

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

**Filtration Avoidance 6.1 Enforcement Actions
For the period October 1, 2018 through March 31, 2019**

April 2019

*Prepared in accordance with Section 6.1 of the NYSDOH
Revised 2017 Filtration Avoidance Determination*



Prepared by: DEP, Bureau of Water Supply

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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 October 1, 2018 through March 31, 2019 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 is an overview of the responsibilities of the Regulatory and Engineering Programs Section (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.¹ 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

¹ As used in this report, the term East of Hudson (EOH) refers only to projects, permits or approvals for activities located in the West Branch, Boyd Corners, Croton Falls, Cross River or Kensico basins, the 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.

require such review and approval are the construction of new or the alteration of existing 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 groups within REP. In addition to the REP groups mentioned, 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 Section

REP is divided into two (2) sections: Wastewater and Stormwater Programs.

2.1.1. Wastewater Programs

The Wastewater Programs section reviews and approves 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. Wastewater Programs 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 Programs

The Stormwater Programs section reviews and approves 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, Stormwater Programs reviews engineering reports, drainage calculations and site plan drawings in accordance with DEP and NYS technical stormwater standards prior to approval.

Stormwater Programs staff conduct weekly inspections of all approved active construction sites from commencement of construction through final stabilization and file written reports of findings. Stormwater Programs 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 NOV's 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	38		32		34	
CONESVILLE	13		10		10	
GILBOA	19		15		17	
HUNTER	117		88		96	
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		51	
LEXINGTON	48		45		46	
OLIVE	196		166		173	1
PRATTSVILLE	33	1	24		33	1
ROXBURY	31		23		27	
SHANDAKEN	145		132		140	
TANNERSVILLE (V)	7		2		7	
WINDHAM	83		66		81	
WOODSTOCK	61		53		51	
Total	908	1	760	0	824	2

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		5		7	
DELHI	71		65		74	
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANN (V)	1		1		0	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	33		30	1	29	
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	
JEFFERSON	6		6		6	
KORTRIGHT	64		54		61	

LIBERTY	1		1		1	
MASONVILLE	13		11		11	1
MEREDITH	22		20		19	
MIDDLETOWN	119		106		111	1
NEVERSINK	223		188		202	
ROCHESTER	1		1		1	
ROXBURY	34		29		37	
STAMFORD	36		34		36	
TOMPKINS	42		37		40	
WALTON	93		86		84	
WALTON (V)	1		1		1	
WAWARSING	35		32		31	
Total	999	0	883	1	929	2

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

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

Kensico Basin

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0		0		0	
HARRISON	1		0		0	
MT. PLEASANT	0		0		0	
NEW CASTLE	1		1		0	
NORTH CASTLE	5	1	1		1	1
TOTAL	7	1	2	0	1	1

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: On Hold

Overview and Action:

DEP informed the engineer that because the building is within the disturbance envelope of the rest of the site, it is required to be included in the SWPPP. DEP received a survey from the engineer on 1/12/17. DEP called the engineer on 3/7/17; a meeting is scheduled on 3/15/17 to discuss the proposed SWPPP. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 regarding setting up a meeting at the gravel pit site on 4/10/17. A meeting was held with the project applicant and engineer on 4/10/17. As of 6/17/17, this NOV is satisfied and will not be closed until the others NOVs on the parcel are closed. This was based on a survey from the Engineer showing adequate setback greater than 100 feet to creek for the new impervious surface. DEP issued a comment letter on 4/6/18 to the engineer requesting copies of the final report and drawings for Approval. DEP received a letter and revised plans from the engineer on 4/25/18 to DEP's letter 4/6/18. DEP issued an Approval Determination letter on 5/1/18. DEP was informed on 6/8/18 that construction will start on 6/11/18. DEP sent an e-mail to the owner on 8/9/18 asking for a time frame for completing the stormwater controls at the site. 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.

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

DEP's Bureau of Legal Affairs issued a letter to the owner on 5/5/17 regarding the outstanding NOV and the need to submit an approvable IRSP plan by 5/31/17. DEP received an e-mail from the owner on 6/10/17 regarding the letter from DEP Legal. He stated financial difficulties are holding him back from moving forward; he will contact his engineer. DEP exchanged emails

with the owner on 8/01/17 regarding the status of the project. The owner responded the same day that they are looking into CWC assistance, but will work with the engineer to move forward by the end of the summer. DEP received an e-mail from the engineer on 9/20/17 stating that he received the retainer to do the stormwater modification. DEP sent an e-mail to the owner and engineer on 11/8/17 regarding the completion of the design and construction schedule. The engineer replied the same day that he would have something by mid-January 2018. DEP sent an e-mail to the engineer on 11/16/17 regarding the need to for the redesign to be submitted immediately. A general criteria for delaying Legal action is to show steps being taken to resolve the violation. DEP exchanged emails with the engineer on 2/9/18 regarding submission of plans. DEP received an e-mail from the engineer on 2/27/18 regarding temporary measures addressing the fluffing off with straw mulch and the installation of a stone check dam to prevent sediment runoff. DEP received an e-mail from the engineer on 2/27/18 regarding the SWPPP. The plans should be ready by mid-March. DEP received revised plans from the engineer on 3/29/18. The SWPPP is approvable however the DEP is still waiting for copies to stamp. A meeting was held with the project applicant on 6/6/18 to discuss the status of the IRSP by the Engineer. DEP exchanged emails with the engineer on 6/15/18 regarding the approved plans; waiting for owner to send to DEP. DEP received an e-mail from the owner on 6/28/18 asking how many plans to send and the address. He also asked about the Stormwater re-imburement process. DEP replied to the owners e-mail on 6/28/18. DEP sent an e-mail to the owner on 8/7/18 again requesting the final SWPPP be sent to DEP so that construction can be completed this year. DEP received the signed plans from the engineer on 8/24/18. DEP sent an e-mail to the owner on 9/20/18 regarding a timeframe for completing the work. 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.

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 exchanged emails with the owner on 1/22/18 and requested a date when the plans would be submitted to DEP for review/approval and if he can start construction as soon as weather permits. DEP called the engineer on 2/28/18. The engineer stated that the owner emailed the comments on preliminary plans and said he'd mail them marked up drawings. DEP sent the owner an email on 3/15/18 requesting an update on when the plans will be submitted and when construction will commence (after the approval). DEP performed a site visit on 3/16/18; septic failure was not observed. The owner sent DEP an email on 3/19/18 stating he hired an engineer to handle the project. DEP sent an email to the owner on 3/20/18, again, requesting plan submission, construction, and contractor information. The owner replied the same day with no

additional information, he's putting all of the schedule in the engineer's hands. DEP called the engineer on 4/25/18 who stated that she needs to meet with her boss to discuss, and then send revisions to the owner for his approval. Engineer stated that she will update DEP when revised plans have been sent to the owner. DEP called the engineer on 6/19/18 who reported that a design was agreed upon, and they need to submit plans after getting surveyor on the property. DEP sent the owner an email on 7/16/18 requesting a date when plans will be submitted, and when construction will be ready to start. DEP performed a site visit on 7/18/18. Septic failure was observed. Collapsed/poor condition septic tank, cesspool, drywell. Cesspool exposed on one side to relieve itself into a ditch dug by the owner/caretaker. Level in ditch is letting higher with what appears to be solids. Nothing appears to be leaving the ditch or getting into a watercourse at this time. DEP called the engineer on 8/17/18 and left message with receptionist. DEP received a return phone call from the engineer on 8/20/18. Engineer left message that the water/sewer design for the outbuilding on the property is holding up the design. They are trying to complete the design and satisfy the owner's desires. 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.

