

**New York City  
Department of Environmental Protection**

**Bureau of Water Supply**

**Filtration Avoidance 6.1 Enforcement Actions  
For the period April 1, 2012 through September 30, 2012**

**October 2012**

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



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## 1. Introduction

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

This report, covering actions from April 1, 2012 through September 30, 2012, 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 (SSTs), 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 SSTs. 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.

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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.

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

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

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

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

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

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

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

There are several existing or proposed programs funded by DEP that either pay for the remediation of SSTs in failure or likely to fail, or pay for the review and approval of remediations within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds the remediation (design and construction) of individual SSTs that are in failure or likely to fail and are located within eligible priority areas. Per the 2007 FAD, the program was expanded to include small businesses and cluster systems. The CWC solicits property owners within the eligible areas, inspects the site and makes the necessary 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 SSTs. The delegation agreement for repairs includes the review and approval of failing commercial and individual SSTs. The existing Putnam County Sanitary Code requires that a permit be issued by the County for all repairs or modifications to any SSTs. Before DEP and Putnam County entered into the delegation agreement for repairs, DEP did not consistently have the opportunity to review and approve repairs and modifications in Putnam County. Under the revised delegation agreement, the County reviews and approves repairs in accordance with the Watershed Regulations. These repairs are tracked by DEP as applications received and approved, and are reported within the FAD Report 6.1.1, Section 3.5, "Individual Septic System Review."

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

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

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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 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	24	1
CONESVILLE	13	0	10	0	9	0
GILBOA	19	0	15	0	18	2
HUNTER	109	2	80	0	83	2
HUNTER (V)	17	0	9	0	10	0
HURLEY	49	0	48	0	47	0
JEWETT	49	0	47	1	49	0
LEXINGTON	48	1	45	0	44	0
OLIVE	196	3	166	1	171	2
PRATTSVILLE	28	1	22	0	27	1
ROXBURY	31	0	23	0	27	1
SHANDAKEN	142	0	129	0	132	0
TANNERSVILLE (V)	9	2	1	0	6	0
WINDHAM	80	3	65	0	72	1
WOODSTOCK	57	0	52	0	49	1
<b>Total</b>	<b>1124</b>	<b>12</b>	<b>734</b>	<b>2</b>	<b>768</b>	<b>11</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	0	74	0	75	2
ANDES (V)	4	0	2	0	2	0
BOVINA	35	0	32	0	33	0
COLCHESTER	5	1	5	0	4	0
DELHI	70	0	64	0	70	1
DELHI (V)	3	0	2	0	2	0
DENNING	36	2	34	1	32	1
FALLSBURGH	6	0	4	0	4	0
FLEISCHMANN'S (V)	1	0	0	0	1	1
FRANKLIN	6	0	4	0	4	0
HALCOT	7	0	7	0	7	0

HAMDEN	32	1	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	0	53	1	58	0
LIBERTY	1	0	1	0	1	0
MASONVILLE	12	0	10	0	10	0
MEREDITH	21	1	18	0	18	0
MIDDLETOWN	114	0	105	1	106	1
NEVERSINK	224	3	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	90	1	83	1	79	0
WALTON (V)	1	0	1	0	1	0
WAWARSING	34	0	32	0	30	0
<b>Total</b>	<b>983</b>	<b>9</b>	<b>868</b>	<b>4</b>	<b>898</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		9		10	
EAST FISHKILL	0		0		0	
KENT	4		4		4	
PUTNAM VALLEY	0		0		0	
<b>TOTAL</b>	<b>15</b>		<b>13</b>		<b>14</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

Project Name: 875 Mail Route Road (2007-SC-0904)  
Town: Ashland  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - Surfacing -CWC  
Discovery Date:  
Status: Closed

#### Overview and Action:

DEP issued a letter to the owner on 4/14/11 stating construction has not yet commenced. DEP received notice on 11/29/11 that construction will begin. Two loads of fill have been delivered to the site. DEP completed construction inspections on 7/2/12. DEP received As-Built plans, along with engineer's certification letter from the engineer on 7/12/12. DEP issued a letter of Construction Compliance on 7/12/12. DEP has resolved the Enforcement Action on 8/8/12.

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

#### Overview and Action:

DEP received an Application for a conventional individual SSTS on 8/22/11. DEP issued a NOCA on 8/31/11. DEP issued an Approval Determination letter on 9/8/11. DEP issued a letter to the owner on 3/20/12 stating that construction has not yet commenced. On 8/21/12, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner on 9/5/12, regarding the recent DEP letter. The owner was confused as to the next step with the project and was referred to CWC to discuss contractor bidding procedures. Owner asked to re-contact DEP with results of discussion with CWC.

Project Name: 1083 Potter Mtn. Road (2005-SC-0233)  
Town: Conesville  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1703 - Unapproved Construction of Septic System  
Discovery Date: 11/13/2002  
Status: 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. DEP performed a site visit on 4/4/11 for a septic failure; none was observed, it appears the residence has been vacated, there were no signs of traffic or inhabitation and there was no visible discharge. DEP performed a site visit on 6/3/11; the house has been abandoned. DEP performed a site visit on 8/11/11; the house is still vacant. DEP performed a site visit on 9/13/11 for a septic failure; none was observed. The house is vacant and in disrepair

and currently uninhabited. On 10/3/11, DEP issued a reminder letter to the applicant/owner due to the lack of activity. Site Visit type: Enforcement. Date: 10/26/11; septic failure not observed. The house has been abandoned. DEP performed a site visit on 7/24/12; the trailer has been abandoned and falling into disrepair. DEP performed a site visit on 7/26/12; the trailer and garage were being demolished.

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

Overview and Action:

DEP issued 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. On 5/11/11 DEP issued a reminder letter via certified mail to the owner. On 6/17/11, DEP issued reminder letters to both addresses on file. Two letters were sent to each address, one registered and the other regular mail. DEP performed a site visit on 9/12/11 for a septic failure; none was observed. DEP left notices taped to front and back doors. The septic tank is still exposed with tall weeds growing around it. No clearing has been done for septic field. DEP took several pictures. The property is currently inhabited and used on weekends. Site Visit type: Request; Date: 10/12/11 septic failure not observed. Documents had been removed from the doors. Property Status: Currently inhabited, used on weekends. DEP's Bureau of Legal Affairs issued a letter to the homeowner on 12/16/11 regarding the NOV. Site Visit type: Enforcement; Date: 12/21/11; septic failure not observed; posted notices. DEP received a call on 12/22/11 from the homeowner regarding the legal letter. He said that he is not at the house frequently, but when he is at the house, he gets the system pumped so there is no discharge. DEP asked him to send us copies of the pump out receipts (he said they were upstate, and he would get them to us as soon as he could). He also said he would like to fix the system, but he does not have the money to do so. DEP said someone would call him to talk about what the next steps would be (e.g., if any CWC repair funds available, types of systems that are acceptable). DEP sent an e-mail to the DOH on 12/27/11 updating them on this project and requesting their assistance. DEP called DOH on 1/4/12 to check on their enforcement plans for this site. DEP called DOH on 1/5/12 regarding their enforcement plans. DEP and DOH will set up an onsite meeting to review the area for SSTS field designed but not built and make sure it has not been disturbed. If it looks like the expired design would still work, then DOH may recertify it to get re-approval from DEP. DOH agreed that having the system built will be necessary before close of 2012. Site Visit type: Enforcement; Date: 1/6/12; septic failure not observed. DEP met with the owner; the site has not changed since the original design was issued. The owner would like to use the reserve area for the septic field. It is actually a better site offering more of slope for the 4ft. fill system designed by DOH. The owner is going to flag the site and start clearing trees. DEP received a letter from the engineer requesting design extension on 1/18/12. DEP sent an e-mail to DOH on 1/17/12 requesting the use of the same design and clarification that the site is unchanged. DEP received a letter from DOH on 1/23/12 requesting that DEP grant the owner an extension to install the design as approved in 2003. DEP called to let the owner know that his existing design is still valid. The tank being set establishes

that construction was started. He plans to speak to a contractor later this month to finish the project. DEP called the owner on 3/19/12 to check on project status and request pump out receipt which was promised but never sent to DEP. The owner said that the pump out receipt is at the site and he won't be there till the end of the month. Then he will send to DEP. Otherwise, he stated that ribbons have been put on trees and some trees have been recently cut down. The owner plans on doing the project himself, so DEP encouraged him to call DEP inspector as much as necessary to help make sure he doesn't make any mistakes. Site Visit type: Enforcement; Date: 3/30/12; septic failure not observed; no change; construction has not started. DEP received notice on 4/5/12 that construction had begun on 4/1/12; they started clearing the absorption area. DEP performed a site visit on 6/29/12; 1/2-2/3 of the clearing has been done for the septic area. DEP sent an email to the owner on 7/17/12 and after speaking with him, requesting pump out receipts. The owner stated that he will start cutting more trees and putting up stakes for fill material later in the summer. DEP called the owner on 8/21/12 regarding not having received copies of pump out receipts. Owner stated they were sent to DEP several weeks ago. DEP asked owner to resend and owner agreed to do so later in the afternoon, adding DEP contact name on documents. DEP called owner and left message on 8/23/12 requesting that pump out receipts be sent to DEP. An email was also sent on same day requesting the same. DEP received call from owner on 8/27/12 stating that he has the pump out receipts and will send them very soon. DEP sent owner an e-mail on 9/4/12 requesting pump out receipts. DEP received faxed copies of pump out receipts for February, April, May, and August 2012. Owner will continue to fax receipts as pump outs are done, and plans to recommence construction starting with more tree cutting in early fall.

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: Closed

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. DEP called the applicant on 4/29/11 regarding a site meeting. There was no answer so left message. DEP called the applicant on 6/24/11 regarding the stormwater and left a message. DEP received a call from the applicant on 12/8/11 regarding the stormwater controls. The applicant left a message containing the phone number of the contractor who was supposed to do the work originally. The applicant indicated that DEP should take the issue up with the contractor. DEP called the applicant on 12/8/11 regarding the stormwater controls. The applicant has lost his job and has no money. The applicant indicated he would call the contractor, forward DEP contact info and pursue having the controls installed. DEP called the contractor on 12/15/11 and left a message in regard to installing the stormwater controls. DEP called the contractor on 1/9/12 regarding the stormwater controls. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. The violation was resolved and the case was closed on 8/1/12 with DEP Closure letter dated 8/1/12. DEP has resolved the Enforcement Action on 8/1/12.

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: Closed

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. DEP called on 4/18/11 to set a time for a site meeting; tentatively scheduled for 5/6/11. DEP called the owner on 9/22/11 regarding a potential site meeting on 10/7/11. DEP called the engineer on 12/7/11 regarding stormwater controls. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. The violation was resolved and the case was closed on 8/1/12 with DEP Closure letter dated 8/1/12. DEP has resolved the Enforcement Action on 8/1/12.

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

Overview and Action:

DEP 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. DEP received a letter from the engineer on 6/13/11 requesting design re-approval. DEP issued a renewed Approval determination on 5/7/12. DEP issued a letter to the owner on 8/21/12 stating that construction has not yet commenced.

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

DEP initiated an Enforcement Action on 8/16/11. DEP issued a NOV to the owner on 8/16/11. A meeting was held at the site with an engineer on 9/7/11. DEP received preliminary plans from the engineer on 12/15/11. DEP received the drainage analysis report and revised plans from the engineer on 1/4/12. DEP sent an e-mail to the engineer on 1/9/12 listing a couple of items that need to be addressed. DEP received the revised drainage analysis and plans from the engineer on 1/12/12. DEP received an Application for an IRSP on 2/13/12 from the engineer. DEP issued a NOCA on 2/22/12. DEP issued an Approval Determination letter on 2/24/12. DEP performed a pre-construction site visit on 4/30/12. DEP sent an e-mail to the applicant asking

when the work will be performed on 7/31/12. DEP received a call from the contractor on 8/20/12 regarding the estimate for the work.

Town: Hunter  
Basin: Schoharie  
Project Name: Bates, Craig, (Log #2011-SC-0013)  
Project Description: Possible unauthorized construction activity  
Project Type: Other (OT)  
Status: Closed

DEP initiated an Enforcement Action on 4/14/11 for suspected unauthorized construction of an SSTS. The owner is not allowing an inspection or access. DEP sent and received e-mails to and from the CEO on 4/27/11 regarding the addition of bathrooms. DEP received an e-mail from the Hunter CEO on 5/11/11. The CEO believes he convinced the owner to file an SSTS application by the end of the week. DEP received a second e-mail from the Hunter CEO on 5/11/11 further elaborating on getting an application. DEP received a third e-mail from the Hunter CEO on 5/12/11 detailing what might be required to bring the SSTS into compliance. DEP received a call on 6/1/11 from the engineer regarding the soil testing; testing date is 6/3/11. DEP performed a site visit on 6/3/11; septic failure not observed. DEP met with the engineer to perform soil testing. DEP issued a NOV to the owner on 6/16/11. DEP called on 7/12/11 regarding the SSTS design. DEP called the engineer to check on the status of the design. DEP called the owner on 7/12/11 regarding the pump out receipts as indicated in the NOV; a message was left on the voicemail. DEP called 7/25/11 regarding the SSTS design. DEP called on 7/25/11 regarding the pump out receipts as indicated in the NOV; a message was left on the home voicemail. DEP received plans from the engineer on 8/4/11. DEP received an Application for a SSTS on 8/8/11 from the engineer. DEP issued the NOCA and Approval Determination letters on 8/10/11. DEP issued a letter to the owner on 9/26/11 stating that construction has not yet commenced. On, 10/17/11, DEP emailed the Town Code Enforcement Officer requesting assistance in persuading the owner to construct the SSTS. DEP staff discussed status of project with engineer on 11/14/11. The engineer said the owner has not received DEP's last letter regarding the SSTS. DEP has attempted numerous phone calls and has not been able to reach owner. DEP's Assistant Counsel issued a comment letter to the homeowner on 12/22/11 regarding the NOV. DEP received a voicemail on 12/27/11 from the owner in response to the legal letter. DEP staff conducted an inspection of the property to see if SSTS construction has commenced; no action is noted. DEP's Assistant Counsel issued a comment letter to the engineer on 2/27/12 regarding the NOV. On 3/26/12, DEP staff conducted an inspection of the SSTS. DEP inspected all laterals, stone depth, d-box, septic tank and trench for connection to septic tank. The owner will contact DEP when ready for connection inspection and backfill of system. DEP performed a site visit on 4/3/12; septic failure was not observed. DEP conducted an inspection of the SSTS being installed. The SSTS still needs to be backfilled and seeded and mulched. DEP staff left a message with engineer. DEP performed a site visit on 4/12/12; septic failure was not observed. DEP staff conducted an inspection of the SSTS to see if it has been completed. The SSTS still has not been backfilled, seeded and mulched. DEP staff left a message for the owner. DEP performed a site visit on 4/16/12; septic failure was not observed. DEP staff conducted an inspection of the SSTS. The SSTS still has not been completed. DEP performed a site visit on 5/14/12; septic failure was not observed. DEP conducted an inspection of the completed SSTS. The SSTS has been backfilled, seeded and mulched. DEP received the engineer's certification

letter from the engineer on 5/16/12. DEP issued a letter of Construction Compliance letter on 5/22/12. DEP has resolved the Enforcement Action on 5/23/12. The violation was resolved and the case was closed on 5/23/12 with DEP Closure letter dated 5/23/12.

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

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

Project Type: SEQRA (SQ)  
Status:

SCS received a Full EAF on 4/4/12. SCS received copy of a letter and site plan from the Planning Board. DEP issued a letter to the Town of Hunter Planning Board on 4/20/12 with comments.

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

DEP initiated an Enforcement Action on 4/30/09. DEP issued a NOV to the owner on 4/30/09.



A meeting was held with the owner on 5/28/09. DEP discussed SWPPP requirements and will hire a design professional. DEP performed a site visit with the design engineer on 11/10/09. DEP received an Application for a SWPPP on 1/19/10. A meeting was held with the project engineer on 2/1/10 to discuss the design. DEP issued a NOCA on 02/08/10. DEP received an email from the engineer on 8/11/10 stating that the project is not dead, just delayed and will probably submit revisions in September 2010. DEP sent an email to the engineer on 1/20/11 requesting project status update. DEP received an email from the engineer on 1/21/11 stating that he will be working on the plans next week. DEP received an email from the engineer on 2/04/11 for a date to meet and discuss the project. A meeting was held with the project engineer on 6/7/11 to discuss the SWPPP. DEP received a letter and revised plans from the engineer on 7/18/11 to DEP's letter of 3/29/11. DEP issued an Approval Determination letter on 8/4/11. The violation was resolved and the case was closed on 10/3/11 with DEP Closure letter dated 10/3/11. DEP has resolved the Enforcement Action on 10/3/11. DEP performed site visits on 11/30/11 and 3/19/12; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 7/17/12; there were no deficiencies, there was no discharge and the site was vacant.

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 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. DEP sent and received e-mails to and from the homeowner on 6/2/11 regarding the construction schedule. DEP sent an e-mail to the applicant on 8/17/11 requesting information on when the site will be stabilized. DEP performed a site visit on 8/31/11; there were deficiencies, there was no discharge, the site was occupied. DEP sent an e-mail to the owner on 10/27/11 asking as to when the work will be done. DEP received an e-mail from the owner on 10/27/11; he is currently working out of the country and has a contractor at the house that could place riprap in the places most severely damaged by the storm; questioned the smallest size he could use. DEP sent a response to the applicant on 10/31/11 regarding the use of the smaller stone in the channels. DEP performed a site visit on 4/23/12; there were deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the applicant on 6/1/12 making a final request to start the construction process. DEP received an e-mail from the homeowner on 6/13/12 stating that he plans on beginning the work in August 2012. A meeting was held with the project applicant on 7/6/12. The driveway swale will be done first and as soon as possible. The upper portion of the stream will be second and from the culvert outfall to the receiving stream will be done third. A pre-construction meeting will be held prior to initiating each phase. DEP

performed a site visit on 8/21/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the homeowner on 9/13/12 regarding the site. DEP sent an e-mail to the homeowner on 9/17/12 regarding the site.

Town: Hunter  
Drainage Basin: Schoharie  
Project Name: Torah Foundation/Gellman, (Mashne Tashbar), (Log #2003-SC-0672)  
Project Description: Septic Replacement  
Project Type: Intermediate Repair (CR)  
Status: Closed

DEP received a copy of the Certificate of Occupancy from the T/Hunter on 8/8/08. DEP has resolved the Enforcement Action on 9/27/12. The violation was resolved and the case was closed on 9/27/12 with DEP Closure letter dated 9/27/12. DEP issued a letter of Construction Compliance letter on 9/27/12. DEP has resolved the Enforcement Action on 9/27/12.

