

**New York City  
Department of Environmental Protection**

**Bureau of Water Supply**

**Filtration Avoidance 6.1 Enforcement Actions  
For the period October 1, 2010 through March 31, 2011**

**April 2011**

*Prepared in accordance with the November 2007 EPA Filtration Avoidance Determination*



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## Table of Contents, Part 6.1.2

1.	Introduction .....	1
2.	Enforcement Responsibilities.....	1
	2.1. The Regulatory & Engineering Programs.....	2
	2.2. DEP Police .....	5
	2.3. DEP General Counsel .....	6
	2.4. New York City Law Department.....	6
3.	Specific Enforcement Actions.....	7
	3.1. Wastewater Treatment Plants (See 6.2 FAD Report from now on) .....	7
	3.2. Subsurface Treatment Systems and Stormwater.....	7
	Summary Chart - Catskill Basin .....	7
	Summary Chart - Delaware Basin .....	7
	Summary Chart - West Branch, Boyd Corners, Croton Falls, Cross River Basins .....	8
	Summary Chart - Kensico Basin.....	8
	3.2.1. Catskill District .....	9
	3.2.2. Delaware District .....	40
	3.2.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins.....	54
	3.2.4. Kensico Basin .....	58
	3.3. DEP Police Actions.....	59
	3.3.1. Catskill District.....	59
	3.3.2. Delaware District .....	66
	3.3.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins.....	71
	3.3.4. Kensico Basin .....	73
4.	Kensico Spill Response Program.....	74

## 1. Introduction

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

This report, covering actions from October 1, 2010 through March 31, 2011, first presents an overview of the responsibilities of those sections within the Bureau charged with enforcement activities. The report then addresses specific enforcement actions that occurred during the reporting period. Included are new violations as well as updates on ongoing violations. The report is divided into sections relating to the areas covered. The **West of Hudson** (WOH) area is comprised of the following basins: Ashokan and Schoharie of the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Also included are those portions of the **East of Hudson** (EOH) area comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.<sup>1</sup> Within each of these sections, the enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), subsurface sewage treatment systems (SSTSs), stormwater and erosion control structures, as well as other activities, such as solid waste management facilities. In addition, individual police actions are also included. The final section is devoted to the Kensico Spill Response activities, including specialized Haz Mat training.

## 2. Enforcement Responsibilities

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

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

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

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

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

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

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

### **2.1.1. Wastewater Treatment Programs**

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

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

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

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

Putnam County initiated a Septic Repair Program in 2005 for the design and construction of failing SSTSs within critical areas of Putnam County. Funding for this program is through the EOH Water Quality Investment Program fund which was provided by DEP through the 1999 MOA. This, like the CWC program, is a voluntary program, and has phased priority areas based on distances to watercourses and reservoirs. Putnam County has separate staff to administer the program. All repair plans must be reviewed and approved by the Putnam County Health Department. The Putnam County Septic Repair Program is discussed in FAD Report 4.9.

The existing Westchester County Health Department Delegation Agreement with DEP has been revised to cover the review and approval of failing SSTSs in Westchester County. Westchester County has revised its sanitary code to require review and approval of all repairs and modifications, including changes of use for all SSTSs. This repair delegation agreement is similar to the Putnam County repair delegation agreement.

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

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

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

#### **2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Unit**

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

#### **2.1.2. Stormwater Programs Unit**

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

### **2.1.2.1 Stormwater Compliance & Inspection Unit**

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

### **2.1.3. SEQRA Coordination Unit**

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

## **2.2. DEP Police**

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

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

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

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

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

### **2.3. DEP's Office of the General Counsel**

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

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

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



### 3. Specific Enforcement Actions

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

#### 3.2. Subsurface Treatment Systems and Stormwater

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

#### Catskill District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ASHLAND	277	0	22	0	23	0
CONESVILLE	13	1	10	1	9	0
GILBOA	19	2	15	0	16	0
HUNTER	107	0	80	0	81	2
HUNTER (V)	17	0	9	0	10	0
HURLEY	49	0	48	0	47	0
JEWETT	49	0	46	0	49	1
LEXINGTON	47	0	45	0	44	1
OLIVE	193	0	165	0	169	2
PRATTSVILLE	27	0	22	0	26	0
ROXBURY	31	0	23	1	26	3
SHANDAKEN	142	1	129	0	132	2
TANNERSVILLE (V)	7	0	1	0	6	0
WINDHAM	79	0	65	0	71	3
WOODSTOCK	57	2	52	3	48	1
<b>Total</b>	<b>1114</b>	<b>6</b>	<b>732</b>	<b>5</b>	<b>757</b>	<b>15</b>

#### Delaware District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ANDES	81	1	74	1	73	0
ANDES (V)	4	0	2	0	2	0
BOVINA	35	0	32	0	33	0
COLCHESTER	4	0	5	0	4	0
DELHI	70	0	64	0	69	0
DELHI (V)	3	0	2	0	2	0
DENNING	34	0	33	0	31	0
FALLSBURGH	6	0	4	0	4	0
FLEISCHMANN'S (V)	1	0	0	0	0	0
FRANKLIN	6	0	4	0	4	0
HALCOT	7	0	7	0	7	0
HAMDEN	31	0	29	0	29	0
HARDENBURGH	12	0	10	0	12	0
HARPERSFIELD	8	0	6	0	6	0

JEFFERSON	6	0	6	0	6	0
KORTRIGHT	62	3	52	0	58	4
LIBERTY	1	0	1	0	1	0
MASONVILLE	12	0	10	0	10	0
MEREDITH	20	0	18	0	18	0
MIDDLETOWN	114	1	104	0	105	1
NEVERSINK	221	0	187	0	201	0
ROCHESTER	1	0	1	0	1	0
ROXBURY	34	0	28	0	32	0
STAMFORD	35	0	33	0	34	0
TOMPKINS	42	0	37	0	40	0
WALTON	89	0	82	0	79	1
WALTON (V)	1	0	1	0	1	0
WAWARSING	34	0	32	0	30	0
<b>Total</b>	<b>974</b>	<b>5</b>	<b>864</b>	<b>1</b>	<b>892</b>	<b>6</b>

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

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
CARMEL	11	2	9	0	10	1
EAST FISHKILL	0	0	0	0	0	0
KENT	4	0	4	0	4	0
PUTNAM VALLEY	0	0	0	0	0	0
<b>TOTAL</b>	<b>15</b>	<b>2</b>	<b>13</b>	<b>0</b>	<b>14</b>	<b>1</b>

**Kensico Basin**

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0	0	0	0	0	0
HARRISON	0	0	0	0	0	0
MT. PLEASANT	0	0	0	0	0	0
NEW CASTLE	1	0	1	0	1	0
NORTH CASTLE	3	0	1	0	1	0
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>

### 3.2.1. Catskill District

Name: NYS Route 23 (Log #2005-SC-0230) I.D. #: 1912  
Location: Ashland  
Basin: Schoharie  
Type of Use: Residence  
Discovery Date: 1/29/04  
Type of Violation: Failed septic system  
Status: Under Construction

#### Overview and action:

DEP's assistant counsel issued a comment letter to the applicant on 1/11/2010 regarding the NOV. A 3/31/10 site visit was conducted, the site is still in failure; DEP to follow up with Legal. A soil/site evaluation was performed on 5/25/10. DEP issued an Approval Determination letter on 7/7/10. DEP called CWC on 10/4/10 and they confirmed that bid has been submitted for construction; however, it was illegible and needs to be resubmitted. DEP spoke with contractor on 10/6/10 who stated the bid has been resubmitted to CWC. DEP emailed CWC requesting to be notified when bid determination is made. DEP received call from the owner on 10/15/10, who stated that their contractor is not calling them back. DEP informed owner that the contractor's bid has been approved by CWC. DEP also informed the owner that they need to continue pump outs to avoid surface failure and gave owner DEP fax number where pump out receipts should be sent. Owner was going to keep calling contractor to try and get system done before winter. DEP called the contractor on 10/25/10 who expects to start construction the first week of November 2010. Site Visit type: Enforcement. Date: 10/25/10. Septic Failure: Not observed. DEP received notice on 11/12/10 that construction will begin on 11/12/10. DEP received engineer's certification letter from the engineer on 11/24/10. DEP completed construction inspections on 11/24/10. DEP issued a partial Construction Approval to CWC on 12/07/10. Final Construction Approval will be issued in the spring 2011 after proper grass growth has been verified.

Project Name: 117 Lake of Seven Bridges (Log #2009-SC-0568)  
Town: Conesville  
Basin: Schoharie  
Type of Use: Residence  
Type of Violation: Failed SSTS - CWC - surfacing  
Discovery Date:  
Status: No Application

#### Overview and Action:

A soil/site evaluation was performed on 10/23/09. DEP issued a letter to the owner on 2/23/10 stating that the plans have not yet been received. DEP called engineer on 10/5/10 to discuss status. Engineer stated that he is working with Inspector to get soils done on lot across street within next week or so. DEP to inform engineer what is necessary to obtain approval for septic system on another lot. Engineer stated town already gave approval for sleeve under road. DEP sent an email to engineer on 10/6/10 stating that formal easement must be recorded and notarized for septic plans to be approved when system is located on a different parcel than where the waste is generated. Engineer responded and said he work on getting this done. Site Visit type:

Request. Date: 10/29/10. Septic Failure: Observed. Failure Description: Surfacing of sewage on ground. Additional soils were done on 10/12/10. Sewage is not leaving site.

Project Name: 1083 Potter Mtn. Road (2005-SC-0233)  
Town: Conesville  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1703 - Unapproved Construction of Septic System  
Discovery Date: 11/13/2002  
Status: No Application

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed. An NOV was issued to the Owner on 11/22/02. DEP performed a site visit on 1/7/11; septic failure not observed; no evidence of discharge, the ground is snow covered in the area of the septic. DEP performed a site visit on 2/18/11; no visible discharge, no sign of melted snow in the vicinity of the system.

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

Overview and Action:

Date: 9/30/10; Septic Failure not observed. The site appears to be a weekend residence as the lawn and gardens are well kept. The tank is still exposed with 5-6 ft. weeds growing in the tank excavation. No sign of pumping at this time. There has been no attempt to start construction of the absorption field. On 10/1/2010 DEP requested DEP Police patrol the site over the weekends in October for inhabitation of property and signs of illegal pumping of sewage to environment. DEP Police have been in contact with SSTS Inspector to let him know that on 10/2 and 10/3/10 those parties were there, on Columbus weekend they were not there, on 10/16 through 10/18/10 they were there. Also, on 10/15/10 DEP Police went to that location and did not observe any signs that a hose had been in the tank, or that the tank lid had been opened lately. Police will continue to perform inspections in the upcoming weekends and notify SSTS staff of any changes. SSTS staff requested inspections to be continued through the end of the month. DEP received an email from DEP Police on 11/9/10, regarding recent observation of inhabitation 11/6 and 11/7/10. DEP Police was not asked to do any more inspections for Regulatory and Engineering Programs. DEP issued a Design Approval Expiration letter on 1/14/11. On 1/14/11 DEP issued a reminder letter to the applicant addressing generation of wastewater on this site would be a violation in itself because there is no construction approval by DEP.

Town: Gilboa  
Basin: Schoharie  
Project Name: Pine Island - Lot #36 (Griesch), (Log #2006-SC-1300)  
Project Description: Lot #36 of the Pine Island Subdivision

Project Type: Stormwater (SP)  
Status: New

DEP issued a letter to the owner on 1/26/10 regarding the stormwater controls not being adhered to as per the approved SWPPP. DEP received an email from the contractor on 5/21/10 regarding the remediation of the site. DEP received a copy of the deed on 6/1/10. DEP initiated an Enforcement Action on 1/21/11. DEP issued a NOV to the owner on 1/21/11. DEP spoke with the owner on 1/25/11; he has contacted his engineer and a site visit will be held in the spring to address the issues.

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

DEP issued a letter to the applicant on 2/22/10 stating that they are not in compliance with the approved SWPPP. DEP performed a site visit on 6/24/10; the site was stable; there was no discharge; the site was occupied. DEP initiated an Enforcement Action on 1/21/11. DEP issued a NOV to the owner on 1/21/11. DEP received call on 2/4/11 from the applicant regarding the NOV. DEP called the applicant on 2/9/11 regarding the NOV. The applicant agreed to contact DEP in early April to set up a meeting at the site.

Project Name: 31850 State Highway #23 (Log #2007-SC-0677)  
Town: Gilboa  
Basin: Schoharie  
Type of Use: Residence  
Type of Violation: Failed SSTS  
Discovery Date: 7/26/07  
Status: Approved

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed on 7/26/07. DEP issued an Approval Determination letter on 2/26/08. On 10/22/10 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP issued a Design Approval Expiration letter on 10/22/10. Site Visit type: Follow up. Date: 11/18/10 for Septic Failure; no visible discharge.

Project Name: Route 23A (Log #2008-SC-0176)  
Town: Gilboa  
Basin: Schoharie  
Type of Use: Residence  
Type of Violation: Failed SSTS-CWC  
Discovery Date: 5/16/08  
Status: Approved

Overview and Action:

DEP received a copy of a 6/9/09 letter from the Town of Gilboa Supervisor to the SCHD regarding neighbor's formal complaint on this site. DEP received a copy of the letter from the

SCHD to the Town of Gilboa on 6/19/09 regarding the violation/complaint. DEP received a letter and revised plans from the engineer on 7/6/09. DEP issued an Approval Determination letter on 7/7/09. DEP received a letter from the building inspector on 12/18/09, stating that home cannot be occupied until septic system is in compliance. DEP performed a site visit on 10/15/10 and 2/4/11; septic failure not observed; the house is still vacant. DEP found the property to be abandon/vacant on 3/23/11.

Town: Hunter  
Basin: Schoharie  
Project Name: Leach, Matthew (Wiltse, Jim), (Log #2007-SC-1080)  
Project Description: Initiated as a single lot; will develop into a 4 lot subdivision Failing SWPPP  
Project Type: Stormwater (SP)

Status:

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

Project Type: SEQRA (SQ)

Status:

DEP issued a Neg Dec on 6/10/10 to the applicant.

Town: Hunter  
Basin: Schoharie  
Project Name: Gilbert, Ben, (Log #2007-SC-0887)  
Project Description: New SSTS requiring an IRSP  
Project Type: Individual Residential SPPP (IR)

Status:

DEP issued an Approval Determination letter on 10/28/09. DEP called ACOE on 1/14/10 regarding the erosive condition at the site and to set an onsite meeting. DEP sent an email to the applicant on 1/21/10 regarding the status of the site. The applicant responded that he is in the process of getting bids and since there is three feet of snow, he will move forward in the spring. DEP performed a site visit on 1/25/10; significant flow was observed in the unstable channel in the woods. The driveway swale showed signs of significant erosion; a significant seep was observed passing under the driveway near the top. DEP performed a site visit on 3/11/10; there was not a discharge. DEP sent an email to the applicant on 4/14/10 to inquire about start-up dates. DEP received call on 4/19/10 from the engineer regarding possible permit requirements from ACOE. The engineer stated that the project will be on hold until any issues with ACOE are settled out. DEP called ACOE on 4/27/10 regarding permitting and the general site conditions. ACOE did not seem to be concerned however tentatively agreed to a site meeting sometime in

the future. A meeting was held with the project engineer, ACOE and DEP on 5/12/10. ACOE determined that the diverted watercourse was a temporary water and therefore not regulated by ACOE. DEP issued a letter to the applicant on 5/12/10 with DEP concerns. DEP received a call on 8/3/10 from ACOE regarding the letter of no jurisdiction. ACOE indicated that no letter would be written and that DEP and property owner is free to remediate the site as necessary. DEP requested a pre-construction meeting from the applicant and engineer. DEP sent and received emails to and from the applicant on 8/12/10 regarding quotes from contractors and the lack thereof. DEP is currently waiting for a notice of start of construction as the site is still actively eroding. DEP sent an email to the applicant on 11/5/10 regarding site stabilization. DEP received a call on 11/5/10 from the site contractor regarding starting up the work. The contractor indicated that he and the applicant agreed on a fee but there was no signed contract yet.

Town: Hunter  
Drainage Basin: Schoharie  
Project Name: Torah Foundation/Gellman, (Mashne Tashbar), (Log #2003-SC-0672)  
Project Description: Septic Replacement  
Project Type: WWPT (WW)

Status:

DEP received a letter from the town of Hunter CEO to the owner on 5/22/09 regarding issues that must be addressed prior to the town issuing an Operational Permit for the upcoming season. DEP received the updated punch list items from the engineer on 6/2/09. DEP issued a letter to the applicant on 8/6/09 regarding the need for the completion of the punch-list items to be resolved in order to close out the NOV. DEP issued a letter to the applicant on 10/6/09 regarding the need to complete the WWTP work. DEP sent an email to the engineer on 10/7/09 requesting the status of the project; waiting for final completion. DEP sent an email to the owner on 4/29/10 regarding their start up of the camp this year; and wanted to make arrangements to meet before opening. DEP sent an email to the engineer and the applicant with a punch list of items on 6/10/10. Site Visit type: Follow up. Date: 6/29/10. Final construction inspection scheduled for 8/26/10 with DEP, engineer, CEO. Site Visit type: Meeting. Date: 8/26/10. DEP met with the design/project Engineer, the Town of Hunter building inspector and the WWTP operator on 8/26/10, regarding the final inspection of the punch list. NYC Law Department issued a letter to the applicant's attorney on 1/20/11 requesting assistance in obtaining the engineers' certification and As-Built drawings in order to close out the project.

Project Type: SEQRA (SQ)

Status:

SCS received Neg. Dec. from Applicant's Attorney dated 4/25/07, regarding Non-Significance issued by the Town. SCS received a Short EAF and site plans on 7/17/07. SCS received a Notice of Intent to declare Lead Agency from Town Planning Board on 7/17/07 because the WWTP location was changed to be partially within the DEP wetland buffer. SCS issued comment request to Tech Team with comments due to SEQRA Coordination on 7/30/07. SCS received a copy of a letter from DEC to the Town Planning Board regarding the Town's lead agency request. SCS issued a letter, on 8/2/07, stating that DEP has no objection to the Planning Board being Lead Agency for the purposes of SEQRA. SCS issued a correction to DEP's 8/2/07 letter to the Planning Board. DEP, the applicant's attorney, and the applicant's engineer attended

a planning board meeting on 8/7/07. The Planning Board had a public hearing on and discussed the revised plans including the larger building foot permit, relocated outfall pipe, and intrusion into the wetland buffer. The Planning Board determined that the revisions do not warrant rescinding the previously issued SEQRA Neg Dec and as such the project is still approved. SCS received a copy of a letter from DOH to the Town Planning Board indicating they have no objection to the Town assuming lead agency status.

Town: Hunter (V)  
Drainage Basin: Schoharie  
Project Name: Hunter Estates (Klein, Shane), (Log #2004-SC-0325)  
Project Description: Realty Subdivision - 4-acre lots/20 lots on an 88-acre parcel revised to a single lot. Build Town Road; Preliminary PB Approval  
Project Type: Stormwater (SP)  
Status: Approved

DEP received a copy of the Executed Order to show cause from DEP Legal on 11/24/09. DEP received an email from DEC on 12/8/09 regarding the meeting of 12/8/09 and the discussions that were had regarding immediate actions to stabilize the site. DEP received an email from DEP Legal on 12/14/09 requesting comments to a revised order on consent. DEP performed a site visit on 12/23/09; none of the work in the order has been performed yet. DEP received the signed Stipulation and Order on 12/23/09. DEP performed a site visit on 12/28/09; no work has been performed yet however, DEP spoke to the applicant via cell phone and the applicant indicated the work would be done by 1/4/10. DEP issued a letter to the applicant on 1/4/10 accepting their request for a time extension. DEP performed a site visit on 1/11/10; hay was stockpiled near pond 2 but none had been sprayed yet. DEP issued a letter to DEC on 2/1/10 regarding the 1/29/10 site visit with photos. DEP issued a site assessment and completion status of the items listed on the Stipulation and Order to DEC on 2/5/10. DEP received a response from DEC on 2/10/10 regarding the non-compliance with the Stipulation and Order. DEP performed a site visit on 3/11/10; there was not a discharge. DEP received an email from the state attorney general's office on 4/1/10 as a follow up on the day's meeting. The applicant has continually delayed the project and shown no intention of satisfying the Order from DEC. DEP called the engineer on 4/27/10 to inquire about being retained. As of today, the engineer has not heard from the applicant. DEP received a letter from DEC on 5/27/10 regarding the temporary diversion swale outlet into the area of pond 2. DEP received a punch list of items from the engineer on 6/22/10. DEP issued a comment letter to the engineer on 6/24/10 regarding the punch list. DEP received an email from AG on 8/11/10 regarding the revised stipulation. No changes in the site condition since spring. DEP performed a site visit on 10/1/10; there were deficiencies, there was no discharge and the site was vacant. DEP received a copy of the Order filed with the clerk on 10/13/10. DEP issued an internal email on 11/26/10 regarding the need to speak with the engineer about the differences prior to issuing an approval. DEP received a copy of the Interim Stabilization Plan from the engineer on 11/29/10. DEP called the engineer on 12/2/10 regarding stabilizing the site. The engineer indicated that all of the payment from the applicant has been used up and therefore, require additional money to keep working on the project. DEP received an email from the AG's office on 12/2/10 indicating that the applicant has filed for bankruptcy. DEP performed a site visit on 12/09/10 for stormwater violation; there were deficiencies, there was no discharge and the site was vacant. DEP received a copy of DEC's NOV regarding fines issued to the owner from DEC on 12/17/10. DEP received a letter



from NYC Law Department to the owner on 12/17/10 regarding the stipulated penalties. A meeting was held at the county court house in Catskill, NY. DEP sent the applicant an email on 12/21/10 to provide DEP contact information.