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

Overview and Action:

On 5/9/17, DEP met at the site with the owner. He is waiting for the engineer to finish the soils investigation and submit a proposal to DEP. DEP called the engineer on 10/23/17 requesting a status check on the repair. On 12/7/17, DEP inspected the SSTS areas. No evidence of earthwork or SSTS malfunction were noted. The upstairs apartment was occupied. The downstairs apartment was vacant. DEP called and left a message for the engineer on 12/27/17 requesting a status update. DEP sent an e-mail to the engineer on 1/26/18 requesting a status update. DEP called the engineer on 2/23/18 requesting a schedule. The engineer plans to do soil testing in early March 2018. DEP inspected the property on 3/22/18. The down stairs apartment

seems to be used for storage. No one was home in the upper apartments. No sign of the SSTS failing. DEP called the engineer on 4/11/18 regarding resolving the NOV. Engineer to contact the owner and arrange a site visit. DEP called the engineer on 5/2/18 regarding field work. On 6/26/18, DEP inspected the property for evidence of the SSTS failing. No signs of the SSTS failing were observed. DEP called the engineer on 6/27/18 regarding setting a date to do the field work. On 8/15/18, DEP inspected the site. No evidence of the SSTSs failing were noted. DEP performed a site visit on 8/28/18; there was not a discharge; the site was stable; the site was occupied. DEP sent an e-mail to the engineer on 10/1/18 requesting a schedule for the plan. DEP issued a letter to the owner on 10/17/18 stating that plans have not yet been received. DEP returned a call to the owner on 11/9/18 regarding the septic systems. The owner advised that the plumbing from both upstairs apartments is plumbed into the same SSTS in the backyard. The downstairs apartment is not occupied and the front SSTS is not in use. On 1/17/19 DEP inspected the site. No evidence of the SSTS failing observed. DEP called the owner on 2/25/19 requesting that he contact his engineer to move the project along. The owner suggested he eliminate the downstairs apartment which is currently vacant and in need of major renovation work. Each upstairs apartment discharges to its own approved septic system on the property. The owner hopes that eliminating the third apartment could allow the NOV to be closed. DEP called the owner on 2/26/19 and advised that eliminating the third apartment would close the NOV as long as the Town's records accurately list the property as a duplex rather than a triplex. DEP responded to an email on 3/8/19 requesting the occupancy letter provided by the town. DEP received a letter from the T/Olive Building Dept. on 3/11/19 stating that the building is now listed as a 2 family residence on the first floor, and not on the lower floor. DEP sent an email to the owner on 3/13/19 requesting an appointment to inspect the plumbing. The owner agreed to inspect on 3/22/19. On 3/22/19 DEP performed a follow-up inspection to verify and confirm that the plumbing to the dry well was abandoned and no longer in use. The violation was resolved and the case was closed on 3/26/19 with DEP Closure letter dated 3/26/19.

Project Name: 14690 Main St (2011-SC-0825)
Town: Prattsville
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Proposed impervious surfaces and petroleum storage tanks to be reinstalled after hurricane Irene damage. DEP NOV for construction of an impervious surface within 100 feet of the Schoharie Creek.
Discovery Date: 11/20/18
Status: New/Closed

Overview and Action:

DEP initiated an Enforcement Action on 11/20/18. DEP issued an NOV to the owner on 11/20/18 for construction of an impervious surface within 100 feet of the Schoharie Creek. DEP received a call from the owner on 11/26/18 acknowledging receipt of the NOV. A meeting was held with the owner on 11/27/18. The owner stated that he would send a letter verifying that impervious surface pre-existed at the location of the new impervious surface. DEP received an email and picture from the owner on 12/6/18 showing that the blacktop area in question of the NOV, existed prior to Hurricane Irene. DEP has resolved the Enforcement Action on 1/4/19. The violation was resolved and the case was closed on 1/4/19 with DEP Closure letter dated 1/4/19.

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

Overview and Action:

DEP performed a site visit on 6/27/16; septic failure was not observed; the house is vacant and is posted for sale; there is no sign of use. DEP performed site visits on 12/27/16 and 1/3/17; septic failure was not observed; the house remains vacant and appears to be abandoned, as of the latter date. 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-inhabitation and will deal with possible loss of NCRA status and compliance with regulations time of re-inhabitation. DEP is monitoring this project site for inhabitation/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.

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 applicant on 11/15/17 regarding the construction of the stormwater controls. The applicant stated they would keep working to get the practices installed. DEP received an e-mail from the owner on 11/20/17 regarding the site. He stated that the machine is back on site and he has retained a contractor to assist in the completion of the stormwater installation. DEP performed site visits on 11/22 and 11/30/17. There were no deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner and CWC on 12/08/17 regarding the re-design. CWC stated that they will not pay for a re-design as it isn't being requested by DEP. DEP performed a site visit on 12/13/17. There were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant on 12/22/17 to discuss the next steps in preparation for spring. DEP received an e-mail from the owner on 1/8/18 regarding his schedule as to how he will complete the SWPPP. No construction materials were observed on site. DEP sent an e-mail to the owner on 3/6/18 regarding an on-site meeting with DEP to discuss how the stockpile materials are being prepared. DEP assessed the site and no construction materials for the stormwater controls were observed. DEP received a response e-mail from the owner on 3/9/18 stating that he will transfer the materials and requested

a meeting be set for March. DEP sent emails to the owner on 3/9, 3/15 and 4/6/18 regarding setting up a meeting. DEP sent an e-mail to the owner on 4/25/18 regarding the need for a site meeting to discuss the next steps in building the stormwater controls as DEP Legal is advising further action. DEP performed a site visit on 5/3/18. There were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with DEC on 5/8/18 regarding spills at the site. DEP performed site visits on 5/10 and 5/25/18. There were deficiencies, there was no discharge and the site was vacant. DEP's Bureau of Legal Affairs (BLA) issued a letter to the applicant/owner on 5/29/18 regarding the NOV and the outstanding issues at the site. They stated that several actions are required, including the cessation of all activities, immediate stabilization of disturbed soils, and the submittal of a proposed SWPPP within 30 days. DEP performed site visits on 6/6, 6/15 and 6/19/18. There were deficiencies, there was no discharge and the site was vacant. DEP Attorney and the Bureau of Legal Affairs (BLA), called the owner and left a message on 6/27/18 requesting status of the project. DEP performed a site visit on 6/29, 7/6 and 7/10/18. There were deficiencies, there was no discharge and the site was vacant. DEP BLA Attorney called the owner on 7/10/18 regarding lack of follow up to the NOV. The owner said he wants to set up an on-site meeting with DEP Stormwater staff and the new owner of site, who the current owner claims is going to do less with the site. DEP performed a site visit on 8/2/18. There were deficiencies, there was no discharge and the site was vacant. DEP received a call from the owner on 8/2/18 regarding scheduling a time to visit the site. A meeting is schedule at the site on 8/16 with the DEP, DEC, the current owner and perspective buyer. DEP performed a site visit on 8/16/18. There were deficiencies, there was no discharge and the site was occupied. A meeting to discuss what is reimbursable was held with the project applicant, CWC and DEP on 8/17/18. DEP performed a site visit on 8/29/18. There were deficiencies, there was no discharge and the site was occupied. A meeting was held with the new project applicant on 8/29/18. DEP performed site visits on 9/4 and 9/19/18. There were deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 10/3/18. There were deficiencies, there was no discharge and the site was vacant. DEP received a call from the engineer on 10/18/18 regarding modifications to the site plan. DEP performed site visits on 10/19 and 10/30/18. There were deficiencies, there was no discharge and the site was vacant. DEP received a letter of Intent to purchase the property from the new owners on 11/8/18. Their plan is to change the purpose of the property from a gas station/convenience store, to an Equipment Rental Facility and a home heating delivery service. They plan to finish the rain gardens and the concrete loading dock with the 500-gallon oil/water separator tank. DEP performed a site visit on 11/19/18. There were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 11/30/18 regarding plans for the SWPPP. The engineer is not ready to stamp the SWPPP plans as he is not sure what changes he wants to make. 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.

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.