Project Type: Stormwater (SP)  
Status:

In addition, it is possible that the new home will be within 100' of a watercourse and therefore would require an IRSP. DEP performed a site visit on 5/15, 6/19 and 7/17/08. The swale behind the building has been installed and stabilized. The entire site is stable and in good condition. DEP received a revised Engineer's Report from the engineer on 8/11/08. DEP performed a site visit for final inspection on 9/16/08. The outlet structure has been installed into the stormwater basin and the site is fully stabilized. DEP received a letter from the engineer on 9/22/08 regarding the SWPPP completion.

Project Type: WWPT (WW-1)  
Status:

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. DEP received an e-mail from the engineer on 5/23/11 that he advised the owner to order grinder pumps to replace the centrifugal submersible pumps in the pump stations prior to this summer camp season. DEP requested the final completion certificate upon the completion of the grinder pump replacement and completion of payments to the engineer. DEP received an email from the consultant to setup a meeting for inspection of the grinder pump installation. DEP visited the WWTP on 6/16/11 to follow-up on the pump station corrective work and the plant operation startup for the camp season. DEP received an e-mail from the engineer on 7/1/11 stating that the new pumps are in. On 10/6/11, DEP received an e-mail from the engineer explaining that the certification is delayed because of Tropical Storm Irene. DEP received As-Built plans/engineer's certification letter from the engineer on 10/19/11. DEP sent an e-mail to the engineer on 10/19/11 requesting certification letter. DEP sent an e-mail to engineer on 10/20/11 requesting some changes to the as-builts. DEP sent an e-mail to the engineer on 11/18/11 checking the status of the revisions. DEP received As-Built plans from the engineer on 12/20/11. DEP received an e-mail from owner on 2/23/12 asking about project closeout. DEP issued a letter of Construction Compliance letter on 9/27/12.

Project Type: SEQRA (SQ)

Status:

SCS received Neg. Dec. from Applicant's Attorney dated 4/25/07, regarding Non-Significance issued by the Town.

Town: Hunter

Drainage Basin: Schoharie Reservoir

Project Name: Hunter Highlands Hotel/Condos (Trailside), (Log #2000-SC-0602)

Project Description: Proposal for the construction of a 200 unit hotel; Site is +/- 12 acres.

Approvals for Phases 2-4 have expired. This is a new proposal for three condos in 1st phase of which two can be built without SPDES expansion; Phase 1 to consist of 3-12 unit condos. Each building will consist of four 1-bedroom, four 2-bedroom and four 3-bedroom units. Phase 2 will consist of a 28-room hotel; Phase 3 will consist of three 12-unit condos.

Project Type: Stormwater (SP)

Status:

DEP sent an e-mail to the engineer on 10/7/11 regarding comments on the plan for correcting the drainage problem. DEP received an e-mail from the engineer on 10/26/11 responding to comments sent 10/7/11. DEP issued a comment letter to the engineer on 11/2/11 regarding their recent submission. DEP initiated an Enforcement Action on 11/17/11. DEP issued a NOV to the owner on 11/17/11. DEP received an e-mail from the engineer on 12/14/11 responding to the comments sent by DEP on 11/2/11. DEP sent a copy of the NOV to the owners via e-mail on 12/29/11. DEP performed a site visit on 2/28/12; there were deficiencies, there was no discharge and the site was occupied. DEP's Assistant Counsel issued a comment letter to the engineer on 3/7/12 regarding the NOV. DEP left a message on 4/24/12 for the managing member of Trailside regarding the legal letter and outstanding NOV. DEP performed a joint site visit with DEC on 6/14/12; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 6/25/12 with pictures taken from the site visit showing how the runoff is not being directed into the catch basins. DEC issued a NOV on 7/10/12. DEP received the DEC NOV by email on 7/10/12. DEP received DEC's third attempt of the issuance of the NOV on 8/15/12. DEP received an e-mail from DEC on 9/17/12 stating that their last attempt to deliver the NOV failed again.

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

Location: Hunter

Type of Use: Commercial

Discovery Date: 4/14/98

Type of Violation: Replacement of failed subsurface system.

Status: Closed

Overview and Action:

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 2/4/11 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. DEP received an e-mail from applicant's attorney on 5/27/11. Construction bids were within the budget and plans should be submitted within two weeks. DEP Legal issued a letter to the applicant's attorney on 6/17/11 regarding the need for pump out receipts. DEP received the pump out receipts from 5/5/10 to April 2011 from the applicant on 6/22/11. DEP called the hauler on 6/23/11 regarding the pump out receipts that were received via fax, as they are illegible. DEP received the 6/24/11 pump out receipt from the owner on 6/24/11. DEP received the 7/8/11 pump out receipts on 7/12/11. On 7/14/11, DEP did an inspection of the field, the building for number of rooms and low flow fixtures and the grounds for the proposed connection. The tank had been pumped the day before, and the field was spongy but no sewage was observed. DEP received the 8/4/11 pump out receipt on 8/26/11. DEP received the pump out receipts on 12/10/11. DEP received a call on 12/12/11 from the owner who said she is available any day this week for a site visit. DEP returned the phone call to the owner on 12/13/11; a site visit was scheduled for 12/15/11. On 12/15/11, DEP performed a scheduled site visit; no surface failure was observed. DEP sent an e-mail to the owner on 3/6/12 requesting recent pump out receipts. This project is on the CWC Septic Committee meeting agenda scheduled for 5/1/12. DEP has resolved the Enforcement Action on 9/19/12. The violation was resolved and the case was closed on 8/17/12 with DEP Closure letter dated 9/19/12.

Project Type: Sewer Connection (CN)

Status:

DEP received an Application for a sewer connection on 6/20/11 from the engineer. DEP called DOH on 6/30/11 to discuss extending the permit for 90 more days. DEP called DOT on 7/8/11 to check the status of the DOT permit. DOT has not received an application yet. DOT spoke with the engineer last week and is under the impression that the plans will not be submitted anytime soon; review of the application will take about one month. DEP performed a site investigation and met with the Owner/Applicant on 7/14/11. On 7/20/11, DEP issued design review comments to the applicant and engineer. DEP received a letter from the owner's representative to DOH on 7/25/11 regarding DEP's letter of 7/20/11. DEP called the engineer on 8/18/11 regarding the status of the sanitary sewer system design submittal. DEP received a response letter and revised plans from the engineer on 8/22/11. DEP sent an email to the engineer on 9/13/11 regarding comments on the 8/18/11 submittal. DEP received a call on 9/21/11 from the owner/applicant regarding a problem with getting the sewer connection application signed by a town representative. DEP called the code enforcement officer on 9/22/11 from the town of Hunter regarding the needed signature for the sewer connection application. The CEO indicated he would not sign the application. On 9/23/11, DEP met with the owner/applicant to discuss the sanitary sewer design plan and review comments. DEP received a call on 10/6/11 from a Town of Hunter councilman regarding the connection permit requirement for the applicant. DEP received an email from the engineer on 11/2/11; the plans were revised to include an overflow tank and the adjusted DOT ROW. DEP received revised

plans from the engineer on 11/4/11. DEP received an email from the applicant's attorney verifying the easements on 11/14/11. DEP called a Town Board member on 11/14/11 from the Town of Hunter regarding the sanitary sewer connection application. DEP received a call on 11/16/11 from a Town of Hunter Board Member regarding the signing of the sewer connection application. DEP received a copy of a letter from the engineer to DOT on 11/23/11 regarding necessary permitting to install a portion of the sewer service connection within the NYS Route 23A highway right-of way. On 1/6/12 DEP received a fully executed application to connect to the City Sewer System. DEP received final plans for approval from the engineer on 4/17/12. DEP received a call on 4/19/12 from the applicant regarding the status of the project approval and expressed construction concerns. DEP received a call on 5/8/12 from the owner/applicant regarding permission to start construction. DEP received a call on 5/8/12 from the contractor regarding construction schedule and meeting request. DEP called the engineer on 5/14/12 regarding as-built and testing requirements. DEP called the contractor on 5/15/12 regarding setting up a pre-construction meeting at the site on 5/23/12 @ 10:00 am. DEP met with the contractor and applicant on the site for a pre-construction meeting on 5/24/12. DEP received the signed agreement for the connection to the Tannersville WWTP on 6/1/12. DEP received a call on 6/1/12 from the contractor regarding the directional drill schedule. DEP performed a site inspection on 6/7/12 and met with the contractor to discuss construction issues and progress. DEP performed a site inspection on 6/8/12 and met with the contractor to discuss construction progress. 6/12/12. DEP performed a site inspection on 6/12/12 and met with the contractor to discuss construction issues and progress. Directional Drill Company started at the Rte. 23A crossing. DEP performed a site inspection on 6/13/12 and met with the contractor and owner/applicant to discuss project issues and progress. DEP performed a site inspection on 6/14/12 and met with the contractor to discuss construction issues and installation progress. Directional Drill Company is on site along with concrete tank supply representative. DEP performed a site inspection on 6/15/12 and met with the owner/applicant to discuss recent work activity and construction progress. DEP performed a site inspection on 6/19/12 and met with the contractor and concrete representative to discuss tank repair and construction progress. DEP performed a site inspection on 6/20/12 and met with the contractor who was installing sanitary force main and to discuss tank testing results. DEP performed a site inspection on 6/21/12 and met with the contractor to discuss recent work activity and construction progress. DEP performed a site inspection on 6/22/12 and met with the contractor to discuss recent work activity and construction progress. DEP performed a site inspection on 6/28/12 and met with the owner/applicant and contractor to discuss recent work activity and construction progress. DEP received a call on 6/28/12 from the owner/applicant regarding concerns with the meter chamber readings and freezing during cold winter months. DEP received a call on 6/29/12 from the contractor regarding the Ripley's Dam and flow meter piping conversation and agreement with the engineer. DEP performed a site inspection on 7/3/12 and met with the contractor to discuss work activity and construction progress. DEP called the contractor on 7/3/12 from regarding recent work activity and construction progress. DEP performed a site inspection on 7/17/12 and met with the owner/applicant to discuss recent work activity and construction progress. On 7/19/12, DEP witnessed the contractor perform a satisfactory pressure test of the force main. DEP called E-One representative on 7/23/12 from Water Resource Technologies regarding pump run time meters for control panel. DEP received a call on 7/23/12 from the contractor regarding the pump run time meters. DEP performed a site inspection on 7/27/12 and met with the owner/applicant to discuss the remaining construction items and pump run time meter issues.

DEP received a call on 7/31/12 from the contractor regarding a problem with installing the pump run time meters and pump station start-up testing. DEP performed a site inspection on 8/2/12 and met with the owner/applicant, contractor and E-One Technician who provided start-up testing, instruction and certification. DEP performed a site inspection on 8/8/12 and met with the contractor and owner/applicant to discuss work activity and progress. DEP performed a site inspection on 8/16/12 and met with the owner/applicant and electrician to verify flow meter operation and calibration. DEP completed construction inspections on 8/17/12 and issued the owner/applicant a letter of construction acceptance. DEP received As-Built plans/engineer's certification letter from the engineer on 8/27/12.

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

DEP Land Management observed a sewage discharge and notified RRE on 8/2/11. A broken discharge line in the pump chamber, an overflow pipe, and the pumps shutting off due to overheating, combined with an inactive high water alarm, were noted and repaired. DEP performed a site visit on 8/2/11. A partially buried overflow pipe from the pump house was noted by DEP to be discharging from the pump house to the ground. DEP met with the superintendent on 8/3/11; four thousand gallons were taken by the hauler from the pump chamber on 8/2/11 to temporarily stop the surface discharge. The pump problem is being investigated. DEP performed a site visit on 8/4/11. A broken discharge line in the pump chamber, an overflow pipe, and the pumps shutting off due to overheating, combined with an inactive high water alarm, were noted by the superintendent and are now repaired. DEP sent an e-mail to the Club superintendent regarding the quick repair. DEP received a call on 8/23/11 from the superintendent, who said one of the breakers for a pump keeps overheating and shutting off. He has called an electrician to repair, until then is checking it every day. DEP advised to pump the tanks if needed to prevent a surface discharge. DEP sent pictures of the sewage spill via email to DEC on 8/14/12. DEP performed a site visit on 8/14/12; septic failure was observed for the Surcharge septic tank, cesspool, drywell, visibly entering watercourse/wetland, migrating off property, surfacing of sewage on ground and direct discharge from building. DEP stopped at the pump house to do an inspection. An alarm was going off inside the building and sewage was observed flowing out of a hole in the rear of the building, as well as flowing out of the wooden box outside the building. DEP received a call on 8/14/12 from the superintendent saying that he had the pump chamber emptied and that there was no longer a discharge. On 8/16/12, DEP Regulatory (REP), DEP Land Management & DEP Police met with a member of the Onteora Club Board of Directors and with the manager of the Mountain Top Arboretum. DEP has a conservation easement on the parcel to the south and east of the pump house discharge; the parcel is owned by the Mountain Top Arboretum. DEP corresponded by email with the superintendent regarding the sewage spill. DEP corresponded by email on 8/17/12 with the DEP Police to discuss daily inspections requested by REP. DEP received an e-mail from a member of the Board of Directors on 8/20/12, concerning the sewage discharge on 8/14/12 and the

subsequent meeting on 8/16/12. DEP Land Management & REP replied to the email on 8/23/12 and included a video of the sewage release from 6/14/10. DEP received an e-mail reply from a member of the club's Board of Directors on 8/23/12 and copied the maintenance supervisor. DEP sent an e-mail to the superintendent on 8/27/12, confirming the appointment for a pump house inspection on 8/29/12. DEP received an e-mail reply from the President of the board on 8/28/12, acknowledging the meeting scheduled that will be attended by a board member. A meeting was held with the project applicant on 8/29/12. An electrician, a pump specialist and the alarm company met with DEP, the facility operator and a board member. On 8/29/12, DEP met with Club representatives and trades people to perform an assessment of the pump house and discuss required actions to address the chronic sewage discharges from the pump house. DEP received a map that the Club generated of the SSTS. DEP sent an e-mail to the Club on 8/30/12, with DEP approval letters from the past connections to the SSTS. DEP spoke with the design engineer for the project on 8/30/12. He will mail DEP a copy of the "as built" from 1993. DEP issued a NOV to the owner on 8/31/12. DEP initiated an Enforcement Action on 8/31/12. DEP received an e-mail from one of the members of the board on 9/4/12, with an update that the SSTS components have been located and that an engineer has been hired. DEP received a phone message from the facility operator on 9/5/12, confirming a meeting with the engineer on 9/6/12. DEP received a phone message on 9/5/12 from a member of the board, confirming the receipt of the NOV. On 9/6/12, DEP met at the pump house with the electrician, the pump contractor, the facility operator and a member of the Board of Directors. A breaker was dedicated for the high liquid alarm level float, the pump function was checked and found to be low, and options for pump replacement were discussed. DEP received an e-mail from the Board of Directors on 9/9/12, with the engineers' inspection report attached. DEP responded to the concerns on 9/10/12. DEP received a letter from the representative on 9/12/12 regarding a letter that was issued to them for the sewage spill from the adjacent Onteora Club pump house that has impacted the Mountain Top property and constitutes a violation of the easement. DEP received a copy of the 1993 As-Built plans from the engineer on 9/12/12. On 9/12/12, DEP met with the engineer, the facility operator, the pump contractor and a member of the Board of Directors. The club is moving forward with the investigation into the operation and maintenance of the SSTS. DEP sent an e-mail to the engineer, Board of Directors and facility supervisor on 9/13/12, with the 1993 "as built" attached. DEP also advised again doing any remedial work prior to the engineer and DEP being in agreement. DEP received the pump out receipt on 9/13/12. On 9/17/12, DEP met with the engineer and facility operator to look at the pump function and the SSTS components. Several issues were noted that will be explained in a report with recommendations from the engineer. DEP received a copy of the SPDES Permit application from 1992 on 9/17/12. DEP sent an e-mail to the Club and the engineer on 9/18/12 regarding the urgent need to have at least one pump in good working order until the pumps are replaced on 9/18/12. DEP received an e-mail from the engineer on 9/18/12, with a report of the 9/17/12 inspection and recommendations attached. On 9/20/12, DEP met with the facility operator, his staff and a member of the board to try to locate the dosing chamber and the d-boxes. DEP gave the operator the "as built" that was generated by the design engineer in 1993. On 9/25/12, DEP met with the engineer, the hauler and the operator. The tanks at the field house and theatre were exposed; the theatre tank was empty. The dosing chamber and the large septic tank are being pumped down for cleaning and maintenance. On 9/26/12, DEP met with the operator's staff to continue looking at SSTS structures. The operator and DEP called the engineer to discuss the findings. The pump contractor is installing a 3HP well pump to temporarily replace the worst of the two failing

pumps. On 9/27/12, DEP met with the operator and his staff, who are working on sealing the dosing chamber and repairing the tilted bell on one of the siphons in the dosing chamber.