Project Type: SEQRA (SQ)

Status:

DEP received a letter from the Town of Hunter Planning Board on 12/19/05, which should have had the Neg. Dec. attached. The Neg. Dec. was later received on 12/28/05. The letter did state there will be a Public Hearing on the project on 1/3/06 for Site Plan approval.

Name: Washington Irving Lodge WWTS, (Log #1998-SC-0309)

Location: Hunter

Basin: Schoharie

Type of Use: Commercial

Discovery Date: 4/14/98

Type of Violation: Replacement of failed subsurface system.

Status: Ongoing

Overview and Action:

DOH issued a NOV to the owner on 5/14/10. DEP received the pump out receipts for 10/23/09 and 5/5/10 from the owner on 5/20/10. DEP received a phone call from the hauler, who was asked for a contract and to pump the tank on 5/24/10. DEP was also called by the engineer, and a site visit is set up for 5/27/10. DEP called CWC on 5/21/10; at the owner's request, CWC is going to meet the owner on the site next week to determine program eligibility. A soil/site evaluation was performed on 5/26/10; soils suitable for raised absorption trenches were found to the east of the inn. On 6/21/10 DEP received CWC's notice of failure. DEP received a copy of the engineers overview of the field activities of 5/27 and 5/28/10 from the engineer on 6/25/10, along with recommendations on the location, types and size of the replacement SSTS that should be constructed at the site. DEP issued a comment letter to DOH on 7/6/10 regarding the 6/15/10 proposal. DEP issued a letter to the applicant on 7/9/10 with comments to the latest submission. DEP received a letter from the engineer on 7/19/10 in response to DEP's letter of 7/9/10. DEP received a copy of the DOH Permit to operate a temporary residence from DOH on 7/19/10; the permit is valid for the occupancy of 15 rooms. DEP issued a letter to the applicant on 7/20/10 requesting a site visit to confirm the existence of low flow fixtures and the number of rental rooms. DEP received a call on 7/22/10 from the design engineer; he advised that CWC informed him that the site will be funded and that a letter to the owner will be issued. At the owner's request, the engineer called and requested that a new reviewer be assigned to the project. A meeting was held with the applicant's engineer on 8/12/10 to review design criteria. The owner is hesitant to sign the contract with the engineer. DEP sent an email to DOH on 8/13/10 regarding the AT-10 abatement and received a response stating that the facility is flagged for a follow-up on 8/30/10. The project engineer advised DEP that the owner has hired an attorney and the attorney has spoken to the engineer about the project history and proposed replacement SSTS and connection. DEP received the report on the water consumption for the period 4/1/05 to 3/31/10 from the Village of Tannersville clerk's office on 8/16/10. DEP's Assistant Counsel issued a letter to the applicant's attorney on 12/29/10 stating that DEP does not consent to the connection to the Tannersville WWTP as the Inn is located outside of the service area. DEP issued a letter to the applicant on 1/27/11 regarding the 12/29/10 letter and the lack of

communication in regards to the SSTS. DEP received an email from DOH on 2/04/11 that they expect to hear from the applicant and will take further action if they do not in regards to the non-compliant SSTS as they currently have no renewed operation permit from DOH to run their business. DEP received a letter from the applicant's attorney on 2/14/11 responding to DEP's letter of 1/27/11. DEP received a copy of DOH's permit to operate a temporary residence on 2/22/11 from DOH stating that the permit will expire on 7/31/11. DEP received an email from the Village of Tannersville Clerk that contains the water meter readings for the Inn from 2005 to the present. DEP held a meeting with the project applicant, town supervisor, applicant attorney and engineer on 3/23/11. Legal and technical issues involving the potential connection were discussed. The engineer is going to further research DOT ROW issues and prepare a detailed cost analysis for further review.

Project Name: NYS Route 23A (2005-SC-0253)  
Town: Hunter  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #382 - CWC – Tax Map # changed from 166.19-1-26 to the current correct Tax Map #of 166.19-1-31 on 11/22/10  
Discovery Date: 11/13/1997  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 12/1/97. This site is in a proposed infrastructure extension area and the surface discharge is being managed on-site until it can be serviced by the new facilities. 6/5/01: Surface discharge has been temporarily abated. DEP called the building inspector on 10/28/10 regarding sewer hookup. Records indicate that this property was hooked up to the WWTP on 12/2/05 as per engineer of record. The violation was resolved and the case was closed internally on 10/28/10. DEP has resolved the Enforcement Action on 11/22/10.

Name: Dolinski Road 2005-SC-0264 I.D. #: 1046  
Location: Hunter  
Basin: Schoharie  
Type of Use: Residence  
Discovery Date: 9/21/98  
Type of Violation: Failed septic system  
Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 9/21/98. 5/1/01: Surface discharge has been temporarily abated. A soil/site evaluation was performed on 8/27/09. DEP issued an Approval Determination letter on 6/16/10. DEP received notice on 8/5/10 that construction will begin on 8/6/10. The violation was resolved and the case was closed on 12/15/10 with a DEP closure letter dated 12/15/10. DEP has resolved the Enforcement Action on 12/15/10.

Project Name: 258 County Route 16 (Log #2008-SC-0026)  
Town: Hunter  
Basin: Schoharie  
Type of Use: Residence  
Type of Violation: Failed SSTS  
Discovery Date: 1/15/08  
Status:

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 1/15/08. Site Visit type: Enforcement. Date: 10/5/10 for Septic Failure: Not observed. DEP walked around the subject house; it does not appear that the house has been occupied for some time. No signs of septic failure; the site is stable. DEP called the owner on 1/28/11 and left a message to call back with sale status of property. DEP sent an email with NOF attached to CWC on 2/4/11. Per CWC conversation, owner wanted this document to assist with short sale of property.

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

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A design approval was issued on 10/27/99. Construction contract has been awarded. 6/1/02: The replacement system is being constructed. The house is currently occupied. Construction of the septic system is complete except for an electrical upgrade for the pump; there is only a 50 amp service. DEP received an email on 10/28/10 stating that this project is on the CWC's 11/2/10 Septic Committee Meeting Agenda. The owner is appealing last month's decision that considered her to be "new construction" due to property being vacant for quite some time and disqualifying her from the program. DEP received an internal email from WLCP on 01/19/11 stating that the owner's appeal was denied.

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

Overview and Action:

DEP sent an email to the camp representative on 5/17/10 regarding the 2010 inspection schedule. Site Visit type: Follow up. Date: 6/15/10. Septic Failure: Not observed. DEP met with the camp director and ranger for the first inspection of the year. The d-boxes were not surcharged and there was no evidence of sewage on the ground. A meeting scheduled for 6/22/10 was

cancelled by Camp Director to look at the DEP files per the FOIL request. Site Visit type: Follow up. Date: 6/25/10. Septic Failure: Not observed. DEP witnessed the grease trap and the holding tank at the shooting range pumped. The holding tank needs to be sealed at the inlet pipe and the outlet port; the grease trap has accumulated grease on the walls, and was cleaned with a brush and backwashing. Site Visit type: Follow up. Date: 6/29/10. Septic Failure: Not observed. On 6/29/10 DEP conducted an inspection of the SSTS. No changes to the SSTS or immediate problems were noted. Site Visit type: Follow up. Date: 7/13/10. Septic Failure: Not observed. DEP met with the camp director and ranger for a scheduled site inspection. The absorption field showed no signs of failure. The weather has been extremely dry for the past three weeks. Site Visit type: Follow up. Date: 7/27/10. Septic Failure: Not observed. DEP inspected the SSTS on 7/27/10. The camp is in full operation. As requested by the camp representative, field reports for the four prior site visits were provided. No evidence of SSTS failure was observed during the inspection. DEP received the summer septic readings on 8/6 and 8/9/10. Site Visit type: Follow up. Date: 08/11/10. Septic Failure: Not observed. DEP met with camp ranger and walked through the site inspecting SSTS components. Camp season is over and only a few staff remain onsite. No evidence of absorption field failure noted. DEP provided the camp ranger with a copy of the last inspection report. DEP received a foil request via phone call on 8/10/10 from the Camp Director. This request was satisfied on 8/12/10 when the Director and two assistants came in to review the files. They have requested copies of the entire file and will return when completed to pay for and pick up the file copies. DEP received and issued emails to and from the camp director on 10/1/10 regarding the scheduling of a site visit. DEP conducted an inspection after a significant rainfall on 10/6/10; significant infiltration was observed. DEP issued a letter to the Boy Scouts of America on 12/8/10 summarizing the findings from the 2010 season. The letter authorizes the removal of the two remaining piezometers, highlights the role infiltration plays with intermittent failing of the absorption field, encourages the retainage of a consultant to focus on addressing the infiltration problem, requests past pump-out receipts and requests next years camp schedule to coordinate inspections. DEP called the camp representative 3/3/11 to discuss the letter which DEP sent on 12/8/11 which the camp never responded to. The representative was not in; a message was left to call DEP back to discuss the project and upcoming camp season. DEP corresponded by email with the camp director on 3/3/11, 3/18/11, and 3/22/11 concerning upcoming events and the need to keep the septic tank covers accessible and/or to grade.

Project Type: Stormwater (SP)

Status:

DEP issued an Approval Determination letter on 6/20/08. DEP issued a letter of agreement to the Scout Executive on 6/24/08 in order to address on going violations for the 2008 camp season. DEP issued a letter to the applicant on 8/29/08 regarding an alternative to the infiltration trench. The violation was resolved and the case was closed on 10/6/09 with DEP Closure letter dated 10/6/09. DEP completed construction inspections on 10/6/09.

Project Name: 1648 Route 23C (2007-SC-0499)

Town: Jewett

Basin: Schoharie

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - CWC

Discovery Date: 6/12/2007

Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 6/12/07. DEP issued a NOF on 6/28/07. DEP received revised plans dated 10/23/07 from the engineer on 10/25/07. DEP issued an Approval Determination letter on 11/2/07. The violation was resolved and the case was closed internally as of 9/4/10, per Enforcement Meeting. DEP has resolved the Enforcement Action on 10/01/10.

Project Name: CR 17 (2004-SC-1034)

Town: Jewett

Basin: Schoharie

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS. #1911 ATU Replacement

Discovery Date: 6/15/2004

Status: Closed

Overview and Action:

DEP received notice that construction has begin on 8/8/2005. DEP performed a site visit on 8/8/05. A soil/site evaluation was performed on 8/8/05. DEP met with the Engineer to conduct perc tests in the raised fill material. The percs were too fast, less than 5 minutes. The fill area was too small and too steep. Lysimeters were in place, but not observed by DEP or the Engineer during installation. The curtain drain was also in place. The Engineer will request the contractor to bring in more fill, level it off and re-perc it. DEP performed a site visit on 9/19/05. DEP received a call from the contractor that the pump chamber would be installed today, but backfilled immediately due to proximity to the road. DEP went to the site to inspect but the tank was already backfilled and DEP could not observe the condition or placement of the tank. The fill area was not yet redone. Site Visit type: Construction. Date: 3/16/11 for Septic Failure: Not observed. DEP performed a final construction inspection. The absorption field and property were stable. DEP issued a letter of Construction Compliance letter on 3/17/11.

Name: Kern, Henry WWTS, (Log # 1998-SC-0393)

Location: Lexington

Basin: Schoharie

Type of Use: Residence

Discovery Date: 5/19/98

Type of Violation: Replacement of failed WWTS.

Status: Closed

Overview and Action:

DEP issued an Approval Determination letter on 2/3/10. DEP performed a site visit on 5/12/10; the lower field is failing at the ends of the three laterals; the owner wasn't home; it appears that there are more tenants than before. DEP received notice that construction will begin on 6/7/10; the absorption field has been staked out by the contractor and the fill is being brought in. Site Visit type: Construction. Date: 6/17/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP met with the engineer and contractor for percolation tests in the fill. Two tests, with holes 12 inches and 16 inches deep, passed. The contractor will install a swale above the existing absorption field as the curtain drain will close.

Site Visit type: Construction. Date: 6/18/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. The contractor has installed the d-box and begun the swale over the absorption field that will not be replaced which an approved change due to site conditions is being different than shown on approved plans. DEP advised contractor to deepen swale. Site Visit type: Construction. Date: 6/22/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP met with the contractor and engineer to inspect the field, curtain drain and swale. DEP advised the swale needs to be more defined, otherwise the installation is good. DEP performed a site visit on 8/2/10; the lower basal area and the lower taper are eroding and vegetation on the field is sparse. The swale is still undefined and the animal guard at the curtain drain outlet doesn't fit properly. Site Visit type: Construction. Date: 8/2/10. DEP inspected the site; the swale and the tapers of the absorption field need to be reworked. The contractor was contacted and agreed to go back and better define the swale and add topsoil, seed and mulch to the field to stabilize it. DEP called the contractor on 8/3/10 regarding the site visit performed yesterday; he agreed to take care of all the items noted, and to ask the owner to set up a sprinkler on the field after it is reseeded. DEP performed a site visit on 10/22/10; the site has stabilized. DEP received the engineer's certification letter from the engineer on 11/08/10. DEP received another engineer's certification letter from the engineer on 11/18/10 that included the curtain drain. DEP issued a letter of Construction Compliance on 11/19/10. The violation was resolved and the case was closed on 11/19/10 with DEP Closure letter dated 11/19/10. DEP has resolved the Enforcement Action on 11/19/10.

Name: Reme Road, (Log #1997-SC-0368) I.D. #: 241  
 Location: Lexington  
 Basin: Schoharie  
 Type of Use: Residence  
 Discovery Date: 9/14/97  
 Type of Violation: Failed septic system, funded under CWC septic repair program  
 Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 9/14/97. A soil/site evaluation was performed on 7/15/98. A design approval was issued on 8/13/98. Utilizing the newly constructed system has abated the discharge. The administrative closeout of the violation is pending. The violation was resolved and the case was closed on 9/13/10 with a DEP closure letter dated 10/5/10.

Project Name: Auffarth Road (Log#2007-SC-0249)  
 Town: Lexington  
 Basin: Schoharie  
 Type of Use: Residence  
 Type of Violation: Failed SPPP  
 Discovery Date:  
 Status: Closed

Overview and Action:

DEP received a DEC Consent Order on 1/28/10. DEP received a call on 2/8/10 from the engineer regarding stormwater controls. DEP received revised plans from the engineer on

2/18/10. A meeting was held with the project engineer on 2/23/10 to discuss the changes to the SPPP. DEP issued a comment letter to the engineer on 3/5/10 regarding the revised plans. DEP received a call on 3/11/10 from the engineer regarding the comment letter dated 3/5/10. DEP received an email from DEC on 3/15/10 regarding comment to the engineer for the revised SWPPP. DEP sent an email to DEC on 3/16/10 responding to questions on the revised SWPPP. DEP performed a site visit on 3/16 and 3/23/10; there was not a discharge; the site was stable; the site was vacant. DEP performed a site visit on 4/1/10; GPS work was performed to verify stream, watercourse and pond locations. A meeting was held on site with the project engineer and a contractor bidding on the work on 4/29/10. DEP received a letter and revised plans/Hydrocad analysis from the engineer on 4/29/10. DEP received the site meeting minutes from the engineer on 5/5/10 regarding the 4/29/10 pre-construction meeting. DEP issued an Approval Determination letter on 5/10/10 for the modification to the SPPP. DEP received a call on 5/26/10 from the engineer regarding a meeting they had on site with ACOE to review the proposed work in regard to the article 15 permit. During that meeting the ACOE officer questioned whether the ponds and connecting channels may also be jurisdictional. The engineer feels that if ACOE does determine that they are jurisdictional it would delay the approval which will hold up the start of construction. DEP received a call on 6/1/10 from ACOE to discuss their requirements for the connecting channels between the ponds. ACOE would like to have the channels planted with shrub type plants to provide shading to avoid raising the temperature of the water before entering the stream; it was agreed that planting the channels is acceptable. DEP received an email from DEC on 6/2/10 requesting input on granting an extension on the construction completion date. DEP received an email from DEC on 6/10/10 regarding comments from Bureau of Habitat. DEP sent an email to DEC on 6/15/10 regarding the article 15 permit. DEP was copied on an email from DEC to the engineer on 6/16/10 confirming design and construction is on hold until stream permit issues are worked out between agencies. A meeting was held with the project engineer on 7/1/10 to discuss revisions to the design based on ACOE comments. The revision includes installing planting along the channels between the ponds. DEP does not have objection to the plantings. A meeting was held with DEC Bureau of Habitat at the site on 7/23/10 to discuss the article 15 permit. A follow up meeting will be scheduled by DEC to address the un-resolved issues. DEP received revised plans from the engineer on 10/5/10. DEP met with the contractor, Engineer, DEC and applicant on the site for a pre-construction meeting on 10/21/10. DEP received an email from the engineer on 10/25/10 regarding the pre-construction meeting. DEC issued a letter to the applicant on 10/27/10 stating that they satisfied paragraph 4 of the Order on Consent. The violation was resolved and the case was closed on 11/1/10 with DEP Closure letter dated 11/1/10. DEP has resolved the Enforcement Action on 11/1/10. DEP performed a site visit on 12/20/10; there were no deficiencies, there was no discharge and the site was vacant. DEP received an email from the engineer to DEC on 12/22/10 regarding the 12/20/10 site visit and the construction completion of ponds 1 thru 4. DEP received a copy of the permit from EPA on 12/23/10.

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

DEP performed a site visit on 1/7/10; the cover was partially off the drywell riser and the liquid level was about six inches from the top of the ground. DEP advised the manager to have the tank pumped and to advise the plow operator to be careful around the tanks. DEP issued a comment letter to the engineer on 5/14/10 regarding the NOV and the construction schedule. DEP called the owner at the dental office on 7/7/10 regarding the need to construct the replacement SSTS's on the property. A message was left on the answering machine requesting a return call. DEP received a return call on 7/13/10 from the owner, who said he thought the SSTS's needed to be installed by 2011. DEP read him the two most recent letters issued to him by DEP regarding need for construction; he agreed to follow up with some contractors and give DEP a schedule for this fall's work. DEP called the dental office to follow up on the construction schedule; a message was left on the answering machine requesting a call back. DEP received a return call on 8/19/10 from the owner; he said he has decided on a contractor and the contractor submitted information to the design engineer. DEP left a message with the engineer, inquiring about the project status. The engineer informed DEP that he has not had contact with the owner or the contractor. DEP then left another message for the owner advising him to take charge of the project and to advise DEP of the construction schedule and the contractor's name. DEP received a call on 8/25/10 from the contractor, who is scheduled to start work the last week in September. A pre-construction meeting is scheduled for 9/7/10. DEP met with the contractor and engineer on the site for a pre-construction meeting on 9/7/10; the work is scheduled to begin on 9/27/10. DEP received a call on 9/14/10 from the contractor; he is scheduled to start in 2 weeks and has not yet received the down payment for the work and will not start without it. DEP performed a site visit on 10/13/10; the contractor needs to speak to the owner about raising the plumbing under the office to allow the installation of the tank and the bed at the proper elevations. The waste pipe from the vacant house is now tied into the waste pipe for the office. DEP performed a site visit on 10/14/10; the office waste pipe has been raised and the septic tank has been installed. DEP performed a site visit on 10/19/10; the contractor did not plan to replace the existing soil with a 5 to 15 minute per inch soil. DEP and the engineer allowed the bed to be installed in the original soil after confirming a three (3) minute perc rate. DEP performed a site visit on 10/20/10; the contractor has excavated for the bed. DEP met with contractor and engineer on 10/20/10; the commercial bed was excavated, crushed stone was placed, and the 4" pipe network was installed. After checking the pipes for level, the contractor was given the OK to backfill everything except the D-box. DEP performed site visits on 10/21, 10/22 and 10/25/10. On 11/19/10, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP checked the site on 11/22/10 to see that the tree limb was still placed across the back of the parking lot to prevent cars from being driven over the new absorption field. DEP received partial As-Built plans/engineer's certification letter from the engineer on 12/3/10. DEP issued a letter of Partial Construction on 12/6/10. DEP received a call on 12/9/10 from the owner regarding the reminder letter issued by DEP recently; the owner is waiting for reimbursement from CWC for the office SSTS prior to starting the residential SSTS. DEP called the dental office on 12/20/10 regarding the residential SSTS. DEP issued a letter to the owner on 3/1/11 stating that the construction has not yet commenced.