Project Name: Miller Hollow Road (2018-PE-0180)
Town: Colchester
Basin: Pepacton
Type of Use: Intermediate Repair (CR)
Type of Violation: Campground; failing SSTS; DEP NOV for a discharge from a septic tank surfacing on the ground. Eight unapproved sewer connections to campers and mobile homes, and eleven greywater discharges from seasonal campers.
Discovery Date: 5/4/18
Status: No Application

Overview and Action:

On 5/2/18 DEP met with the engineer and applicant for a pre-application meeting. During an inspection of the site, several violations were observed. The existing SSTS is failing and surfacing to the ground. DEP performed a watercourse determination on 5/2/18. DEP initiated an Enforcement Action on 5/4/18. DEP issued an NOV to the owner on 5/4/18. DEP sent DOH an e-mail with a copy of the NOV attached on 5/4/18. DEP called DOH on 5/4/18 regarding the

sewage facilities and DEP's draft NOV. DOH confirmed that they closed the bathrooms and the camp sites that discharged to the septic tanks. DOH will do a follow up inspection next week, send us a copy of their inspection report and copy us on the AT10. DOH also had no objection to the requirements listed in DEP's NOV. DEP received a copy of DOH's inspection report of 5/2/18 on 5/7/18. DEP exchanged e-mails with the owner on 5/9/18 regarding the status of the tank pump out and disconnecting the greywater discharges. DEP will inspect the site on 5/11/18. On 5/11/18 DEP performed an inspection of the property. The bathrooms and laundry had been closed. All but two greywater discharges were disconnected. Septic tank had not been pumped and sewage was still surfacing on the ground. DEP advised owners to have tank pumped. DEP sent an e-mail to DOH on 5/16/18 regarding status of campground enforcement. DEP sent an e-mail to the owner on 5/16/18 regarding the status of the pump out of the septic tank. Owner stated that the tank has not been pumped out. Pump out is now scheduled for 5/22/18. DEP performed a watercourse determination on 5/17/18. DEP called DOH on 5/18/18 and left a message for a call back regarding the email sent to DOH on 5/16/18. The failure is on-going. Raw sewage continues to flow in the ditch from the septic tank. On 5/30/18 DEP performed a site visit. Sewage is still surfacing on the ground from the septic tank. A septic hauler was onsite pumping out campers. DEP called and left a message for DOH on 6/4/18 regarding past emails and phone calls to DOH which have gone unanswered. The failure at the campground is on-going, sewage continues to flow in the ditch below the septic tank. The owner is trying her best to stop the flow. She has ensured all campers are disconnected and pump out as needed. She minimizes water use in her home and has closed the public restrooms and put in a port of jon. DEP received an e-mail from DOH on 6/12/18 regarding a phone call that they received from the owner that the tank was pumped again. DEP was asked to contact DOH after their onsite meeting and discuss the failure as DOH will be unable to meet at the site. On 6/13/18, DEP inspected the site. Access covers to the septic tank have been exposed. The tank had been pumped and the sewage was below the outlet. Sewage from the tank was no longer surfacing on the ground. DEP exchanged e-mails with DOH on 6/13/18 regarding plans for the SSTS. DOH forwarded DEP a copy of record plans. DEP exchanged e-mails with the owner on 6/25/18 regarding site inspection of the system. Owner stated an engineer had told them the existing SSTS was unusable. DEP provided the owner with plans from DOH. DEP received a call from an engineer working on a proposal for the potential buyers on 6/27/18. DEP explained the history of the NOV to the engineer. The engineer inquired if repair would fall under new CWC program for commercial properties. DEP advised the engineer to speak to CWC. DEP also advised the engineer to speak to DOH regarding how many campsites the current property is permitted for. DEP received a call from an engineer for the potential buyers on 7/19/18 regarding the NOV. Engineer had not been hired yet and wanted to know if a temporary repair could be made in the interim while a permanent repair is designed and constructed. DEP sent an e-mail to the engineer on 7/19/18 regarding a temporary repair for the SSTS. DEP indicated a temporary repair cannot be approved for the SSTS. On 7/20/18 DEP performed a site visit. Septic tank covers were accessible for inspection. Tank level was below the outlet. Some sewage was observed in portions of the hand dug trench. DEP received a call from the owner on 8/3/18 regarding the sale of the property. Owner said the buyers wanted to have solutions for the SSTS before moving forward with purchase of property. On 8/30/18 DEP conducted a site visit. Septic tanks were accessible and inspected. Liquid levels were slightly below outlet inverts. Some sewage was observed ponded in the hand dug trench. DEP called DOH on 9/4/18 regarding the SSTS. DOH advised that an AT10 would be issued soon for the failing SSTS. They also advised that the

DOH campground permit expires mid-October. DEP called DOH on 9/25/18 regarding a status update. DEP requested whether the AT 10 has been issued. District Director was not in, DEP left a message. DEP exchanged emails with BLA, and DOH regarding the site on 10/11/18. DEP received an e-mail from DOH on 10/12/18 advising that the district office fined the facility and is requiring engineering plans for a new SSTS. On 11/28/18 DEP performed a site visit. The camp is closed for the season and only the owners remain on the site. The septic tank was inspected and is full. Sewage was ponded in the hand dug trench. Sewage was migrating over the bank and absorbing into the ground. DOH has told the owners they must have a plan in place for a repair by May 2019. DEP exchanged emails with the owners on 12/4/18 regarding the owners meeting with CWC. The owners stated that they are waiting until after February 2019 to initiate the paperwork for the repair because CWC funding will increase to 100%. DEP received an e-mail from the engineer to schedule soil testing on 12/7/18. A soil/site evaluation was performed on 12/13/18. DEP called the engineer on 1/3/19 regarding the design. The engineer advised that his company did the soil testing, but another engineering company is preparing the design. The engineer further advised that they were working with the CWC and this project was going to be funded by the CWC commercial repair program. DEP sent an e-mail to the Engineer on 2/25/19 requesting a design status update. DEP received an e-mail from the Engineer on the same day indicating that a wetland delineation is needed when the weather improves in order to proceed with the SSTS location and design. On 2/27/19, DEP performed a site visit. The camp is closed for the season and only the owners remain on the site. The septic tank was inspected and is full. Sewage was ponded in the hand dug trench. Sewage was migrating near the bank and absorbing into the ground. DEP's Stormwater staff issued a letter to the engineer on 3/13/19 stating that the cabins are considered mini camper trailers on wheels and are not considered impervious surfaces and, therefore, no SWPPP review and Approvals are required. This project is funded under CWC Septic Repair Program. On 3/14/19 DEP received CWC's notice of failure. DEP sent an e-mail to the Owner on 3/19/19 to schedule a site visit follow-up on 3/21/19. On 3/21/19, DEP performed a site visit. The camp is closed for the season and only the owners remain on the site. The septic tank was inspected and is full after being pumped out on 3/20/19. Sewage was ponded in the hand dug trench. Sewage was migrating near the bank and absorbing into the ground. DEP received an e-mail from the owner on 3/22/19 asking if the septic holding tank option is a permanent fix or temporary solution. DEP replied the same day that DEP does not have approval authority for septic holding tanks and advised the owner to contact DOH regarding the matter.

Project Name: 1245 Main St. (2014-PE-0670)
Town: Village of Fleischmanns
Basin: Pepacton
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV for failure to obtain approval of a SWPPP prior to construction of an impervious surface within 100 feet of a watercourse.
Discovery Date: 12/2/14
Status: Under Construction
Overview and Action:
DEP sent an e-mail to the engineer on 8/3/17 regarding when the bioretention cell will be scarified and planted. DEP performed site visits on 8/25 and 9/21/17; there were deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the engineer on 9/28/17

regarding 9/14/17 site inspection and the observation that the bioretention cell is still not completed, does not drain adequately and the area around the cell is not stabilized. DEP received a call from the applicant' son on 10/4/17 regarding the 9/28/17 letter from DEP. DEP returned the call and there was no answer. DEP exchanged e-mails with the engineer on 1/9/18 regarding the gravel being considered a disturbance. DEP responded that it does not. DEP used the opportunity to address the completion of the bioretention cell and requested a letter of intent. DEP received an e-mail from the engineer on 1/19/18 regarding finishing the rain garden. DEP sent an e-mail to the owner and engineer on 3/26/18 requesting the status of the plans. DEP received an e-mail from the engineer on 4/24/18 stating that they are procuring plants and will contact DEP for a meeting when they come in. DEP sent an e-mail to the engineer on 5/24/18 stating that the threat of frost has past so the bio-retention cell must be completed as soon as possible. DEP requested to be informed when the planting will be done. DEP received an e-mail from the engineer on 5/25/18 stating that the nursery where they ordered the plants does not have them and requested assistance in obtaining a number for a nursery that is familiar with planting a rain garden. DEP responded to the engineer on 5/30/18 regarding finding nurseries for rain garden plants. DEP performed site visits on 6/21 and 7/2/18. There were no deficiencies, there was no discharge and the site was vacant. DEP has still not heard back in regards to finishing the bioretention cell from the applicant or the engineer. DEP performed site visits on 7/19, 7/26, 8/22 and 9/11/18. There were no deficiencies, there was no discharge and the site was vacant. DEP's Bureau of Legal Affairs issued a comment letter to the owner on 10/2/18 regarding the NOV. DEP performed site visits on 10/19 and 11/13/18. There were deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 3/20/19 stating that they have tracked down a nursery that will plant the rain-garden.