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

Status:

DEP performed a site visit on 4/28/11; septic failure was observed. The absorption field was migrating off the property and surfacing of sewage on ground. DEP did an inspection of the absorption field. Sewage was observed migrating down the taper of the field to the roadside ditch. The entire field was soggy, and the sewage odor was intense. DEP initiated an Enforcement Action on 5/10/11. DEP issued a NOV to the owner on 5/10/11. DEP received a phone message on 5/16/11 from the property owner's daughter that she received the NOV. DEP spoke to the owner's daughter on 5/17/11 regarding the NOV. DEP will meet with her on site on 5/23/11 and she will contact the design engineer for the plans, approval letter and "as built." A meeting was held with the project applicant, his daughter and DEP on 5/23/11 to discuss the possible reasons for the failure. DEP called the owner's daughter on 6/15/11. The water meter has been purchased and the engineer has sent the plans and "as built" to her. She will copy and forward to DEP and schedule a site inspection. On 7/5/11, DEP did a routine inspection of the absorption field. The rivulets on the taper were dry and there was no smell of sewage. DEP performed a site visit on 8/2/11, the grass has been cut and the channel that the sewage flows is evident. The roadside ditch smells slightly of sewage, but no sewage was observed on the ground. On 8/18/11, DEP did a site inspection; no sewage was observed on the ground. DEP performed a site visit on 9/2/11; there was no evidence of a surface discharge or that any investigation has been conducted into the reason the absorption field is failing. DEP received an e-mail reply, saying that he had issues with flooding. DEP sent an e-mail to the owner's daughter asking for the water meter readings. DEP performed a site visit on 10/12/11; septic failure was not observed. There was no evidence of sewage on the ground, but the areas of lush vegetation remain. DEP performed a site visit on 1/19/12; septic failure was observed. Effluent had surfaced and migrated down the taper of the absorption field in three spots, and had frozen. DEP met with the engineer, who said that he will be calling the owner and DEP to schedule a site visit to hand excavate the d-box area to determine the problem with the SSTS. DEP called the engineer to request a site visit. DEP performed a site visit on 2/2/12; septic failure was not observed. There was no discharge on the field, but an area adjacent to the d-box appears to have had a surface discharge recently. That area is at the top of the rivulet caused by previous discharges that DEP has witnessed. Also, the ground above the trenches was very soft and wet. DEP sent the owner's daughter an email on 2/3/12, requesting cooperation for the NOV resolution. DEP performed a site visit on 2/3/12; septic failure was not observed. There was no discharge observed, but the field was soft and the areas of previous discharges looked damp. DEP performed a site visit on 2/15/12; DEP had a scheduled appointment with the engineer and a contractor to expose the SSTS components in an effort to find the cause of the failure but the engineer called and will attempt to reschedule. DEP sent an e-mail to the owner's daughter



requesting water meter readings and requested another site visit. DEP performed a site visit on 2/21/12; septic failure was not observed. There are soft wet spots on the field but no sewage surfacing or migrating down the taper of the field. DEP performed a site visit on 2/27/12; septic failure was not observed. DEP met the engineer on site to look for possible causes of the absorption field failure. Problems were found with the distribution box. A follow up site visit to expose the d-box and lower lateral will be scheduled. On 4/2/12, DEP performed a routine inspection of the absorption field. No sewage was observed on the ground, but the grass is lush in several places where sewage has been observed in the past. Site Visit type: Investigation. DEP called the engineer on 4/13/12 regarding the need for a site visit to determine the cause of the SSTS failure. He said he has a contractor that will be able to meet at the site next week. DEP called the engineer on 4/26/12 regarding the need for a site visit. DEP called the engineer on 5/14/12 regarding scheduling a site visit to determine the cause of absorption field failure. DEP received a call on 5/18/12 from the engineer, who is still trying to schedule a site visit. DEP spoke to the engineer about doing the investigation of the SSTS. The engineer doesn't think he will get paid for the work and the owner is reluctant to have anyone look at the SSTS. DEP sent an e-mail to the owner's daughter on 5/31/12, requesting the water readings and some help with scheduling a site visit. DEP received an e-mail from the engineer on 6/20/12. He performed some percolation tests in the fill of the SSTS that passed. He will schedule a time to do more investigation in the near future. On 7/18/12, DEP performed a routine inspection of the absorption field. The owner is working on mowing and trimming the vegetation and has filled in the rivulet where the surface discharge had been noted in the past. The field was dry. On 7/26/12, DEP stopped at the site; there was no discharge. On 8/8/12, DEP performed an inspection of the absorption field; no sewage discharge was observed.

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

Town: Hunter

Type of Use: Residence

Type of Violation: Failed SSTS

Discovery Date: 1/15/08

Status:

Overview and Action:

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

engineer to do soils testing. Pending results of this test, if a design is not feasible to replace the septic system, an application requesting to connect to Tannersville WWTP collections system would need to be submitted to DEP Engineering for review. The owner was reminded to keep in touch with CWC regarding possible funding for the project, whether it connects or is completely replaced. DEP performed a site visit on 6/13 and 8/9/12; no septic failure was evident.

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

Overview and Action:

DEP sent internal email on 4/25/12 to make sure project was known. House collapsed during foundation renovations and existing septic was dug up during the process. Town CEO and DEP on same page and are requiring engineer to submit plans for new SSTS approval. DEP initiated an Enforcement Action on 7/13/12 to make sure project shows up in monthly reports. Waiting for owner to hire engineer to design replacement SSTS. DEP inspector will conduct site visits and document in engineering database. DEP performed a site visit on 7/23/12; the house is being demolished after foundation work caused house to collapse. During the excavation, the septic disposal area was dug up. The owner needs to contact an engineer to design a new system.

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

Overview and Action:

DEP sent an e-mail on 4/27/11 to the camp director with a tentative summer inspection schedule and a request for an inspection during the current wet season. DEP received an e-mail response on 4/29/11 to DEP's request for inspections starting 4/28/11. DEP performed a site visit on 5/18/11; septic failure was observed. The absorption field was surfacing sewage on ground. Infiltration was noted in a few tanks and some piping. Pipes are being replaced between the health lodge, the septic tank and the newly discovered manhole. DEP met with camp director and ranger for a pre-season inspection on 6/14/11. The sewer lines behind the health lodge were being replaced. The D-boxes were not surcharged and minimal infiltration was observed. On 6/29/11, DEP staff met with the camp assistant to inspect the SSTS. The camp is not in full session; a staff of 45 is in. On 7/3/11, 200 + boy scouts are expected to arrive. The SSTS is not failing on the surface, but there are maintenance issues. On 7/13/11, DEP accompanied by camp representatives inspected the SSTS. Backfilling the sewer pipes that were replaced behind the health lodge was underway. Some areas of the absorption field were wet and spongy, but did not appear to be from sewage surfacing. On 7/21/11, DEP accompanied DOH for an inspection of the SSTS. The tanks were pumped and the absorption field was not actively receiving flow because the camp director was concerned about a wet spot above the curtain drain. DEP received a phone message from the camp director on 7/22/11 regarding some septic odors. The

camp director had the tanks pumped which effectively takes the system off line for a few days. DEP performed a site visit on 7/27/11; the absorption field was taken offline 7/26/11 by the Boy Scouts because dye was recovered in the curtain drain. Arrangements to locate and replace a suspected broken pipe below the siphons are underway. No sewage observed surfacing during inspection. On 8/3/11, DEP and DOH inspected the camp following a report that a section of sewer pipe had to be replaced. The system was back online and conveying flow satisfactorily. A strong septic odor and excessive slime and algae were observed around the curtain drain. On 8/11/11, DEP met with the camp director and the ranger for an end of the season site inspection. Most of the campers have left the site. A few counselors and support staff are still onsite. No evidence of sewage surfacing was observed. DEP sent all 2011 field reports via email to the camp director on 8/25/11. DEP also requested the seasons meter readings. DEP sent a follow up e-mail to DOH on 10/21/11 regarding fall inspections. DEP issued a letter to the Camp Director on 4/24/12 with a summarization of the most recent observations regarding the operational status of the SSTS of the Camp. DEP received an e-mail on 5/01/12 with the new President's information. On 5/11/12, DEP received a hand delivered letter from Boy Scouts of America (BSA) in response to DEP's letter of 4/24/12. DEP received an e-mail from the Camp Director on 5/11/12 with the pump out receipts from 2011 attached. DEP sent an e-mail to DOH on 5/31/12 requesting assistance in investigating the SSTS. DEP sent an e-mail on 6/5/12 to the camp director regarding available dates for DEP site inspections this summer and also requested the camp and other events schedule for the year. On 6/14/12, DEP inspected pipe replacement work from below the eastern siphon to the northeast D-box. Apparently recent pipe video work revealed holes in the pipe. DEP requested a copy of the pipe video. On 6/21/12, DEP performed a scheduled pre-season inspection of the SSTS. A previously unnoticed, sewer smelling discharge was observed from the ranger's cabin. It is suspected to be laundry waste. On 6/28/12, DEP accompanied DOH on a partial inspection of the SSTS. Laundry discharge from ranger's cabin was fixed. No new or active problems noted. On DEP performed a scheduled inspection of the SSTS. No new problems were observed. DEP sent an e-mail to BSA Director on 7/25/12 requesting pump out receipts. DEP received an e-mail from the Camp Director, with the 2011 pump out receipts attached, on 7/25/12. ON 7/31/12, DEP performed a scheduled inspection of the SSTS; it was not obviously failing, but faint sewage odors were noted around the absorption field and curtain drain. On 8/7/12, DEP made a scheduled site visit. Sewage was observed in the ditch at the eastern discharge end of the curtain drain, as well as on the ground above two laterals in the absorption field. DEP called DOH on 8/7/12 regarding the day's field visit. DOH and DEP will re-inspect the absorption field. On 8/8/12 DEP performed a site visit; septic failure was observed at the absorption field and surfacing of sewage on ground. DEP met DOH onsite to inspect the absorption field and curtain drain. Sewage was observed surfacing to the ground and the curtain drain discharge below the pipe had sewage in it. DEP sent an e-mail to DOH on 8/10/12 including DEP's field report and pictures from the 8/8/12 site visit.

Project Type: Stormwater (SP)

Status:

DEP issued a comment letter to the engineer on 3/18/08 regarding the NOV, and the need for an approved SPPP. DEP received an Application for a SPPP on 6/9/08 from the engineer with a copy of DEC's NOI. DEP issued a NOCA on 6/19/08. DEP issued an Approval Determination letter on 6/20/08. DEP issued a letter of agreement to the Scout Executive on 6/24/08 in order to address on going violations for the 2008 camp season. DEP issued a letter to the applicant on

8/29/08 regarding an alternative to the infiltration trench. The violation was resolved and the case was closed on 10/6/09 with DEP Closure letter dated 10/6/09. DEP completed construction inspections on 10/6/09.

Project Name: 384 Colgate Road (2001-SC-0858)  
Town: Jewett  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1506 previous owner; Frederick King  
RE.2 - failing SSTS - CWC - cracked septic tank leaking on unstable bank

Discovery Date:

Status: Approved

Overview and Action:

DEP initiated an Enforcement Action on 6/24/11. This project is funded under CWC septic repair program. On 6/24/11, DEP received CWC's notice of failure. DEP issued a letter to the owner on 6/29/11 providing guidance for remediation. DEP received an email chain on 7/13/11 regarding stream program erosion issue and discussions on coordination between regulatory and funding parties. DEP received calls from CWC and the engineer on 7/22/11 regarding the possibility of purchasing the property for septic siting. DEP exchanged internal email on 12/19/11. Stream restoration of East Kill reach near this property is scheduled to start mid July 2012. DEP sent an e-mail to the engineer on 12/19/11 for a status update. DEP sent an e-mail to the engineer on 1/3/12 regarding possible adjustments to neighboring conservation easement based on internal DEP discussions with Natural Resource Management Section and with CWC. DEP received an e-mail from the engineer on 1/25/12, stating that neighbor is willing to allow modification to his existing conservation easement to allow for septic replacement for subject property owner. DEP issued internal emails to determine next step in process. DEP called the engineer on 3/29/12 requesting a status update. The owner is currently considering a possible FEMA buyout program; the engineer will contact DEP in about one month with any updates. DEP received a call from the owner on 3/30/12 regarding the status of the project. The owner will look into vacant property possibility two lots up from her and will check with CWC first to see what they may be able to commit financially. The owner already had land acquisition's phone number, and may call them with some questions related to conservation easement swap possibility. DEP sent e-mail to LAP on 3/30/12 regarding anticipated owner's contact. DEP received an Application for a conventional individual SSTS on 8/8/12. DEP issued a NOCA on 8/14/12. DEP issued an Approval Determination letter on 8/21/12.

Project Name: 3793 CR 42 (2008-SC-2335)  
Town: Lexington  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - CWC hardship-Managed Repair  
Discovery Date:

Status: New

Overview and Action:

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

Town: Olive  
Basin: Ashokan  
Project Name: Vanacore, Rita E, (Log #2012-AS-0447)  
Project Description: Complaint received by DEP Police-Possible sewage failure onsite  
Project Type: Other (OT)  
Status: New

DEP received an e-mail from DEP Police on 4/23/12 regarding complaint of leaking sewage. DEP inspection staff will follow-up with inspections and document in database. DEP initiated an Enforcement Action on 4/23/12 to track this alleged sewage failure.

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

DEP received a call from the engineer to schedule soils for a failed commercial SSTS. DEP received the pre-app form from the engineer via fax. DEP performed a site visit on 11/23/11; septic failure was not observed. DEP met with the owner and engineer for soils for a replacement commercial system; there is no usable soil on the parcel. On 11/28/11 DEP received CWC's notice of failure. DEP corresponded with the engineer regarding the lapse in time between DEP noting the failure and a design submission. DEP initiated an Enforcement Action on 2/7/12. On 3/2/12 DEP issued a reminder letter to the owner due to the lack of activity. DEP received an Application for a SSTS on 3/19/12 from the engineer. DEP issued a NOCA on 4/9/12. DEP issued a comment letter on 4/9/12 to the engineer. DEP received a letter and revised plans from the engineer on 4/13/12 to DEP's letter of 4/9/12. DEP called the engineer on 5/10/12 regarding some issues with the revised plans. The engineer wants DEP to put the concerns in writing. DEP received revised plans from the engineer on 5/29/12. DEP called the manufacturer of the treatment tank/pump chamber proposed by the engineer on 6/15/12 to get information on available storage capacity. The representative will email me an explanation on 6/18/12. DEP sent an e-mail to the design engineer on 6/19/12, regarding the storage in the pump chamber and what is needed in a revised design. DEP sent an e-mail to the design engineer about the items missing on the revised plans dated 5/24/12 on 6/20/12. On 7/11/12, DEP performed a routine inspection of the SSTS; there was no surface failure noted. The pump chamber alarm was tested successfully. DEP received revised plans from the engineer on 7/17/12. On 7/19/12, DEP met with an engineer to investigate the SSTS. DEP received an e-mail from the engineer with some suggestions for the SSTS on 7/20/12. DEP issued an Approval Determination letter on 7/23/12. DEP called the owner and left a message at his office on 8/30/12, inquiring about the schedule for the replacement SSTS installation. DEP received a return phone call on 9/4/12 from the owner, who said the engineer submitted bids to CWC, and that the CWC has requested additional bids for the SSTS construction.

Town: Olive  
Basin: Ashokan  
Project Name: Onteora Mountain House, (Log #2010-AS-1070)

Project Description: Alteration/Modification of an existing SSTS

Project Type: Intermediate Repair (CR)

Status:

DEP called the engineer that the facility operator said he had hired and left a message requesting some movement on the project. DEP called the facility operator who said the engineer is working on the water supply. DEP initiated an Enforcement Action on 6/29/11. DEP issued a NOV to the owner on 6/29/11. DEP received a letter responding to the NOV from the engineer on 7/28/11. On 8/11/11, DEP met with engineer to dye out the absorption field. On 8/15/11, DEP walked the area of the absorption field; it is overgrown and difficult to see the ground. There was a slight sewage odor near the tank. DEP performed a site visit on 8/18/11; there was no sign of sewage on or around the field. There is a thin plastic pipe coming from the field toward DEP property, but the area is so overgrown it couldn't be traced. DEP sent an e-mail to UCHD on 9/19/11 regarding an approach to resolving the NOV. DEP called UCHD on 10/11/11 regarding status of project. UCHD is going to touch base with the engineer and get back to DEP with an update. DEP received a copy of an e-mail UCHD sent to the engineer on 10/11/11. The email provides direction for water meter reading and requests an inspection. DEP received calls from the engineer and UCHD on 10/19/11 advising that the water meter was installed and that a confirmation inspection should be setup. DEP performed a site visit on 10/25/11; DEP went to the site with the design engineer to observe the water meter that had been installed. DEP received the water log for October from UCHD. From 10/26/11 through 10/31/11, six of the 10 days were over 500 gpd. DEP received a letter from UCHD to the representative on 12/16/11 regarding necessary steps needed prior to DEP and UCHD approvals. DEP received the water meter readings from UCHD on 12/19/11. DEP sent an e-mail to UCHD regarding the 200 seat maximum for an event, and the current water log for events of only 105 guests. DEP received an e-mail from UCHD with flow documentation for the facility on 1/24/12. DEP received an e-mail from UCHD on 2/13/12 that directs the engineer to upgrade the SSTS. DEP sent and received an e-mail to and from DOH commenting on the requirements for the SSTS and asking for continuing flow data on 4/10/12. DEP received a return message from the engineer on 5/9/12 regarding the status of the proposal. Engineer is on hold waiting for the applicant's attorney to go over the work. On 7/24/12, DEP inspected the absorption field; no sign of failure noted. DEP received an e-mail from DOH on 8/2/12 with the November 2011 water log. DEP received an e-mail from DOH on 9/11/12, with the water meter readings from the facility for July 2012. DEP received the water meter readings from DOH on 9/19/12. DEP sent an e-mail to the engineer on 9/21/12. The email included excerpts from the Boiceville Sewer Plans showing the collection system in the vicinity of the Onteora Mountain House. During a phone call, DEP advised the engineer that the Town must explore extending the sewer to Onteora Mountain House before the City considers allowing a lateral across City lands.

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 issued a letter to the owner on 3/1/11 stating that the construction has not yet commenced. On 6/28/11, DEP issued a reminder letter to the owner due to the lack of activity. DEP received

a phone call on 7/8/11 from the property owner; he has a medical problem that requires treatment and surgery and so will put off the residential SSTS installation until September 2011; the house remains vacant. DEP called the property owner and left a message requesting an update on the house SSTS that has still not been repaired. DEP received a return call on 12/8/11 from the owner, who asked DEP to return his call. DEP spoke to the owner on 12/13/11, who confirmed that the house was unoccupied, and that he is hoping to have the money to install the SSTS next construction season. DEP issued a comment letter to the applicant on 12/27/11 regarding the NOV. DEP called the owner on 3/8/12, and left a message. DEP issued a letter to the owner on 3/9/12 stating that construction has not yet commenced for the individual SSTS for the residence. DEP received a call from the property owner on 3/22/12 in response to a message that DEP left for him on 3/8/12; he will be starting construction on the residential SSTS in July 2012. DEP called the owner on 6/7/12 and left a message with the receptionist for a return call regarding the schedule to install the individual SSTS for the house. DEP received a return phone call on 6/7/12 from the owner, who plans to install the SSTS in July 2012. DEP called the owner on 7/30/12 regarding the July scheduled installation of the SSTS for the house. DEP left a message on the office answering machine, requesting an update. DEP received a return phone call on 7/30/12 from the owner, who said a loan is being sought and the SSTS install will occur in August 2012. DEP called the owner to inquire on the SSTS installation. He said he needs to find a contractor that will wait for the CWC money. DEP sent him a contractor's list.