Name: Boiceville Inn, (Log #2005-AS-0131)  
Location: Olive  
Basin: Ashokan  
Type of Use: Commercial



Discovery Date: 1/21/04  
Type of Violation: Failed SSTS; Existing restaurant and bar, sewage complaint  
Status: Closed

Overview and action:

DEP performed a site visit on 3/20/09; there was still a discharge at the bottom of the driveway. The owner's husband was there, and an appointment was made for 3/30/09 at 10:00 a.m. to determine the source of the discharge. DEP performed a dye test on 3/30/09; dye was introduced into all plumbing in the restaurant and the apartment with the exception of the apartment kitchen sink. DEP performed a site visit on 4/1/09; the discharge was still visible, but no dye was observed in the driveway or in the storm drain. DEP Police, field staff and engineering have been checking the site daily. The owner of the Inn had called DEP Community Planning to find out what he had to do to satisfy the NOV. Engineering informed Community Planning, and had also informed the owner on several occasions, that the floats must be reset and that the engineer and DEP must witness the corrected dose, and that a certification and As-Builts must be submitted by the engineer for the work; Community Planning was to relay the message to the owner. The violation was resolved and the case was closed on 11/16/10 with DEP Closure letter dated 12/07/10, following connection of this facility to the new Boiceville WWTP. DEP has resolved the Enforcement Action on 12/07/10.

Project Name: 14 Center Lane (2000-AS-1205)  
Town: Olive  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #362 - CWC-Boiceville NIP WWTP Service Area  
Discovery Date: 10/31/1997  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 10/31/97. A soil/site evaluation was performed on 11/18/98. A design approval was issued on 11/29/00. The site is located within the proposed Boiceville WWTP service area. DEP received an email from CWC on 10/28/10 stating that this project was connected to the Boiceville NIP WWTP collection system on 10/4/10. The violation was resolved and the case was closed on 11/5/10 with a DEP closure letter dated 11/5/10. DEP has resolved the Enforcement Action on 11/0/10.

Project Name: 27 Traver Hollow Road (1998-AS-0485)  
Town: Olive  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1768  
Discovery Date: 4/9/2003  
Status: Approved

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed. A design approval was issued on 12/28/04. DEP issued a NOV to the owner on 3/25/05. Site Visit type: Enforcement. Date: 11/24/10. Septic Failure: Not observed. Evidence of recent

failure was observed (blackish deposit on berm of system). Neighbor stated failure is ongoing and produces strong odor when pump kicks on. DEP called CWC on 12/1/10 and informed them that DEP recently witnessed what looked like a failure in the berm of the system, parallel to the property line, and that project may come up in further discussions. On 12/15/10, DEP issued a reminder letter to the owner and informed owner of recent evidence of failure observation of previous month. Owner requested to contact DEP to discuss resolution. DEP performed site visits on 12/17, 12/22, 12/28/10 and 1/5/11; septic failure not observed. DEP mailed the December 2010 Reminder Letter to the owner again and requested to be contacted upon its receipt. DEP performed a site visit on 1/20/11; the area that is being monitored was mostly snow covered. There is a trail of melted snow that appears that something is flowing and melting it, however, there was no discharge or odor at the time of this inspection. DEP performed site visits on 2/9, 2/15, 3/2 and 3/9/11; septic failure observed; migrating off property, surfacing of sewage on ground.

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

Overview and Action:

On 3/1/9/10 the engineer informed DEP that the owner showed the engineer a clog he had removed from a pipe in the basement, thinking that was a contributing cause to the failure. DEP performed a site visit on 3/19/10. There was a discharge into the upper ditch from the lawn, and through the stone wall into the lower driveway, migrating into the lower lawn. The site reeked of sewage. The site was occupied. DEP performed a site visit on 3/23/2010 and there was a continuing discharge as observed on 3/19/10. The site is occupied. The site was referred to legal to issue a summons. DEP received a copy of the invoice from the legal services that issued the summons to the applicant on 4/1/10. DEP received the owner's response to the summons from the County Court on 4/20/10. DEP performed a site visit on 11/22/10 for septic failure: Not observed. It appears that the downstairs apartment is now occupied. Sewage was not visible in the roadside ditch or on the lawn. DEP performed a site visit on 12/8/10 for septic failure: Observed. Failure Description: Migrating off property, surfacing of sewage on ground. DEP observed frozen liquid in the lower driveway, and grayish looking liquid that smelled like sewage discharging into the ditch below the driveway. DEP performed a site visit on 12/15/10; DEP observed sewage trickling into the upper ditch from the lawn area and frozen liquid across the lower driveway. DEP performed a site visit on 12/30/10; frozen liquid is still seen across the lower driveway, no sewage was seen in the upper or lower ditches. DEP performed a site visit on 1/04/11; septic failure was observed; migrating off property, surfacing of sewage on ground. DEP performed a site visit on 1/13/11; septic failure was observed. DEP met with the UCDH to observe the site. With heavy snow cover, nothing was visible in the upper or lower ditch. Frozen liquid was seen in the lower driveway. DEP performed a site visit on 11/19/11; septic failure not observed. DEP inspected the area where the failure was last observed. Plowed snow from yesterday's storm completely covered the area of concern. No observation could be made. DEP performed a site visit on 2/11/11; septic failure not observed. DEP checked the ditches and

driveway, but there was thick snow cover and no water or wastewater was observed. DEP performed a site visit on 2/24/11; septic failure observed. The lower driveway was wet from a recent discharge and there was no sign or odor of sewage in either of the ditches. DEP performed a site visit on 3/10/11; septic failure observed; surfacing of sewage on ground, direct discharge from building. DEP observed wastewater migrating across the lower driveway and into the lower yard. DEP performed a site visit on 3/16/11; septic failure observed. DEP observed wastewater flowing across the lower driveway and a steady stream of water flowing from the upper ditch where wastewater has been noted on previous occasions, but no odor was present. DEP performed a site visit on 3/23/11; septic failure observed. Wastewater was observed flowing across the lower driveway. The discharge in the upper ditch appeared to be groundwater. DEP performed a site visit on 3/23/11; septic failure observed. Wastewater was seen flowing across the lower driveway, but none was observed in the upper ditch.

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

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 6/4/04. A design approval was issued on 10/4/04. DEP performed a site visit on 3/21/11; septic failure not observed; the house vacant with no sign of failure.

Project Name: NYS Route 28 (2005-AS-0207)  
Town: Olive  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1667 - CWC  
Discovery Date: 8/13/2002  
Status: Approved

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. An NOV was issued to the Owner on 8/22/02. An NOV was issued to the Owner on 2/2/03. As of 6/18/07, the engineer is currently working on the septic design. DEP performed a site visit on 3/18/11; septic failure not observed. The house was vacant with no sign of failure.

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

DEP received a copy of the E&S control plan on 5/24/10. DEP issued an Approval Determination letter on 6/9/10. DEP received an email from the contractor on 7/13/10 regarding the construction schedule. DEP met with the contractor and applicant on the site for a pre-construction meeting on 7/28/10. The contractor was directed by DEP to stabilize the stream culvert outlet as it is likely to cause a contravention if not addressed. DEP performed site visits on 8/9 and 8/10/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received an email from the contractor on 8/12/10 with an update and photos on the E&S control plan. DEP issued a letter to the consultant on 8/13/10 in response to the 8/12/10 email. DEP performed a site visit on 8/17/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received an email from the engineer on 8/18/10 regarding the revised storm basins. DEP performed a site visit on 8/23/10; there were deficiencies; there was no discharge; the site was occupied. A site visit was conducted on 9/3/10; the site was near completion; there were no issues with the stormwater controls. DEP performed a site visit on 9/22/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/1, 11/3/10 and 1/13/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Name: 169 Cr 4 (2010-SC-0358)  
Town: Prattsville  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS  
Discovery Date:  
Status: No Application

Overview and Action:

Site Visit type: Follow up. Date: 10/14/10. Septic Failure: Not observed. Several other inspections also conducted throughout September and October with same observations. No evidence of recent pump outs. Grass not mowed near pump chamber, rest of property well maintained. DEP received a call from the owner on 10/27/10 asking for status of project. DEP informed him that he was supposed to call CWC to ask for funding for additional curtain drain or other measure to remove groundwater issue from around pump chamber. Owner agreed to call his contractor on this issue to get the process moving. DEP asked to be kept informed. DEP called the owner on 10/29/10 and left message requesting results of discussion with CWC regarding approval for subsurface drainage funds. DEP received a copy of engineer's and CWC's email about groundwater issue near pump tank on 12/21/10. Site Visit type: Follow up. Date: 1/6/11. Septic Failure: Not observed. A lot of surface runoff around the pump chamber riser. Alarm switch turned off. Not sure if the main power is on. Site Visit type: Follow up. Date: 2/15/11. Septic Failure: Not observed. No surface water at time of inspection. Also, no sign of pump outs. Site Visit type: Enforcement. Date: 3/9/11. Septic Failure: Not observed; groundwater around pump chamber riser, but no sign of illegal pump out.

Project Name: 37 Albert Slater Road (2006-SC-0779)  
Town: Prattsville  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS; previous owner Naomi Rosenberg

Discovery Date: 6/26/06  
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. Site Visit type: Enforcement. Date: 10/28/10. Septic Failure: Not observed. No change since last inspection.

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

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 6/3/99. A soil/site evaluation was performed on 4/19/00. A design approval was issued on 10/13/00. As of 10/13/00, the replacement system is being constructed. On 1/7/03, DEP received copy of letter from CWC stating that applicant is eligible for funding. DEP issued a letter to the applicant on 2/21/07 regarding resolving the SSTS failure. DEP received the water meter readings from the applicant on 6/20/07 for weeks 6 through 12. DEP received a letter from CWC on 10/29/07 requesting a quote for installing an 18" to 24" of loamy/topsoil in the area indicated by the stakeout. DEP received a letter from CWC to the applicant on 11/8/07 regarding CWC funding for the failed system. DEP issued a letter to the applicant on 12/14/07 regarding the need to lower the water usage in an attempt to lower the discharge amount. DEP received the water meter readings from June 10 to January 08 from the applicant on 2/19/08. DEP received a copy of the 12/18/08 letter from CWC to the applicant, on 4/2/09, regarding their commitment to the owner. DEP received a copy of the engineer's letter to the applicant on 4/30/10 regarding the pre-app. DEP called the engineer on 10/4/10 for status. Engineer said owner did not ask him to move forward yet. DEP stated that the project will be referred to legal if progress is not made within the next few days; the engineer asked to be called back in a few days, in the hopes that something is arranged by then. DEP then called the owner, who said he's left two messages for engineer. Owner said he will call engineer today and get back to DEP. DEP received an email from the engineer on 10/5/10, stating that soils are tentatively planned for 10/14/10 at 1pm. DEP inspector was notified by email. A soil/site evaluation was performed on 10/18/10. DEP received a call from the owner on 10/19/10; the owner is concerned about the engineer fees and having to lay out money for construction and be reimbursed by CWC. DEP asked when plans would be submitted, owner did not know, but stated that they may not be submitted until the engineer is paid. Owner does not plan on paying engineer anymore money. Owner was told that if plans are not submitted soon, a violation may be issued. DEP emailed engineer and asked when plans would be submitted. DEP received email from engineer on 10/21/10, stating that he is trying to set up meeting with CWC to discuss design and related expenses. Once this has been resolved, engineer will be moving forward with designing the system. DEP received an email from the engineer on 10/22/10, stating that he has spoken with CWC attorney and hopes to have success with funding for project costs in the next few weeks. Engineer is planning on sending his survey crew to the site within the week to get

the plan moving along. DEP received a letter from the engineer to CWC on 11/12/10 regarding additional costs not subject to the schedule of values. DEP received a call on 11/18/10 from owner who left message. DEP returned a call and left message. DEP returned owner's call from same day on 11/19/10. Owner stated that he received copy of letter from CWC to his engineer stating that they are only paying for \$2,200 of septic engineering fees. The owner has called Senator Schumer's office and has a meeting scheduled for next week, hopefully to gain support to influence CWC to cover all the costs necessary to redesign and construct the replacement SSTS. DEP called owner on 12/3/10 and left message to call back with status of project. Owner called back and is still planning on meeting with NYS Assemblyman's office after the holidays. DEP called owner and left message to call back with any updates on 1/14/11 with engineer or CWC.

Town: Roxbury  
Basin: Schoharie  
Project Name: Sullivan, Daniel (Grand Gorge Animal Hospital) (Log #2009-SC-0623)  
Project Description: Failing commercial SSTS - CWC  
Project Type: Intermediate Repair (CR)  
Status: Approved

DEP received a call on 3/10/10 from the owner; he has hired an engineer and a contractor and is scheduled to meet with them on site on 3/11/10; he is continuing to monitor water usage at 200 to 225 gallons per day. A soil/site evaluation was performed on 4/9/10 with the design engineer and the contractor. DEP received a request for a pre-application meeting from the applicant on 4/13/10. Another soil/site evaluation was performed on 4/14/10 with the design engineer; an area with soils that may allow a shallow trench absorption field was found about 75 feet below the area previously tested. DEP advised the engineer that if a shallow trench absorption field that meets all standards can be installed at the site, the peat filters will not be considered as an alternative to the field. DEP received an Application for a SSTS on 5/12/10 from the engineer. DEP issued a NOCA on 5/18/10. DEP issued a comment letter on 5/20/10 to the applicant. DEP called the veterinary office to request a copy of the water meter log; the engineer advised DEP that he asked for it weeks ago. DEP received a copy of the water meter readings from the applicant on 8/9/10. DEP called the engineer and advised him to proceed to design as the water log has been received. DEP received an email from the engineer's sister; the engineer is hospitalized and will not be available in the near future. On 11/18/10, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a call on 11/29/10 from the owner in response to the DEP reminder letter of 11/18/10. The owner will contact the engineer to request the plans be submitted. DEP received revised plans from the engineer on 12/10/10 along with water meter readings. DEP issued a NOCA on 12/14/10. DEP issued a comment letter on 12/17/10 to the applicant with comments to the plans. DEP received a letter and revised plans from the engineer on 1/05/11 to DEP's letter of 12/17/10. DEP issued an Approval Determination letter on 1/20/11. DEP issued a letter to the owner on 3/24/11 stating that construction has not yet commenced and that a pre-construction meeting should be scheduled. DEP received a call on 3/28/11 from the owner in response to the letter DEP issued on 3/24/11; the interior plumbing will be rerouted and all parties are on board waiting for good construction weather.

Project Name: NYS Route 23 (2005-SC-0290)  
Town: Roxbury  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #410; Managed Repair Area, CWC, Grand Gorge Sewer Extension Area  
Discovery Date: 11/24/1997  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/24/97. A soil/site evaluation was performed on 5/11/98. This site is in a proposed infrastructure extension area and is discharging to a watercourse. The violation was resolved and the case was closed on 1/14/11 with a DEP closure letter dated 1/14/11. DEP has resolved the Enforcement Action on 1/14/11.

Project Name: NYS Route 23 (2005-SC-0311)  
Town: Roxbury  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #415 - Discharge to ditch-Grand Gorge Sewer Extension Area  
Discovery Date: 11/18/1997  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/18/97. This site is in a proposed infrastructure extension area and is discharging to a drainage ditch. The violation was resolved and the case was closed on 12/16/10 with a DEP closure letter dated 1/18/11. DEP has resolved the Enforcement Action on 1/18/11.

Project Name: Route 23 (1998-SC-0438)  
Town: Roxbury  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #492 - CWC  
Discovery Date: 3/12/1998  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 3/13/98. This site is in a proposed infrastructure extension area and the surface discharge is being managed on-site until it can be serviced by the new facilities. 5/30/01: Surface discharge has been temporarily abated. The violation was resolved and the case was closed on 9/28/10 with a DEP closure letter dated 10/4/10. DEP has resolved the Enforcement Action on 9/28/10 after receiving news from Grand Gorge WWTP Chief Operator that property has been connected to Roxbury Sewer Extensions.

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

Overview and Action:

The violation was resolved and the case was closed on 10/23/08 with DEP Closure letter dated 10/23/08. On 2/03/10, DEP received a request for a FOIL application form from the engineer. The engineer said that the facility may need to upgrade the SSTS. A meeting was held with the engineer for the applicant on 9/02/10; the site was issued a building permit for a new 5400 square foot building. A new tank and connection to the existing absorption field is planned. DEP gave the engineer a pre-app form and advised that plans must be submitted to DEP and most likely DOH for approval and that as the absorption field is a replacement for a failed field and does not meet current standards, it will not be approved to accept additional flow over the design capacity. DEP sent and received emails to and from the engineer on 9/22/10 regarding plans. DEP received a request for a pre-application meeting from the engineer/applicant on 11/04/10. DEP called the engineer on 11/08/10 to discuss the plans. DEP suggested a site visit to confirm the existing use of the main building which the engineer believes will be shifted to the new building without additional flows. DEP received information from the Town of Shandaken on 11/09/10 regarding CO's. DEP received an Application for an SSTS on 11/18/10 from the engineer. DEP issued a NOICA to the engineer on 11/19/10 requesting additional information. DEP issued a letter to the applicant on 11/22/10 regarding additional information and revisions to the plans. DEP met with the site managers, their engineer, and DOH on 11/22/10. DEP and DOH discussed the possible change in use of the Monastery with the addition of Dragon Hall. DEP spoke with the site manger; the septic tank and water meter inspection will be conducted on 12/8/10 with the design engineer and DEP. After that, another tank inspection and a TV of the dosing line will be scheduled. DEP met with the design engineer and two (2) site managers to observe the septic tanks on 12/8/10. DEP sent an email to the engineer on 12/14/10 regarding the pipe inspection. DEP met with the site managers, their engineer and plumber on 12/16/10 to inspect the line that carries the dose from the siphon chamber to the absorption fields across the street. DEP received a copy of the EPA Form 7520--a6 (Inventory of Injection Wells) from the engineer to EPA on 1/05/11. DEP received an email from the engineer on 1/11/11 regarding the status of the plans. DEP received an email from the engineer to the Planning Board on 1/19/11 requesting that they send two (2) copies of the documents to DEP for SEQRA review. DEP received an email from the engineer on 1/20/11 with the results of the Planning Board Meeting. DEP received an email from the engineer on 1/25/11 regarding the use and flows for the Jizo House. DEP received several emails from the design engineer and the planning board, including the requested SEQR long form and some drawings. DEP received revised plans from the engineer on 1/27/11. DEP received an email from the engineer on 1/28/11 attaching the authorization from EPA for the continued operation of the three (3) systems located on the property. DEP received a copy of the SPDES form application from the engineer on 2/3/11. DEP issued a NOCA on 2/09/11. DEP issued a comment letter on 2/11/11 to the applicant. DEP received a preliminary response to the comment letter via email on 2/14/11. DEP called the design engineer on 2/15/11 regarding the plans. He will resubmit after a joint site visit to



determine the buried stream elevation. DEP corresponded by email with the design engineer concerning DEP's most recent comment letter. DEP spoke to UCHD about the Jizo House SSTS, which consists of a drywell. UCHD will require the SSTS to be upgraded as it is servicing a house with 12 occupants. DEP sent and received an email to and from the Shandaken Building Inspector concerning the use of the building on 2/22/11. DEP received an email from the engineer on 3/4/11 along with a letter from the Monastery that gives information on the Abbey, the Bath House and the Jizo House. DEP received an update of the project via email from the design engineer on 3/10/11. DEP received an email from the design engineer on 3/10/11 with an update of the SEQRA project progress with the town and a letter from the Abbott describing the past and present use of the Jizo House. DEP sent an email to the engineer and the applicant advising them that no flows from the Jizo House can be directed to the existing SSTS. DEP received a letter from the Monastery on 3/25/11 requesting a meeting be set up with their general counsel to discuss the project.