Project Name: 1324 Coles Clove Rd (2010-PE-0797)
Town: Hamden
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - surfacing - DEP NOV for sewage surfacing onto the ground
Discovery Date: 5/4/17
Status: Approved

Overview and Action:

DEP performed a site visit on 6/15/17; septic failure was observed. The owner will contact his new contractor to find a new engineer to complete the necessary work. DEP also advised the owner to not park vehicles on the absorption area of the SSTS. DEP received a call from an engineer on 6/28/17 asking for a few details on the existing replacement system. The engineer met with the owner onsite to discuss the issues. The engineer thinks that the garage will need a new stand-alone system if the owner wishes to convert a portion of it to living space. Due to the failure of the replaced system, the engineer thinks that the bed may need to be completely replaced due to the parking situation, as well as a larger septic tank. DEP received a request for a pre-application meeting from the engineer on 7/19/17. A soil/site evaluation was performed on 8/8/17. DEP Section Chief received a call from the engineer on 8/4/17 regarding a design for the alt/mod. He was advised to submit a design and reach out to CWC for potential reimbursement in the new side agreement. DEP sent an e-mail to the engineer on 10/12/2017 regarding the project status. DEP received an Application for a conventional individual SSTS on 10/31/2017.

This system may be an Alteration/Modification to an existing SSTS. DEP issued a NOCA on 11/09/2017. DEP performed a watercourse determination on 11/21/2017. DEP issued a comment letter on 11/28/2017 to the engineer requesting additional information. DEP issued a comment letter to the engineer on 4/25/18 regarding the NOV and the need for the Engineer to respond to DEP's letter of 11/28/17. On 4/26/18, DEP performed a site visit. There was no sign of failure. DEP called the Engineer on 6/28/18 regarding submission of the revised design. He is working on the redesign now and should be submitting in the near future. DEP received revised plans in response to the NOV/NOV comment letter on 8/8/18. DEP sent an e-mail to the Engineer on 8/9/18 requesting soils testing data for the proposed reserve area. DEP called the Engineer on 10/9/18 regarding additional soils data. DEP received a letter from the engineer on 11/21/18 regarding the additional soils data. This system may be an Alteration/Modification to an existing SSTS. DEP issued an Approval Determination letter on 11/26/18. DEP performed a site visit on 12/5/18, septic failure was not observed. DEP issued a letter to the owner on 3/20/19 stating that construction has not yet commenced.

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

DEP received a sketch plan of the house layout from the engineer on 8/8/17. DEP called the applicant on 8/22/17 regarding the relocation of the house. DEP discussed this site with the design engineer 11/16/17. The engineer indicated he would get back to working on the revised site plan. Since the proposed home location has been moved, the engineer will need to get additional topo. DEP received an e-mail from the engineer on 4/19/18 stating that they have provided a proposal on the project. DEP has exchanged multiple calls with the applicant regarding the site. DEP received a call from the applicant on 7/10/18 regarding the stormwater controls. A meeting will be scheduled with the contractor to discuss the driveway grading and rain garden. A site meeting with the contractor to discuss the stormwater plan is scheduled for 7/17 at 10am. The contractor never showed to the meeting. A meeting was held with the project contractor on 7/26/18. The estimate from the contractor was submitted to CWC for the September meeting. DEP has not heard back from CWC or the applicant if the estimate was accepted. DEP sent an e-mail to the owner on 10/2/18 regarding moving forward with the project. DEP received an e-mail from CWC on 10/2/18 stating that the estimate was approved and will send the paperwork when they get the contract back from being reviewed. DEP called the CWC on 3/26/19 regarding project status. CWC sent the applicant a contract but never heard back. CWC is going to reach out to the applicant again.

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

Discovery Date: 7/7/15
Status: Closed

Overview and Action:

Additional project information and history was sent from DEP to DOH via email in case this project is brought to their attention. DEP called the CEO on 6/22/17 regarding information on the property. DEP received a call from the CEO on 6/27/17 regarding the property. He stated that nothing was ever on file regarding a structure or septic system on the property. It has always been on file as rural vacant land. A building permit was issued for a structure with no running water. DEP issued a letter to the owner on 10/24/17 regarding their meeting of 6/12/17. DEP has given the owner the option of upgrading the SSTS that requires an Engineer and Approved SSTS or a hold and haul which will require the owner to contact DOH. DEP sent the owner a text message on 11/20, 12/18 and 1/16/18 inquiring if he had made any decisions on how to handle wastewater. DEP received a call from the engineer on 5/15/18 regarding being contacted by owner to set up soil tests. A soil/site evaluation was performed on 5/22/18. DEP received an Application for a conventional individual SSTS on 7/13/18. DEP issued a NOCA on 7/19/18. DEP issued an Approval Determination letter on 7/19/18. DEP was informed on 8/24/18 that construction will start on 8/28/18. DEP performed construction inspections on 8/28, 8/29, 8/30, 9/4 and completed construction inspections on 9/5/18. DEP received As-Built plans and certification letter from the engineer on 1/15/19. DEP issued a letter of Construction Compliance on 1/15/19. The violation was resolved and the case was closed on 1/15/19 with DEP Closure letter dated 1/15/19.

Project Name: Monroe Road (2003-CN-0722)
Town: Meredith
Basin: Cannonsville
Type of Use: Septic System (SS)
Type of Violation: New SSTS; DEP NOV for the use of an unapproved septic system.
Discovery Date: 9/16/16
Status: New/Approved

Overview and Action:

DEP issued a warning letter to the owner on 6/1/17 regarding structures on the property and the lack of construction approval. DEP received a call from the owner on 9/5/17 regarding the letter that he received. Owner informed DEP that he never installed the approved system. The property does have a well, barn and residence. Owner stated that he had installed a concrete septic tank, which is connected to a dry well. He reported that he has never had an issues with the dry well. This was installed because he lost his leg and did not have the money to install the designed system. He currently lives in the 18x24 cabin and has created a homestead. DEP issued an NOV to the owner on 10/11/17. DEP received a phone call from the owner on 10/26/17. He asked for DEP staff to meet with him onsite to discuss. DEP called the owner on 11/6/17 and scheduled site visit for 11/9/17. DEP met with the owner at the property on 11/9/17. The owner showed DEP surface failure of grey water above the drywell he installed. The owner is convinced the surface failure does not reach the pasture drainage ditch which was less than 10 feet away. Tall grass made it difficult to determine during this inspection if it reached the ditch. This ditch collects runoff from the field and discharges to an open flat area which may reach Elk Creek during storm events. DEP stated that the watercourse maybe marked out and measured for the 250 foot setback for a raised system. The owner asked if DEP could purchase easement rights on