Project Name: 27 Traver Hollow Road (1998-AS-0485)  
Town: Olive  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #1768  
Discovery Date: 4/9/03  
Status: Approved

**Overview and Action:**

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. On 4/18/11 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner's representative on 5/2/11, regarding recent registered letter. He said fill material from replacement back in 1999 turned hard as a rock and failed at other sites as well. He believes there may be some issue with pump cycle/dose and stormwater runoff entering tank. DEP performed a site visit on 5/5/11; septic failure was observed; migrating off property and surfacing of sewage on ground. The distribution box spills out sewage to surface of ground during every pump cycle. Exploration yielded further suspicion that fill material will not accept any flow, so trenches are surcharged and blinded off. Drainage improvements may help situation. DEP sent an e-mail to Community Planning on 6/2/11 with information and background on the site for discussion with CWC. DEP WP staff was informed by WLCP staff on 6/24/11 that they have discussed this project with

CWC and that a solution is being sought that is compliant with their program rules. This project is on the CWC Septic Committee meeting agenda scheduled for 8/2/11. DEP received an email update from CWC on 8/16/11. They are waiting for the homeowner to sign participation agreement to move forward. DEP received an e-mail from CWC on 8/22/11 stating that the homeowner has signed the participation agreement and this project can now move forward. DEP called CWC for update on 10/3/11, who stated that delays incurred due to Hurricane Irene's flooding, and expect project to be built yet this year. DEP called CWC for an update on the project on 10/26/11. CWC reported that soils testing should be scheduled and done within two weeks. They hope to construct this year, as weather permits. DEP called CWC on 11/30/11 for project update; soils were done but no original material found, so back to design phase. At this point, project will not get built until the 2012 season. CWC stated that they will not pay for any additional pump outs. DEP exchanged emails with the owner on 1/13/12; plans are expected to be submitted by mid February, 2012. DEP called the engineer on 2/15/12 and left message to call back regarding status of the plans. This project is on the CWC Septic Committee meeting agenda scheduled for 3/6/12. DEP called engineer for update on project on 3/19/12 and left a message. DEP received an Application for a conventional individual SSTS on 4/6/12. DEP issued an Approval Determination letter on 4/9/12. DEP called CWC and received call back with update on status of project on 7/16/12. DEP received a revised design from the engineer on 8/6/12. DEP issued a Modified Approval Determination letter on 8/10/12 to the engineer along with the approved plans. DEP received an e-mail from CWC on 9/5/12, stating that they are waiting for construction quote to be submitted.

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

Overview and Action:

DEP issued a letter to the estate on 11/1/11 regarding the NCRA discontinued use. Site Visit type: Follow up. Date: 11/7/11; septic failure not observed. Pictures were taken of the structure, vacancy notice posting and septic tank area. Site Visit type: Follow up. Date: 12/19/11; septic failure not observed. Property Status: Currently uninhabited, Posted for sale. DEP performed a site visit on 7/23/12; septic failure was not observed.

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

Overview and Action:

DEP issued a letter to the applicant on 11/2/11 regarding the NCRA discontinued use. DEP received a call (left message) from the attorney working on estate of deceased owner, on 11/9/11, in response to the recent DEP letter alleging discontinued use and loss of NCRA status. DEP called the attorney on 11/9/11, who inquired whether the failed sale to NYC of the property buys



them three years of discontinued use without losing NCRA status. DEP communicated internally on 11/17/11 regarding when the property was in discussions for sale with DEP, to help determine the NCRA status. DEP received a call on 12/21/11 from the attorney regarding NCRA status. DEP explained that the NCRA status has lapsed. The attorney noted that the will was being contested and that the estate also owns property across the street and may consider selling to the city again. DEP found the property to be abandoned/vacant on 2/21/12 and a for sale sign was posted. DEP performed a follow up site visit on 6/28/12; septic failure was not observed. Property Status: Currently inhabited, Posted for sale. On 7/23/12 DEP performed a site visit; septic failure was not observed. Meters were pulled from the structures.

Project Name: 3338 NYS Route 28 (Log#2007-AS-0954)  
Town: Olive  
Type of Use: Residence  
Type of Violation: Failed SSTS - CWC  
Discovery Date:  
Status: Approved

Overview and Action:

DEP issued an Approval Determination letter on 8/15/08. DEP received notice that construction will begin on 10/6/09. DEP received a letter from the engineer on 11/1/09 regarding certification of the construction except for the grading. DEP issued a Letter of Partial Construction Approval to CWC on 11/9/09. On 6/15/12, the owner invited DEP to the site and had several complaints about work that was done and approved, including an "illegal" pipe installed last year by contractor which she believes is connected to septic system piping, ponding water at low end of swale, inadequate rock removal so she cannot mow and maintain the field, and stated that a tree was buried in the berm material. DEP received a call from the owner on 7/11/12, stating that contractor showed up onsite with a rake to clean up the ground surface. The owner was upset that the contractor just showed up with equipment and asked for DEP to call back. DEP called the owner back on 7/12/12. Owner said she told contractor to leave (previous day) because he didn't let her know he was coming. Owner wants to be contacted in advance and is concerned that the contractor just wanted to dress up the surface and not deal with her other concerns (swale drainage, tree in berm, and possible illegal pipe connection last year. DEP discussed the alleged illegal pipe installation with the engineer/contractor on 7/13/12. He explained that drain was installed to remove ponded groundwater behind the distribution box. DEP received a call from the owner on 7/16/12, requesting call back to discuss plans to get issues corrected. DEP called engineer on 7/19/12 and left message to call back and discuss owner's and DEP's concerns. DEP called owner and informed her that a meeting on site was trying to be scheduled, and that the mysterious drain pipe will need to be uncovered, and the distribution box as well, to determine system status. Also, DEP scheduled a dye test for 7/23/12. DEP received a call back from engineer on 7/20/12. He stated that the owner will never be happy, and that he thinks he's done there. When asked, he explained that in June 2011 there was a wet spot between pump station and field, which once excavated, showed no signs of sewage. At that point he assumed it to be groundwater and put in a drain (trench and stone) to alleviate this from happening in same area. He stated location was not in field, but about halfway from pump station to field. DEP informed engineer that dye test was being conducted. On 7/23/12, DEP met the owner for a dye test. Dye was introduced to the pump chamber and dose witnessed in uncovered distribution box. All seemed to function property. Minor adjustments to speed levelers made. Owner ran pump

manually from control panel inside house. DEP was given permission by homeowner to inspect over the next week (without further notice) for any dye recovery on site or in stream. On 7/23/12, the site was inspected for any evidence of dye surfacing, which was introduced to pump chamber and laterals a few hours prior; no dye was found. DEP will continue to monitor. On 7/26/12, DEP met with the owner, walked the site, and found no surfacing dye. The owner will continue to look for evidence of dye and will inform DEP if observed. DEP called the engineer on 8/9/12, and requested engineer to document June 2011 work done in writing and submit to DEP. Engineer asked for DEP to send him written request. DEP contacted the owner and reiterated that the only issue DEP is currently following up on is the alleged illegal pipe installation; all other site conditions the owner will have to take up directly with engineer. DEP sent an e-mail to the engineer requesting information on work done in June 2011, on 8/9/12. DEP received a phone call from owner on 8/22/12, wanting to know the status of DEP's communications with engineer. DEP stated that we have reached out to engineer recently and are waiting for his response, and cannot act and informant to owner, and that DEP is acting impartially to the alleged illegal pipe installation. The owner asked for FOIL request paperwork, which DEP will mail to her. DEP called the owner back on 8/23/12 with FOIL request contact information. DEP emailed the owner the FOIL forms on 8/23/12. DEP sent the engineer the same email from the previous month, requesting a response, on 9/14/12. DEP issued a letter to the engineer on 9/19/12 regarding the previous requests for information and again requested a response.

Project Name: 15 Dogwood Drive (2008-AS-0457)  
Town: Olive  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS  
Discovery Date:  
Status: Closed

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 4/5/11. A soil/site evaluation was performed on 5/3/11. DEP received an Application for a conventional individual SSTS on 5/28/11. DEP issued a NOCA on 6/3/11. DEP called CWC on 6/6/11 and confirmed that this project is not in their program at the current time. Last CWC involvement at the site was payment made in 1997. DEP issued an Approval Determination letter on 6/7/11. DEP issued a letter to the owner on 3/21/12 stating that construction has not yet commenced. DEP exchanged emails with CWC on 3/21/12; CWC lost the file in the recent flood, however, confirmed that they have a quote letter, so they are in the program. DEP met with the contractor and applicant on the site for a pre-construction meeting on 6/28/12. Construction commenced on 8/30/12. DEP received As-Built plans/engineer's certification letter from the engineer on 9/4/12. DEP completed construction inspections on 9/4/12. DEP issued a letter of Construction Compliance on 9/7/12. DEP has resolved the Enforcement Action on 9/18/12. The violation was resolved and the case was closed on 9/18/12 with a DEP closure letter dated 9/18/12.

Project Name: 4 Longyear Road (2000-AS-1200)  
Town: Olive  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS-CWC; RE.2 is 2012 failure

Discovery Date:

Status: New

Overview and Action:

DEP received an email from DEP Police on 9/24/12, indicating that there was a surface SSTS failure. DEP initiated an Enforcement Action on 9/24/12. DEP called CWC to check on project status in their records on 9/26/12. CWC will check records and get back to DEP. DEP also sent CWC email on same day with project identification information.

Project Name: 9 Briarcliff Drive (2005-AS-0591)

Town: Olive

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS  
2012 - Failing SSTS - CWC - overfull tank

Discovery Date:

Status: New/Closed

Overview and Action:

DEP initiated an Enforcement Action on 7/17/12. This project is funded under CWC septic repair program. On 7/17/12 DEP received CWC's notice of failure. DEP issued a letter to the owner on 7/19/12 providing guidance for remediation. A soil/site evaluation was performed on 8/8/12. DEP received an Application for a conventional individual SSTS on 8/27/12. DEP issued a NOCA on 8/29/12. DEP issued an Approval Determination letter on 9/5/12. DEP received notice on 9/20/12 that construction will begin. DEP received As-Built plans, along with engineer's certification letter from the engineer on 9/26/12.

Town: Prattsville

Basin: Schoharie

Project Name: Niedzialek, Andrzej, (Log #2012-SC-0331)

Project Description: Anonymous complaint of sewage dumping

Project Type: Other (OT)

Status: New

DEP sent e-mail to DEP Police on 6/01/12 asking for assistance in inspecting property for dumping of sewage on property or in stream, based on anonymous complaint. DEP initiated an Enforcement Action for tracking purposes of this anonymous sewage dumping complaint. DEP received an e-mail from DEP Police on 6/02/12, including several site pictures. No sewage dumping or history thereof was observed. DEP received an e-mail from DEP Police on 6/5/12, stating that the property did not appear to be occupied since his last visit on 6/2/12 when it was also not occupied. DEP received an e-mail from DEP Police on 6/9/12, regarding site inspection that same day. No problems with sewage or septic on property. House trailer there previously so septic is dumped into during periods of high use. Owner mentioned neighbor who brings camper on site that perhaps the complaint really meant to point out. No problem found when this new site was inspected. DEP sent internal e-mail requesting further investigation of files and with town Building Inspector on 7/26/12.

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 sent an e-mail to the engineer on 4/28/11 with a few things that need to be completed at the site. DEP received a response from the engineer on 5/2/11 regarding DEP comments. DEP received revised drawings from the engineer on 5/3/11. DEP sent an e-mail to the engineer on 5/5/11 regarding the revised plans. DEP received revised plans from the engineer on 6/1/11. DEP received an e-mail from the engineer on 6/4/11 with photos of the site; asked if they were sufficient to close out the NOV. DEP performed a site visit on 6/15/11; there were no deficiencies, there was no discharge, the site was occupied. DEP called the engineer on 6/28/11 regarding the site conditions and next phase of the work. The engineer is waiting for DEC to approve the modifications to the plan. DEP received a copy of DEC's permit on 6/29/11. DEP performed a site visit on 7/6/11; there were deficiencies, there was no discharge, the site was occupied. DEP performed a site visit on 8/5 and 9/26/11; there were no deficiencies, there was no discharge, the site was occupied. DEP received DEC's amendment to Permit on 10/26/11. DEP performed a site visit on 11/3/11; there were no deficiencies, there was a discharge and the site was occupied. DEP sent an e-mail to DEC on 11/10/11 with photos taken from the last site visit. DEP performed site visits on 11/30/11 and 1/25/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent and received e-mails to and from the engineer on 3/23/12 regarding the 3/22/12 site visit. DEP performed a site visit on 3/29/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 3/30/12 with the meeting minutes and site inspection report. DEP received the SWPPP inspection report with photos from the engineer on 4/5/12. DEP received an e-mail from the engineer on 4/5/12 with the excess stockpile locations. DEP performed a site visit on 4/18/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 4/20/12 regarding the locations of the stockpiles. DEP sent an e-mail to the engineer on 4/24/12 stating that DEP is OK with the two locations for stockpiling. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. A joint site visit was performed on 6/21/12 with DEC. DEC is going to look into the multi-sector permit requirements. Also the requirements listed in their consent order regarding covered roll-offs. DEP performed site visits on 7/26, 8/23 and 9/6/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 9/7/12 regarding the foundation drain around the building's addition. The perimeter drain was supposed to be daylight toward the east side of the property. The contractor has connected to the stormwater system and now the water will be entering the stormwater treatment system. The system has plenty of capacity to accept this additional flow.

Project Name: 169 Cr 4 (2010-SC-0358)

Town: Prattsville

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS

Discovery Date:

Status: Closed

Overview and Action:

DEP performed site visits on 4/13, 6/22 and 8/22/11 for septic failure; not observed. Rain water still runs directly toward the pump chamber. DEP called the engineer on 10/3/11 to check on the

status of getting the water interception work completed. He will contact CWC and then update DEP. Site Visit type: Request; Date: 10/21/11; septic failure not observed; no change; water still runs in the direction of the pump chamber. Property Status: Currently inhabited; used on weekends. DEP sent CWC an email on 10/25/11 to see whether the project could start construction (drainage work) at this point in time. CWC replied that project work can move forward at any time. DEP called both owner and engineer on 11/4/11 and asked them to get the remaining drainage work done as soon as possible. DEP called the engineer on 11/10/11 who said that contractor may get to it this year. DEP expressed interest in making sure it gets done this year. DEP received a call from the owner on 11/28/11 in response to recent DEP messages. He said he has been calling his contractor to get started. DEP asked that the owner make every attempt to get the work done this season; owner said he would keep DEP informed and provided updated number to contact. DEP called the owner on 12/13/11 regarding status of drainage work. Owner stated that contractor stated it will be done before Christmas 2011. Site Visit type: Enforcement; Date: 12/23/11; septic failure not observed. DEP received a call from the owner on 12/29/11 stating that they need to get a different contractor. DEP called the owner on 1/12/12; he has hired new contractor to do the drainage work and was asked to contact DEP inspector prior to starting the work. DEP contacted CWC and requested them to fax drainage work approvals and scope of work to the owner as the contractor was ready to start upon receipt of this paperwork. DEP sent and received an e-mail from CWC on 1/12/12 that the engineer is faxing plan to the owner. CWC will need DEP to note that work has been done according to plan. Site Visit type: Enforcement. Date; 2/22/12; septic failure not observed. Site Visit type: Enforcement; Date: 3/6/12; septic failure not observed; there was no change. DEP received updated As-Built drawings dated 4/16/12, from the engineer indicating curtain drain location. DEP completed construction inspections on 4/16/12; the new curtain drain installed. The violation was resolved and the case was closed on 4/16/12 with a DEP closure letter dated 6/20/12. DEP has resolved the Enforcement Action on 6/20/12. DEP performed a site visit on 6/27 and 8/29/12; the curtain drain is working and there is no visible discharge.

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

Overview and action:

DEP called the owner on 7/11/11 and discussed status of project. The owner said he's waiting to find out whether CWC is going to respond to the engineer's request for information a few weeks prior. DEP informed owner that an NOV will most likely be issued because progress has been halted for quite some time and DEP does not have plans from engineer yet. DEP received call from engineer on 7/11/11, inquiring about how to submit FOIL request to DEP. He also plans on requesting a FOIL from CWC. DEP forwarded engineer email with link to FOIL form and instructions on same day. DEP received an e-mail from engineer on 7/11/11 with attached FOIL request paperwork that he sent for processing. DEP issued a NOV to the owner on 8/4/11. DEP received a call from the owner on 8/11/11 in response to recent NOV. Owner said he cannot afford to pump and haul and is waiting for FOIL requests to be fulfilled so he and his engineer can make their case to get the new system funded as they feel appropriate. DEP received call

from the owner on 8/24/11 stating that NYS Assemblyman will be contacting CWC within a week to have meeting based on information acquired through FOIL of CWC records. DEP has been unable to collect records to this point due to computer group (OIT) difficulties. DEP called the owner on 10/3/11 who stated he will be calling his State Assemblyman's office tomorrow, and will update DEP this week with plans. At this point, the owner does not think he will need DEP's FOIL paperwork. DEP will continue to hold in case he changes his mind. DEP called the owner on 10/25/11 for any updates since 10/3/11 conversation (left message). DEP received a call on 11/1/11 from the owner, stating that he had been in hospital recently, causing delay in progress. He stated that he will reschedule appointment with officials, and re-contact DEP with the results. DEP called the owner on 11/30/11, and he was on his way to the hospital, but said he will call back to discuss the status of the SSTS replacement. Site Visit type: Enforcement; Date: 11/30/11; septic failure observed; Failure Description: Surfacing of sewage on the ground. The septic is still surfacing in the lawn and is not leaving the site. Property Status: Currently inhabited. DEP called the owner for a status update on 12/16/11. The owner stated he has been sick and will call back with update in early January 2012. DEP issued a warning letter to the owner on 2/15/12 regarding the NOV; the owner is required to submit SSTS plans by 3/15/12 or the project will be referred to DEP Corp. Counsel. DEP received a call from the owner on 2/22/12 in response to recent DEP letter. He stated that his lawyer gave the engineer a due date of 3/1/12 to provide a detailed breakdown of the outstanding bill, which will then be negotiated. The owner understands that the project will be referred to DEP counsel if plans are not received by mid March, 2012. The owner will call in one week with update, but did also mention that the SSTS plans are done, but the engineer will not release them until further payment is received. DEP called the owner on 3/19/12, who did not have an update. DEP received a call from the owner on 3/28/12 stating that engineer is not providing him with a detailed bill, so he will not pay the bill and the engineer will not submit plans until payment is received. The owner called back later same day and said that engineer is going to try to work with him and will be reviewing the project and calling him back this afternoon or tomorrow. On 3/28/12 the violation was forwarded to DEP Legal for follow-up on enforcement action. DEP received a call from the new engineer (same firm) on 3/28/12, stating that they will get this project in motion and that the previous owner of the engineering firm will not be working on this project. Site Visit type: Enforcement. Date: 3/30/12; septic failure not observed; no visible discharge at this time; the area of the failure has dried up. DEP's Assistant Counsel issued a letter to the homeowner on 4/24/12 regarding the need to submit plans within thirty days to remediate the SSTS's NOV. DEP sent an email to the engineer on 6/28/12 regarding status of plan submission. DEP received an email from the engineer on 7/9/12 stating that they have no new updates. DEP called the owner on 7/25/12 due to failure to respond to DEP Counsel's letter. Owner stated he needs clarification from engineer regarding billing. Owner said he will call the engineer and the call DEP back with result and plan. DEP performed a site visit on 8/15/12; the area of failure has dried up. DEP called the owner and left a message for return call with status of plan submission on 8/21 and 8/23/12. DEP received a call from the owner on 9/13/12, stating that he had been in Canada and couldn't return calls. He stated he will be obtaining legal representation because he cannot put the money up front to be reimbursed by CWC for engineering and construction of replacement SSTS. Engineer has given him a bill but won't submit plans until paid. DEP received a call from the owner on 9/19/12 stating that he is hiring a lawyer to try and get CWC to pay for the SSTS project, but not as reimbursement, and also for other damages incurred.