Name: Sweet Sue's Restaurant WWTS (Log#1998-AS-0256)  
Location: Shandaken  
Basin: Ashokan  
Type of Use: Commercial  
Discovery Date: 4/3/98  
Type of Violation: Replacement of failed SSTS  
Status: NEW

Overview and Action:

DEP performed a site visit on 1/17/08 with UCHD. DEP and UCHD staff met with the owner to discuss the expansion of the facility and looked at the property where the leach field is. DEP received a call on 1/18/08 from UCHD. The food service permit is for 34 seats and dates back to 2003, maybe longer. Approximately 1.5 years ago there was a sewer backup noted during an inspection. The system cannot handle any additional flow. UCHD indicated that the expansion was to start serving dinners. UCHD has always limited the seating to 34. DEP received Inspection report & comments from DOH on 1/31/08. DEP called the Town Building Inspector on 3/6/08 regarding the expansion. Nearly all of the building permit issues are resolved. The only thing outstanding is some inspection paperwork. The building inspector advised DEP that when the building permit was issued, the applicant was advised that DEP and UCHD approvals for the septic would be necessary prior to utilizing the expanded dining area. DEP received a call on 4/4/08 from UCHD regarding the SSTS. A hearing was held on 4/2/08. The owner signed a stipulation limiting the seating capacity to 34 seats and requiring an engineer to evaluate the SSTS and submit a report. DEP performed a site visit on 3/23/10 in response to a complaint of a liquid discharge from the site; a 2 inch pipe was observed discharging clear water from the basement, most likely from a sump pump, into the street. A 90 degree elbow in the pipe directed the water along the curb and down Main Street into the storm basin at the intersection by the Cumberland Farms store. The back yard, where the SSTS is located, smelled strongly of sewage, as did the entire site. CWC board of directors approved entering into an agreement with the town of Shandaken for advancing the NIP project. DEP issued a letter on 7/9/10 with milestones and time frames. The first milestone requires the Town to execute the contract by 10/12/10. DEC issued a NOV to the owner on 8/2/10 for discharging without an approved SPDES Permit. DEC initiated an Enforcement Action on 8/2/10. DEP received the water meter readings from UCHD on 8/5/10. DEP received a call on 3/15/11 from the engineer regarding the

shutdown of the restaurant by UCHD. The engineer will work on a replacement SSTS design for review. DEP received a letter from the engineer on 3/23/11 regarding plans for the SSTS.

Project Name: South Street (2005-AS-0217)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1894-Managed Repair (Seepage Pit) Phoenicia NIP  
Discovery Date: 10/8/04  
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. DEP left owner phone message on 10/7/11 regarding status of system.

Town: Shandaken  
Basin: Ashokan  
Project Name: Shandaken Highway Garage (Log #2007-AS-0935)  
Project Description: Failed SPPP  
Project Type: Stormwater (SP)  
Status:

DEP received an email from the engineer on 3/15/10 regarding anticipated schedule for SWPPP submission. DEP received an Application for a SWPPP on 4/6/10 from the engineer with report, plans and NOI. DEP called the engineer on 5/19/10 regarding allowing infiltration at the site. A comment letter was issued on 5/21/10 to the engineer, applicant and CWC. DEP sent an email to the engineer on 6/28/10 regarding infiltration issues. DEP issued a letter to the town Supervisor on 7/8/10 regarding the NOV and the need to address both the SPPP and the SWPPP in the permanent plans. DEP issued a letter to the Town Supervisor on 11/12/10 regarding the outstanding SSTS and SPPP for the Town Hall and the Maintenance Garage. DEP sent an email to the Town Supervisor on 12/10/10 requesting the status of the SSTS for the town hall and the SWPPP for the highway garage. DEP sent an email to the engineer on 12/29/10 requesting the status of the SWPPP. DEP's Chief of Watershed Lands & Community Planning called the Town Supervisor on 1/04/11 regarding the outstanding issues with the SWPPP & SSTS. DEP sent an email to the engineer on 1/25/11 requesting the status of the SWPPP. DEP received an email from the engineer on 1/26/11.

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

DEP received notice that construction will begin on 4/01/10. DEP performed a site visit on 4/1/10 with the town supervisor, highway supervisor and design engineer. DEP performed a site visit on 4/7/10; the holding tank was supposed to be set but is postponed until 4/14/10. Site Visit type: Construction. Date: 4/15/10. Septic Failure: Not observed. DEP performed a site visit on

4/12, 4/13, 4/14 and 4/15/10; the holding tank and building sewer are in and approved. Site Visit type: Construction. Date: 5/5/10. Septic Failure: Not observed. The risers have been installed on tank. A meeting was held with the project applicant on 5/12/10. Site Visit type: Follow up. Date: 5/12/10. The holding tank reached 1500 gallons and was pumped on 5/11/10. A water meter will be installed. The stormwater plan will affect the SSTS plan. DEP issued a letter to the town Supervisor engineer on 7/8/10 regarding the NOV and the need to address both the SPPP and the SWPPP in the permanent plans. DEP received the water meter readings from the engineer on 7/29/10. A meeting was held with the project applicant on 8/3/10. DEP discussed the placement of the stormwater treatment and wastewater treatment systems with the supervisor; he agreed to install a water meter on the bathroom of the highway garage to track usage and determine if both waste flows can be combined in one new SSTS. A soil/site evaluation was performed on 8/25/10 with the engineer; the soils are acceptable for either a cut and fill or a deep absorption trench field. Percolation tests stabilized at about 5 minutes per inch at 50 inches deep, in the parking area near the kennels and recycling station. DEP received the water meter readings from the Supervisor on 9/8/10. DEP issued a letter to the Town Supervisor on 11/12/10 regarding the outstanding SSTS and the SPPP for the Town Hall and the Maintenance Garage. DEP sent an email to the Town Supervisor on 12/10/10 requesting the status of the SSTS for the town hall and the SWPPP for the highway garage. DEP's Chief of Watershed Lands & Community Planning called the Town Supervisor on 1/04/11 regarding the outstanding issues with the SWPPP & SSTS. DEP received the water meter readings from the Supervisor on 1/26/11. DEP received the pump out receipts on 1/27/11. DEP sent another email to the highway superintendent requesting information on the water meter readings on 2/10/11. DEP corresponded by email with the design engineer concerning the lack of water usage data for the highway garage and the need for an SSTS design. DEP received an Application for a SSTS on 3/18/11 from the engineer with a copy of the water meter readings. DEP received a call from the Town Supervisor on 3/22/11 to advise DEP that the breakers had tripped in the alarm box and the tank was pumped as soon as the electrical problem was noticed. DEP received a call on 3/30/11 from the engineer who said that the water meter for the highway garage was installed and read once; between 2/23 and 3/29/11, 780 gallons of water was used. DEP received a call on 3/30/11 from the design engineer; he met with the Town Supervisor and the Highway Superintendent and was asked to let DEP know that the Town has decided not to connect the highway garage to the Town hall SSTS.

Project Name: 223 Plank Road (2009-AS-0306)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS-Managed Repair-Phoenicia  
Discovery Date:  
Status: No Application  
Overview and Action:  
DEP performed a site visit on 10/5/10 and 2/3/11; septic failure not observed.

Name: Garfield Road (Log #2004-AS-0499)I.D. #: 1826  
Location: Shandaken  
Basin: Ashokan

Type of Use: Residence  
Discovery Date: 3/15/04  
Type of Violation: Failed septic system  
Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 6/16/04. A design approval was issued on 7/1/04. DEP received an Application for a conventional individual SSTS on 9/7/10. Construction commenced on 9/15/10. DEP received As-Built plans, along with engineer's certification letter from the engineer on 10/2/10. DEP issued a letter of Construction Compliance letter on 10/12/10. The violation was resolved and the case was closed on 10/15/10 with a DEP closure letter dated 10/15/10. DEP has resolved the Enforcement Action on 10/27/10.

Project Name: 7371 Route 28 (Log#2007-AS-1061)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: Residence  
Type of Violation: Failed SSTS  
Discovery Date: 9/19/07  
Status: Closed

Overview and Action:

DEP issued a letter to CWC on 8/1/08 confirming the DEP has observed the septic tank installation. DEP resolved the Enforcement Action on 10/4/10 after Inspector confirmed this was a tank only project.

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

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. This site is in a proposed new infrastructure area. DEP sent CWC an email 12/16/10 inquiring about what managed repair activities have been done and when. Site Visit type: Follow up. Date: 12/29/10. Septic Failure: Not observed. DEP visited the site and gained permission from the store clerk to look at the property. No sewage or evidence of a recent sewage failure was noted. DEP called the liquor store on 12/29/10 to follow up on the SSTS. A message was left with the clerk to have the owner return the call to DEP. DEP received two (2) return calls from the property owner on 12/29/10 and 1/3/11. DEP left a message on owner's cell phone on 1/3/11 regarding the lack of action on the NOV issued in 2004. DEP spoke with the owner; he said that he had a CWC funded repair done in 2004, consisting of pumping then excavating the existing cesspool of accumulated silt and the installation of a new

metal cover. DEP called CWC on 1/20/11 regarding the site. CWC informed DEP that three (3) pump outs were funded and that CWC was not aware of any work done to the SSTS. DEP called the owner on 1/21/11 regarding the repair work the owner claimed the DEP approved and the CWC funded. DEP received a return call on 1/26/11 from the owner; he said he has no receipts or approvals regarding the work to the SSTS that he claims was approved by DEP and funded by CWC.

Project Name: 38 Eagle Mountain Road (Log#2008-AS-2279)  
Town: Shandaken  
Basin: Ashokan  
Type of Use: Residence  
Type of Violation: Failed SSTS -  
Discovery Date:  
Status: Approved

Overview and Action:

A soil/site evaluation was performed on 10/21/08. DEP issued an Approval Determination letter on 11/10/08. DEP issued a letter to the owner on 10/13/10 stating that construction has not yet commenced. DEP received a phone message from owner on 10/18/10 advising DEP that construction cannot begin until Ulster County DPW completes the necessary repairs to the bridge. DEP received a call on 11/3/10 from the Town of Shandaken Highway Superintendent regarding repairs to Eagle Mountain Road Bridge. UC DPW prepared the design drawings. DEP called the Town of Shandaken Highway Superintendent on 11/16/10 for a status update. Structural beams have still not been delivered to the site. Site is prepped and ready for construction as soon as beams arrive. DEP called the Town of Shandaken Highway Superintendent on 12/7/10 regarding the status of the Eagle Mountain Road bridge repair. The structural beams were delivered to the site today. Crane will be ordered and deck and guide rails will be removed hopefully by Friday 12/10/10. Bridge repairs expected to be completed within two (2) weeks (before Christmas). The bridge work has been completed. Site Visit type: Follow up. Date: 03/02/11. Septic Failure: Not observed.

Town: Tannersville (V)  
Basin: Schoharie  
Project Name: Nihill, Edward (Log #2006-SC-0740)  
Project Description: Failed SSTS  
Project Type: Intermediate Repair (CR)  
Status: Approved  
DEP received the proposed design from the engineer on 9/30/08.

Project Type: City Sewer Connection (CCS)  
Status:

DEP received a letter and revised plans from the engineer on 3/16/09 in response to DEP's letter of 1/16/09. DEP issued a NOCA on 3/20/09. DEP received revised plans for the sewer lateral from the engineer on 3/23/09. DEP issued an Approval Determination letter on 3/27/09. DEP reminded the owner that the lateral needs to be installed this month; he is willing but is having some issues with obtaining a DOT permit. DEP received the DOT requirements from DOT on 6/30/09. DEP performed a site visit on 8/17/09 with the design engineer and DOT. The owner

called to request permission to install the lateral even though there is no approval from DOT. DEP emailed the DOT representative to ask if the owner submitted plans to work in the ROW. DEP advised DOT that there is no existing lateral for the applicant to connect to; an unused lateral exists on the property to the east that the applicant sold years ago. DOT said that an application package was submitted to them months ago, but lacked traffic control and agreements with the neighboring properties for construction. DEP called the property owner on 12/21/09; the owner is to supply proof that a lateral exists on his property. DEP reminded the owner that the unit cannot be occupied without a holding tank and DEP notification. DEP issued a response letter to the engineer on 10/1/10 regarding the temporary repair. DEP issued a letter to the applicant on 12/7/10 regarding the NOV and stated that the plans to connect to the WWTP cannot be approved until the necessary permits to work in the DOT ROW are secured. DEP received a call back from the property owner regarding DEP's letter. The owner said he is waiting on the engineer.

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

DEP received an Application for a SWPPP on 2/8/10 with NOI, short form EAF and E&SCP from the engineer. DEP received a call on 2/16/10 from the engineer regarding additional erosion control (seed and mulch) installed at the site on 2/11/10. DEP received an updated NOI and revised plans from the engineer on 2/24/10. DEP issued a NOICA to the engineer on 3/3/10 requesting additional information. DEP received a call on 3/10/10 from the property owner regarding the NOICA. DEP received a message on 3/11/10 from the engineer regarding the status of the review; a copy of the NOICA letter was emailed to the engineer on 3/12/10. DEP performed a site visit on 3/16/10; there was not a discharge; the site was stable; the site was vacant. DEP sent an email to DEC on 3/17/10 to keep DEC informed to the status of the project. DEP performed a site visit on 3/23/10; there was not a discharge; the site was stable; the site was vacant. A meeting was held with the project engineer on 3/29/10 at the DEP office to discuss changes and additions to the E&SCP and SWPPP. DEP performed a site visit on 3/30/10; there was not a discharge; the site was stable; the site was vacant. DEP received revised plans from the engineer on 3/31/10. DEP issued a letter to the applicant on 4/21/10 accepting the E&SC plan in response to DEP's NOV and DEC's Order on Consent. DEP met with the contractor and applicant on the site for a pre-construction meeting on 4/26/10. DEP performed a site visit on 5/11/10; the site was stable; there was no discharge; the site was vacant. A soil evaluation was performed on 5/27/10. DEP performed a site visit on 6/3/10; the site was stable; there was no discharge; the site was occupied. A soil evaluation was performed on 6/7/10 with the engineer. A meeting was held with the project engineer on 6/15/10. DEP received the signed DEC Consent Order from DEC on 6/23/10. DEP received a call on 6/24/10 from the engineer regarding contractor installing the sediment trap. DEP performed a site visit on 7/1/10; there were no deficiencies; there was no discharge; the site was vacant. DEP sent an email to the engineer on 7/2/10 requesting an update on the SPPP design submission, construction schedule and contractor's certification letter. DEP performed a site visit on 7/12/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received a response to the

NOICA from the engineer on 7/14/10. DEP received a call on 7/16/10 from the engineer regarding site inspections and the response to the NOICA received on 7/14/10. DEP received a call on 7/22/10 from the engineer regarding a site inspection of the property and that the erosion controls are in good condition. DEP performed site visits on 8/4 and 8/11/10; there were no deficiencies; there was no discharge; the site was occupied. DEP issued a comment letter to the engineer on 8/12/10 regarding the NOV. DEP performed a site visit on 8/20/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received a letter from the engineer on 8/23/10 regarding his erosion and sediment control report after the 8/22/10 rain event. A meeting was held with the project engineer on 8/30/10. DEP performed a site visit on 9/07/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received revised report and plans from the engineer on 9/8/10. DEP received the certification by contractor from the engineer on 9/20/10. DEP received the erosion and sediment control reports for the period 8/24 to 9/18/10 from the engineer on 9/20/10. DEP issued a letter of comment to the engineer on 9/21/10. DEP received the erosion and sediment control report from the engineer on 9/26/10. DEP received the erosion and sediment control report from the engineer on 10/3/10. A meeting was held with the project engineer on 10/05/10 to discuss the comment letter dated 9/21/10. DEP performed a site visit on 10/15/10; there were no deficiencies, there was no discharge and the site was vacant. DEP received the October 2010 erosion & sediment control reports from the engineer on 10/25/10. DEP received a call on 11/08/10 from the engineer informing DEP that he is turning the project over to another engineer. DEP performed a site visit on 11/17/10; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an email to DEC on 12/06/10 requesting a copy of the November letter sent to the owner. DEP performed a site visit on 12/10/10; there were no deficiencies, there was no discharge and the site was vacant. DEP received a letter from DEC to the applicant on 1/3/11 regarding the need to hire another engineer to submit an approvable SWPPP. DEP performed a site visit on 1/20/11; there were no deficiencies, there was no discharge and the site was vacant. DEP received call on 1/28/11 from the engineer regarding delivering the SWPPP to DEP on 1/31/11. DEP sent a comment letter on 2/11/11 to the engineer. DEP performed a site visit on 2/17/11; there were no deficiencies, there was no discharge and the site was vacant. DEP received an email from the engineer on 3/07/11 requesting additional time to redesign the SWPPP to relocate the proposed stormwater pond as per the owner's request. By relocating proposed pond additional topography will be required. DEP called the engineer on 3/16/11 regarding time frame for resubmission of the SWPPP. The engineer is expecting to send the SWPPP in for review by the first week in April.

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

DEP received a copy of the denial from the Court to the applicant to intervene as an individual and his request for judicial subpoenas on 1/14/10. DEP received an email from the DEP Police on 2/10/10; no activity is being conducted on the site. DEP received an email from the DEP police on 3/22/10; no activity on the site. DEP received an email from the DEP Police on 4/28/10; no activity on the site. DEP received a copy of the Supreme Court Appellate Division

Ruling from DEP legal on 7/26/10. DEP performed a site visit on 8/24/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received a copy of the court ordered settlement from DEP Law on 9/16/10. DEP performed a site visit on 3/16/11; there were no deficiencies, there was no discharge and the site was vacant.

Project Type: SEQRA (SQ)

Status:

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

Project Name: 120 & 124 Mitchell Hollow Road (Log#2007-SC-0303)

Town: Windham

Basin: Schoharie

Type of Use: Residence

Type of Violation: Failed SSTS;

Discovery Date:

Status: No Application

Overview and Action:

DEP received a copy of the letter from the Town of Windham to the applicant on 6/23/09 regarding the cost and maintenance of connecting the 9 EDU's requested. DEP received a copy of the pump out receipts from 4/07 to present from the applicant's attorney on 9/16/09. DEP received copies of the pump out receipts from the applicant's representative on 8/4/10. DEP received a copy of the stipulation order from NYC Law on 8/24/10. DEP received a copy of the Ordered Stipulation on 9/13/10. DEP received the pump out receipts on 9/14/10. DEP received the pump out receipt and a copy of the invoice from the applicant's representative on 9/30/10; also received the receipt for the purchase of the nine (9) toilets; six (6) have been installed. DEP received the pump out receipt on 10/20, 11/2, 11/16 and 11/30/10. Site Visit type: Follow up. Date: 12/8/10. Septic Failure: Not observed. DEP observed the site from the road. There was no discharge in the driveway or in the yard. DEP received the pump out receipts on 12/15, 12/29/10 and 1/25/11. DEP received a copy of the pump out receipts and the low volume fixtures on 2/4/11. Site Visit type: Enforcement. Date: 2/16/11. Septic Failure: Not observed. DEP did a scheduled inspection to verify that low flow fixtures have been installed per stipulation agreement and is satisfied that these terms of the stipulation are met. DEP received the pump out receipts on 2/24/11.