his property which may give him funds to build a compliant septic system. DEP stated that his contact information would be given to land acquisition programs and that regulatory programs could not discuss land acquisition with him any further. DEP asked if the owner wanted to get involved with the small farm program. He inquired previously and did not like the restrictions, and did not think it would give him any benefit. The owner awaits further contact from DEP regarding flagging of 250' setback and land acquisition's contact information. DEP called the owner on 11/22/17 to give him DEP's LAP phone number. The owner did not answer and there was no option to leave a message. DEP REP will review the 250' setback requirement for a raised system on this site. On 6/12/18, DEP staff met with the owner so that the DEP Supervisor could become familiar with the field aspects of the situation. Effluent continues to discharge to the ground surface. The owner was emphatic that he does not have the financial resources to construct the SSTS. The owner indicated that he is the only occupant and the dwelling has one bedroom (the SSTS design is for two bedrooms). The owner indicated that he considers visits by DEP personnel to be harassment and specifically requested that DEP staff do not come onto his property in the future. In order to generate additional income to potentially pay for the SSTS, the owner is considering creating a fenced pasture in the watercourse area for raising livestock such as hogs or goats. DEP Legal issued a comment letter to the applicant on 7/2/18 in follow up to the NOV due to lack of response. A meeting was held with DEP Regulatory Staff and DEP Legal staff on 1/17/19 to discuss how to proceed with the owner. The owner has no money and can't fix the SSTS. He lives in the house alone. If DEP issues a Temporary Restraining Order (TRO) the owner cannot live in his house and DEP has no interest in removing someone from their home. DEP plans to monitor the SSTS to ensure it does not travel off site. It currently does not reach the road side ditch or nearby watercourse. DEP will have further discussions with legal staff.

Project Name: 1744 Lt Red Kill Rd (2017-PE-0627)
Town: Middletown
Basin: Pepacton
Type of Use: Intermediate Repair (CR)
Type of Violation: Event Space and Animal Rehab. Increasing the number of bedrooms in the house from 4 to 5. The barn will be converted into an event space to accommodate 50 attendees. Animal rehab in the basement of the barn.
DEP NOV
Discovery Date: 11/28/17
Status: Closed

Overview and Action:

DEP received a request for a pre-application meeting from the engineer on 11/16/17. A soil/site evaluation was performed on 11/21/17. DEP met with owner and contractor on 11/24/17. The contractor was trying to locate the septic tank. Algae and a septic odor were present along the stream in the area behind the house. The house has been vacated. The owner does not plan to re-occupy until the failure is addressed. DEP received an e-mail from the owner on 11/24/17 advising that the house is vacated and that they were unable to locate the septic tank. On 11/28/17 DEP performed a site visit. Additional soils testing was performed and the septic tank was located and uncovered. DEP advised the engineer to have tank pumped. A soil/site evaluation was performed on 11/28/17. DEP initiated an Enforcement Action on 11/28/17. DEP performed a site visit on 12/4/17. Septic failure was observed. Septic was visibly entering the watercourse/wetland. On 12/04/17 DEP inspected the property. The septic tank had been

pumped. The property appeared vacant at the time of the inspection. DEP issued an NOV to the owner on 12/12/17. DEP received an e-mail from the engineer on 2/20/18 advising that plans would be submitted in early March. On 03/22/17 DEP performed a site inspection. Contractors were present at the time of the inspection working on the interior of the house. The SSTS failure was still actively failing in to the watercourse. DEP inspected the inside of the septic tank. The tank was filled to the outlet. DEP informed the contractor's that the tank must be pumped. The house is currently uninhabited and does not have anyone living there however it appeared that the contractors have been occupying the house during the day. DEP received a list of pump out dates from the hauler on 3/23/18. DEP called the owner on 3/23/18 regarding the septic failure. The owner believes that ground or surface water filled the tank. The tank was pumped 3 weeks ago. Pumper to send pump-out receipts. DEP called the engineer on 3/23/18 regarding the status of plans for the repair. Engineer said plans were nearly complete. Estimated submitting to DEP by first week of April. DEP also told the engineer that the tank was full again and failure was still active. DEP stressed the importance of submitting plans soon for the NOV. DEP exchanged e-mails with the owner on 3/26/18 regarding pumping the septic tank. On 3/29/18, DEP inspected the septic tank. The tank had been pumped prior to DEP's arrival and was mostly empty however groundwater could be heard draining into the tank. Sewage was still surfacing on ground and entering watercourse in area of failures. On 4/6/18 DEP performed an inspection of the site. The septic tank was filled with groundwater. The SSTS was not failing at the time of the inspection and the house appeared vacant. DEP responded to an e-mail from the on 4/23/18 regarding the need to resume pump outs when the house is reoccupied. DEP received an e-mail from the owner on 4/26/18 advising DEP that the home would be occupied from 5/4/18 to 5/15/18. DEP received an e-mail from the owner on 5/4/18 confirming that the septic tank was pumped. DEP received the SSTS Site Plan and Pump Specs from the engineer on 5/10/18. DEP issued a letter to the engineer on 5/18/18 with comments on the latest plan submission. DEP received an Application for a SSTS on 5/29/18 from the engineer with plans and a response letter to DEP's comments of 5/18/18. DEP issued a NOCA on 6/8/18. DEP issued an Approval Determination letter on 6/8/18. DEP exchanged e-mails with the engineer on 6/27/18 regarding the status of the repair. The engineer indicated that the applicant is waiting to receive approval for funding from CWC before starting. DEP was informed on 8/20/18 that construction will start on 9/4/18. DEP received an e-mail from the engineer on 9/4/18 regarding the septic tank for the project. Engineer wants to revise the tank from a single tank to two in series. DEP has no objection to the change. DEP observed that construction commenced on or before 9/5/18. On 9/5/18, DEP performed an inspection of the property. The contractor was onsite excavating the area for the absorption bed. On 9/6/18, DEP performed a construction inspection. Excavation for the absorption bed was in progress the contractor was not onsite. On 9/10/18, DEP performed a construction inspection. Contractor had placed crushed stone for absorption bed. On 9/13/18, DEP conducted a construction inspection. The contractor was onsite and was working on the absorption bed. Septic tank locations were discussed and reviewed with the contractor. DEP called the engineer on 9/13/18 regarding construction of the SSTS. DEP advised the engineer to verify the revised pump station tank has enough volume for one day of storage. Engineer said they would verify and provide cut sheets of the station to DEP for review. On 9/17/18, DEP inspected the installation of the septic tanks. Work appeared to be satisfactory. On 9/18/18, DEP witnessed the satisfactory vacuum testing of the two septic tanks and the pump tank. DEP received an e-mail from the contractor on 9/18/18 notifying DEP they will vacuum test the tanks this afternoon. DEP received an e-mail from the engineer on 9/18/18 regarding substitution of a

1,250 gallon tank for the pump station structure. DEP agreed substitution is acceptable. DEP inspected the SSTS construction on 9/19/18. The interconnection of the two tanks was completed, no other work advanced. On 9/21/18 DEP conducted a construction inspection. The force main was partially completed and pumps were installed in the pump station. On 10/1/18, DEP performed a construction inspection. The contractor was not onsite. Final grading of the absorption bed was partially completed and a pump control panel was installed. Several items are still outstanding. DEP received an e-mail from the engineer on 10/17/18 regarding the pump test and final inspection for the SSTS. Due to the short notice, DEP was unable to attend. DEP received an e-mail from the engineer on 12/4/18 advising that the SSTS was complete and that an as-built and certification letter were forthcoming. DEP received As-Built plans and an engineer's certification letter from the engineer on 1/22/19. DEP issued a letter of Construction Compliance on 1/23/19. The violation was resolved and the case was closed on 1/23/19 with DEP Closure letter dated 1/23/19. DEP has resolved the Enforcement Action on 1/23/19.