Project Name: 136 Bruce Porn Road (Log#2008-SC-1119)  
Town: Roxbury  
Type of Use: Residence  
Type of Violation: failed SSTS - Surfacing - CWC  
Discovery Date:  
Status: Closed

Overview and Action:

DEP received an Application for a conventional individual SSTS on 8/23/11. DEP issued a NOCA on 8/23/11. DEP issued an Approval Determination letter on 8/24/11. DEP received notice on 4/17/12 that construction will begin. This project is on the CWC Septic Committee meeting agenda scheduled for 6/5/12. DEP completed construction inspections on 7/17/12. DEP received engineer's certification letter from the engineer on 8/13/12. DEP issued a letter of Construction Compliance to CWC on 8/14/12. DEP received an e-mail from CWC on 9/5/12, stating that they have concerns about grass not having taken root, and possible future erosion. DEP issued a letter of Construction Compliance on 9/27/12.

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

Overview and Action:

NOV issued 2/16/00. DEP received a copy of the EPA Form 7520--a6 (Inventory of Injection Wells) from the engineer to EPA on 1/5/11. 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. DEP received a letter and revised plans from the engineer on 4/18/11 to DEP's letter of 2/11/11. DEP received an e-mail from the design engineer on 4/22/11 requesting a quick review and approval of the plans to enable the project to begin as soon as possible. DEP e-mailed comments to the engineer on the revised plans dated 4/13/11 and received a reply. DEP received a detail for a 4000 gallon tank to replace the two 2000 gallon tanks on the plans. DEP e-mailed the UCHD the recommendation for approval/Delegation form. DEP received a letter from the Abbot on 5/6/11 formally requesting that DEP grant permission for a variant use of the Jizo House. DEP received an email on 5/6/11 from the design engineer regarding the Neg Dec that the Shandaken Planning Board issued. DEP was copied on an email from DEC to the design engineer regarding an incomplete application issued by DEC for the SPDES permit application for the existing NCRA, the shower house and Jizo House SSTS flows. DEP received a response to the email dated 3/18/11. DEP received revised plans from the engineer on 5/11/11. DEP received the April 2011 water meter readings on 5/17/11. DEP received an e-mail in response to the questions about the Jizo House use in the past and present. DEP received the water usage and occupancy counts for the Jizo House on 5/18/11. DOH issued an Approval Determination letter on 5/19/11. DEP issued a letter to the representative on 5/25/11 stating that DEP approves the current and proposed use of the Jizo House as a continued NCRA. DEP received a letter from the Abbot on 6/02/11 asking if there is anything that needs to be addressed at the Sangha House. DEP received the water meter readings for May 2011 on 6/6/11. DEP replied to a letter from the manager stating there are no outstanding issues for the SSTS except a pre-construction meeting prior to the start of construction of the approved plans. DEP received a copy of DEC's SPDES Permit from the engineer on 6/13/11. DEP received the June 2011 water meter readings on 8/4/11. DEP received the July 2011 water meter readings on 8/9/11. DEP received site plan drawings from the engineer on 8/22/11. DEP received an e-mail from the manager on 10/7/11 with the water meter readings for the complex. DEP received the October water meter readings on 11/15/11. DEP received revised plans from the engineer on 11/25/11. On 12/8/11, DEP performed an inspection of the tanks that were being pumped. The grease trap and the first septic tank in series were overdue for maintenance. DEP received the November water meter readings on 12/13/11. DEP has been corresponding by email with one of the managers at the site concerning the need for more frequent tank pump outs. DEP sent an e-mail to DOH on 12/19/11 stating that the revised plans are acceptable to DEP regarding the relocation of the proposed septic tank and piping. DEP received the December water meter readings on 1/31/12. DEP received an e-mail from the manager on 3/2/12 with the water log for January 2012. DEP received an e-mail from the manager on 3/3/12 explaining the population at the facility. DEP received the February water meter readings on 3/15/12. DEP received an e-mail from the design engineer on 3/28/12, advising that the contractor will start the tank and piping for the SSTS next week. DEP corresponded by e-mail with the design engineer concerning water testing of the septic tank on 4/11/12. On 4/12/12, DEP performed a site inspection; the contractor has excavated for the 4000 gallon septic tank and the #2 stone is in. On 4/13/12, the tank was set and approved by DEP. On 4/16/12, the risers are on and the tank was filled with water to within a few inches of the top of the highest riser. The tank leaks at the mid-seam and profusely at the riser seams. DEP performed a site visit on 4/17/12; the tank seam is no longer leaking and the risers are leaking less (at 9 a.m.) Measurement taken is 9" below top of



highest riser. The engineer checked the water level at 1 p.m. and it was the same. At 3 p.m., all seams had stopped leaking and the water test was successful. DEP performed a site visit on 4/18/12; the contractor was installing pipe from the new tank to the dosing chamber. DEP performed a site visit on 4/19/12; the contractor to use Item 4 instead of sand for bedding under driveway. The elevation on top of the culvert is 4 feet below the top of the sleeve. DEP received an e-mail from the engineer on 4/20/12. He observed the successful air pressure test on a portion of the piping installed by the contractor. On 4/20/12, DEP accompanied the engineer in witnessing the contractor perform low pressure sewer testing; both tests passed. The contractor began backfilling the sewer pipe. DEP received the April 12 water meter readings on 5/18/12. On 5/25/12, DEP inspected the risers that were installed on the existing tanks by the monastery. DEP received the water meter readings on 6/30/12. DEP received an e-mail from one of the managers on 6/30/12 with the May 2012 water meter readings. On 7/18/12, DEP performed a follow up inspection on the new waste lines and new and existing tanks. Heavy construction equipment has been driving over the new building sewer, so the facility manager agreed to pressure test the piping again prior to DEP construction approval. DEP received the water meter readings for July 2012 on 8/14/12.

Project Type: SEQRA (SQ)

Status:

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

Project Type: Stormwater (SP)

Status:

DEP received an Application for a SWPPP on 4/18/11 from the engineer. DEP received a letter from the Monastery on 4/25/11 requesting assistance in expediting the review process. DEP issued a NOICA to the engineer on 5/02/11 requesting additional information. DEP sent an e-mail to CWC on 5/03/11 and attached documentation not knowing if CWC had been contacted for this project. DEP received a letter from the applicant stating that DEP considered the application incomplete on 5/6/11. DEP received a copy of the UCDPW approval from the engineer on 5/9/11. DEP received a response to the NOICA from the engineer on 5/11/11. DEP issued a NOCA on 5/19/11. DEP received an e-mail from DEC on 5/19/11 who has reviewed and approved the original SWPPP. DEP issued a comment letter on 6/14/11 to the engineer. DEP received a letter from the engineer on 6/24/11 to DEP's letter of 6/14/11. DEP called the engineer on 6/29/11 regarding response letter sent on 6/24/11 and to discuss RRv changes to the plan. DEP received an e-mail from the engineer on 7/7/11 with response and a revised partial site plan. DEP called the engineer on 7/20/11 regarding the status of the revised SWPPP. DEP received a letter and revised plans from the engineer on 7/26/11 to DEP's letter of 6/14/11. DEP issued a comment letter on 8/3/11 to the engineer regarding the latest submission. DEP received a letter and revised plans from the engineer on 8/5/11 to DEP's letter of 8/03/11. DEP issued an Approval Determination letter on 8/8/11. DEP met with the contractor, builder, engineer, CWC and applicant on the site for a pre-construction meeting on 8/15/11. DEP received notice on 8/15/11 that construction will begin on 9/6/11. DEP received the contractors signed certifications on 8/16/11. DEP performed a site visit on 9/6 and 9/15/11; there were no deficiencies, there was no discharge, the site was occupied. DEP performed a site visit on 9/26/11; there were deficiencies, there was no discharge, the site was occupied. DEP called the engineer regarding the site visit conducted on 9/26/11. We discussed the changes regarding

installing the east side diversion swale and that all changes regarding drainage and stormwater need to be forward to our office for approval prior to implementing and any large changes would require an amendment to the approved SWPPP as per condition 11 of the approval letter. Also discussed the dewatering operation and that dewatering turbid water to the open area/hole is a violation of condition 7 of the approval. We discussed the construction sequencing that the temporary sediment traps are supposed to be installed prior to any construction on site. DEP received an e-mail from the engineer on 10/3/11 regarding his site inspection and recommendations for improving the erosion and sediment controls. DEP performed a site visit on 10/6/11; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the project engineer on 10/6/11; changes to the SWPPP was discussed that will be submitted as a revised SWPPP; changes included omitting CB-1D and CB-1A and their associated outfalls; changes to the locations of planter boxes one and two which will include changes to where the septic line comes into the building. Planter boxes four and five may be reduced in size. DEP received an update from the engineer on 10/11/11 for the installation of the stormwater collection system DEP performed site visits on 10/17, 10/25, 11/2, 11/7, 11/9, 11/10 and 11/14/11; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 11/15/11 regarding slots in the inspection ports for the Rain Tank System and checking the elevation of the pipe inverts for the stormwater treatment system. DEP received a response from the engineer on 11/16/11 regarding the difference between the inspection ports and the maintenance ports. DEP performed a site visit on 11/18/11; there were no deficiencies, there was no discharge and the site was occupied. DEP received revised plans from the engineer on 11/22/11. DEP received an e-mail from the engineer on 12/14/11 regarding the turbidity issue. DEP performed a site visit on 12/14/11; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the project applicant on 12/14/11 to discuss spreading the stockpile out over the open field. The proposed area showed signs of wetland vegetation, surface water and micro-topography. DEP recommended that a wetland study be performed to determine whether the area is federally protected before proceeding with any future disturbance. DEP issued a Modified Approval Determination letter on 12/20/11 to the engineer along with the approved plans. DEP performed site visits on 12/22/11, 1/9 and 1/23/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 2/7/12 regarding the last site visit. DEP received an e-mail from the representative asking DEP if they would like a copy of a wetlands assessment for the upper field on 2/13/12; DEP responded yes. DEP received a copy of the Wetlands Assessment on 2/16/12. DEP performed a site visit on 3/15/12; there were no deficiencies, there was no discharge and the site was occupied. DEP issued meeting minutes on 4/3/12 regarding the day's site visit. DEP corresponded by e-mail with the design engineer concerning water testing of the septic tank on 4/11/12. On 4/12/12, DEP performed an inspection. The contractor has excavated for the 4000 gallon septic tank, and the #2 stone is in. On 4/13/12, the tank was set and approved by DEP. DEP received the construction inspection sheet from the engineer on 4/13/12. DEP performed a site visit on 4/16/12; the risers are on and the tank was filled with water to within a few inches of the top of the highest riser. The tank leaks at the mid-seam and profusely at the riser seams. DEP performed a site visit on 4/17/12; the tank seam is no longer leaking and the risers are leaking less (at 9 a.m.) Measurement taken is 9" below top of highest riser. The engineer checked the water level at 1 p.m. and it was the same. At 3 p.m., all seams had stopped leaking and water test successful. DEP performed a site visit on Date: 4/18/12; the contractor was installing pipe from new tank to dosing chamber. DEP

performed a site visit on 4/19/12; the contractor to use item 4 instead of sand for bedding under driveway; air testing to be done on Friday. The elevation of top of culvert is 4 feet below the top of the sleeve and the entire length of new pipe to be checked again after air test. DEP received an e-mail from the engineer on 4/20/12. He observed the successful air pressure test on a portion of the piping installed by the contractor. On 4/20/12, DEP accompanied the engineer in witnessing the contractor perform low pressure sewer testing. Both tests passed. Contractor began backfilling sewer pipe. DEP performed a site visit on 4/23/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the contractor on 5/14/12 regarding the site visit conducted on 5/9/12 and that all the open areas on the site should be temporarily stabilized with the oncoming rain event. DEP received the 4/12 water meter readings on 5/18/12. On 5/25/12, DEP inspected risers that were installed on the existing tanks by the monastery. DEP performed a site visit on 6/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received the water meter readings on 6/30/12. DEP performed a site visit on 7/17/12; there were no deficiencies, there was no discharge and the site was occupied. On 7/18/12, DEP performed a follow up inspection on the new waste lines and new and existing tanks; heavy construction equipment has been driving over the new building sewer so the facility manager agreed to pressure test the piping again prior to DEP construction approval. DEP performed site visits on 7/19 and 7/25/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 7/25/12 regarding the heavy rains forecasted for the next day. DEP received the water meter readings on 8/14/12. DEP performed a site visit on 8/14 and 9/12/12; there were no deficiencies, there was no discharge and the site was occupied.

Project Name: South Street (2005-AS-0217)  
Town: Shandaken  
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. DEP performed a site visit on 4/5/11; septic failure; not observed, the property is currently inhabited. Site Visit type: Enforcement; Date: 11/1/11; septic failure not observed. Property Status: Currently inhabited. DEP performed site visits on 4/16 and 7/18/12; septic failure was not observed. DEP received a request for a pre-application meeting from the engineer/applicant on 9/11/12. A soil/site evaluation was performed on 9/11/12. DEP received an Application for a conventional individual SSTS on 9/12/12. This project is located in a managed repair area. CWC recently notified the property owner that since the Phoenicia WWTP project is not moving forward, they will no longer be managed repairs, but instead, are now eligible for full repairs, and should move forward with that process. DEP issued a NOCA on 9/26/12.

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 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 engineer 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. DEP sent an e-mail to the engineer on 6/6/11 requesting an update on the SWPPP design. DEP sent an e-mail to the engineer on 7/26/11 with a request on the status of the design. DEP received an e-mail from the engineer on 8/4/11 cancelling the meeting for 8/5/11 and requested re-scheduling. DEP sent an e-mail to the engineer on 2/9/12 requesting a meeting to go over the SWPPP. DEP received an e-mail from the engineer on 2/16/12 stating that he has set up a meeting with the Town Supervisor and will be contacting DEP for another meeting. DEP sent an e-mail to the engineer on 5/17/12 requesting the status of the SWPPP and a meeting date.

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 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. DEP received revised plans from the engineer on 5/19/11 with components related to the garage's SSTS removed. DEP received revised plans from the engineer on 6/13/11. DEP issued an Approval Determination letter on 6/21/11. DEP sent and received an e-mail with the Shandaken supervisor, who said the SSTS install should occur in August 2011 and that the SPPP needs to be discussed. DEP sent an e-mail to the Supervisor on 7/5/11 requesting pump out receipts and water meter readings. DEP received an e-mail from the Town Supervisor with the pump out receipts and an update on the SSTS installation schedule. DEP requested a recent water meter reading. DEP received the water meter readings from the town supervisor on 7/7/11. On 9/2/11, DEP drove by the site and noticed the alarm on the pump chamber flashing and notified the

Supervisor's secretary who called the hauler. DEP Chief of Watershed Lands and Community Planning received a call in October 2011 from the Town Supervisor requesting to continue use of the holding tank, due to electrical issues following the Tropical Storm Irene. DEP issued a letter to the Town Supervisor on 10/14/11 extending the SSTS construction deadline due to extenuating circumstances created by Tropical Storm Irene. DEP received the pump out receipts from the Town Supervisor on 2/2/12 for pump outs dating from 6/11 to 1/12. On 2/3/12, DEP stopped at the site because the alarm for the holding tank was blinking. The Supervisor was there and the SSTS was discussed. DEP received the pump out receipt on 2/17/12. DEP received an e-mail from the Town on 4/4/12, with the recent pump out receipts. DEP received a call from an engineer on 5/4/12. The town supervisor wants to explore Presby units instead of trenches so that the parking area will not be impacted. DEP called the Town Supervisor on 8/13/12 for both pump out receipts and an update on the re-design of the SSTS. DEP received a phone call on 8/14/12 from the Town Supervisor, who said an engineer is working on re-designing the SSTS from a conventional absorption trench to a Presby design. DEP received an e-mail from the Town Supervisor with pump out receipts on 8/15/12. DEP called engineer on 8/27/12; he hopes to have plans done this week.

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

Overview and Action:

DEP performed a site visit on 10/5/10 and 2/3/11; septic failure not observed. DEP performed site visits on 4/6 and 8/19/11 for septic failure; none was observed. DEP will continue to monitor. Site Visit type: Enforcement. Date: 12/21/11; septic failure not observed. Property Status: Currently inhabited. DEP performed site visits on 4/19 and 8/16/12; septic failure was not observed. This project is located in a managed repair area. CWC recently notified the property owner that since the Phoenicia WWTP project is not moving forward, they will no longer be managed repairs, but instead, are now eligible for full repairs, and should move forward with that process.

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

Overview and Action:

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. On 4/28/11, DEP did a routine inspection of the managed repair; the site looked good, no sewage problems were observed. On 7/5/11, DEP did a routine inspection of the SSTS; no problems were observed. DEP performed a routine follow up inspection; no problems were observed. On 4/17/12, DEP performed a follow up inspection of the site. The rear of the property has been re-graded with a flood berm at the creek's edge, and the parking area has been re-graded and new stone installed. There was no sign of sewage or work on the area around the cesspool. This project is located in a managed repair area. CWC recently notified the property owner that since the Phoenicia WWTP project is not moving forward, they will no longer be managed repairs, but instead, are now eligible for full repairs, and should move forward with that process.

Town: Tannersville  
Basin: Schoharie  
Project Name: Hyte, Harold, (Log #2012-SC-0384)  
Project Description: Unapproved Septic System for Barn/Carriage House; May have been part of original 55.-1-11 lot, part of which remained lot 11, and other parts created lot 12 and 13.  
Project Type: Other (OT)  
Status: New

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

Town: Tannersville  
Basin: Schoharie  
Project Name: Horowitz, Miriam Viola, (Log #2012-SC-0572)  
Project Description: Sewer lateral repair  
Project Type: Sewer Connection (CN)  
Status: New

DEP received a phone call on 9/4/12 from DEP Police regarding a sewage discharge. DEP performed a site visit on 9/4/12 and septic failure was observed as it was visibly entering watercourse/wetland, surfacing of sewage on ground. DEP-REP was contacted by DEP Police, and asked to stop at a site with a direct sewage discharge to the ground. The discharge to the ground was from a house in the Village of Tannersville, where all structures have historically been connected to the Tannersville Waste Water Treatment Plant. On 9/5/12, DEP met with the

owner's representative, the contractor and the DEP Police for a dye test. The meeting was arranged on 9/4/12 by the DEP Police. Dye was introduced into three of four toilets in the house and was recovered in the discharge from the green pipe in the back yard within a few minutes of flushing the toilets. DEP called the Operator on 9/5/12 from Tannersville WWTP regarding location of the sanitary sewer lateral connection. DEP performed a site investigation on 9/5/12 and met with the owner's representative, contractor and DEP Police to discuss sewer discharge event to the surface of the ground. DEP received a call on 9/6/12 from the applicant's representative regarding information on the application to connect and step by step instructions. DEP received the building permit for the work from the Village clerk on 9/7/12. DEP called DEP Chief of Operations on 9/7/12 regarding the use of a pipe camera for investigative work on the sewer problem. DEP performed a follow-up investigation on 9/11/12 and met with the Tannersville WWTP staff to discuss the sewer main and lateral TV camera video work. DEP received a call on 9/12/12 from the applicant's representative regarding the application to connect. DEP received a call on 9/12/12 from the owner's representative regarding scheduling repair work and contractor information. DEP received an Application for a sewer connection on 9/12/12 from the engineer. DEP performed a site inspection on 9/20/12 and met with the owner's representative, contractor and DEP Operations staff to discuss the required sanitary sewer work activity. DEP performed a site inspection on 9/21/12 and met with the contractor to discuss and oversee sanitary sewer work activity. On 9/27/12, DEP stopped at the site; the area where the lateral installation occurred is graded but not seeded or mulched.