Project Name: Old Road (2001-SC-0035)

Town: Windham

Basin: Schoharie

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS #1505

Discovery Date: 8/30/00

Status: Closed

Overview and Action:



DEP personnel discovered the violation while on routine patrol. A dye test was performed on 8/30/00. A soil/site evaluation was performed on 10/3/00. A design approval was issued on 1/26/01. The dwelling being vacant temporarily abates the violation. 3/01: Replacement SSTS is being constructed. 11/01: The discharge has been abated by utilizing the newly constructed system. The administrative closeout of the violation is pending. The violation was resolved and the case was closed internally on 10/5/10 for 9/12/00. DEP has resolved the Enforcement Action on 10/5/10.

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

Overview and Action:

A soil/site evaluation was performed on 7/10/08. DEP issued an Approval Determination letter on 10/17/08. DEP received notice on 7/30/10 that construction will begin on 7/30/10. DEP completed construction inspections on 11/4/10. DEP received As-Built plans/engineer's certification letter from the engineer on 11/0/10. DEP issued a letter of Construction Compliance on 11/10/10. DEP has resolved the Enforcement Action on 12/13/10.

Project Name: Homestead Lane (2009-SC-0292)  
Town: Windham  
Basin: Schoharie  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS  
Discovery Date:  
Status: No Application

Overview and Action:

Site Visit type: Enforcement. Date: 1/11/11. Septic Failure: Not observed. House does not appear to be in use. Walk way not shoveled, snow not plowed from driveway. Site Visit type: Enforcement. Date: 3/1/11. Septic Failure: Not observed.

Project Name: 444 Yerry Hill Road (2000-AS-0777)  
Town: Woodstock  
Basin: Ashokan  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1853 - CWC  
Discovery Date: 6/15/04  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. DEP has resolved the Enforcement Action on 1/19/11.

Project Name: 72 Ostrander Road (Log #2008-AS-1089)  
Town: Woodstock  
Basin: Ashokan  
Type of Use: Residence  
Type of Violation: Failed SSTS- Surfacing - CWC  
Discovery Date:  
Status: Closed

Overview and Action:

A soils investigation was conducted on 10/15/08. Perc tests were performed on 11/5/08; soil perc in excess of 60min/in. DEP issued an Approval Determination letter on 12/7/09. DEP received notice on 08/23/10 that construction will begin on 9/2/10. DEP issued a letter of Construction Compliance on 10/5/10. The violation was resolved and the case was closed on 12/17/10 with a DEP closure letter dated 12/17/10. DEP has resolved the Enforcement Action on 12/17/10.

Project Name: 62 Ostrander Road (Log #2008-AS-2333)  
Town: Woodstock  
Basin: Ashokan  
Type of Use: Residence  
Type of Violation: Failed SSTS  
Discovery Date:  
Status: Closed

Overview and Action:

DEP issued a letter to CWC on 12/3/08 confirming the DEP has observed the septic tank installation. DEP sent email to CWC on 1/25/11 to find out if Septic Remediation project was legitimate or should be closed out due to erroneous creation or confusion with Septic Tank Replacement project. DEP received email from CWC on 1/25/11 stating their records indicate site only needed a septic tank replacement.

### 3.2.2. Delaware District

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

DEP received an Application for a SPPP on 10/16/08 from the engineer, with NOI. DEP issued a letter to the engineer on 1/7/09 requesting additional information prior to DEP issuing an Approval. DEP received the supplement SWPPP from the engineer on 5/20/09. DEP issued a letter to the engineer on 9/8/09 regarding the SWPPP. DEP sent an email to the engineer on 10/21/09 with a list of items discussed at the 10/14/09 meeting for the SWPPP submission. DEP issued a NOCA on 11/9/09. DEP called engineer on 11/17/09 to schedule a meeting and inspection of the proposed stormwater treatment areas on project site. A meeting was held with the project applicant and engineer on 12/10/09. DEP issued a letter extending the review period

by 15 days from receipt of requested information on 12/23/09. DEP received a voice message from the town Supervisor requesting the status; DEP sent an email on 12/23/09 requesting approval for extension to review revised plans. DEP received the signed extension letter from the applicant on 1/11/10. DEP issued a letter to the applicant on 3/3/10 with several deficiencies found in critical areas. A meeting was held with the project engineer and Town of Andes representative on 4/20/10. DEP issued a letter to the engineer on 4/29/10 regarding items discussed at the 4/20/10 meeting and reiterated deficiencies discussed in the 3/3/10 letter to the SWPPP. DEP issued a letter to the applicant on 9/2/10 regarding ongoing road construction. DEP spoke with the applicant on 9/7/10 regarding the access road and assured DEP that it was just an improvement of an access road and not a new project. DEP initiated an Enforcement Action on 1/25/11. DEP issued a NOV to the owner on 1/25/11. DEP received a call on 2/3/11 from the homeowner acknowledging receipt of the NOV.

Name: NYS Route 28 (Log #2002-PE-0168) I.D. #: 1306  
 Location: Andes  
 Basin: Pepacton  
 Type of Use: Residence  
 Discovery Date: 12/19/98  
 Type of Violation: Failed septic system  
 Status: Ongoing  
 Overview and action: Approved

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 12/19/98. A soil/site evaluation was performed on 5/10/01. A design approval was issued on 3/15/02. An NOV was issued to the Owner on 7/18/02. DEP received a letter from the applicant on 10/12/07 requesting an extension of time for re-design for the land use. DEP Legal issued a letter to the applicant on 1/14/09 requesting that the letter be signed, notarized and returned to DEP within 30 days. DEP received a request for a pre-application meeting from the engineer/applicant on 6/2/10. A soil/site evaluation with deeps and perc's was performed on 6/21/10 with the owner and engineer, for a replacement SSTS for the motel units which are being converted into a three (3) bedroom house; currently a surcharged cesspool services the units; the vacant restaurant has a separate SSTS. DEP received an email from the engineer on 10/14/10 stating that he is still working on the plans. On 11/18/10, DEP issued a reminder letter to the applicant owner due to the lack of activity. DEP received an email from the owner to the engineer responding to DEP's reminder letter of 11/18/10 on 12/2/10. DEP received an Application for a SSTS on 12/22/10 from the engineer. DEP issued a NOCA on 1/04/11. DEP issued a comment letter on 1/4/11 to the applicant requesting revisions to the plans. DEP received revised plans from the engineer on 1/18/11 to DEP's letter of 1/4/11. DEP issued an Approval Determination letter on 1/26/11.

Town: Delhi (V)  
 Basin: Cannonsville  
 Project Name: Henness, Emory (Log #2008-CN-0467)  
 Project Description: Failed SSTS, 2 bedroom trailer  
 Project Type: Intermediate Repair (CR)  
 Status: Closed  
 Project Type: Intermediate Repair (CR2)

Status:

Project Type: Intermediate Repair (CR3)

Status:

DEP met with the engineer's representative on 5/11/10 to witness percolation tests in the front yard. The area available for the SSTS is problematic, the soils are compacted and there are watercourse setbacks that will be impossible to meet. DEP received the soils results from the engineer on 6/4/10. DEP received an Application for a SSTS on 7/7/10 from the engineer with plans. DEP performed a site inspection to look at the soils. The area and the depth of existing soils are acceptable for the shallow trench design submitted. DEP issued a NOICA to the engineer on 7/21/10 requesting additional information. DEP issued a letter to the applicant on 7/21/10 regarding comments on the submission of revised plans. DEP received a copy of the water line route from the applicant on 7/21/10; it was then forwarded to the engineer. DEP received a response to the NOICA from the engineer on 8/12/10. DEP received revised plans from the engineer on 9/1/10. DEP issued a NOCA on 9/8/10. DEP issued an Approval Determination letter on 9/9/10. DEP received notice on 10/22/10 that construction will begin. DEP met with the contractor and the consultant on 10/22/10 to discuss the installation. DEP requested that the two (2) SSTSs for the trailers in violation be decommissioned while the contractor is on site. DEP performed a site visit on 10/28/10; the contractor has the d-box and two (2) lines in. He imported the proper amount of fill and the trenches are installed at the proper depth. DEP performed a site visit on 11/3/10; the contractor had set both the septic tank and the pump chamber. The tanks were backfilled but not covered. DEP received As-Built plans and the engineer's certification letter from the engineer on 11/08/10. The violation was resolved and the case was closed on 11/19/10 with DEP Closure letter dated 11/19/10. DEP has resolved the Enforcement Action on 11/19/10. DEP issued a letter of Construction Compliance letter on 11/19/10.

Project Name: 47293 NYS Route 28 (Log #2004-PE-0178)

Town: Fleischmanns (V)

Basin: Pepacton

Type of Use: Commercial

Type of Violation: Failed SPPP

Discovery Date:

Status: Approved

Overview and Action:

DEP received notice that construction will begin on 4/13/10. DEP performed a site visit on 4/13/10; there was not a discharge; the site was stable; the site was occupied. A meeting was held with the project applicant on 4/19/10. DEP called the engineer on 4/27/10 regarding groundwater at the site. The area of the wet pond has approximately 3 inches of groundwater ponding in it. However, the wet pond is being created with 12" of clay. As such, there will be no direct contact with the groundwater at this location. As designed, and approved, the infiltration chambers will likely be in a couple of inches of groundwater during the early spring. The engineer is going to evaluate the possibility of making the infiltration chambers larger in square feet and thus shallower depth to get them out of the groundwater. DEP performed site visits on 4/29 and 5/5/10; the site was stable; there was no discharge; the site was vacant. DEP received an email from engineer's inspector on 6/3/10; as per conversation with stormwater supervisor, they will be replacing the clay liner with a 30 mil liner. DEP received a call on

6/21/10 from the engineer. The engineer indicated the concrete outlet structure recently poured was set 6-inches too high. DEP sent an email to the engineer on 6/24/10 requesting a letter addressing the change in elevation and a hydraulic review of the design modifications. DEP performed site visits on 6/28 and 7/7/10; there were no deficiencies; there was no discharge; the site was occupied. DEP sent and received emails to and from the engineer on 7/8/10 regarding the stormtech connections. DEP received an email from the engineer on 7/24/10 regarding the concrete structure elevation. DEP performed site visits on 7/27 and 8/17/10; there were no deficiencies; there was no discharge; the site was occupied. DEP sent an email to the applicant and engineer on 8/18/10 regarding the site work. A meeting was held with the project applicant on 8/25/10; items discussed included the additional concrete installed around two of the catch basins, the limitation of only 1/2 acre additional impervious was approved, the infiltration unit B and the stream permit. DEP performed a site visit on 9/29/10; there were no deficiencies; there was no discharge; the site was occupied. A meeting was held with the project applicant on 11/3/10 to discuss the rest of the construction that needs to be completed. DEP received a call on 12/1/10 from the contractor regarding the remainder of the work; he may be finishing the work this month however; if the weather does not cooperate, the remainder may need to be finished in the spring. We discussed the permit expiring this month and if the work will be finished in the spring, the applicant should forward a request for an extension on the permit. DEP performed site visits on 1/13, 2/18, 3/8 and 3/28/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: Stream Disturbance (SD)

Status:

DEP received Project Notification documents on 9/1/10 from DEC. DEP sent an email to ACOE and DEC on 9/16/10 requesting confirmation that work can be done. DEP received a letter from ACOE to the applicant on 9/21/10 requesting additional information. DEP received a letter from ACOE on 9/29/10 stating that a permit from them would not be required.

Town: Kortright

Basin: Cannonsville

Project Name: McMurdy Brook, Lot #8 (Zocchia, Lisa), (Log #2010-CN-0500)

Project Description: Lot #8 of the proposed 15 lot subdivision

Project Type: Stormwater (SP)

Status: New

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. DEP initiated an Enforcement Action on 1/13/11. DEP issued a NOV to the owner on 1/13/11. DEP received call from the applicant on 1/21/11 from regarding the NOV. DEP left the applicant a phone message on 1/24/11 regarding the NOV. DEP received a call from the applicant on 1/24/11 regarding the NOV. The applicant indicated his engineer and architect are working on the house plans etc. DEP informed the applicant to not create any additional disturbances without implementing the approved SWPPP. DEP further instructed the applicant to have the engineer contact DEP as soon as possible. DEP received a letter responding to the NOV on 3/10/11. DEP issued a letter to the owner on 3/16/11 regarding the approved SWPPP and that it must be adhered to in development.

Town: Kortright  
Basin: Cannonsville  
Project Name: McMurdy Brook, Lot #7 (Simcsuk, Robert & Eileen), (Log #2010-CN-0499)  
Project Description: Lot #7 of the proposed 15 lot subdivision  
Project Type: Stormwater (SP)  
Status: New

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. DEP received a copy of DEC's Article 15 permit from DEC on 12/17/10. DEP initiated an Enforcement Action on 1/20/11. DEP issued a NOV to the owner on 1/20/11.

Town: Kortright  
Basin: Cannonsville  
Project Name: McMurdy Brook Farm, Lot #4 (Ziegler, Alfred & Susan), (Log #2010-CN-0497)  
Project Description: Lot #4 of the proposed 15 lot subdivision  
Project Type: Stormwater (SP)  
Status: New/Closed

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. DEP initiated an Enforcement Action on 11/16/10. DEP issued a NOV to the owner on 11/16/10. DEP called the applicants on 11/30/10 regarding the NOV; they indicated that they did not know of any being done at the property. A meeting was held with DEC ECO on 12/10/10. The ECO indicated the violation would be pursued. The violation was resolved and the case was closed on 1/20/11 with DEP Closure letter dated 1/20/11. DEP has resolved the Enforcement Action on 1/20/11.

Town: Kortright  
Basin: Cannonsville  
Project Name: McMurdy Brook - Lot #15 (Defrancesco) (Log #2009-CN-0930)  
Project Description: Lot #15 of the McMurdy Brook Subdivision  
Project Type: Stormwater (SP)  
Status: Closed

DEP received an Application for a SWPPP on 12/28/09. DEP issued a NOV to the owner on 1/12/10. DEP received a call on 1/19/10 from the applicant regarding the NOV. DEP called the applicant on 1/20/10 regarding the NOV. DEP issued a NOCA on 1/22/10. DEP sent and received emails to and from the engineer on 2/19/10 regarding pond vs. forebay. DEP received a copy of a letter to the applicant from ACOE on 2/25/10 regarding additional information needed to process their request for jurisdictional information. DEP received the hydro-cad analysis and plans from the engineer on 3/8/10. DEP issued an Approval Determination letter on 3/10/10. DEP received a call on 3/16/10 from the applicant regarding the SWPPP requirements. DEP received a revised Hydrocad Report from the engineer on 4/20/10 regarding the pond outlets. DEP called the applicant on 4/21/10 regarding construction start up; work is expected to begin in May 2010. DEP will be notified prior to start up for a pre-construction meeting. DEP received a letter from ACOE on 4/22/10 authorizing the proposed work under general permit number 29.

DEP performed a site visit on 6/24/10; the site was stable; the site was vacant. DEP issued a letter to the applicant on 7/1/10 stating that DEP has determined that three inspections performed by the engineer would be sufficient for this project. A meeting was held at the site with the applicant and ACOE on 8/12/10 to discuss the wetlands delineation by DCSWCS. ACOE agreed that the information submitted was inaccurate in that the delineation showed less wetland area than there actually was. ACOE indicated they would ask to have the wetlands more accurately delineated and to possibly move the proposed stormwater pond up hill to the fringe of the wetlands. DEP sent an email to the engineer on 9/9/10. ACOE agreed that the delineation would need to be done more accurately. DEP stated that the applicant's may continue building their house and installing the SSTS while this is being worked out. A meeting was held with the project engineer and contractor on 9/14/10; there are no problems with the site. DEP performed a site visit on 10/14/10; there were no deficiencies, there was no discharge and the site was occupied. DEP received the engineer's certification letter from the engineer on 11/05/10. DEP issued a letter of Construction Compliance letter on 11/12/10.

Town: Kortright  
Basin: Cannonsville  
Project Name: McMurdy Brook Farm (Alan Lord - NY Land and Lakes) (Log #2007-CN-0229)  
Project Description: Proposed 20 lot subdivision  
Project Type: Stormwater (SP)  
Status: Closed

DEP received an Application for a SWPPP on 8/31/09. DEP issued a NOCA on 9/28/09. DEP called the design engineer on 11/5/09 regarding the SWPPP. DEP left a message regarding minor changes to the SWPPP. DEP called the Town Clerk on 12/10/09 regarding contact information for all of the new property owners in the subdivision. The clerk indicated she would fax over a list of names to DEP. DEP issued letters to the prospective land owners on 12/21/09 regarding DEP/DEC/ACOE rules and regs for stormwater purposes. DEP issued an Approval Determination letter on 1/6/10. DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. The violation was resolved and the case was closed internally on 1/25/11. DEP has resolved the Enforcement Action on 1/25/11.

Project Type: SEQRA (SQ)  
Status:

DEP received Lead Agency Neg Dec dated 3/20/08 from the Town of Kortright Planning Board.

Project Name: Betty Brook Road (1999-CN-1320)  
Town: Kortright  
Basin: Cannonsville  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1654. Application for a Variance to place septic on a different part of the subdivision that was previously approved  
Discovery Date: 7/24/02  
Status: Closed  
Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed. 8/2/02: A NOV was issued to the Owner on 8/2/02. The trailers have been removed from the site and the site is now vacant. The violation was case was closed internally on 2/15/11. DEP has resolved the Enforcement Action on 2/15/11.

Town: Middletown  
Basin: Pepacton  
Project Name: Piacquadio, Lilly, (Log #2010-PE-0891)  
Project Description: Complaint  
Project Type: Other (OT)  
Status: New/Closed

DEP initiated an Enforcement Action on 10/7/10. DEP called the complainant on 10/7/10 regarding this parcel of property. There are people residing at this residence full time; a well was drilled a few months back. There is a "horrific smell" and water in the road. The complainant was told that the property owner also dumps cooking grease in the outhouse from her restaurant. The complainant called the town building inspector, who stated that the property does have a septic. The complainant called the previous owners of this property, who stated that the trailer does not have a septic system, but rather an outhouse. DEP called the property owner on 10/7/10 regarding a site visit to deal with the complaint. DEP asked the property owner to contact the tenants to let them know that a site visit will be conducted by the DEP on 10/8/10. DEP looked over the property on 10/8/10 for failing septic or foul odor and found nothing. DEP received a call on 10/8/10 from the town building inspector regarding this complaint. DEP received a call on 10/12/10 from the town building inspector regarding the dispute between the neighbors, noting, the complainant is calling "everyone in the state" because the property owner filed a lien against his property, which he is currently trying to sell. The lien was filed because he reputedly drilled a new well for his home within a twenty (20) foot section of land that they are currently fighting over. The complainant started with the building inspector, who asked for some proof of the failed septic system, which he could not provide. DEP performed a site visit on 11/10/10; there was not a discharge, the site was stable and the site was vacant. DEP has resolved the Enforcement Action on 12/15/10, per 11/16/10 Enforcement meeting.

Town: Middletown  
Basin: Pepacton  
Project Name: Johnson, Randy (DEC NOV) (Log #2008-PE-0136)  
Project Description: Failed SPPP; DEC issued Order on Consent. More than 1 acre disturbed, but not 2 acres; DEP to be conducting inspections  
Project Type: Stormwater (SP)  
Status:

DEC issued a letter to the applicant on 4/1/10 regarding the need to submit a revised SWPPP by 4/15/10 as per the Order on Consent. DEC received a letter from the applicant on 4/15/10 responding to their letter of 4/1/10. DEP performed a site visit on 07/27/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received an email from DEC on 2/7/11 regarding the NOV. DEP responded that the last site inspection was 7/27/10 and that most of the site was stable; included photos. Site Visit type: Construction. Date: 2/17/11.



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

Discovery Date:

Status: Closed

Overview and Action:

DEP issued a letter to the applicant on 3/24/06 stating that they are in violation of the WR&R because tanks and piping are being stored in and around the SSTS. DEP called the SWPPP design engineer to find out if additional catch basins and piping beyond the approved plans were installed, specifically to determine if the existing SSTS will be negatively impacted. The engineer wants to discuss with the SWPPP inspector and the site owner. DEP sent and received emails to and from the engineer on 12/16/10 regarding the property being within the sewer district.

Project Name: Varga Road (Log #2008-RO-0493)  
Town: Neversink  
Basin: Rondout  
Type of Use: Residence  
Type of Violation: Failed SSTS - CWC - Cesspool failed to surface

Discovery Date:

Status: Approved

Overview and Action:

A soil/site evaluation was performed on 9/16/08. DEP issued an Approval Determination letter on 11/19/08. DEP received a call on 10/12/10 from the property owner regarding the letter that he was sent. The property owner is getting a final bid to submit to CWC, since the first two (2) bids were high. The third bid should be submitted shortly, since the contractor was on site a day ago to put together the quote. The property owner is still hoping to have the system installed before the winter. DEP issued a Design Approval Expiration letter on 12/15/10. DEP issued a renewed Approval Determination on 1/25/11.