Project Name: 46 Batavia Hgts Cir (2017-PE-0196)
Town: Middletown
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: RE - Complaint - DEP NOV for sewage surfacing onto the ground.
Discovery Date: 5/8/17
Status: Ongoing

Overview and Action:

DEP received an e-mail from the DEP Police on 5/5/17 regarding a complaint of a septic failure. DEP called the tenant on 5/5/17 regarding the complaint that was received and requested a call back. DEP sent a reply back to the DEP Police on 5/5/17 once it was determined that more information was needed to follow up on the complaint. DEP received an e-mail from the DEP Police on 5/6/17 regarding the additional information requested. A full address of the property with photos of the failure were provided. DEP initiated an Enforcement Action on 5/8/17. DEP reporting officer stopped in the field office to discuss the project. The officer stated that the failure is located in an enclosed area, a four foot high chain link fence topped with barbed wire. The tenant told the officer that they had dogs, but the officer did not see any dogs at the time of the visit. The officer attempted to reach out to the tenant again, but was unsuccessful. DEP called the tenant on 5/8/17 regarding the complaint and left a message asking for a call back. The tenant called back the same day: The sewage is backing up around a white pipe that was sticking up out of the ground and has completely covered the pipe. They had made the owner aware of the situation. The tenant is willing to show DEP the failure and explain everything while on site. The tenant provided the name and cell phone number for the owner of the property. DEP called the tenant on 5/11/17 to set up a site visit with a DEP inspector. DEP called and left a message for the tenant on 5/24/17 letting them know that DEP was going to inspect the property mid to late morning on 5/25/17. DEP performed a site visit on 5/25/17; obvious failure; sewage/effluent at surface under large bush, odors, etc. Appears to be contained in the area of vegetation. DEP received a request for a pre-application meeting from the applicant on 5/25/17. DEP observed and prepared a violation report on 5/25/17. DEP issued an NOV to the owner on 6/6/17. DEP called and left a message for the owner on 6/7 and again on 6/12/17 regarding the property. A Notice of Violation has been issued due to a septic failure found at this property. DEP asked for a call back to discuss this issue. DEP re-issued the NOV to the applicant on 8/4/17 via return

receipt. DEP called the tenant on 9/21/17 regarding the mailing address for the owner. The tenant does not have any other address; the address provided is what was listed on the lease agreement. DEP performed a site visit on 9/25/17; surfacing effluent was unchanged from prior site visit. DEP Legal called the owner on 9/29/17 and discussed the NOV, which the owner never received. The owner stated that the home is going to foreclosure. DEP asked the owner to provide foreclosure party information so they can be contacted with status of SSTS. DEP performed site visits on 10/26, 12/4/17, 1/29 and 3/12/18. Septic failure was observed in the absorption field. The property is currently inhabited, full time use. DEP re-sent the NOV to owner on 10/30/17 (regular mail). DEP called the owner on 12/15/17. She confirmed that she is letting the house go into foreclosure. She believes it will go to auction in July 2018. However, she offered to bring the NOV to the Sherriff's office and ask for assistance evicting the tenant who has no right to be there. DEP contacted the owner on 3/16/18 who confirmed the house in going up for tax auction in July of this year. She supplied DEP with the name of her plumber and proposed septic hauler who she has given permission to pump out the septic tank. She does not live there and the tenants are still not paying rent. DEP received a call from the owner's representative who is overseeing the situation for the owner regarding the status. He stated that the tenants have vacated the property and assured there will be no further inhabitation. DEP performed site visits on 4/26 and 7/20/18. Septic failure was not observed. Property is up for auction. It was noted during the soils evaluation visit that the dwelling is vacant and undergoing a substantial renovation. A soil/site evaluation was performed on 11/29/18.

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

Overview and Action:

DEP issued an NOV to the owner on 6/19/17. DEP received a call from the owner on 6/30/17. He is planning on pumping out the septic tank on 7/7/17. Then he will start working on repairing other 3 laterals by adding crushed stone around them. DEP to contact owner on 7/5/17 to confirm septic tank pump out schedule and attend if possible. The owner was informed that continued failure will elevate enforcement actions, and recommended he communicate regularly with DEP regarding his efforts. DEP called the owner and left a message on 7/5/17 regarding the date and time of the pump out that he wishes to do. DEP received a call from the owner on 7/10/17 regarding the date and time of the pump out. The tank will be pumped on 7/12/17. DEP performed a site visit on 7/12/17; septic failure was observed. The owner was having the tank pumped out. The tank looked good after the pump out. There were no sounds of water flow coming into the tank after the pump out was completed. 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.

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

DEP exchanged e-mails with DEP Legal and NYC Law between 12/9 and 12/30/16 concerning the inspection and re-inspection; an NOV for non-compliance with the consent order will not be issued. DEP called the site manager on 4/21/17 regarding the seasonal holding tank use. The water supply in the horse barn will not be turned on until the middle of May, and DEP will be contacted to inspect prior to the first wedding of the season, scheduled for 5/28/17. DEP performed a scheduled spring start up inspection with the site manager on 5/19/17. The liquid level of the horse barn holding tank was about 10 inches from the top cover of the riser, and the alarm was flashing. The manager said the hauler had been called the previous day. DEP called the site manager on 5/23/17 regarding the overfull holding tank observed on 5/19/17, he said the hauler came on the morning of 5/20/17. DEP performed a site visit on 6/16/17. The alarm was not flashing, and it was observed on the hauler's chart that 3000 gallons had been pumped on both 6/14/17 and after the previous DEP site visit, on 5/20/17. DEP performed a site visit on 7/27/17. The alarm for the holding tank was not flashing. DEP performed a site visit on 8/18/17. The alarm for the holding tank was blinking and the audible alarm was off. DEP received a reply e-mail from the owner on 12/29/17 confirming a site visit for 1/2/18. DEP performed a site visit on 1/3/18. Septic failure was not observed. DEP inspected the holding tank, bathroom and SSTS on 1/2/18. The facility appeared to be closed for the season. No problems were observed. DEP inspected the facility on 3/22/18. The house was occupied but the apartment and barn appeared unused. No signs of the SSTS failing were observed. On 6/26/18, DEP inspected the SSTS and holding tanks, no problems were observed. On 8/28/18 DEP inspected the site. The holding tank was found in the alarm state, but was not close to over flowing. The pumper was called and scheduled for a pump out. DEP returned a call to the owner on 9/19/18. The owner advised DEP that he sold the property. The closing was on 9/17/18. He is no longer involved with the property in anyway. On 10/25/18 and 1/17/19, DEP inspected the site. There was no evidence of the SSTS failing. DEP received a call from the code enforcement officer on 3/18/19. He was inquiring about hooking the apartment up to the septic system because the owner wants to get off the holding tank. DEP advised that WAC would have to be consulted because the connection had to be compliant with the easements on the parcels.

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

Overview and Action:

DEP 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.

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 performed site visits on 10/25, 11/13 and 12/5/17; the site is closed and stable and no work is in progress. DEP performed site visits on 1/2, 2/12 and 3/14/18; the site remains undisturbed. The area is snow covered and is stable but temporary erosion controls have disintegrated and

must be maintained when weather permits. DEP performed a site visit on 4/11/18. Discussions occurred between DEP Legal and DEC via email on 5/10/18 regarding the project site. DEP performed a site visit on 5/21 and 6/20, 8/16 and 9/13/18. Temporary erosion controls have disintegrated but site is vegetated. No work in progress. DEP performed a site visit on 10/9, 11/26, 12/12/18, and 1/7/19; temporary erosion controls have disintegrated and site is no longer secured, some exposed soil is visible but it does not appear to be leaving the site at this time. 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.

3.1.4. Kensico Basin

Project Name: 11 Labriola Court (2002-KE-0175)
 Town: North Castle
 Basin: Kensico
 Type of Use: Solid Waste (SO)
 Type of Violation: SO.1 - NOV - 4 unusable vehicles on the property situated limiting distance of 1,000 ft. of a reservoir stem.
 Discovery Date: 11/29/18
 Status: New/Closed

Overview and Action:

DEP initiated an Enforcement Action on 11/29/18. DEP issued an NOV to the owner on 11/29/18. DEP sent an e-mail to Quinn Hughes on 12/3/18 with map showing location of reservoir stem and resultant prohibited area. DEP received an e-mail from Quinn Hughes inquiring about possibility of appeals process. DEP received a copy of the DEC site inspection report from DEC on 1/2/19 regarding possible landfill leachate on the property. Site Visit type: Followup. Date: 1/14/19. Present for Inspection: None. Property Status: Currently inhabited, Full time use. DEP issued a letter to the owner on 1/24/19 via email regarding an extension of the NOV. The violation was resolved and the case was closed on 3/26/19 with DEP Closure letter dated 3/26/19. DEP has resolved the Enforcement Action on 3/26/19.