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

A meeting was held with DEC and the ACOE on 8/10/11. DEP received a letter and a site stabilization plan from the engineer on 8/22/11. DEP initiated an Enforcement Action on 8/24/11. DEP issued a NOV to the owner on 8/24/11. DEP received a call on 9/7/11 from possibly the property realtor acknowledging the NOV. DEP issued a comment letter to the homeowner on 11/14/11 regarding the NOV. DEP's Assistant Counsel issued a comment letter to the applicant on 1/18/12 regarding the NOV before DEP pursues further action and refers this violation to the New York City Law Department for possible litigation. DEP received a call on 1/26/12 from the owner regarding the letter. He indicated that he has been paying his engineers to prepare the SWPPP and was surprised that it had not been submitted. He mentioned the plans were somewhat behind because of Tropical Storm Irene and did not realize that they would get a violation. DEP received a call on 2/8/12 from the engineer. The engineer has performed deep tests and vegetative analysis to determine where the original wetlands boundary is. After ACOE has determined what the measures are required at the site (mitigation, remove the pond etc.) will the engineer be able to put together a SWPPP for DEP. Based on what the ACOE says, the site configuration may change and thus the delay in the SWPPP. DEP received a letter from the engineer on 3/5/12 advising of the progress made to date and the re-evaluation of the historic wetlands delineation and their proposed schedule for moving forward. DEP sent an e-mail to the engineer on 3/20/12 regarding their meeting with the new contractor. DEP sent an e-mail to the

engineer on 4/25/12 stating that none of the stabilization around the house has been performed and that stormwater concerns need to be addressed as soon as possible. DEP received an e-mail from the engineer on 4/30/12 in response to DEP's e-mail of 4/25/12. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received the Forensic Wetlands Evaluation report from the engineer on 6/4/12. DEP performed a site visit on 6/26/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received ACOE's response to the forensic wetlands report on 7/13/12. DEP sent an e-mail to the engineer on 7/25/12 stating that the wetland remediation plans must be incorporated into the SWPPP for approval. DEP performed a site visit on 8/28/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call on 9/27/12 from the engineer regarding a site meeting scheduled for 10/17 at 11 am.

Town: Windham  
Basin: Schoharie  
Project Name: Jaeger, Scott, (Log #2011-SC-0697)  
Project Description: New SSTS DEC NOV  
Project Type: Stormwater (SP)  
Status: New

DEP issued an Incident referral form to DEC on 5/15/12. DEC issued a NOV on 6/11/12. DEP initiated an Enforcement Action on 6/21/12. DEP issued a NOV to the owner on 6/21/12. A meeting was held with the project applicant and engineer on 7/13/12. A meeting was held with the project applicant on 8/10/12 to discuss the SWPPP design and the reimbursement program. A meeting was held with the project applicant and engineer on 8/21/12. DEP exchanged e-mails to and from the engineer on 9/17/12 regarding the berms.

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

See section 6.1.2

DEP received an Application for a SWPPP on 12/3/10 from the engineer. DEP sent an e-mail to the engineer on 12/07/10 with comments on the plans. DEP received revised plans from the engineer on 12/15/10. DEP issued a NOCA on 12/22/10. DEP issued an Approval Determination letter on 12/22/10. DEP received the work and building permits from the engineer on 12/22/10. DEP issued a letter to the applicant on 12/28/10 stating that DEP has no issues with the disposal and treatment of wastewater. DEP issued a letter of Construction Compliance letter on 4/28/11. DEP initiated an Enforcement Action on 7/10/12. DEC issued a NOV on 7/10/12. DEP received a letter from the owner to DEC responding to the NOV on 8/14/12.

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



Project Type: Stormwater (SP)

Status: Approved

DEP received an email from the engineer on 3/7/11 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. DEP received revised plans from the engineer on 4/21/11. DEP received two sets of plans from the engineer on 4/29/11. DEP issued a NOCA on 5/1/11. DEP issued an Approval Determination letter on 5/2/11. DEP sent and received e-mails to and from CWC on 5/16/11 asking if DEC required a SWPPP permit as well. DEP performed a site visit on 5/19/11; there were no deficiencies, there was no discharge, the site was vacant. DEP called the engineer on 6/6/11 requesting the start date for construction. DEP performed a site visit on 7/6/11; there were no deficiencies, there was no discharge, the site was vacant. DEP met with the engineer, GC and contractor on the site for a pre-construction meeting on 7/11/11. DEP called the engineer and left a message on 7/12/11 regarding filing the NOI with the state. DEP performed a site visit on 7/13/11; there were no deficiencies, there was no discharge, the site was occupied. DEP received notice on 7/13/11 that construction will begin on 7/12/11. DEP called the engineer on 7/14/11 regarding concerns that CB1 is installed too high and that the elevations should be checked. DEP performed site visits on 7/15 and 7/19/11; there were no deficiencies, there was no discharge, the site was occupied. DEP sent and received e-mails to and from the engineer on 7/22/11 regarding the swale being connected to the trap. DEP performed site visits on 7/28 and 8/1/11; there were no deficiencies, there was no discharge, the site was vacant. DEP received a call on 8/16/11 from the contractor regarding startup for the grading and clearing on the pond area. DEP performed a site visit on 9/6/11; there were no deficiencies, there was no discharge, the site was vacant. A meeting was held with the project engineer on 9/15/11. Items discussed included if the temporary sediment trap located along the southeast side of the property can be backfilled and the status of the stormwater pond's completion. DEP performed a site visit on 9/15/11; there were no deficiencies, there was no discharge, the site was vacant. DEP sent an e-mail to CWC on 9/16/11 regarding back filling the sediment trap. DEP performed a site visit on 9/29/11; there were no deficiencies, there was no discharge, the site was vacant. DEP received a call on 10/7/11 from the contractor regarding starting up the remaining work around the project site; he is meeting with the owner this weekend to discuss the remaining work. DEP performed a site visit on 10/17/11; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 10/20/11 regarding site stabilization. DEP called the engineer on 10/26/11 regarding the contractor working on the site. The engineer is going to call the contractor to meet onsite regarding the remaining work around the stormwater treatment system. DEP called the engineer on 11/1/11 regarding the grading around the pond/wetland and discussed the wetland plantings. The approved SWPPP stated that if the pond is constructed in the fall that it should be allowed to sit 6 to 9 months prior to planting; planting should be completely in late March to late June 2012 and the plants should be ordered six months prior to planting. The engineer stated that plantings can still be planted now. DEP stated that if plantings are done now, we will not sign off on the project until next spring to ensure that the plantings take since they did not follow the approved SWPPP and that the reimbursement program will not pay twice for plantings now and then again in the spring. DEP performed a site visit on 11/15/11; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 12/5/11 stating

that the contractor is waiting for colder weather to finish the grading. DEP received an e-mail from the engineer on 12/12/11 stating that the contractor is planning on finishing the work this year. DEP sent an e-mail to the engineer on 12/14/11 stating that the site work should be suspended until next spring due to the cold weather and the onset of winter. DEP received an e-mail from the engineer on 12/19/11 responding to CWC's email to the applicant and listing additional site work to be completed before winter shut down can occur. DEP sent an e-mail to the engineer regarding the work being completed and attached a copy of the latest field report on 12/20/11. DEP placed a call to the contractor on 12/20/11 to let him know to notify DEP 24 hours prior to return to the site, so that we can resume site inspections. DEP received an e-mail from the engineer on 12/21/11 regarding what needs to be done on the site. DEP performed site visits on 12/28/11 and 1/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 1/18/12 regarding winter shutdown and a 30 day notice and site stabilized properly. DEP performed a site visit on 1/19/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received a letter from the engineer on 1/23/12 regarding winter shut down and that inspection frequency will be reduced to every 30 days. DEP performed site visits on 4/18, 5/21, and 6/6/12; there were no deficiencies, there was no discharge and the site was vacant. DEP called the contractor on 6/12/12 regarding the project startup. DEP performed site visits on 6/14 and 7/19/12; there were no deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the applicant on 7/24/12 regarding the latest site visit and it appears that the work has not been completed on the controls for treating the storm water runoff and therefore, is not in compliance. DEP received call on 8/6/12 from the owner regarding the DEP letter dated 7/24/12 requesting a meeting. DEP called the owner and CWC on 8/8/12 to schedule and site meeting for 8/9/12. A meeting was held with the project applicant on 8/9/12; items discussed included creating the upland bench within the stormwater pond, re-grading the forebay's side slopes, and top soiling, other items: the outlet stabilization along the outlet structure, and re-grading the field to remove the ruts. We also discuss doing the planting in the spring (May 2013) to give the plantings the best chance for survival. DEP received call on 8/14/12 from the engineer regarding proposed garage construction (not part of the SWPPP). DEP sent an e-mail to the engineer on 8/17/12 responding to the proposed garage. DEP performed a site visit on 9/24/12; there were no deficiencies, there was no discharge and the site was vacant.

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

DEP received a copy of DEC's acknowledgement of the NOI on 12/29/10. DEP performed site visits on 1/6, 2/28 and 3/21/11; there were no deficiencies, there was no discharge and the site was vacant. DEP sent and received e-mails to and from the engineer on 4/4/11 regarding a scheduled site visit. DEP received a response letter from the engineer on 4/5/11 to DEP's letter of 12/2/10. A meeting was held with the project applicant, engineers and contractor on 4/7/11 regarding the spring startup beginning on 4/11/11. DEP issued a quick summary of items

discussed at the 4/7/11 meeting the engineer. DEP performed site visits on 4/21 and 4/28/11; there were deficiencies, there was no discharge, the site was vacant. DEP received an e-mail from the engineer on 5/13/11 with the updated swale sizing. DEP performed a site visit on 6/29/11 for a stormwater violation; there were deficiencies, there was no discharge, the site was vacant. DEP initiated an Enforcement Action on 7/8/11. DEP issued a NOV to the owner on 7/8/11. DEP performed a site visit on 7/26/11; there were deficiencies, there was no discharge, the site was vacant. A meeting was held with the project applicant, engineer, contractor and DEC on 8/4/11. DEP sent and received e-mails to and from DEC on 8/23/11 regarding the 8/22/11 site visit and requested status of the Order on Consent. DEC issued an NOV to representative on 9/13/11. DEP received a letter responding to the NOV on 9/21/11 from the engineer. DEP received an e-mail from DEC on 9/26/11 wanting to know if DEP was in agreement with the response from the engineer. DEP responded to DEC on 9/30/11 with results of the last site visit and photos. DEP received a copy of the letter from the engineer to DEC on 3/26/12 with photos of the areas that were identified as problematic in the NOV. DEP issued a letter to the representative on 4/25/12 regarding deficiencies observed in the site inspection and offered a punch list of items. DEP sent and received e-mails to and from the engineer on 5/25/12 regarding the proposed fix for the bank and a general schedule. DEP performed a site visit on 6/6/12; there were deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 6/14/12 with some possible solutions for the Pond #2 bank. DEP performed joint site visit with DEC on 6/14/12; there were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant and contractor on 6/26/12. We walked the site with Windham Mountain maintenance crews who are now responsible for completing the stabilization work. The crews have made some progress in the last two weeks in response to DEP inspections/reports. DEP performed a site visit on 7/13/12; there were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 7/31/12 with DEP Closure letter dated 7/31/12. DEP has resolved the Enforcement Action on 7/31/12.

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

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. On 6/20/11, DEP sent an email describing post construction problems witnessed on two days of the previous week. DEP sent an internal e-mail on 7/23/12 stating that the system is still leaking; Inspector will discuss with the engineer. DEP called the owner and left a message on 9/5/12 to call back to discuss failed septic system. DEP called the engineer on 9/5/12 requesting a call back to discuss plans on fixing this failing system, which is likely due to poor construction materials (dirty sand) around Elgin units. DEP received a call from the engineer on 9/7/12 and discussed the project

history. DEP performed a site visit on 9/12/12; septic failure was observed. In the lowest corner of SSTS, surface of ground was spongy. Dug in between Elgen trenches to an elevation below the trench and the ground was not saturated. Dug laterally and once sand from alongside Elgen units was breached, wastewater gushed out and filled the hole to within 2" of the top of the Elgen unit. DEP called the engineer on 9/25/12 for status update. The engineer has not yet made contact with material testing laboratory to discuss testing Elgin sand currently in place. DEP called around and found contact information for a soil testing company out of Albany, NY, and forwarded information to engineer via email on 9/25/12.

Project Name: Homestead Lane (2009-SC-0292)

Town: Windham

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS

Discovery Date:

Status: Closed

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. DEP performed a site visit on 4/20/11; no visible failure at this time. It appears the house was vacant during the winter. DEP performed a site visit on 4/21/11; spoke to the Town of Windham CEO, no action at this site since he wrote the violation. DEP performed a site visit on 7/27/11; no visible discharge; the site appears to be some weekend use. On 8/3/11, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner on 8/9/11 regarding recent reminder letter. Owner said he has no plans to fix the system yet. His water supply is seasonal only and is pumped from a stream. The structure has electric heat and stated he visits about once per month to mow grass and do maintenance. He said he built this cabin where the old one was and hooked to the same black pipe for the septic and stated he doesn't know where it goes. On 8/12/11, DEP met owner and provided CWC's number. The owner claimed to be unaware of his violations with the Town and agreed to update DEP with results of his CWC discussion and was informed that failure to move forward may result in further enforcement action. DEP received a call from the owner on 8/26/11 that left a message requesting return call to discuss his communications with CWC. DEP returned the owner's call on 8/31/11; the owner said CWC inspected the system last week and found nothing wrong. Owner said he'd get rid of the sink and toilet if he had to. To review, he built the cabin over a 5 year span starting about 15 years ago; it is a seasonal and weekend use. The water supply is from a surface stream and freezes up in the winter. DEP mentioned the possibility of chemical toilet or privy use which may be permissible and help him remain in compliance with watershed regulations. DEP called CWC on 10/03/11 and asked what the results of their investigation were during their site visit on 8/25/11. CWC called back and said they did not find anything blatant there and that the owner seemed hesitant to sign into the program so they did not push him to. DEP also called the building inspector to get an update on the Town's enforcement plans, but he was not available. Site Visit type: Meeting. Date: 10/14/11; septic failure not observed. DEP met with Town of Windham Building Inspector; he has not heard from the owner since writing the violation so he is going to call him and set up an appointment and will try to get CWC involved. Illegal construction of cabin and change in use from gas station was done prior to year 2000, after which point DEP's 1997

Watershed Regulations were in full effect and grace period had expired. Therefore, this project is grandfathered in as a NCRA. The violation was resolved and the case was closed internally on 10/17/11. Site Visit type: Enforcement. Date: 11/1/11; septic failure not observed; there is no visible failure. Site Visit type: Enforcement. Date: 2/1/12; septic failure not observed; no visible discharge; property Status: Currently inhabited; used seasonally. DEP performed site visits on 5/3 and 7/24/12; septic failure was not observed. The house appears to be lightly visited as the lawn is overgrown and there are no tracks in or out.

Project Name: 165 Mill St (2012-SC-0251)  
Town: Windham  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - NOV  
Discovery Date:  
Status: New

Overview and Action:

DEP received an e-mail from DEP Police on 4/27/12, informing of septic discharge to roadside ditch. DEP performed a site visit on 5/3/12; septic failure was observed. DEP found a 4inch pipe that had been discharging in the roadside ditch and some solids were still visible. DEP issued a NOV to the owner on 5/3/12, which was returned as undeliverable address on 5/17/12. NOV resent to confirmed current address of owner on 5/17/12. DEP sent internal email requesting contact information of owner on 5/17/12. DEP received a call from the owner on 5/17/12, in response to the 5/3/12 NOV. The NOV that was mailed went to a prior address, and the owner was actually responding to NOV placed on vehicle at the property. The owner agreed to allow DEP inspector to perform inspections whether site is occupied or not. Owner was informed that he must have the tank pumped out by a licensed hauler to prevent surface discharge of sewage. Owner stated that a 30 foot section of drain pipe from house to street was removed. The owner stated he will call engineer to get process moving for recertification of plans. He also stated that the existing structure is what was previously referred to as the barn and it had a well, sink, toilet, and related plumbing in 2007 when he purchased it. Shortly after purchasing it he installed a 300 gallon tank and installed it outside the cabin. He then stated that in September 2011, to resolve some flooding issues, they installed the drain pipe leading to the roadside ditch, for which the NOV was issued. DEP performed a site visit on 5/17/12; the discharge pipe was no longer visible. New landscaping had been placed in the immediate area. DEP spoke to the town of Windham Assessor; He said that the parcel is listed as vacant with improvements. A NOV cover letter was left at the site. DEP had internal meeting on 5/18/12 between Land Management, DEP Counsel, DEP Police, and Wastewater Programs to discuss the project and enforcement path. DEP performed a site visit on 5/24/12; septic failure was not observed. No visible effluent and the pipe was no longer visible and there was no sign of the tank being pumped. DEP received a copy of the town's violation notice for illegal septic and building construction on 6/11/12, asking all illegal activities to cease. DEP sent an e-mail to the owner on 6/26/12, requesting pump out receipts and status of engineer recertifying plans. Owner said during phone call prior to email that he has an appointment with engineer. DEP received a request for a pre-application meeting from the engineer/applicant on 7/9/12. DEP sent a reminder email to the owner on 7/17/12 requesting acknowledgement of receipt follow-up on 6/26/12 email issues. A soil/site evaluation was performed on 7/27/12. On 7/30/12, DEP conducted soil testing with the engineer and verified that the soils for the original design. The soils will no longer support a shallow trench

system. DEP spoke to the town of Windham Building Inspector. He has not gone any further with enforcement action. DEP sent e-mail to the owner on 8/23/12 requesting copies of pump out receipts. DEP Counsel's assistance may be necessary if response is not received. DEP communicated via email with DEP Police on 8/24/12, regarding status of project, and asked police to keep an eye out for potential tank overflowing when they visit the site. Police agreed to keep watchful eye and also stated they will ask owner for pump out information in court. DEP received an e-mail from owner/owner's representative on 8/27/12, stating that tank was pumped three weeks prior and that they are pushing the engineer to get plans submitted. DEP emailed him back requesting receipts on 8/30/12. DEP called the engineer and left message on 9/14/12 requesting plan submission status. DEP also emailed owner again requesting pump out receipts. DEP performed a site visit on 9/14/12; the tank was exposed but not running over. DEP received a copy of the pump out receipt on 9/18/12 for pump out in July, 2012. DEP received a return phone call from the engineer on 9/19/12, stating that the owner wants to build a septic next year, after the new house is constructed, because someone is currently using the cabin/renovated barn. DEP stated that they need to show immediate progress or further enforcement action will be taken and a long term pump and haul will not be acceptable. The engineer will contact owner and get back to DEP with intentions. DEP called the engineer on 9/25/12 for an update. The engineer stated that the owner gave him the go ahead to design a system for an existing 1 bedroom residence and that he may submit modifications to this plan in the future when the owner builds a new 2 bedroom house on the property.