Project Name: 360 Smith Road (Log #2008-NV-2325)  
Town: Neversink  
Basin: Neversink  
Type of Use: Residence  
Type of Violation: Failed SSTS - septic coming to surface by exiting absorption field

Discovery Date:

Status: Closed

Overview and Action:

A soil/site evaluation was performed on 11/19/08. DEP received revised design from the engineer on 12/16/08. DEP issued an Approval Determination letter on 12/22/08. DEP received notice that construction will begin on 10/27/09. DEP received an additional copy of plans from

the engineer on 10/29/09. DEP received notice that construction will restart in June or July 2010. The violation was resolved and the case was closed on 12/16/10 with a DEP closure letter dated 12/16/10. DEP has resolved the Enforcement Action on 12/16/10.

Name: Velzey, Howard (Log #2004-PE-1008)  
Location: Roxbury  
Basin: Pepacton  
Type of Use: Residence  
Discovery Date: 11/16/04  
Type of Violation: SSTS Failure  
Status: Approved

Overview and Action:

DEP issued an Approval Determination letter on 10/5/06. DEP issued a letter to the applicant on 3/6/08 regarding the need to install the approved SSTS to resolve the NOV. DEP has been in contact with the owner, but the owner is reluctant to make an appointment for an SSTS inspection. The owner did return phone calls on 9/29, 10/14 and 11/26/10. DEP left another message for him on 11/22/10. DEP spoke to the owner on 11/29/10 regarding the SSTS in use. The owner agreed to excavate the tank for DEP's inspection in the next few weeks. DEP called the owner on 12/10/10 and left a message regarding the need for a site visit. There is frost in the ground now, and DEP will not press for the excavation of the tank. DEP requested a site visit/meeting on 12/15/10. Site Visit type: Meeting. Date: 12/16/10. Septic Failure: Not observed. DEP met with the owner on site to discuss the project. The owner believes that the SSTS he connected the three (3) bedroom house to is an NCRA.

Project Name: Stone Tavern Farm (Log #2006-PE-1174)  
Town: Roxbury  
Basin: Pepacton  
Type of Use: Residence  
Type of Violation: Failed SSTS; Proposal to operate a children's camp, a campground and temporary residence.  
Discovery Date: 8/31/07  
Status: No Application

Overview and Action:

Project Type: Intermediate Repair (CR.3)  
Status:

DEP received plans from the engineer on 12/16/09 combining the two systems; residential and commercial into one. DEP sent an email to the engineer on 12/22/09 with comments on the plans received. DEP called CWC on 12/31/09; the redesigned SSTS was prompted by a CWC request to combine the SSTS's. DEP received an Application for a SSTS on 1/27/10. DEP issued a NOCA on 2/2/10. DEP issued an Approval Determination letter on 2/3/10; this approval supersedes the previous approval for CR.2. DEP sent an email to the owner on 3/11/10 requesting pump-out receipts. DEP issued a letter to the applicant on 11/05/10 regarding the NOV that needs to be resolved. DEP received a letter from the applicant on 12/3/10 regarding the SSTSs. DEP performed a site visit on 12/15/10; septic failure observed; absorption field, surfacing of sewage on ground. DEP met with the owner for a site visit and discussion about the owner's business plan and need for a suitable SSTS. DEP called the applicant on 2/25/11

regarding the NOV. The applicant was advised to address the active failure prior to proceeding with any other SSTS work or proposals. DEP met with the owner and design professional on 3/1/11 for the house/B&B absorption field. The area is very close to a swale and a watercourse and would need a pump; we are looking at crossing a watercourse on another parcel with a WAC easement. DEP received an email from the owner on 3/18/11; he has hired an engineer. DEP received a voice message from the property owner on 3/21/11; he wanted to know if DEP heard from the engineer. DEP returned the phone call to the property owner; we discussed the location of the test holes and the proposed SSTS and holding tanks. DEP received and sent an email to the design professional noting the need for DEP to witness soils testing.

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

Status:

DEP emailed the owner asking for the reception hall log sheet and soils testing for the residential SSTS that is still in violation. DEP called CWC on 12/3/09 regarding the septic repair program; the residence is not in the program but she should reapply as the criteria changed. DEP sent an email 12/15/10 to the owner and her assistant requesting the water/occupancy log for recent events. DEP also reminded the owner/assistant to contact CWC for eligibility in the residential repair program. DEP called CWC on 12/31/2009. CWC has not been contacted by the applicant/owner since completion of the commercial SSTS repair. DEP called CWC on 4/26/10; applicant has not re-contacted them. DEP issued a comment letter to the applicant on 4/27/10 regarding the NOV. DEP sent an email to CWC on 5/21/10 with a drawing of where the sewer goes. DEP called CWC on 5/21/10; they are going to call the applicant next week and set an appointment with to re-visit program eligibility. DEP called CWC on 7/9/10; no contact has been made yet. Site Visit type: Follow up. Date: 9/17/10. DEP spoke to the owner about the lack of action towards replacing the failed SSTS that serves the residence; waste pipes were observed to be sticking up out of the ground near the carriage house. DEP sent an email to the applicant on 9/27/10 requesting a time for a site visit. A meeting was held with the project applicant on 10/7/10. DEP advised the owner that the site is not included in the community CWMP district and that she should begin to look towards installing an SSTS for the residence, or submitting water use records for the catering hall to support tying the house into the commercial SSTS. DEP sent an email to the applicant on 10/14/10 regarding the audible alarm. DEP sent and received emails to and from the applicant on 10/14/10 regarding a scheduled site visit to look at the tank and pipes. DEP sent an email to the applicant on 11/18/10 in an attempt to schedule a site visit for the following week. DEP issued a comment letter to the applicant on 12/20/10 regarding the NOV. DEP sent an email to the applicant on 1/19/11; attached the 12/20/10 letter and requested the status of the SSTS. DEP sent another email to the owner on 2/10/11, as a reminder to set up an appointment with DEP regarding the residential SSTS NOV. DEP received a call on 2/10/11 from the owner regarding the letter issued to the applicant on 12/20/10. DEP returned the call on 2/11/10 and left a message as no one answered. DEP called

the owner on 3/3/11 and left a second message in regards to the owners request for a call back from 2/10/11.

Project Type: SEQRA (SQ)

Status:

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

Name: Phoenix House Foundation, Inc. (Log #2004-CN-0718)

Location: Stamford (V)

Basin: Cannonsville

Type of Use: Commercial

Discovery Date: 8/9/04

Type of Violation: SSTS Failure

Status: Approved

Overview and Action:

DEP performed a site visit on 1/27/10; there was still a discharge; the maintenance supervisor thinks the total daily water flows are down due to a new boiler and hot water heating system, which delivers hot water to the showers faster. The laundry water meter doesn't show any significant change since the new energy efficient washers were installed in 10/09. DEP performed a quick, drive through site visit on 2/18/10; the discharge could not be seen through the snow cover. The entire large absorption field has been delineated with orange snow fencing. DEP received the water meter readings on 3/17/10. DEP performed a site visit on 4/14/10; there was still a discharge, it seems more concentrated at the taper along the driveway, however there are still other areas in failure. DEP received the water meter readings on 4/16/10. DEP performed a site visit on 4/20/10; there was still a discharge; the Terra Lift contractor began work on one field today. Site Visit type: Follow up. Date: 4/21/10. Septic Failure: Observed. Failure Description: Absorption field, Surfacing of sewage on ground; the field seems dryer near the driveway since the Terra lift procedure was used. A meeting was held with the project applicant, the engineer, the DOH and the contractor. A dozer with attachment was used to "rip" the soil between absorption trenches to loosen compacted soils. The procedure is damaging to the upper soils level, and it seems like the terra-lift procedure creates more airspace than the ripper. DEP performed a site visit to observe the effect of the ripping on the absorption field; the two fields worked on appear drier and the other fields appear to be failing to the surface more. DEP sent an email to the engineer on 5/17/10 stating that the observation pipe and piezometer are acceptable. DEP received a terra lifting/ripping video and picture CD from the engineer on 6/2/10. DEP received an email from the engineer on 6/9/10 regarding the labeling of the system pods. Site Visit type: Follow up. Date: 6/22/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. Three of the absorption fields are failing, and have not been mowed; the two fields that have been ripped or lifted are dry. The contractor was installing pipe to bring the piezometer above grade. DEP received a letter from the engineer on 6/30/10 regarding a new proposal for the SSTS and DEP accepted the proposal. DEP performed an inspection; effluent is ponding in fewer areas, and mainly in the middle and lower fields. DEP received the water meter readings from 5/1 - 7/15/10. DEP discussed disposing of the waste from the lateral jetting process with the engineer and the contractor; there was some confusion between the two about waste containment and the contractor and DEP objected to the

waste being re-introduced to the field per engineer's original proposal. The contract is being re-phrased to include a waste hauler on site. DEP received the pump out receipts from the applicant on 8/6/10. DEP received an email from the engineer on 8/11/10 regarding the pumping requirements for the jetting process. DEP received an email from the engineer on 8/11/10 with updates. DEP received the daily construction report from the engineer on 8/17/10. DEP received the water meter readings from the applicant on 8/19/10. Site Visit type: Follow up. Date: 08/20/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP walked around absorption field; puddled effluent observed on the bottom center field; the other eight fields are dry. Terra lift is onsite, but no work underway. DEP received an email from the engineer on 8/24/10 regarding the jetting schedule. DEP performed a site visit today; the terra lifting is almost completed for the entire field and perimeter. The field is not failing anywhere and has been completely mowed for the first time in years. Jetting and bioremediation is scheduled to begin on 9/13/10. Site Visit type: Investigation. Date: 9/14/10. Septic Failure: Not observed. DEP observed the jetting of the laterals in one absorption field, and the pump out of the dosing chambers; the grease trap was also inspected. Site Visit type: Investigation. Date: 9/17/10. Septic Failure: Not observed; the contractor continues the jetting process; he will be finished on 9/20 and then begin the bioremediation. The engineer wants to submit plans for a pre-treatment process within the next month. The absorption field was still dry. DEP received the pump out receipt on 9/22/10. Site Visit type: Investigation. Date: 9/23/10. Septic Failure: Not observed; the absorption field was being mowed; the contractor has finished the jetting and bioremediation processes. The absorption field was dry, but soft in a few places; no sewage odor or sewage ponding on the ground was observed. DEP received the proposal for bid from the engineer on 11/3/10. DEP sent an email to the engineer on 11/5/10 regarding the pre-bid meeting and received a response from the engineer on 11/08/10. DEP performed a site visit on 12/16/10 for a septic failure; absorption field, surfacing of sewage on ground. DEP conducted an inspection and observed the three (3) lower fields in failure. The groundskeeper said it has been failing since the pre-bid meeting was held in October. DEP sent an email to the engineer on 12/20/10 regarding the ponding on the top of the ground that was visible on the 12/15/10 site visit. DEP received the water meter readings on 12/28/10. DEP received an email from the owner on 12/28/10 stating that he will call and have them start pumping starting with one (1) truck load a week. DEP received the pump out receipt from the applicant on 1/3/11. DEP sent an email to the applicant and the engineer on 1/3/11 regarding the pump outs. DEP performed a site visit type on 1/4/11; septic failure not observed. DEP received the pump out receipt on 1/5/11. DEP performed a site visit on 1/19/11; septic failure observed. DEP inspected the absorption field; surface failures were observed in two (2) spots on the lower absorption field. The failures appeared to re-enter the ground further down. DEP performed a site visit on 1/19/11; septic failure observed. DEP performed an inspection of the absorption field; it was failing in two (2) spots. The snow melted in two (2) areas on the lower absorption field. The ground was soft and wet around the melted snow. The failure was not migrating off site. DEP sent an email on 2/10/11 to the director asking for a new contact person on site. DEP performed a site visit on 2/11/11; septic failure not observed. DEP observed the absorption field from the driveway; it was snow covered and no footprints or discharges were noted. DEP also left a message for the maintenance department asking for a return phone call to discuss water readings and pump outs. DEP received the water meter readings on 2/24/11. DEP performed a site visit on 3/4/11; septic failure observed. DEP inspected the absorption field with the maintenance person. Sewage was observed surfacing at

the lower fields and when the ground was stepped on, sewage surfaced as well. The pump-outs are occurring twice per month. DEP performed a site visit on 3/16/11; septic failure observed. DEP performed an inspection of the absorption field; sewage was surfacing on the ground in the lower portion of the field in the same general vicinity as last seen.

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

DEP received an Application for a SSTS on 2/19/10 from the engineer with plans and long form EAF. DEP staff met in-office on 2/26/10 to discuss the project. New information from the draft plan submitted indicates that the new shower building was constructed recently which has been decided will require a small, remedial infiltration trench. In addition, it is now known that the house up on the hill was also constructed after the WR&R went into effect and will require an IRSP. The tents and platforms are considered to not be impervious and therefore will not trigger any stormwater plan requirement or remediation. DEP issued a NOICA to the engineer on 3/18/10 requesting additional information. DEP issued a letter to the engineer on 3/18/10 with DEP comments to the plans. DEP received a phone call from the site owner on 3/24/10 to get update on the status. The owner was informed that DEP will arrange to meet with him onsite again and review what actions he needs to take to fulfill the requirements for both the septic system and the shower building infiltration trench, and the house IRSP. DEP spoke with the engineer on 4/26/10 to set up a meeting date and time at the farm. DEP staff and management met with the owner, DOH and the Town of Walton on 5/5/10 to discuss the project and the status of the SSTS design; the group toured the site and made observations and took notes. DEP received a letter from DOH on 5/13/10 regarding the 5/5/10 meeting. DEP received an email from the owner on 5/20/10 regarding the 5/5/10 meeting. DEP received a copy of the DOH letter to the Town of Walton Planning Board on 6/4/10 regarding their approval responsibilities and requested to be considered an Involved Agency. DEP received call on 6/14/10 from the owner regarding the installation of the septic tank for the farm house to occur sometime next week. DEP also received an email from the owner regarding the tanks and the amount of usage per tent/cabin. DEP received a call on 6/18/10 regarding the amount of water used to date with the camp in operation. The owner is stating that the water use is well below the standards number per unit. DEP suggested that the owner contact his engineer to prepare a written engineering proposal to DEP to lower the design volume based on the data that the owner has collected thus far. DEP received an email from the owner on 7/5/10 with the update on the SSTS. DEP conducted an inspection/investigation of the subject property on 7/14/10. DEP received a copy of the pump-out receipts and the calculations for gpd's from the applicant on 7/23/10. DEP called the owner on 7/29/10 requesting the status of the design re-submittal expected from the Engineer. The owner indicated that DEP would receive the revised design in the first week of August 2010. DEP reminded the owner that the NOV they are currently pumping and hauling under was not intended to allow this pump and haul to make it through a full season of operation and that the owner needs to comply and build a compliant system or further legal action may pursue, first in the form of a notification letter then possibly a stipulation agreement with fines. DEP staff received a phone call from the project owner and engineer; they called to discuss

design issues and comments they plan on addressing in a future engineering report/letter/evaluation that will be sent to DEP later next week (8/18). They are requesting comments in order to revise the SSTS plans for resubmission. DEP received a call on 8/11/10 from the site owner regarding legal concerns with the current non-compliant status of the site. The owner has requested to know how much time they have to bring the site into compliance and remove the NOV before Legal will take further action on them. They were advised to submit a compliant design as quick as possible to avoid penalties. The owner indicated they were having financial troubles and did not know if the business could sustain itself past the fall of 2010. The owner indicated he would try to have the Engineer submit revisions to the design as requested formally by DEP. DEP received a draft letter from the engineer on 8/23/10 responding to the NOICA and comment letters. DEP responded to the draft engineers' letter of 8/23/10 on 8/27/10. DEP received DOH response to the draft engineer's letter on 8/30/10. DEP received the pump out receipt from the applicant on 9/8/10. DEP called both the engineer and applicant on 9/9/10 to discuss the SSTS sizing requirements for the replacement system. DEP sent an email to the owner and the engineer on 9/13/10 summarizing their phone conversation of the flow rates. DEP received call on 10/7/10 from owner regarding a disagreement between the owner and the engineer as to how to go about revising the plans. The owner expressed frustration to the point that he may not open the business next year. DEP reminded the owner that even if the business closes, the residential SSTS must be dealt with. DEP received an email from the owner on 10/28/10 stating that they are moving forward with the plans. DEP received an email from the owner on 11/19/10 stating that he was hoping to hear from the engineer since a payment was recently made. DEP received an email from the owner on 11/30/10; they are still waiting to hear from the engineer. DEP received a response to the NOICA from engineer on 12/06/10. DEP received a letter from DOH to the applicant on 12/22/10 regarding the feather down farm tents. DEP received an email from the owner on 1/21/11 regarding the SPDES permit and the Variance application. DEP received an email from the owner on 2/08/11 regarding their frustration with the delays and approvals. DEP received a return email from DOH on 2/25/11 noting that they are waiting for notification from the owner before triggering DOH permit requirements. DEP sent an email to DOH on 2/25/11 regarding any DOH approvals. DEP called the owner on 3/3/11 regarding the status of the proposed SSTS design. DEP informed the owner that along with the revised plans, DEP would also like to receive a timeline indicating when the SSTS will expect to be installed once approved. DEP will allow the continued use of pump and haul for this season as long as the DEP has the requested information. DEP received the runoff schematic from the owner on 3/08/11. DEP sent and received emails to and from the owner on 3/24/11 regarding an update on the plan revisions. DEP received a response to the NOICA from the engineer applicant on 3/30/11 with revised plans.

Project Type: SEQRA (SQ)

Status:

SCS received Lead Agency Neg Dec dated 6/21/10 from Delaware County Planning Department on 8/11/10.

Name: Johnson Hill Road (Log #2000-CN-0066) I.D. #: 1206

Location: Walton

Basin: Cannonsville

Type of Use: Residence

Discovery Date: 11/12/98  
Type of Violation: Failed septic system  
Status: Approved

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/12/99. A soil/site evaluation was performed on 11/12/99. A design approval was issued on 2/8/00. On 6/12/07, DEP sent the owner a list of contractors who install septic systems. DEP received a letter and revised plans from the engineer on 7/31/09. DEP issued a comment letter on 8/4/09 to engineer. DEP received revised design from engineer. DEP issued an Approval Determination letter on 8/18/09. DEP called owner on 1/28/11 and left message informing him that his approval will expire in August 2011, and encouraged him to start construction as soon as weather conditions permit. Asked owner to call back with construction schedule plans and any questions he may have.

Project Name: 2008 Left Pines Brook (2004-CN-0211)  
Town: Walton  
Basin: Cannonsville  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1792 - CWC  
Discovery Date: 8/22/2003  
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 12/5/03. A design approval was issued on 4/6/04. DEP called the owner on 6/5/07 regarding the NOF and the construction of the septic system. DEP issued an Approval Determination letter on 8/30/07. The violation was resolved and the case was closed on 10/6/10 internally. DEP has resolved the Enforcement Action on 10/6/10.