3.2. DEP Police Actions

3.2.1. Catskill District

Name: 3714 County Route 10 **SJS 77015**
 Location: Ashland
 Type of Use: Residential
 Type of Violation: StreamViolation
 Date Discovered: 10/2/18
 Status: Closed:

Overview and Action:

DEP Police on patrol, observed turbid water flowing from a property into Lewis Creek. Property

owner on site was found to be doing some excavation work with no BMP's in place. Subject was issued Notice of Warning to Pollute Waters in Contravention of Standard (NYS ECL) and advised to install BMP's to prevent soil from entering the watercourse. DEP Police involved.

Name: County Route 39 **SJS 75936**
Location: Conesville
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/9/18
Status: Closed

Overview and Action: DEP Police on patrol of Schoharie Reservoir found three large garbage bags thrown over an embankment onto city property. Bags contained mostly household garbage and product packaging but school composition notebook with name on it was also recovered. Investigation ongoing to determine ownership and party responsible for dumping. Investigation was unable to determine ownership and party responsible for dumping. Gilboa Operations notified for removal. DEP Police and DEP Operations involved.

Name: 26 Pangman Road **SJS 77036**
Location: Conesville
Type of Use: Residential
Type of Violation: Stream Violation
Date Discovered: 10/3/18
Status: Closed

Overview and Action:
DEP Police on patrol, observed excavation work at the above location, and a subsequent foot patrol revealed no BMP's in place despite loose soil, brush and other debris having been pushed onto banks of a tributary of the Manorkill Creek, a trout stream. Homeowner on site was issued ticket for Depositing Loose Soil/Debris on the Banks of Tributary to a Trout Stream (NYS ECL) and a Notice of Warning was issued for Pollute Waters in Contravention of Standards (NYS ECL). Homeowner was advised to install proper BMP's to prevent additional loose soil and debris from entering the water course and to also remove the loose soil and debris he had already deposited on the stream banks. DEP Police involved.

Location: Hunter
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/9/18
Status: Closed

Overview and Action:
DEP Police observed a truck towing a landscape trailer transporting a large load of construction debris and solid waste which was uncovered. Subject was issued ticket for Failure to Cover Construction Debris / Solid Waste (NYS ECL). DEP Police involved.

Name: State Route 23A **SJS 77309**
Location: Hunter
Type of Use: Municipal

Type of Violation: Dumping
Date Discovered: 10/16/18
Status: Closed

Overview and Action:

DEP Police on patrol, observed a dump truck transporting a load of construction debris that was not covered. Driver was issued Notice of Warning for Failure to Cover Construction Debris / Solid Waste (NYS ECL) and advised of the laws pertaining to transporting of construction debris. DEP Police involved.

Name: State Route 23A
Location: Hunter
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/30/18
Status: Closed

SJS 77565

Overview and Action:

DEP Police on patrol, observed a box of household debris that had been dumped on the side of the roadway. Investigation of the contents revealed several items which did yield traceable evidence. Subject located at that address stated she and her brother were in the process of cleaning out their mother's house and the box must have fallen off the truck they used to transport debris to the transfer station. Subject was issued Notice of Warning for Unlawful Disposal of Solid Waste (NYCRR) and returned to the incident scene to clean up the debris. DEP Police involved.

Name: Demming Road
Location: Hunter
Type of Use: Commercial
Type of Violation: Stream Violation
Date Discovered: 11/2/18
Status: Closed

SJS 77639

Overview and Action:

DEP Police responded to investigate a possible stream violation resulting in water turbidity at the Hunter Mountain Ski Slope expansion project. Patrol observed where muddy water had collected in a silt fence causing water to slowly leak out of the bottom of the silt fence. Interview with project manager determined that heavy rain event overwhelmed the approved turbidity controls then in place. During next site visit an updated site/erosion control plan of all requirements to be implemented was provided. Subsequent inspection of site determined BMP's in place and no further turbidity releases reported. DEP Police involved.

Name: Clum Hill Road
Location: Hunter
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/3/19
Status: Closed

SJS 78705

Overview and Action:

DEP Police on patrol, observed one bag of household garbage dumped on the side of the road which did yield traceable evidence. Initial attempt to identify subject from labeled bottle met with negative results. Hunter Dept. of Public Works notified for clean-up. Several subsequent attempts to identify possible subject also met with negative results. DEP Police and Hunter DPW involved.

Name: Deming Road, Schoharie Creek **SJS 75333**
Location: Jewett
Type of Use: Commercial
Type of Violation: Stream Violation
Date Discovered: 7/14/18
Status: Closed

Overview and Action: DEP Police observed a large turbidity plume in the Schoharie Creek in a location adjacent to the Hunter Mountain Ski Center west slope expansion. Officer investigating further on foot patrol found recent excavation work on an existing tributary with no turbidity controls in place. The entire tributary from the work site to the Schoharie Creek is silted in with various thickness up to approximately eight inches in depth. Previous site inspection confirmed permits issued from NYS Department of Conservation (NYS DEC), U.S. Army Corps of Engineers (USACE) and DEP were present and ongoing work was in compliance. When officer conducted initial follow-up on site with contractor all BMP's were in place. A second incident of heavy turbidity in the same west slope expansion area was observed several days later and investigating officer discovered a second tributary upstream from the original plume site within the construction zone was now also pluming turbidity into the Schoharie Creek. Project manager, interviewed at site stated the work project was challenging as it involved the two tributary streams and two USACE designated wetlands but regular engineering inspections were taking place and BMP's implemented when necessary. Manager further stated that in addition to proper turbidity controls, an approved plan is in place for remediation of the stream bed to ensure that the sediment currently caught in the stream bed will not be released into the Schoharie Creek during future rain events. Summons (2) issued to responsible subject, for violation of NYS Econ Law sections 1705011 (contravention of standards) and 1105034 (placing soil in/on a protected stream/tributary). Civil compromise of \$750.00 paid by subject. DEP Police, DEC and USACE involved.

Name: State Route 23 A **SJS 77566**
Location: Lexington
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/30/18
Status: Closed

Overview and Action: DEP Police on patrol, observed a dump trailer transporting a large load of construction debris / solid waste that was not covered. While following the vehicle, officer witnessed several pieces of plastic blow out of the trailer that landed on the roadway and adjacent lands. Driver was issued tickets for Failure to Cover Construction Debris / Solid Waste (NYS ECL) and Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: State Route 23A **SJS 77631**
Location: Lexington
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/2/18
Status: Closed

Overview and Action:

DEP Police observed a dumping of household refuse in the DOT pull-off in the town of Lexington. Investigation of dumping revealed a five gallon bucket half-filled with paint, a one gallon bucket half-filled with spackle, and a flat screen TV had been dumped in the parking lot. No traceable evidence was present; DOT notified for removal of items. DEP Police involved.

Name: Airport Road **SJS 77642**
Location: Lexington
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/2/18
Status: Closed

Overview and Action:

DEP Police on patrol observed a large amount of recyclables and household refuse scattered over NYC parcel. Investigation found no traceable evidence. DEP Watershed Maintainers notified for removal. DEP Police and DEP Land Management involved.

Name: 15 Longyear Road **SJS 79165**
Location: Olive
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 1/28/19
Status: Closed

Overview and Action:

DEP Police observed evidence of a possible septic failure in yard at the above address. DEP Residential Engineering notified . Follow-up inspection of site with Project Manager from BWS WOH Regulatory & Engineering and interview with homeowner on site determined that in 2016 homeowner worked with DEP and CWC to replace septic tank and implement other measures to mitigate runoff due to the high water table in the area. No evidence of system failure and no negative environmental impact detected. DEP Police, DEP Residential Engineering and DEP BWS Regulatory involved.