Project Name: Route 23 (2000-SC-0070)  
Town: Windham  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS #659 - CWC  
Discovery Date: 11/27/00  
Status: New

Overview and Action:

DEP performed a site inspection on 6/21/12; sewage was observed on the ground in front of the flower beds, just downslope and south of the main house. The cottage on the property appears to be under renovation. DEP issued a Design Approval Expiration letter on 6/25/12. On 6/25/12, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a call from the owner on 7/11/12 regarding recent DEP letter about current failure of SSTS. Owner said toilet was malfunctioning and running continuous while he was out of town for a week; the problem with toilet has been fixed. Owner said failure has subsided since, and DEP is welcome to inspect anytime. Owner said his bridge has to be fixed before an SSTS can be built. He hopes bridge can be worked on by end of this month. DEP encouraged owner to touch base with CWC and engineer regarding funding and re-certification of plans. DEP performed a site visit on 8/2/12; septic failure was not observed and there was no visible discharge.

Project Name: 62 Ostrander Road (Log #2008-AS-2333)  
Town: Woodstock  
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 to 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. DEP has resolved the Enforcement Action on 4/18/12.

**3.2.2. Delaware District**

Town: Andes  
Basin: Pepacton  
Project Name: Vonschoenborn, Graf Johannes, (Log #2012-PE-0147)  
Project Description: Failing SWPPP; DEC Order on Consent  
Project Type: Stormwater (SP)  
Status: Closed

DEP initiated an Enforcement Action on 3/26/12. DEC issued a Consent Order on 3/26/12. DEP received the fully executed Order on Consent from DEC on 7/2/12. DEP has resolved the Enforcement Action on 9/4/12.

Town: Andes  
Basin: Pepacton  
Project Name: Strzeletski, Sebastian, (Log #2009-PE-0805)  
Project Description: Likely to fail SSTS - CWC - backing up into house; DEC NOV  
Project Type: Stormwater (SP)  
Status:

DEP initiated an Enforcement Action on 6/17/11. DEC issued a NOV to the owner on 6/17/11. DEP received the stabilization and planting plan from DEC on 8/17/11. DEP received an e-mail from DEC on 8/17/11 stating that the project is exempt from the regulations due to it's an agricultural project. DEP sent an e-mail to DEC asking if they were going to rescind the NOV on 9/21/11. DEC replied that they were not planning on rescinding, but pending with a final inspection. DEP performed a site visit on 9/26/11; there were no deficiencies, there was no discharge, the site was occupied. DEP received the DEC letter issued to the owner on 10/6/11 regarding the NOV. DEP e-mailed DEC updated photos on 4/19/12. DEP performed a site visit on 6/11/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to DEC on 6/12/12 with photos of the 6/11/12 site visit. DEP performed a site visit on 6/21/12; there were no deficiencies, there was no discharge and the site was occupied.

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

DEP initiated an Enforcement Action on 5/3/11. DEC issued a NOV to the owner on 6/3/11. DEP sent an e-mail to the property owner's engineer on 6/9/11 regarding the paperwork required

from ACOE. DEP received an e-mail from the property owner's engineer on 6/10/11. DEP's email has been forwarded to the property owner. DEP received an e-mail from DEC on 8/8/11 with Parts I & II of the SWPPP for review. DEP issued a letter to DEC on 8/9/11 with DEP comments and recommendations. DEP received a copy of the map from DEC on 8/9/11 that addresses some of the comments. DEP issued revised comments to the engineer on 8/17/11. DEP sent an e-mail to DEC on 9/20/11 wondering if they have had a response from the engineer. DEC responded that they have not but plan on doing inspections in the near future. DEP forwarded the 9/20/11 site visit findings to DEC on 10/4/11. DEP issued a comment letter to the applicant on 12/8/11 regarding the NOV. On 12/20/11, DEC issued a Cease and Desist Order. DEP received copies of the engineer's inspection reports from DEC on 3/1/12. DEP received a response letter from the engineer on 4/9/12 to DEC's letter of 8/17/11 with Engineer's Report last revised 2/2/12. DEP received the "Desmet Watercourse Relocation" report from DEC on 4/16/12; last revised 3/2/12. DEP issued a letter to DEC on 4/26/12 with comments on the latest submission. DEP received an e-mail from the engineer on 5/29/12 with the average volume calculations for each of the 5 proposed sediment traps. Also stated that they have not heard any determination from ACOE

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 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. DEP issued a letter to the applicant on 11/23/11 stating that the current NOV cannot be cleared until a revised SWPPP for the road system is submitted. DEP called the owner on 12/12/11 regarding the project status. DEP issued a letter to the engineer and applicant on 1/17/12 regarding the requirements needed for the non-subdivision alternative for this property. DEP called the owner on 5/15/12 regarding proposal to hire a new engineer to complete the SWPPP. Owner stated that he will contact his surveyor to determine if a new engineer has been hired. DEP suggested that, to avoid further delay, the engineer should have experience with SWPPP preparation in NYC watershed. DEP issued a letter to the owner on 7/2/12 regarding their intent to withdraw the subdivision application and that a revised SWPPP is still required.

Name: Holmes Lane (Log #2005-PE-0182) I.D. #: 1332  
 Location: Andes  
 Type of Use: Residence  
 Discovery Date: 1/8/99  
 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 1/8/99. This site is in a proposed new infrastructure area and is discharging to a watercourse. DEP performed a site visit on 12/19/00. There was a discharge.



DEP called town official, in April or May 2008, who stated that this property was connected to the Andes WWTP. DEP called the town building inspector on 5/24/11 regarding whether or not this property was tied into the Andes WWTP. DEP received a call on 5/25/11 from the town building inspector, who stated that this property was not connected to the Andes wastewater treatment plant. The violation was resolved and the case was closed on 5/14/12 internally based upon information provided.

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

DEC issued a NOV to the owner on 9/1/11. DEP initiated an Enforcement Action on 9/1/11. DEP received a DEC Consent Order on 9/14/11. A meeting was held with DEC and the owner's contractor on 10/18/11; discussed that the owner will need to hire an engineer to design an E&S plan. DEC is also going to comment that if they exceed two acres, they will need a DEP permit, also. DEP received an e-mail from DEC on 11/1/11 stating that the owner has agreed to sign the Consent Order and advised that there were still some problems at the site. DEP called the owner on 11/1/11 regarding a site meeting. DEP received a copy of the executed order from DEC on 12/20/11. A meeting was held with DEC on 1/20/12. DEC has directed the owner to coordinate with DEP on the house site and a DEP SWPPP approval if the site disturbance is going to be greater than two acres. DEP performed a site visit on 5/17/12; there were no deficiencies, there was no discharge and the site was vacant.

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

On 9/24/12, DEP met with DEP Police to look at a direct sewage discharge. Solids and toilet paper were observed on the ground directly below a four inch waste pipe from a hunting cabin in a hollowed out area below a shed adjacent to the cabin.

Town: Delhi  
Basin: Cannonsville  
Project Name: Alam, Shams A , (Log #2010-CN-0546)  
Project Description: Originally a 3-bedroom single family residence; the homeowner has installed an apartment in the basement with at least two bedrooms.  
Project Type: Other (OT)  
Status: Closed

DEP received call on 1/11/12 from the Town of Delhi CEO, confirming the additional two bedrooms in the house and asking for DEP's joint enforcement effort. DEP received a call on 1/12/12 from CEO and returned call leaving message that DEP will move forward with enforcement for having additional bedrooms, requiring a modification to the SSTS through DEP

approval. DEP received a letter from the Town of Delhi CEO on 1/13/12 stating that the Certificate of Compliance for the basement is being revoked until the windows are brought up to egress requirements, he also stated the creating of two additional bedrooms without SSTS Approval by DEP. DEP issued a NOV to the owner on 1/17/12. DEP received a phone call from the owner on 1/20/12 regarding the NOV. The owner stated that the basement rooms are only storage and not bedrooms, which contradicts information received from the town CEO. DEP called the owner on 1/23/12 and left a message stating that DEP needs to receive in writing that the bedrooms in the basement are not really bedrooms, but rather storage, and that they will remain as storage going forward. The owner was asked to have the tank pumped out and contact DEP to witness, since he doesn't even know what the existing SSTS is or when it was last pumped, and he agreed to let DEP know. The owner was also given CWC's number for possible funding opportunities. DEP received a letter from the owner on 1/26/12 stating that the two rooms are used as storage and not bedrooms. DEP called the town CEO on 3/16/12 regarding the number of bedrooms within the residence. The CEO cannot get inside the house without a warrant at this point. The last time he was in the residence was in December of 2011 and there were students in each of the rooms. DEP received a call on 3/27/12 from the town CEO regarding the bedroom count for the residence. According to the CEO, at least one of the bedrooms in the downstairs apartment is being utilized by a student. DEP called the CEO on 3/27/12 regarding the message that he had left. DEP has closed the Enforcement Action on 6/20/12. The violation was closed internally on 6/20/12 due to a letter from the homeowner stating the bedroom count is correct. The CEO cannot enter the house without a warrant to check the number of bedrooms.

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

DEP received a call on 4/12/11 from the owner; he plans to call DEP when the SSTS is to be decommissioned, sometime this spring. On 5/20/11, DEP observed that the tanks had re-located. The contractor will pump, backfill and abandon shortly. DEP received the pump out receipt on 5/31/11. DEP received a call on 8/12/11 from an engineer who is representing the owner for a proposed subdivision; he wants to do a substandard SSTS repair for the trailer, and DEP informed him that because the trailer had been vacant and then removed, and the SSTS out of use and then decommissioned, any future SSTS must be totally compliant. On 8/30/11, DEP met with the owner, surveyor and engineer to look at the proposed three or four lot subdivision and soils for a new house/SSTS and a replacement SSTS for a commercial repair shop. DEP called the owner 9/7/11, who confirmed that the sink in the shop has been in continuous use. He is unsure whether or not it is connected to the cesspool and wants to expose the cesspool to see if it is failed. On 10/5/11, DEP spoke to the engineer about determining whether or not the SSTS for the service station is an NCRA and can be replaced with a substandard design. DEP initiated an Enforcement Action on 11/4/11. This project is funded under CWC Septic Repair Program. On 11/4/11, DEP received CWC's notice of failure. DEP received a letter from the engineer on 11/21/11 with a copy of CWC's letter to the owner; he also stated that the owner has decided to abandon the original subdivision plan. On 11/22/11, DEP called CWC regarding a site visit that

DEP was not invited to. The SSTS for the garage sounds like it is an NCRA. On 12/2/11, DEP spoke to the design engineer after DEP determined the garage SSTS is an NCRA. DEP sent an e-mail to the owner on 12/14/11, requesting some information about past use of the garage, so a design flow for a replacement SSTS can be considered. DEP received a reply via e-mail from the owner concerning the historical water use in the garage. DEP forwarded the e-mail, regarding the previous water use, from the owner to the design engineer on 12/27/11. DEP received revised plans from the engineer on 2/7/12. DEP sent an e-mail to DEC to inquire about any outstanding issues at the site that would interfere with the SSTS installation. DEP called the Town Highway Superintendant to inquire about permits or requirements for the pipe and sleeve installation through Honest Brook Road. A copy of the plan was faxed to him as well. DEP received an e-mail from DEC on 2/13/12; the issues have all been cleared up. DEP received an e-mail from DEC on 2/13/12 concerning floor drains. DEP received an Application for the SSTS on 2/15/12 from the engineer. DEP called the design engineer on 2/15/12 and requested an application for the SSTS plans. DEP issued the NOCA and Approval Determination letters on 2/16/12. DEP received a call on 2/21/12 from the Delhi Highway Superintendant; he will fax a spec sheet to DEP and asked that DEP forward the spec sheet to the design engineer and contractor for the road crossing. DEP received the specs for the road crossing from the Highway Department on 2/21/12. DEP received a letter from the engineer on 3/2/12 regarding concerns about some of the items listed in the Conditions of Approval letter. DEP issued a Modified Approval Determination letter on 3/16/12 to the engineer along with the approved plans. DEP issued a letter to the engineer on 3/16/12 in response to his letter of 3/2/12. DEP received revised plans from the engineer on 4/5/12. DEP issued a Modified Approval Determination letter on 4/12/12 to the engineer along with the approved plans. DEP sent an e-mail to the property owner on 6/26/12, inquiring as to when the replacement SSTS will be installed. DEP received an e-mail from the owner on 6/27/12, saying that the contractor will start the SSTS in July 2012. DEP responded and asked for a pre-construction meeting. DEP received an e-mail from the owner on 6/28/12; he will have the engineer and contractor call DEP for a pre-construction meeting. DEP received notice on 7/02/12 that construction will begin on 7/9/12. On 7/9/12, DEP performed a construction inspection of the absorption field. Twelve inches of sand had been added to one of the 30 inch deep absorption trenches; after compaction it was only 9 inches deep. A quick percolation test by the engineer gave results of about 16 minutes per inch. DEP received specifications for the road crossing permit from the contractor on 7/9/12. DEP performed a site visit on 7/10/12; the two absorption trenches had 12 inches of sand installed and compacted. A 6 inch deep percolation test was run in each trench and stabilized at about 6 minutes per inch. The engineer and DEP gave the okay to the contractor to install the laterals. DEP performed a site visit on 7/12/12; there hasn't been much progress on the SSTS. DEP performed a site visit on 7/17/12; the laterals and header pipes were checked by DEP and the d-box was water tested and speed levelers were set. The contractor was given the okay to cover everything. The pitch from the eastern road edge to the d-box was checked and will be just the minimum pitch required. On 7/18/12, DEP called the Town of Delhi Highway Superintendant to ask if the 2 feet of #2 stone cover required in the road crossing permit could be waived to allow the pipe from the tank to the d-box to have more than minimum pitch, as DEP is concerned about the pipe settling under the road. He has no problem with an 18 inch depth and he also informed the contractor. On 7/19/12, DEP arrived on site just after the blacktop had been put down for the eastern half of the road crossing. The contractor left the connection of the Schedule 40 to the Schedule 80 open for inspection, and had lifted the Schedule 80 to allow for an additional inch of pitch for that half of

the pipe crossing. On 7/24/12, DEP arrived as the contractor was covering up the road crossing. He said he was able to raise the pipe another inch over the western half of the road crossing. There will be ample pitch from the tank to the road. The excavation for the tank is partially completed. DEP performed a site visit on 7/26/12; the tank will be set this afternoon at about 3; the contractor will leave it open for inspection on Friday. DEP performed a site visit on 7/27/12; the septic tank and two risers are in and approved. DEP advised the contractor that only a partial construction acceptance can be issued without the building sewer installed. Both he and the owner are fine with that, as the parcel will be sold and the new owner can decide where the plumbing should go. DEP called the engineer on 7/30/12 regarding the need to issue a partial construction acceptance if the building sewer isn't installed and requested that be mentioned in the certification letter and reflected on the "as built." DEP received a return phone call on 8/1/12. The engineer will submit an "as built" and certification letter for the SSTS prior to the building pipe being installed and request a 95% payment for the contractor. DEP received As-Built plans/engineer's certification letter from the engineer on 8/9/12. DEP sent an e-mail to the owner and CWC on 8/14/12, with the partial construction letter attached. DEP issued a letter of Partial Construction Acceptance on 8/15/12.

Project Name: Kawliga Road (1998-NV-1293)  
Town: Denning  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - Emergency Tank Replacement for 3-bedroom; 1000 gallon concrete tank

Discovery Date:  
Status: New/Approved/Closed

Overview and Action:

DEP initiated an Enforcement Action on 5/8/12. This project is funded under CWC septic repair program. On 5/8/12, DEP received CWC's notice of failure. DEP issued a letter to the owner on 5/10/12 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 5/30/12. A soil/site evaluation was performed on 5/30/12. DEP received an Application for a conventional individual SSTS on 6/26/12. DEP issued a NOCA on 6/29/12. DEP issued an Approval Determination letter on 7/5/12. DEP received notice on 7/30/12 that construction will begin on 7/30/12. DEP completed construction inspections on 8/1/12. DEP received engineer's certification letter from the engineer on 8/3/12. DEP issued a letter of Construction Compliance, along with as-built drawing on 8/3/12. DEP has resolved the Enforcement Action on 8/9/12.

Town: Denning  
Basin: Rondout  
Project Name: Martinez, Ronald J, (Log #2012-RO-0202)  
Project Description: House being condemned, no running water or septic system  
Project Type: Other (OT)  
Status: New

DEP police report received via email, regarding possible septic violation; discharge or presence of sewage was not found by DEP Police. DEP called the town code enforcement officer and left a message on 4/13/12 regarding which residence was to be condemned. DEP received a call on 4/16/12 from the town code enforcement officer regarding the message that was left on 4/13/12.

The trailer is the residence that is being condemned. The trailer was never connected to an on-site septic system.

Project Name: 47293 NYS Route 28 (Log #2004-PE-0178)  
Town: Fleischmanns (V)  
Type of Use: Commercial  
Type of Violation: Failed SPPP  
Discovery Date:  
Status: Closed

Overview and Action:

DEP received an e-mail from the project owner on 4/11/11 regarding project startup date as of 4/14/11. DEP performed site visits on 4/21 and 5/4/11; there were no deficiencies, there was no discharge and the site was occupied. DEP sent and received e-mails to and from the engineer on 5/16/11 with a few items that still need to be addressed. DEP performed site visits on 7/18, 9/1 and 9/20/11; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 11/9/11; there were deficiencies, there was no discharge and the site was occupied. A site visit was conducted on 2/27/12; the owner is looking into funding to fix the hurricane related items. The State has approached the owner regarding some grant programs that could help with the associated costs. DEP discussed the possibility of calling CWC to see if any funds are available from them as well. DEP performed a site visit on 3/22/12; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 4/17/12; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 4/17/12 with a copy of the 3/22/12 site inspection report. A meeting was held with the project applicant on 5/23/12. DEP walked the new property and discussed the preliminary design options with the engineer. The completion of the punch list items on the current property was also discussed. DEP sent an e-mail to the engineer on 5/30/12 with a punch list of items for the current property. DEP performed a site visit on 8/8/12; there were no deficiencies, there was no discharge and the site was occupied. DEP completed construction inspections on 8/9/12. The violation was resolved and the case was closed on 8/10/12 with DEP Closure letter dated 8/10/12. DEP has resolved the Enforcement Action on 8/10/12.

