:	State Route 55	SJS 92937
Location:	Wawarsing	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	4/5/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed three tires that had been dumped in the pull-off at the intersection of State Route 55 and Porter Road. No traceable evidence found. DEP Operations contacted for removal.

DEP Police and DEP Operations involved.

Name:	Diamond Road	SJS 93051
Location:	Wawarsing	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	4/10/21	
Status:	Closed	

**Overview and Action:**

DEP Police on patrol observed a large dumping of black garbage bags on NYC property which did yield traceable evidence. Officer counted and opened 21 50-gallon trash bags filled with household refuse. Possible subject is known to officer as someone that does not drive or have means to drive, hence could not be the transporter. Officer observed subject's father fishing, so explained the situation and asked him to advise son of same. Son subsequently contacted office with name of person hired to remove trash. All met at dumpsite where person responsible cleaned up the trash and was issued a ticket for Prohibited Disposal of Solid Waste and a ticket for Trespass (Title 6 NYCRR). DEP Police involved.

Name:	Diamond Road	SJS 93052
Location:	Wawarsing	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	4/10/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed two mattresses dumped on DEP Diamond Road Recreational Unit. Site was marked with yellow caution tape to assist DEP Operations in locating mattresses which had been dumped over a blown down tree. Operations notified for removal. DEP Police and DEP Operations involved.

Name:	Sherman Road	SJS 93318
Location:	Wawarsing	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	4/26/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed a large garbage bag in a DEP pull-off. No traceable evidence found. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name:	State Route 55A	SJS 93385
Location:	Wawarsing	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	4/29/21	
Status:	Closed	

**Overview and Action:**

DEP Police on patrol, observed a dumping along the road and at the pull-off on State Route 55A. Trash dumped consisted of empty boxes and cleaning supplies. No traceable evidence found. DEP Land Management notified for clean-up. DEP Police and DEP Land Management involved.

Name:	State Route 55	SJS 95259
Location:	Wawarsing	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	8/11/21	
Status:	Closed	

**Overview and Action:**

DEP Police was flagged down by NYSDOT employee reporting a dumping of household refuse. Officer observed six large black garbage bags along with other trash and discarded carpeting. Patrol forwarded information to DEC for follow-up as the incident is not located on NYC property. DEP Police, DOT and DEC involved.

Name:	State Route 55	SJS 95759
Location:	Wawarsing	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	9/8/21	
Status:	OPEN	

**Overview and Action:**

DEP Police on patrol, noticed several bags of garbage discarded within a three-mile strip on the side of the road. Officer investigated two of the bags located on city property which contained household garbage that did yield traceable evidence. A third bag contained similar garbage and another envelope with the same address. On 9/25/21 at 0645hrs officer conducted a follow-up to the dumping. Officer spoke to subject at traceable address who stated that her boyfriend left their house with the trash in the late afternoon but did not know where he took it. Boyfriend was at work; patrol will follow-up on evening shift.

Name:	State Route 55	SJS 95993
Location:	Wawarsing	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	9/19/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed two tires that had been dumped at the DEP fishing pull-off. No traceable evidence found. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

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

Name:	Upper Hook Road	SJS 93680
Location:	Bedford	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	5/17/21	
Status:	Closed	

**Overview and Action:**

DEP Police located a dumping neat Boat Area 8 consisting of multiple pieces of pressure treated lumber. No traceable evidence found. DEP field crew notified for clean-up. DEP Police and DEP Field Crew involved.

Name:	Reservoir Road	SJS 93926
Location:	Brewster	
Type of Use:	Residential	
Type of Violation:	Dumping	
Date Discovered:	5/31/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed a dumping on the side of the road consisting of household garbage with no traceable evidence. Photos taken for file and DEP field crew notified for removal. NYC DEP Police and DEP Field Crew involved.

Name:	Stoneleigh Avenue	SJS 95724
Location:	Carmel	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	9/6/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed a dumping in the area of the rear entrance to the Croton Falls Dam. The dumping consisted of an HVAC unit, duct work, and miscellaneous construction tools. No traceable evidence recovered. Photos taken for case file. DEP field crew notified for removal. DEP Police and DEP Field Crew involved.

Name:	Lower Mine Road	SJS 95430
Location:	Southeast	Spill # 2104792
Type of Use:	Rural	
Type of Violation:	Haz Mat Spill / Leak	
Date Discovered:	8/20/21	
Status:	Closed	

**Overview and Action:**

DEP Police was dispatched to a construction site for report of a diesel spill. Upon arrival, officer interviewed employees, canvassed the area and determined that the construction crew had decontaminated the area. NYS DEC contacted for spill number and DEP Haz Mat arrived on

scene to assess and confirmed there was no impact to the watershed. DEP Police, DEP Haz Mat and DEC involved.

### **3.2.4. Kensico Basin**

Name:	Route 22	SJS 93118
Location:	North Castle	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	4/14/21	
Status:	Closed	

**Overview and Action:**

DEP Police located a dumping in the area of the Kensico Spillway just before the dam. The dumping consisted of one blue recliner that had been dumped over the guardrail. Photos taken for case file. DEP field crew notified for removal. DEP Police and DEP Field Crew involved.

Name:	Route 22 North	SJS 93556
Location:	North Castle	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	5/9/21	
Status:	Closed	

**Overview and Action:**

DEP Police observed a dumping near the Rye Lake Bridge across from Boat Area 9. The dumping consisted of lumber and construction material with no traceable evidence found. Photos taken for case file. DEP field crew notified for clean-up. DEP Police and DEP Field Crew involved.