Name: Stanley Slater Road **SJS 77394**
Location: Prattsville
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/30/18
Status: Closed

Overview and Action:

DEP Police on parcel patrol, observed a couch, mattress, rug and other household refuse that had

been dumped on NYC property. Further investigation revealed no traceable evidence. DEP Watershed Maintainers notified for removal. DEP Police involved.

Name: State Route 23 **SJS 77006**
Location: Roxbury
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/2/18
Status: Closed

Overview and Action:

DEP Police on patrol, observed a dump trailer transporting a large load of construction debris which was only partially covered. While following the vehicle, officer witnessed several pieces of fiberglass insulation blow out of the trailer, landing on the roadway and adjacent lands. Driver was issued ticket for Failure to Cover Construction Debris (NYS ECL) and Depositing Refuse on Highway / Adjacent Lands (NYS VTL). DEP Police involved.

Name: County Hwy 36 **SJS 77947**
Location: Roxbury
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/20/18
Status: Closed

Overview and Action:

DEP Police on patrol, observed a pickup truck transporting a load of solid waste that was not covered. Officer also witnessed that vehicle failed to stop at stop sign before turning. Vehicle operator was issued ticket for Failure to Cover Solid Waste (NYS ECL). DEP Police involved.

Name: State Route 30 **SJS 78181**
Location: Roxbury
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 12/4/18
Status: Closed

Overview and Action:

DEP Police on sector patrol, observed a dumping of seven white trash bags of household refuse, a deer carcass and two tires which did yield several pieces of traceable evidence. Officer interviewed identified subject whom stated that she had paid someone to remove her garbage. Based on further investigation and interviews, subject was issued a criminal summons for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: Route 212 **SJS 79957**
Location: Shandaken
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 3/14/19
Status: Closed

Overview and Action:

DEP Police on patrol, observed increased turbidity in the Beaverkill Stream and followed it upstream in an attempt to locate the source. The Beaverkill Stream is a Classified Stream which flows into the Esopus Creek which then flows directly into the Ashokan Reservoir. Further upstream, officer observed a large section of steep earthen embankment approximately 100-200 yards in length which had been subject to erosion and soil saturation resulting in deep-seated slope failure that produced mud and debris flows into the Beaverkill Stream causing major turbidity. Officer took multiple photos of point source as well as above and below stream. Investigation determined turbidity was non-criminal in nature, therefore incident turned over to DEP Water Quality for further inspection and possible mitigation. DEP Police and DEP Water Quality involved.

3.2.2. Delaware District

Name: BWS Road **SJS 77285**
Location: Andes
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/15/18
Status: Closed

Overview and Action:

NYC DEP Police was notified and responded to a dumping which consisted of four bags of household garbage. No traceable evidence was found. DEP Land Management notified for removal. NYC DEP Police and DEP Land Management involved.

Name: County Route 26 **SJS 77232**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/12/18
Status: OPEN

Overview and Action:

NYC DEP Police investigated a dump site on city property consisting of one large black garbage bag and 5 smaller clear garbage bags containing household refuse and recyclables. DEP Land Management notified for removal. One piece of evidence, possibly traceable, did not lead to any further information as to subject responsible. Police installed a camera which has yielded only negative results to date. DEP Police and DEP Land Management involved.

Name: 11946 County Route 27 **SJS 77213**
Location: Masonville
Type of Use: Residential
Type of Violation: Stream Violation
Date Discovered: 10/11/18
Status: Closed

Overview and Action:

DEP Police observed an active construction site and equipment at the above location where a

new driveway and the start of a concrete slab were present. Officer further observed and photographed turbid water run off from the side of the construction site, entering a brook identified as West Branch Trout Creek (NYS DEC Protected Stream classified as C T) which flows directly into the Cannonsville Reservoir. No measures were in place to prevent the turbidity and no subjects on site for interview. Subsequent interview with the owner of the construction company gave details of the ongoing work projects as well as difficulties with site due to recent heavy rains. Subject was directed to install some fencing and hay bales immediately and advised that site would be checked later for compliance. When officer conducted follow-up visit to site, there was no equipment present and no work being performed; site appeared to be abandoned for the time being with no violations observed. DEP Police involved.

Name: BWS Road **SJS 79887**
 Location: Neversink
 Type of Use: Municipal
 Type of Violation: Dumping
 Date Discovered: 3/10/19
 Status: OPEN

Overview and Action:

DEP Police observed where a shopping bag full of garbage had been strewn across the side of the roadway. Officer searched and found a piece of traceable evidence in the form of a bank receipt which did yield the name of a possible subject. When located and interviewed, subject stated that garbage in photo was his but the truck that picked up that garbage the previous week had no tarp covering. Officer obtained a voluntary statement from subject stating such and will follow-up with the sanitation company. DEP Police involved.

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

Name: Magnetic Mine Road **SJS 78038**
 Location: Carmel
 Type of Use: Rural
 Type of Violation: Dumping
 Date Discovered: 11/25/18
 Status: Closed

Overview and Action:

DEP Police came upon a dumping of household items consisting of a refrigerator and a water cooler. Officer searched items for serial numbers or other traceable evidence with negative results. DEP Field Crew contacted for removal. DEP Police and DEP Field Crew involved.

Name: Route 121 **SJS 77458**
 Location: Pound Ridge
 Type of Use: Municipal
 Type of Violation: Dumping
 Date Discovered: 10/24/18
 Status: Closed

Overview and Action:

DEP Police observed a dumping on city property in the vicinity of the Cross River Reservoir near Boat Area 6. The dumpsite consisted of multiple bags of household refuse and vehicle tires. No traceable evidence found.

DEP Field Crew contacted for removal. DEP Police and DEP Field Crew involved.

Name: Drewville Road **SJS 77476**
Location: Southeast
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/25/18
Status: Closed

Overview and Action:

DEP Police observed a dumping on city property in the vicinity of the Croton Falls Reservoir near Boat Area 15. The dumping consisted of one black plastic garbage bag filled with household refuse, a fishing pole and a boat seat. No traceable evidence present. DEP Field Crew contacted for removal. DEP Police and DEP Field Crew involved.

Name: Reservoir Road **SJS 77816**
Location: Southeast
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/13/18
Status: Closed

Overview and Action:

DEP Police observed a dumping on city property in the vicinity of the Croton Falls Reservoir near Boat Area 24. The dumping consisted of two black plastic garbage bags filled with leaves. No traceable evidence found. DEP Field Crew notified for clean-up. DEP Police and DEP Field Crew involved.

3.2.4. Kensico Basin

(Please Say “No Enforcement actions undertaken in the Kensico Basin during this reporting Period)

Name: 4 Birchbrook Drive **SJS 76733**
Location: Mount Pleasant
Type of Use: Municipal
Type of Violation: Stormwater Turbidity
Date Discovered: 9/18/18
Status: Closed

Overview and Action:

DEP Police investigated a complaint received from DEP Stormwater Compliance employee of possible gray soupy water in the N5 stream which leads into the Kensico Reservoir. Officer met with DEP Upstate BWS employee to canvass the area and identified a possible point source with active construction work at the above location. Officer determined that gray water flow was due to improper erosion control surrounding a catch basin located in the driveway of residence.

Officer met to discuss with Mount Pleasant Town Engineer and homeowners; scene was photographed for case file. Site contractor on scene stated that situation would be properly remedied. DEP has had previous issues / complaints in the past regarding lack of silt fencing at this location, therefore, homeowner was issued ticket for Fail to Contain Solid Waste (Improper Silt Fencing). Silt Fencing installed and inspected to be in compliance with regulations. DEP Police, DEP Stormwater Compliance and DEP BWS involved.

Name:	Bayberry Road	SJS 77419
Location:	North Castle	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	10/22/18	
Status:	Closed	

Overview and Action:

NYC DEP Police on patrol, was dispatched to a dumping complaint on city property. At location, officer observed one large, black garbage bag holding three plastic containers of used engine oil. All containers were sealed and not leaking. No traceable evidence found. DEP Haz Mat contacted for clean-up. DEP Police and DEP Haz Mat involved.