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

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

DEP received a call on 10/6/10 from the Town of Carmel Engineering; they had visited the site and walked the top of the fill. There was cracking at the top and the material was very soft; stability is questionable. A town building code violation was issued on 9/10/10. DEP called DEC Solid & Hazardous Waste on 10/5/10 to put them in touch with the Town of Carmel Engineering about the site; also called the engineer to give them contact info for DEC Solid & Hazardous Waste personnel. DEP performed a site visit on 10/6/10; fill material from the landfill on the property has migrated down slope onto DEP property and into Croton Falls Reservoir. DEC observed a turbidity plume on 9/30/10, into Croton Falls Reservoir; photos were taken of turbidity plume. DEP received the final complaint on 10/13/10 for the Attorney



General's Office (NYS DGO). DEP received a copy of the survey on 10/13/10. DEP performed a site visit on 10/8/10 with DEC. DEP initiated an Enforcement Action on 10/14/10. DEP issued a NOV for Stormwater Violation to the owner on 10/15/10. DEP received a copy of the signed Order to Show Cause on 10/19/10. DEP received the NOV returned by the post office as non-deliverable on 10/22/10. DEP hand delivered the NOV to the applicant's representative on 10/25/10. DEP received a copy of the modified order on 10/27/10. DEP received a letter from the attorney on 10/28/10 stating that they have received the proposed order. DEP received a copy of the interim Order on Consent on 11/01/10. DEP received the work plan from the engineer on 11/1/10. DEP received an email from NYSAGO on 11/1/10 containing the Interim Work Plan, a letter from the applicant's attorney to NYS Supreme Court, and an Interim Order of Consent. DEP received a copy of the corrected proposed order on 11/4/10. DEP received soil and erosion technology information via email on 11/5/10. DEP received a copy of Exhibits I-IV from the engineer on 11/8/10. DEP received an email from NYSAGO on 11/9/10 with attached copy of letter from NYSAGO to NYS Supreme Court. A meeting and site walk was held with the project engineer, DEC and NYSAGO on site on 11/12/10. DEP issued a letter of items that are required based on the site meeting held on 11/12/10 by DEP staff. DEP received a call on 12/09/10 from the NYS Attorney General's office to discuss aspects of the temporary erosion control. DEP received an email from NYSAGO on 12/10/10 containing soil 'screening' test results prepared by DEC. DEP received an email from DEC on 12/13/10 containing a copy of the site visit report from 11/12/10 site visit. DEP received a letter from the attorney on 12/13/10 enclosing a letter from the engineer providing an update to the proposed work plan. DEP received a letter from the new counsel for the contractor to the Court on 12/22/10 regarding the new order. DEP issued a comment letter to the engineer on 12/22/10 regarding the NOV, requesting a response within 10 days. NYC Law received an email from NYSAGO on 12/23/10 containing Site Investigation Work Plan. DEP received the signed Interim Order on 12/23/10. DEP sent a letter to DEP Legal on 12/29/10. DEP issued a comment letter to the engineer on 12/30/10 regarding the NOV. DEP issued a NOV for Solid Waste to the owner on 12/30/10. DEP performed a site visit on 12/30/10 for Stormwater Violation as construction started without SWPPP. DEP received a letter which by email that will serve as a interim inspection report from the engineer regarding the site visit on 12/20/10. DEP received Inspection Reports from the engineer on 1/3/11. DEP performed a site visit on 1/4/11; there were deficiencies, there was a discharge and the site was vacant. DEP received a call on 1/5/11 from the Engineer regarding the Stormwater NOV. He said he would be sending DEP a formal response to DEP's two (2) Stormwater NOV follow-up letters, including a revised work plan dated 12/13/10. DEP issued an email on 1/6/11 with follow-up notes to the meeting on 12/24/10 and response to DEP's letter dated 11/16/10. DEP sent a response concerning the Soil Sediment to DEP Legal on 1/06/11. DEP received a letter on 1/6/11 from the engineer regarding the follow-up meeting held with DEP on 12/24/10 and a response to DEP's letter on 11/16/10. DEP returned a call on 1/20/11 from the engineer regarding the Site Investigation Work Plan. DEP called engineer on 3/8/11 and discussed temporary erosion control measures. The engineer stated that silt fences were repaired as of today and that he would discuss with the applicant about hydro-seeding as soon as possible. DEP called the engineer on 3/11/11 with no reply. DEP performed a site visit on 3/11/11; observed conditions along City Property following a rain event that occurred on 3/10/11. Evidence of runoff was noted and photographed. DEP received a call on 3/17/11 from the engineer regarding site maintenance, seeding mulching, and hydro-seeding. The engineer stated he would send DEP a letter outlining work done and to be done. DEP received a call on

3/21/11 from the engineer stating site was seeded and mulched and that a written report would follow.

Town: Carmel  
Basin: Croton Falls  
Project Name: Putnam Hospital Center, (Log #1993-CF-0108)  
Project: Hospital expansion SP.1, SP.2: Oncology Addition.  
Project Type: Stormwater (SP.2)  
Status: New

DEP met with the contractor and applicant on the site for a pre-construction meeting on 9/8/09. DEP received notice that construction will begin on 9/14/09. DEP performed site visits on 9/14, 9/21 and 9/29/09. DEP performed site visits on 10/7, 10/14, 10/22, 10/27, 11/12, 11/19, 12/1, 12/15/09, 1/5, 1/14, 1/21, 2/2, 2/17, 2/18, 2/24, 3/16, 3/22 and 3/30/10. DEP performed site visits on 4/5, 4/14, 4/28, 5/4, 5/11, 5/18, 5/26, 6/4, 6/14, 6/30, 7/13, 7/19, 7/27, 8/9, 8/18, 8/25, 8/30, 9/9 and 9/16/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 10/1/10; there were deficiencies, there was a discharge and the site was vacant. DEP performed a site visit on 10/12/10; there were deficiencies, there was no discharge and the site was vacant. DEP initiated an Enforcement Action on 10/13/10. DEP issued a NOV to the owner on 10/13/10. DEP performed a site visit on 10/18/10 for a stormwater violation; there were deficiencies; there was no discharge and the site was occupied. DEP received a letter responding to the NOV that was issued on 10/13/10 from the engineer. DEP performed site visits on 10/26 and 11/1/11; there were deficiencies; there was no discharge and the site was occupied. DEP issued a letter based on the meeting held on 11/1/10 that the deficient items have been corrected and accepted by DEP. DEP performed a site visit on 11/8/10; there were deficiencies, there was no discharge and the site was vacant. DEP received a letter and a revised drawing from the engineer on 11/15/10. DEP performed a site visit on 11/18/10; there were no deficiencies, there was no discharge and the site was occupied. The deficient items noted on the NOV have been addressed. DEP performed a site visit on 11/30/10; there were deficiencies, there was no discharge and the site was occupied. DEP received a letter responding to the NOV on 12/10/10, advising the Putnam County Foundation will have responsibility for the stockpile. DEP performed site visits on 12/14/10, 2/3 and 2/28/11; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 3/10/11; there were deficiencies, there was no discharge and the site was vacant. DEP received As-Built plans from the engineer on 3/28/11.

Town: Carmel  
Basin: Croton Falls  
Project Name: Putnam Bikeway III, (Log #2003-CF-0137)  
Project Description: Putnam County Sponsored Bike Trail Over Former Railroad Bed.  
Project Type: Stormwater (SP)  
Status: Closed

DEP received a draft Order on Consent for comment. On 12/22/09, DEP replied to DEP Assistant Counsel stating the issues causing the violation were repaired within two weeks. DEP performed site visits on 2/3, 3/16, 3/23 and 3/31/10. DEP performed a site visit on 4/5/10. DEC informed DEP that the CO has not been signed yet and the site continues to be stable. DEP performed site visits on 4/27, 5/5, 5/11, 5/18, 5/25 and 6/8/10; there were no deficiencies; there

was no discharge; the site was occupied. Based on a conversation with DEC the CO should be signed with a check for \$5,000 from Putnam County sent to DEC this week. The fine was \$10,000 with \$5,000 payable. DEP performed site visits on 6/15, 6/22, 6/29, 7/13, 7/20, 7/27, 8/3, 8/11, 8/17, 8/24, 9/1, 9/7, 9/15 and 9/21/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received a DEC Consent Order on 9/21/10. DEP performed a site visit on 9/29/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/12, 10/19, 10/26 and 11/3/10; there were no deficiencies, there was no discharge and the site was occupied. DEP has resolved the Enforcement Action on 11/8/10. The violation was resolved and the case was closed on 11/8/10 with DEP Closure letter dated 11/8/10. DEP performed site visits on 11/9, 11/16, 11/23, on 11/30, 12/7, 12/14, 12/21/10, 01/4, 2/15, 3/17 and 3/29/11; there were no deficiencies, there was no discharge and the site was vacant.

Project Type: SEQRA (SQ)

Status:

DEP Project Review received a Lead Agency Neg Dec on 3/23/04 with the SPPP submission, dated 8/6/2003 from the engineer.

Project Type: Variance (VA)

Status:

DEP received an Approval Determination letter dated 9/19/05 to engineer, signed by the First Deputy Commissioner. DEP received a signed copy of DEP approval determination from the owner on 10/24/05.

Town: Carmel

Basin: Croton Falls

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

Project: Proposed Senior Housing.

Project Type: Stormwater (SP)

Status:

A meeting was held with the project applicant on 12/8/09; erosion controls and phasing were discussed with representatives of both Pulte and Brennan. DEP performed site visits on 12/9 and 12/14/09, 1/11, 1/21, 1/25, 1/26 and 2/18/10. DEP satisfied foil request of Field Inspection Reports from 1/06/09 to 1/26/10 on 2/18/10. DEP performed site visits on 3/2, 3/5, 3/10 and 3/30/10. DEP performed site visits on 4/1, 5/12, 5/21, 6/8 and 6/23/10; there were no deficiencies; there was no discharge; the site was vacant. DEP issued a letter with attached field report on 6/28/10 to the applicant. DEP sent out copies of site visit reports on 6/30/10 upon FOIL request. A meeting was held on site to discuss erosion controls with grading and hydro-seeding operations to be scheduled to stabilize both Lot 3 and unused stock piles in Lot 7. DEP performed site visits on 7/21, 8/10, 8/23 and 9/21/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/4, 10/21, 11/1, 11/16, 12/15/10, 1/11, 2/9, 2/25 and 3/7/11; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the contractor and DEP 3/8/11; the immediate stabilization of Lot 3 and Lot 5 was discussed and agreed upon. DEP performed site visits on 3/9 and 3/29/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: SEQRA (SQ)

Status:

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

Town: Lewisboro

Basin: Cross River

Project Name: Horse and Hound Inn, (Log #2009-CR-0629)

Project Description: Proposed Joint SSTS.

Project Type: Joint Interm. SSTS (DJI)

Status: Closed

DEP called WCHD on 5/3/10 and the County indicated that the site has been free of failure since 11/2009. The last inspection was 4/9/10 and they are keeping their septic tanks pumped out until repair is completed. WCHD is still awaiting DEC wetland permit to approve remediation. The County said they would follow up with the engineer to try to secure the permit. DEP received a copy of the wetland permit and plans from DOH on 05/19/10. DEP issued a No Objection letter to DOH on 5/25/10. DEP received an email from WCHD on 6/4/10, indicating that WCHD has approved the remediation and that they will try to get the engineer/client to proceed with the repair. DEP received an approved Construction Permit on 6/4/10 from DOH along with copy of the approved plan. DEP called the engineer on 6/7/10 reminding him that as he now has all approvals and he must proceed with remediation as soon as possible. He responded that he is in contact with his client and that they will attempt to complete the repair. DEP sent an email to WCHD on 7/6/10 inquiring on status of approved repair, and if the site has remained free of SSTS failure. DEP received an email copy from the engineer to WCHD on 7/26/10 indicating that the SSTS repair installation will commence on 7/27/10. DEP received an email from WCHD on 8/12/10 indicating that the absorption fields were installed and inspected by WCHD. The engineer also informed WCHD that the pump control panel was ordered and will be installed once received. DEP received an email from the engineer on 8/18/10 indicating that SSTS installation will begin on 8/24/10. DEP called the engineer on 10/08/10 who indicated that all the tanks and fields have been installed. WCHD will not sign off on the as-built until the electrician has signed off on the pump; they are just waiting for this inspection. DEP received an email from WCHD on 11/15/10 indicating that they are expecting the final as-built plans this week. DEP received a call on 12/07/10 from WCHD indicating that as-built plan were received and will be forwarded to DEP. As such, WCHD is closing out this case. DEP received a Certificate of Construction Compliance on 12/10/10 from WCHD along with As-Built Plans. DEP has resolved the Enforcement Action on 1/11/11.

#### **3.2.4. Kensico Basin**

### 3.3. DEP Police Actions

#### 3.3.1. Catskill District

Name: 1017 South Mountain Road **CS-291-10, SJS 26110**  
Location: Conesville  
Type of Use: Residential  
Type of Violation: En Con – Open Burn  
Date Discovered: 11/18/10  
Status: **OPEN**

Overview and Action:

DEP Police observed a wood pile with household refuse and construction debris piled on top of it, possibly being prepared for burning. Officers documented with photographs and will continue to monitor the area for any future burning activity. DEP Police involved.

Name: 40 Hubbard Road **CS-258-10, JSJ 25447**  
Location: Gilboa  
Type of Use: Residential  
Type of Violation: En Con – Open Burn  
Date Discovered: 10/7/10  
Status: **OPEN**

Overview and Action:

DEP Police on patrol observed smoke that smelled of burning plastic and after further investigation it appeared that two (2) structures on site had been knocked down and burned. Remnants of household refuse, auto parts, shingles, painted wood and appliances were visible in the charred remains of one of the structures. Schoharie County Sheriff Office confirmed that no controlled burns had taken place in the area within the last several days. When officer was able to interview property owner, he identified company responsible for demolition and subsequent burn. Owner of company was issued tickets for Prohibited Open Burn and Unlawful Disposal of Solid Waste (NYCRR). DEP Police and Schoharie County Sheriff Office involved.

Name: 636 State Route 990V **CS-285-10, SJS 26016**  
Location: Gilboa **(Spill # 1008462)**  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 11/12/10  
Status: Closed

Overview and Action:

DEP Police investigated a spill of about one and one half gallons of brake fluid that occurred at the base of the Gilboa Dam. DEC was contacted for spill number and spill was cleaned up by contractor employees at work site. DEP Police and DEC involved.

Name: Road 16 **CS-290-10, SJS 26091**  
Location: Gilboa **(Spill # 1008619)**  
Type of Use: Municipal  
Type of Violation: Haz Mat

Date Discovered: 11/17/10

Status: Closed

Overview and Action:

DEP Police were notified of a spill which occurred at the Gilboa Dam construction site. Truck was hauling soil when a hydraulic fitting broke causing a spill of approximately one (1) ounce of vegetable oil based hydraulic fluid.

DEC contacted for spill number and spill was cleaned up by contractor employees at work site. DEP Police involved.

Name: State Route 990V

**CS-300-10, SJS 26164**

Location: Gilboa

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 11/20/10

Status: Closed

Overview and Action:

DEP Police observed a small dumpsite of household refuse and multiple cardboard boxes in the vicinity of the Gilboa Dam which did yield traceable evidence. Officer located and interviewed the subject who was issued a Notice of Warning for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: Gate 18

**CS-003-11, SJS 26842**

Location: Gilboa

**(Spill # 1010439)**

Type of Use: Municipal

Type of Violation: Haz Mat

Date Discovered: 1/6/11

Status: Closed

Overview and Action:

DEP Police were notified of a spill of hydraulic fluid from a track excavator on the west access road near the Gilboa Dam. DEC contacted for spill number. Clean-up completed by contractor employees on site. DEP Police and DEC involved.

Name: 368 State Route 990V

**CS-019-11, SJS 27141**

Location: Gilboa

**(Spill # 1010887)**

Type of Use: Municipal

Type of Violation: Haz Mat

Date Discovered: 1/25/11

Status: Closed

Overview and Action:

DEP Police were notified of a spill at the Gilboa Dam construction site of approximately one (1) pint of anti-freeze which occurred when the cooling system on an excavator failed. Absorbent pads and plastic were placed under the machine to contain and clean-up the spill as well as removal of the surrounding snow and soil. DEC contacted for spill number. DEP Police and DEC involved.

Name: 368 State Route 990V **CS-051-11, SJS 27751**  
Location: Gilboa  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 3/10/11  
Status: Closed

Overview and Action:

DEP Police was notified of a spill that had occurred overnight at the Gilboa Dam construction site, caused by a portable toilet overturning in strong winds and spilling approximately one gallon of Satellite Safe-T-Fresh liquid. Liquid was cleaned up by contractor employees on site. DEP Police involved.

Name: Ski Bowl Road **CS-311-10, SJS 26339**  
Location: Hunter  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 12/2/10  
Status: **OPEN**

Overview and Action:

DEP Police observed a small dumping of household refuse on the shoulder of the road which contained traceable evidence to a local address. Officers conducting follow-up located the address but driveway was not passable at the present time. Investigation is continuing. DEP Police involved.

Name: 223 Bloomer Road **CS-058-11, SJS 28053**  
Location: Hunter  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 3/28/11  
Status: Closed

Overview and Action:

DEP Police investigated a complaint from a tenant of sewage discharge in the basement of a residence which has been an ongoing problem ignored by the landlord. Tenant had previously contacted the Department of Health and the Town of Hunter Code Enforcement Officer with no results. Officer inspected the basement and observed sewage coming from a pipe that had previously been used for a washing machine. Approximately five (5) gallons of septage was present on the basement floor at that time. Officer notified Town of Hunter Code Enforcement Officer and DEP Engineering for immediate remediation. DEP Police, DEP Engineering and Town of Hunter Code Enforcement involved.

Name: 230 Old Route 28 **CA-088-11, SJS 27939**  
Location: Hurley  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 3/15/11  
Status: Closed

Overview and Action:

DEP Police investigated a possible septic failure complaint which, after interview with complainant and visual inspection of both properties, appears to be unfounded at this time. Patrol turned complaint over to DEP Engineering for a follow-up dye test to confirm initial determination. DEP Police involved.

Name: 1536 N. Beechridge Road **CS-327-10, SJS 26743**  
Location: Lexington  
Type of Use: Residential  
Type of Violation: En Con – Open Burn  
Date Discovered: 12/30/10  
Status: Closed

Overview and Action:

DEP Police noticed a large cloud of smoke near a residence and further investigation revealed that the owner was burning a large pile of brush. Subject was issued a Notice of Warning for Prohibited Open Burn (NYCRR) and advised of regulations for burning brush. DEP Police involved.

Name: Reservoir Road **CA-531-10, SJS 25629**  
Location: Olive  
Type of Use: Municipal  
Type of Violation: EnCon – Dumping  
Date Discovered: 10/19/10  
Status: Closed

Overview and Action:

DEP Police observed a flatbed truck traveling along Reservoir Road losing several pieces of plastic and other debris along the roadway. Operator was issued ticket for Depositing Litter Within 100' of Waters (Navigation Law) and instructed to clean the rest of the debris from the deck of his truck. DEP Police involved.

Name: 2958 State Route 28 **CA-665-10, SJS 26720**  
Location: Olive  
Type of Use: Residential  
Type of Violation: Stream Disturbance  
Date Discovered: 12/29/10  
Status: **OPEN**

Overview and Action:

DEP Police received information from DEP Engineering regarding a possible violation in which a resident is clearing the property too close to a stream. Current weather conditions prevent a site visit, but patrol will accompany complainant when possible. DEP Police involved.

Name: 465 Stanley Slater Road **CS-282-10, SJS 25985**  
Location: Prattsville  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 11/9/10



Status: Closed

Overview and Action:

DEP Police investigated a complaint of a pipe entering a city parcel of land from the neighboring property and found said pipe to be buried in a trench filled with gravel emitting an odor of septic. Officers interviewed property owner who stated that her property had septic issues and admitted to digging the trench, installing the pipe and filling the trench with gravel in order to remove the sewage from the surface of the ground. Subject was issued Notice of Warning for Violation of Posted Lands. She was instructed to remove the pipe from NYC lands and return the site to its natural state within two weeks as well as repair the failed septic. DEP Engineering was notified; they inspected the location of the failed septic and will be working with the homeowner to correct the problem. DEP Police and DEP Engineering involved.

Name: Fanny Brook Rd **CS-0170-09, SJS 19614**

Location: Roxbury

Type of Use: Commercial

Type of Violation: Hazmat

Date Discovered: 9/27/09

Status: Open

Overview and Action:

DEP Police Detective Bureau received complaint of a "junkyard" located on Fanny Brook Road, T/ Roxbury, being operating illegally and posing a hazard to the environment, as well as a safety concern for nearby residents. Detectives travelled to the area and did observe an area located behind T.C. Briggs construction with scrap metal, junk vehicles, oil drums, and piles of tires. It was also observed, from the roadway, that some of the barrels are seeping into the ground, as well as some appearance of spillage due to the removal of parts and equipment. The property in question borders NYC property along State Route 23. Investigation ongoing at this time to determine property owner and to determine if the site is grandfathered in permitted operation for a junkyard facility. Subsequent site inspections revealed that a cleanup of the site may be in progress. Town of Roxbury is in the process of pursuing civil action against property owner. Open. DEP Police and DEP WPP/Regulatory Review & Engineering involved.

Name: State Route 23, Intake Road **CS-263-10, SJS 25590**

Location: Roxbury

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 10/16/10

Status: Closed

Overview and Action:

DEP Police found one (1) green couch, one (1) green love seat and one (1) green chair deposited on the shoulder of the road with no traceable evidence. NYS Department of Transportation notified for removal. DEP Police and DOT involved.

Name: Intake Road **CS-274-10, SJS 25805**

Location: Roxbury

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 10/29/10

Status: Closed

Overview and Action:

DEP Police observed one (1) air conditioner unit discarded over the embankment near Gate 1 on the Gilboa Reservoir. DEP Operations notified to remove unit and discard appropriately. No spill on city property, no impact to the water supply. DEP Police and DEP Operations involved.

Name: County Route 53

**CS-021-11, SJS 27161**

Location: Roxbury

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 1/26/11

Status: Closed

Overview and Action:

DEP Police observed household refuse scattered along the roadway which did yield traceable evidence. Officer interviewed owner of company who had already returned to the area in question to pick up and properly dispose of the refuse items. Subject was given a verbal warning and advised to cover all loose cargo during transport. DEP Police involved.

Name: 7039 State Route 28

**CA-518-10, SJS 25475**

Location: Shandaken

Type of Use: Rural

Type of Violation: Stream Disturbance

Date Discovered: 10/9/10

Status: Closed

Overview and Action:

DEP Police responded to a complaint of an excavator in the Esopus Creek. Officers interviewed the excavator operator and property owner, both of whom confirmed that the required permits had been obtained from DEC, though they were unable to produce a paper copy at that time. Police contacted DEC Permits Division and determined that permits had been issued for the work project. Property owner and excavator operator were advised that notification to NYC DEP must be made prior to crossing, construction or use of the Esopus Creek. DEP Police and DEC involved.

Name: 212 McKinney Hollow Road

**CA-524-10, SJS 25566  
(Spill # 1007551)**

Location: Shandaken

Type of Use: Residential

Type of Violation: Haz Mat

Date Discovered: 10/15/10

Status: Closed

Overview and Action:

DEP Police responded to a report of a 300 gallon tank of kerosene intentionally spilled as a result of the tank lines being cut. A small amount of fuel was present on the surface of the dirt and rock floor. Interview with owner at the location determined that apartment renovations were underway but a disagreement with contractor involved may have resulted in kerosene fuel being taken from site, not spilled. DEP Haz Mat was contacted and a spill number was obtained from

DEC. Shandaken Police Department handled subsequent investigation. DEP Police, DEP Haz Mat, DEC and Shandaken Police Department involved.

Name: Pine Hill Sewage Treatment Plant **CA-558-10, SJS 25769**  
Location: Shandaken  
Type of Use: Municipal  
Type of Violation: Sewage  
Date Discovered: 10/27/10  
Status: Closed

Overview and Action:

DEP Police received a complaint of a subject transporting septic waste from an outside area and disposing of the waste at a DEP WWTP facility. Waste authorized to be deposited at DEP WWTP facilities must come from within the watershed area. Investigation revealed that the subject had forged paperwork detailing where the waste was pumped from and presented said records to the WWTP for filing. Subject was arrested for numerous forgery related charges (Felony) and NYS Environmental Conservation Law Section 364 violations for Transport of Regulated Waste without a Permit. Subject's company pled guilty and was fined \$5,000.00. Subject's company presently banned from future deliveries at all DEP WWTP locations per DEP Legal. Closed. DEP Police, DEP Legal and DEP WWTP Operations involved.

Name: 36 State Route 42 **CA-056-11D, SJS 27459**  
Location: Shandaken  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 2/17/11  
Status: OPEN

Overview and Action:

DEP Police investigated a report of a failed residential septic system at the above address where he observed a partially intact but collapsed septic cover; no odor or standing gray water/septage was present. The homeowner was not available for interview. Officer turned case over to DEP Engineering who have been monitoring and maintaining the site and will continue to do so until the installation of community-wide sewer system planned for the near future is completed. DEP Police and DEP Engineering involved.

Name: State Route 28 **CA-080-11, SJS 27714**  
Location: Shandaken  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 3/8/11  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of fluid leaking from rail car located stationary on tracks along State Route 28 in Mt. Tremper. Officers conducted foot patrol of the area with negative results. Officers also road patrolled from Mt. Tremper to the Village of Phoenicia (including the Rail Yard) and did not observe any rail cars which appeared to be leaking fluids. DEP Police involved.

Name: 22 Motoma Lane **CA-111-11, SJS 28009**  
Location: Woodstock  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 3/25/11  
Status: **OPEN**

Overview and Action:

DEP Police were dispatched to a dumping complaint on NYC property where interview with complainant indicated that someone had dumped a telephone pole at the end of the road within the last two (2) days. Inspection of area revealed used telephone pole which had been sawed off at the bottom but still had identification number and short pieces of wiring intact. Officer contacted Verizon Telephone's maintenance department whom will send a technician to the dumping location within 72 hours to determine if the pole is Verizon's property. Investigation continuing. OPEN. DEP Police involved.

**3.3.2. Delaware District**

Name: State Route 30 **CB-039-11, SJS 27683**  
Location: Andes  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 3/5/11  
Status: Closed

Overview and Action:

DEP Police observed a JVC radio tuner discarded along the roadway on city property which they took into evidence to try to locate owner from serial number. Contact with customer service at JVC Corporation determined tuner model was discontinued, no serial numbers listed for that model. DEP Police involved.

Name: State Route 55 **CG-373-10, SJS 25725**  
Location: Neversink  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 10/25/10  
Status: Closed

Overview and Action:

DEP Police observed and searched a clear garbage bag laying on the shoulder of the roadway which contained evidence traceable to Tri-Valley High School where police were able to obtain name of company responsible for removal. Driver for company stated that bag must not have been fully secured; police gave verbal warning and cleared scene. DEP Police involved.

Name: 7867 State Route 42 **CG381-10, SJS 25782**  
Location: Neversink **(Spill # 1007979)**  
Type of Use: Municipal  
Type of Violation: Haz Mat

Date Discovered: 10/28/10

Status: Closed

Overview and Action:

DEP Police responded to a complaint of a Haz Mat spill of hydraulic fluid on the roadway which was cleaned up by the machine lift operator with assistance by DEP Haz Mat. Spill report filed and DEP Haz Mat will follow up on progress of the clean-up. DEP Police and DEP Haz Mat involved.

Name: 7051 State Route 55

**CG-383-10, SJS 25795**

Location: Neversink

**(Spill # 1008003)**

Type of Use: Municipal

Type of Violation: Haz Mat

Date Discovered: 10/29/10

Status: Closed

Overview and Action:

DEP Police observed an oil spill outside of the gates to the Neversink Chamber and were advised by DEP Haz Mat to place spill pads on the area which would be picked up by Haz Mat team the following morning. No threat to the water supply, incident report filed and DEC contacted for spill number. DEP Police, DEP Haz Mat and DEC involved.

Name: Divine Corners Road

**CG-388-10, SJS 25838**

Location: Neversink

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 10/31/10

Status: Closed

Overview and Action:

DEP Police observed that a dishwasher had been dumped on city property. No traceable evidence found, DEP Operations contacted for removal. DEP Police involved.

Name: State Route 55

**CG-393-10, SJS 25881**

Location: Neversink

**(Spill # 1008159)**

Type of Use: Municipal

Type of Violation: Haz Mat

Date Discovered: 11/3/10

Status: Closed

Overview and Action:

DEP Police responded to a motor vehicle accident where approximately 1 half gallon of anti-freeze had leaked from one of the cars involved. Neversink Fire Department applied speedi-dri to absorb the spill, DEC contacted for spill number. DEP Police, DEC and Neversink Fire Department involved.

Name: State Route 55

**CG-477-10, SJS 26628**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 12/22/10

Status: Closed

Overview and Action:

DEP Police observed a shopping bag containing mostly household refuse on the side of the road which did yield traceable evidence from an area company. Foreman from company responsible for dumping was issued ticket for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: State Route 42

**CG-045-11, SJS 27281**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/5/11

Status: Closed

Overview and Action:

DEP Police observed a small dumping of household refuse which did yield traceable evidence. Subject was issued Notice of Warning and did return to dump site to pick up the garbage that had blown out of his truck. DEP Police involved.

Name: 9012 State Route 55

**CG-058-11, SJS 27433**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/16/11

Status: **OPEN**

Overview and Action:

DEP Police identified a small dumpsite of household refuse with traceable evidence. Investigation is ongoing at this time to determine subject responsible. DEP Police involved.

Name: Hasbrouck Road

**CG-062-11, SJS 27456**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/17/11

Status: Closed

Overview and Action:

DEP Police observed and picked up a quantity of trash scattered along the roadway which contained traceable evidence. Officers interviewed father of suspect who is responsible for trash removal from the home and he stated that trash may have blown out of the pickup truck he uses for this purpose. Notice of Warning issued for Unsecured Load. DEP Police involved.

Name: City Road 55A

**CG0963-11, SJS 27469**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/18/11

Status: Closed

Overview and Action:

DEP Police identified a small dumpsite consisting of numerous bags of household refuse which did contain traceable evidence. Subject was interviewed, admitted to dumping and was issued ticket for Depositing Noisome and Unwholesome Substance on a Highway. DEP Police involved.

Name: Bullock Hill Road

**CB-252-10, SJS 25553**

Location: Tompkins

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 10/14/10

Status: Closed

Overview and Action:

DEP Police identified a small dumpsite of household refuse which did yield traceable evidence. Several attempts to identify the responsible individual met with negative results. DEP Police involved.

Name: State Route 10

**CB-027-11, SJS 27382**

Location: Tompkins

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/12/11

Status: Closed

Overview and Action:

DEP Police observed a small dumping of household garbage which did yield traceable evidence. Officers contacted subject and gave verbal warning for proper disposal of solid waste. County Department of Public Works employees subsequently admitted to losing the garbage off one (1) of their trucks and returned to scene for clean-up. Officer issued Notice of Warning to County DPW truck driver. DEP Police involved.

Name: State Route 10

**CB-022-11, SJS 27258**

Location: Tompkins

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 2/3/11

Status: Closed

Overview and Action:

DEP Police responded to the site of a small dumping of household trash which had already been cleaned up by DEP Operations and NYS Department of Transportation by the time patrol arrived. No traceable found. DEP Police involved.

Name: 2489 Loomis Brook Road

**CB-250-10, SJS 25513**

Location: Walton

Type of Use: Residential

Type of Violation: Stream Disturbance  
Date Discovered: 10/11/10  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of turbidity in Loomis Brook and determined the source to be one quarter of a mile upstream where a new septic system was being installed and property owner was found to be digging for a new pond. DEP Engineering advised that murky water resulted from digging for pond and not septic install. Police contacted NYSDEC and determined waterway was a Classified Trout Stream. Property owner was issued ticket for Polluting Waters/ Contravention of Standards (NYC ECL). DEP Police, DEP Engineering and DEC involved.

Name: State Route 55 **G-224-10, SJS 23892**  
Location: Wawarsing  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 7/1/10  
Status: Closed

Overview and Action:

DEP Police discovered a dumping of household refuse on city property with traceable evidence consisting of a receipt from a local business. Officer will follow-up on this lead to determine subject who did dumping. . Investigation failed to determine responsible party. Cleanup completed. Closed. DEP Police involved.

Name: 40 Lackawack Hill Road **G-243-10, SJS 24125**  
Location: Wawarsing  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 7/14/10  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of dumping household solid waste with traceable evidence. Officer determined that subject had an overdue / terminated account with waste management company and had left the area two weeks ago. Caretaker on premises agreed to clean up the garbage that had been left on the side of the road. Caretaker completed clean up the garbage that had been left on the side of the road. DEP Police involved.

Name: City Road 55A **CG-006-11, SJS 26829**  
Location: Wawarsing  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 1/6/11  
Status: Closed

Overview and Action:

DEP Police observed a plastic shopping bag of household refuse which did contain traceable evidence. Subject was located and issued ticket for Unlawful Disposal of Solid Waste. DEP Police involved.



Name: Sherman Road **CG-450-10, SJS 26382**  
Location: Wawarsing  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 12/5/10  
Status: Closed

Overview and Action:

DEP Police observed a dumping of two (2) older style televisions on city property which yielded no traceable evidence. DEP Operations contacted for removal. DEP Police and DEP Operations involved.

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

Name: Washington Road **CE-2189-10, SJS 26229**  
Location: Carmel  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 11/25/10  
Status: Closed

Overview and Action:

DEP Police responded to a report of a dumping in progress and were able to apprehend two (2) subjects who admitted the dumping of leaves, block, stone and railroad ties nearby. Subject one was issued tickets for Unlawful Disposal of Solid Waste (NYCRR), Putting Noisome or Unwholesome Substances on or near Highway (ECL) and Driving Without a License (NYVTL); subject two was issued tickets for Unlawful Disposal of Solid Waste (NYCRR) and Putting Noisome or Unwholesome Substances on or near Highway (ECL). DEP Police involved.

Name: 216 Crane Road **CE-2233-10, SJS 26335**  
Location: Carmel  
Type of Use: Residential  
Type of Violation: Stream Disturbance  
Date Discovered: 12/2/10  
Status: **OPEN**

Overview and Action:

DEP Police was dispatched to the above location for a report of tree cutting causing turbidity in a nearby stream and pond. Officer interviewed property owner whom stated he was clearing out some dead trees and brush. Owner showed officer work location where numerous piles of brush trees and saplings were evident as well as a 4' section of corrugated steel culvert which had been newly placed in the stream with fresh dirt and rocks around it to create a walkway over the stream. Owner admitted he found the culvert on his property and thought he could just place it in the stream without the benefit of a permit. Investigation Ongoing at this time DEP Police involved.

Name: 75 Pennebrook Lane **CE-2304-10, SJS 26500**  
Location: Carmel **(Spill # 1009820)**  
Type of Use: Residential

Type of Violation: Haz Mat  
Date Discovered: 12/14/10  
Status: Closed

Overview and Action:

DEP Police investigated a report of a home heating oil spill of approximately 50 to 100 gallons. Upon arrival, oil company owner stated his employee was pumping the heating oil from the tanker into the home's underground tank when the air intake valve to the tanker froze and caused an implosion from the suction of the pump. The spilled oil was absorbed by the surrounding lawn area and did not enter the storm drain at the end of the long driveway. Dutchess Environmental Construction on scene for clean-up, DEC employee also on scene. DEP Haz Mat briefed then determined localization of spill would not cause any impact to the water supply. DEP Police, DEP Haz Mat and DEC involved.

Name: Belden Road **CE-319-11, SJS 27579**  
Location: Carmel  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 2/26/11  
Status: Closed

Overview and Action:

DEP Police found a dumping consisting of four (4) large trash bags filled with household refuse which did yield traceable evidence. Subject was located and when interviewed stated that her boyfriend takes the garbage to her mother's house. Officer issued ticket for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: Horsepound Road **CE-428-11, SJS 27817**  
Location: Carmel  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 3/16/11  
Status: **OPEN**

Overview and Action:

DEP Police investigated a complaint of dumping on city property. Officer observed furniture items consisting of three (3) dresser drawers and one (1) large entertainment unit along with an instruction manual which may provide traceable evidence to help identify subject responsible. DEP Operations notified of items for removal. DEP Police and DEP Operations involved.

**OPEN**

Name: Stoneleigh Ave **CE-2069-10, SJS 25906**  
Location: Carmel  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 11/5/10  
Status: Closed

Overview and Action:

DEP Police observed a dumping that contained rubber gloves, hairnets and food wrappers very close to the Croton Falls Reservoir. At about the same time, local trash hauling company contacted Eastview Precinct to report that one (1) of their trucks had lost part of its load. Responsible truck was indentified and it returned to the scene of dumping and retrieved lost trash. DEP Police involved.

Name: 238 Nichols Street **CE-2070-10, SJS 25907**  
Location: Kent  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 11/5/10  
Status: **OPEN**

Overview and Action:

DEP Police investigated a complaint of a failed septic flowing from a backyard into a stream which was confirmed by officers conducting foot patrol of the area in question. Contact was made with former tenant whom stated that DEP Engineering and Department of Health along with an excavator would be meeting at the site in four (4) days to discuss repairs and remediation. Two (2) subsequent follow-ups by officers determined that some work had been done to system but effluent was still flowing into the watercourse. Homeowner was issued tickets for Unlawful Discharge of Sewage Without a Permit and Putting Noisome or Unwholesome Substances on or near Highway (ECL). Police will continue to monitor the situation until septic is fully repaired / remediated. DEP Police, DEP Engineering and Department of Health involved. **OPEN**

Name: School House Road **CE-1361-10, SJS 24000**  
Location: Lewisboro  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 7/7/10  
Status: Closed

Overview and Action:

DEP Police observed a dumping of general debris from fishermen which contained one piece of traceable evidence although not a specific name. Officer contacted business name on receipt and was informed that a letter requesting further information would be required before name of account holder could be released. Case pending submission of letter and response. Investigation closed no further leads. DEP Police involved.

### 3.3.4. Kensico Basin

Name: West Lake Drive **CE-1510-10, SJS 24392**  
Location: Mt. Pleasant  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 7/29/10  
Status: **OPEN**

Overview and Action:

DEP Police responded to a dumping complaint in the area of Shaft 18 which consisted of construction debris and other traceable evidence. Photos taken and investigation is continuing to contact subjects responsible. Detective Bureau assisting in investigation locate/contact subjects responsible. DEP Police involved.

Name: Swanson Drive & Nannyhagen Road **CE-119-11, SJS 27051**  
Location: Mt. Pleasant  
Type of Use: Residential  
Type of Violation: Haz Mat  
Date Discovered: 1/19/11  
Status: **OPEN**

**Overview and Action:**

DEP Police were dispatched to a spill of an unknown substance leading into a sewer drain. On scene, officers noticed a “yellowish substance” along the side of the roadway flowing toward a drain at the above intersection. Interview with homeowner indicated no testing underway and no septic tank present as property is connected to the local sewer system. DEP Haz Mat advised conducting follow-up along with DEC. DEP Police, Hazmat, and DEC Involved. **OPEN**

Name: Route 120 **CE-492-11, SJS 28024**  
Location: North Castle  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 3/26/11  
Status: **OPEN**

**Overview and Action:**

DEP Police on patrol observed a dumping of garbage bags on city property which contained used rags, two boxes of old brake pads, an empty grease container, an empty anti-freeze container, one receipt for work done to a company truck and one magnetic door sign for a trucking company. Officers logged evidence and will continue investigation of traceable evidence with assistance from the Detective Bureau. DEP Police involved.

#### **4. Kensico Spill Response Program**

##### **Program Description**

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

**SPILLS:**

**12/14/10-** Rye Lake Bridge, North Castle, NY. (DEP Police)

North Castle PD reported a MVA on the bridge with oil and transmission fluid spill to DEP Police. North Castle PD requested DEP Haz Mat to clean up the spill.

**Initial Action Taken:**

DEP Police responded there was no impact to Kensico Reservoir. DEP Police instructed North Castle PD to call the tow truck company back to the site to clean up the spill. No DEC Spill # required.

**1/6/11-** Shaft 18- Kensico Dam, Valhalla, NY. (DEP Police)

DEP Police reported one of their vehicles leaked oil onto pavement.

**Initial Action Taken:**

DEP Haz Mat responded found less than a quart of transmission fluid spilled. Haz Mat padded up remaining fluid. No DEC Spill # required.

**2/16/11-** 1606 Old Orchard Lane, North Castle, NY (DEP Police, DEP Operations) **DEC Spill # 1011471**

DEP Police reported a large fire from several school buses in parking lot with gasoline spill. (Suspected Arson)

**Initial Action Taken:**

DEP Police and DEP Haz Mat responded to the site. A multiple bus fire occurred at a bus storage facility on Old Orchard street and Park Lane in the town of North Castle. As a result, both of the 35 gallon gasoline tanks on the school buses ruptured causing a spill in the parking lot; most of the gasoline burned up in the parking lot. Haz Mat on-site on site investigated for any run off of gasoline into the storm drains which lead to Kensico Reservoir. Only one storm drain was located in the parking lot, which had minimal product in the drain. Hazmat applied pads in the storm drain as a precaution. Hazmat inspected the entire facility and due to large piles of snow and few storm water drains, impact was very small. No impact to the Kensico Reservoir.