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: Hamden  
Basin: Pepacton  
Project Name: Sangricolo Property, (Log #2012-PE-0347)  
Project Description: DEC NOV  
Project Type: Stormwater (SP)  
Status: New

DEP issued an incident referral form to DEC on 4/20/12 with photos. DEC issued a NOV on 6/12/12. DEP initiated an Enforcement Action on 6/12/12.

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

DEP received an e-mail from DEC on 2/8/12 informing DEP of wastewater and petroleum bulk storage violations found at the site. DEP received a call on 2/9/12 from the Town of Kortright Highway Superintendent, in response to DEP's site visit on 2/9/12. On 2/9/12, DEP performed an inspection of the premises in response to notification from DEC that a wastewater violation was noted on 2/2/12. DEP initiated an Enforcement Action on 2/9/12. DEP received DEC's draft NOV on 2/9/12 for PBS and SPDES violations. DEP received a copy of DEC's NOV on 2/10/12. DEP returned the phone call to the Highway Superintendent on 2/10/12. On 2/10/12, DEP spoke with the Highway Superintendent by telephone regarding the violation. On 2/10/12, DEP received a phone call from the Town Supervisor to discuss options for the failed SSTS. DEP spoke to the DEC ECO that performed the dye test at the highway garage. He will forward pictures to DEP. He gave DEP the legal contact information for DEC. DEP called the legal contact at DEC. An order to comply will be issued to the town, but DEC would not do the SSTS review if the flow is less than 1000 gpd. A condition that DEP review and approve the SSTS will be included in the DEC order, which we will be copied on. DEP received an e-mail on 2/17/12 from the DEC ECO that performed the positive dye test on the SSTS. DEP sent an e-mail to DEC on 2/22/12 asking if DEC has issued an order to comply yet. DEP received the port a john invoice from the town clerk on 2/23/12. DEP performed a follow up inspection of the facility on 2/23/12; the shut off valve for the water to the sink and toilet in the bathroom was off. The slop sink in the shop was still in use, but the drain was directed to a five gallon bucket. There were several full buckets, which the Superintendent told me were being dumped out the front door every day. DEP received an e-mail from the Town of Kortright attorney regarding the water supply to the Highway garage on 2/24/12. DEP received a call on 2/24/12 from the Town attorney, regarding the water supply at the Highway garage. DEP received a DEC Consent Order on 2/29/12 for wastewater discharge from the bathroom and the highway garage. DEP received a letter from the Town's attorney on 3/1/12 regarding the violation. DEP Legal sent an e-mail to the Town's attorney on 3/1/12 in response to his letter to DEP staff. A phone meeting was held with the Town attorney, DEP Legal, NYC Law and REP on 3/2/12. DEP called the design engineer to remind him to schedule soils testing with DEP; he is waiting on the Town to approve the proposal at the 3/19/12 meeting. DEP corresponded by e-mail with the design engineer concerning the SSTS replacement on 4/2/12. DEP sent an e-mail to the design engineer on 4/9/12, inquiring about soils testing. DEP received a response that the SSTS design is on hold, due to a letter from the town attorney to DEC that states a compost toilet will be installed and gray water will be disposed of offsite. DEP called the highway superintendent on 5/8/12 and asked what the plan is for the replacement of the failed cesspool. He is waiting to hear from the town, who has hired an attorney. The facility is still using a portable bathroom and collecting the wastewater from the shop sink and bringing it to the town hall at the end of each day. DEP's Assistant Counsel issued a letter to DEC on 5/9/12 asking if they ever issued a final consent order. DEP Assistant counsel issued a letter to DEC's counsel on 6/27/12 requesting an update. DEP received a copy of DEC's consent order on 6/28/12 requiring corrective work by 9/01/12

and a requirement for plan submission for the incinerator toilet.

Town: Kortright  
Basin: Cannonsville  
Project Name: McMurdy Brook, Lot #12 (Hoffman, Kenneth), (Log #2010-CN-0503)  
Project Description: Lot #12 of the proposed 15 lot subdivision  
Project Type: Stormwater (SP)  
Status: Approved

DEP issued a NOV to the owner on 1/13/11. DEP received a call from the applicant on 1/21/11 regarding the NOV. DEP received a letter responding to the NOV from the homeowner on 1/21/11. DEP left the applicant a phone message on 1/24/11 regarding the NOV. DEP received call on 1/25/11 from the applicant regarding the NOV. The applicant indicated the Town, DEC and DEP police failed to inform him of the DEP required SWPPP. DEP issued a letter to the homeowner on 1/25/11 summarizing the phone conversation of the same day. DEP called the applicant on 4/29/11 regarding a site meeting and left a message. DEP received a call on 5/4/11 from applicant regarding future site meeting date. DEP called the applicant on 5/5/11 regarding future site meeting and left a message. A meeting was held with the project applicant on 6/3/11. DEP issued a letter to the homeowner on 6/14/11 summarizing what was discussed at the 6/3/11 meeting and the DEC/DEP requirements. DEP received a call on 8/17/11 from the engineer regarding the SWPPP. DEP and the engineer agreed that when they have a signed contract from the applicant a meeting will be set up. A meeting was held with the project applicant on 9/9/11. DEP received the SWPPP modifications from the engineer on 11/17/11. DEP sent an e-mail to the engineer on 12/14/11 questioning the need for so many rain gardens. DEP received and responded to e-mails from the engineer on 12/20/11 and 1/04/12 regarding using fewer rain gardens. DEP received revised plans from the engineer on 3/12/12. DEP received an Application for a SWPPP on 4/1/12 from the engineer. DEP issued the NOCA and Approval Determination letters on 4/13/12. DEP received an e-mail from the homeowner on 5/6/12 stating that his contractor will be starting the project in the next week or so and will contact DEP when he starts. DEP received a call on 5/29/12 from the engineer stating that the contractor would like to start work on 5/30/12. DEP met with the contractor and applicant on the site for a pre-construction meeting on 5/31/12. DEP received an e-mail from the engineer on 6/9/12 stating that the site was constructed in accordance with the plans and will submit a formal letter. DEP received As-Built plans/engineer's certification letter from the engineer on 7/2/12. DEP issued a letter of Construction Compliance letter on 7/11/12.

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

DEP received an e-mail from DEC on 5/11/12 regarding a failed SSTS at the site. On 5/11/12, DEP performed a site visit in response to a complaint received by DEC. DEP observed sewage surfacing on the ground from the raised absorption field. DEP sent an e-mail to the Town of Meredith Code Enforcement Officer (CEO) on 5/11/12, asking for history on the project. DEP called the facility owner to make an appointment to meet her on site and met on 5/14/12. DEP

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



design must be submitted for review and approval by 8/24/12 and installed and constructed within sixty (60) days of the date of the design approval. DEP sent the status update letter issued by DEP to DOH on 8/15/12. DEP e-mailed a status update letter to the owner and received a reply that the water meter is being installed that day. DEP received dry cleaning receipts on 8/27/12. DEP sent an e-mail to the owner on 8/28/12, asking if the water meter has been installed, if the tank has been pumped, and for the daily log to be sent to DEP on a weekly basis. DEP received an e-mail reply from the owner on 8/28/12. The water meter has been installed.

Town: Middletown  
Basin: Pepacton  
Project Name: Oakleys Place Inc, (Log #2012-PE-0120)  
Project Description: Failing SSTS - CWC for small business  
Project Type: Intermediate Repair (CR)  
Status: Approved

DEP initiated an Enforcement Action on 3/8/12. This project is funded under CWC septic repair program. On 3/8/12, DEP received CWC's notice of failure. DEP received a request for a pre-application meeting from the engineer/applicant on 3/19/12. DEP received DOH Permit to operate a restaurant from DOH on 3/23/12. DEP issued a letter to the owner on 4/26/12 providing guidance for remediation. DEP called the engineer 6/26/12 for status update. Plans are expected to be submitted by the end of the week. On 7/17/12, DEP performed an inspection of the septic tank; there was no surface discharge, the tank was still covered with debris and sunken at the top. DEP reminded the owner that pump out receipts are needed within three days of the pump out. DEP received an Application for a SSTS on 8/13/12 from the engineer. DEP received the pump out receipts for March, May and July 2012 on 8/14/12. DEP corresponded by email with DOH to coordinate the approval of the plans for the SSTS on 8/27/12. DEP issued a NOCA on 8/27/12. DEP received revised plans from the engineer on 8/28/12. DEP issued an Approval Determination letter on 8/29/12. DEP received DOH Approved plans from the engineer on 9/4/12.

Project Name: E. Hubbell Hill Road (2000-PE-0093)  
Town: Middletown  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS-CWC; previous owner Fairbairn, Howard  
RE.2 - Failing SSTS - CWC - collapsed metal tank

Discovery Date:  
Status: Closed

Overview and Action:

DEP initiated an Enforcement Action on 8/19/11. This project is funded under CWC septic repair program. On 8/19/11 DEP received CWC's notice of failure. DEP issued a letter to the owner on 8/22/11 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 9/12/11. A soil/site evaluation was performed on 9/20/11. DEP received an Application for a conventional individual SSTS on 11/10/11. DEP received revised plans from the engineer on 11/16/11. DEP issued a NOCA on 11/17/11. DEP issued an Approval Determination letter on 11/18/11. DEP received notice on 11/30/11 that construction will begin. DEP completed construction inspections on 4/10/12. DEP received As-Built plans, along with engineer's certification letter from the engineer on 4/19/12.

DEP issued a letter of Construction Compliance on 4/19/12. DEP has resolved the Enforcement Action on 6/12/12.

Town: Middletown  
Basin: Pepacton  
Project Name: Dry Brook Holdings LLC (Richard Gould trailer park), (Log #2010-PE-0521)  
Project Description: Application for the installation and hook up for 29 residential trailers and two non-residential buildings to the Margaretville WWTP  
Project Type: City Sewer Connection (CCS)

Status:

DEP advised DOH about the failure; DOH will also review and approve the design. DEP called the engineer on 7/12/11 regarding the status of the sanitary sewer system design and submittal. DEP received a call on 8/2/11 from DEP field staff about a new surface discharge. A site visit was performed on 8/2/11; septic failure was observed; surfacing of sewage on ground, direct discharge from building. DEP Police were advised of sewage problems by park tenants and notified DEP. DEP walked the site and found that trailer numbers 102, 91, and 35 had sewage discharges to the ground, and sewage was seen surfacing in two other areas on the parcel. DEP performed a site visit on 8/3/11; septic failure was observed; surfacing of sewage on ground, direct discharge from building. DEP spoke to some of the tenants and received some information on the individual sites. DEP performed a site investigation on 8/8/11 and documented sanitary sewer problems, repair work and sewage surfacing on the ground. DEP called the owner/applicant on 8/9/11 regarding the DEP site visit and most recent sanitary sewer concerns. DEP performed a site investigation on 8/9/11 to document sanitary sewer problems and construction activity. DEP called the contractor on 8/10/11 regarding the status of the sanitary sewer repair work. On 8/12/11, DEP met with the Owner/Applicant and the Middletown CEO to discuss sanitary sewer violation concerns and remediation schedule and plan. DEP initiated an Enforcement Action on 8/19/11. DEP received a letter of intention from the Park owner through Chief of Wastewater Operations on 8/19/11 via email. DEP issued an NOV on 8/19/11 for the clogged lateral connection. 8/22/11 DEP sent an email to DOH providing an update on the failures. The email included a letter from the owner detailing plans for proceeding with phase 1 of the replacement sewer project. DEP received a return call on 8/23/11 from the engineer regarding the status of the project and project concerns. DEP received a call on 8/23/11 from the owner/applicant regarding status of project and project concerns. DEP received a return call on 8/23/11 from the original engineer who indicated turning the project over to a new engineer and removing him as a point of contact. DEP received call from owner on 9/21/11; he is looking to hire another new engineer. DEP advised him to consult with DEC regarding removal of sand and gravel deposits washed into his farm field. DEP received a letter and plans from the new engineer on 10/17/11; also enclosed the 2007 Approval to connect to the Margaretville WWTP. DEP called the owner/applicant on 10/20/11 regarding the recent design submitted by the new engineer. DEP met with the owner/applicant and engineer at the site location on 11/22/11 regarding the sanitary sewer design modification and options. DEP received a call on 11/29/11 from the Town of Middletown Code Enforcement Officer (CEO) regarding the status of the sanitary sewer design review. DEP received Blackline drawings from the engineer on 12/30/11. DEP received a call on 1/4/12 from the Town of Middletown CEO regarding a court date of 1/9/12 to grant the applicant a 60 day extension. DEP called DEC on

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

to DEP's 7/12/12 email. DEP received a call on 8/3/12 from the tow of Middletown CEO regarding postponement of the scheduled court date of 7/30/12 to 8/6/12. DEP called the Town of Middletown CEO on 8/29/12 regarding the next court date scheduled for 9/10/12. DEP issued a letter to the owner on 8/31/12 stating that construction has not yet commenced. DEP received a call on 9/7/12 from owner/applicant regarding the recent DEP construction/open NOV letter he received. DEP called the CEO on 9/13/12 from the Town of Middletown regarding the status of the court proceedings that involve the owner/applicant. DEP received a call on 9/27/12 from the Town of Middletown CEO regarding the status of the court schedule and position.

Project Type: Intermediate Repair (CR)

Status:

DEP performed a site visit on 4/26/11; septic failure was observed, surfacing of sewage on ground, direct discharge from the building. Sewage has backed up from the tank and the outdoor plumbing under the trailer. The owner said the tank has been pumped twice in the past two weeks; the tank appears to be a very small, round metal tank. DEP received a call on 5/25/11 from the park owner, saying he wants to perform an emergency repair on the SSTS in the park. DEP spoke to the park owner on 5/27/11 and advised that an engineer must design a replacement SSTS and that DEP must review and approve. DEP advised the owner to continue pumping the tank to avoid a sewage discharge to the ground again. DEP performed a site visit on 5/31/11; septic failure was observed; absorption field. DEP met with the owner, his engineer and the contractor to discuss the options available for a replacement SSTS. Two vacant parcels adjacent to the park, owned by the same person, are ideal for an absorption field with a pump. DEP advised DOH about the failure on 6/2/11; DOH will also review and approve the design. DEP called the owner on 6/3/11 to advise of DOH review and approval and that no work could be done prior to that. DEP spoke to the CEO and DEP operations on 6/3/11 about the failure. On 6/7/11, DEP met with the engineer to perform soils testing for a compliant SSTS replacement for the failed SSTS. DEP issued a NOV to the owner on 6/8/11 for trailer 110. DEP initiated an Enforcement Action on 6/8/11. DEP received a sketch of the temporary holding tank from the engineer on 6/9/11. DEP called the owner, the engineer and the field engineer on 6/15/11; DEP needs the pump out receipts and a plan for the replacement SSTS. DEP performed a site inspection on 6/16/11; the wastewater from the tank is assumed to be percolating through the broken pipe and into the soil and there is no sign of surface discharge. DEP received a copy of the pump out receipts on 6/16/11. DEP has been in touch with the engineer concerning the SSTS replacement design, which is ready to be formally submitted for two trailers. DEP received an Application for a SSTS on 7/11/11 from the engineer with plans. DEP initiated an Enforcement Action on 7/26/11. DEP issued a NOV to the owner on 7/26/11 for trailer 102. DEP called the engineer on 7/28/11 and provided comments to the plan. DEP performed a site visit on 8/2/11; septic failure was observed; surcharge septic tank, cesspool, drywell, surfacing of sewage on ground, direct discharge from building. DEP Police were advised of sewage problems by the park tenants and notified DEP. DEP walked the site and found that trailer numbers 102, 91, and 35 had sewage discharges to the ground and sewage was seen surfacing in two other areas on the parcel. DEP spoke to some of the tenants and received some information on the individual sites. DEP sent an e-mail to the DOH 8/4/11 to notify them of the sewage on the ground at the mobile home park and sent a map denoting the sewage discharges on the property. DEP received an e-mail from DOH 8/5/11 that staff visited the site and observed several sewage discharges. DEP issued a NOCA on 8/5/11. DEP issued a comment letter on 8/5/11 to the applicant. DEP

received a letter from DOH to the applicant on 8/8/11 regarding violations observed at their 8/5/11 field visit. DEP received revised drawings from the engineer on 8/9/11. DEP received the sketch for the holding tank from the engineer on 8/12/11. DEP received the 7/19/11 pump out receipt on 8/15/11. On 8/15/11, DEP spoke to the owner and advised him to call the engineer and ask him to submit a sketch for the holding tank. DEP received a sketch and called the owner again to advise him to order a 1500 gallon concrete tank. On 8/16/11, DEP observed sewage on top of the ground around the pipe that discharges into the septic tank. DEP called the owner to advise to pump. DEP called the owner on 8/18/11; he plans on installing the tank tomorrow, weather permitting. On 8/19/11, DEP called the owner to inquire when the 1500 gallon holding tank was going to be installed. He said his engineer advised him not to install it and to install a managed repair instead. On 8/18/11, DEP observed sewage on the ground at trailer 102. DEP and the owner discussed the email DEP sent to owner regarding requirements for the holding tank, which is to be installed on 8/29/11. DEP sent an e-mail to the owner on 8/24/11 regarding the installation of the temporary holding tank. On 8/29/11, DEP received a call from the owner; he said the tank cannot be installed due to the erosion caused by tropical storm Irene. DEP performed a site visit on 8/30/11; the trailer park has been flooded out and trailer 110 is abandoned. Trailer 102 is still connected to its SSTS and the ground is covered with sandy soil and debris. DEP performed a site visit on 10/12/11; the area around the septic tank is still covered with soil and the trailer is still occupied. DEP received a call on 10/25/11 from the owner. He is not changing engineers and would like secure funding to rebuild portion of the park that got washed out. If not, he's not going to sewer that portion of the park. DEP performed a site visit on 12/15/11 and found that the trailer had been removed. On 1/20/12, the trailer was removed and nothing has taken its place.

Town: Neversink  
Basin: Rondout  
Project Name: Coombe, Philip Jr., (Log #2008-RO-2402)  
Project Description: New SSTS  
Project Type: Intermediate Repair (CR)  
Status: New

DEP received an e-mail from Grahamsville field staff Supervisor who had been called by the property owner about a tank replacement for a three family dwelling on 3/14/12. On 3/15/12, DEP performed a construction inspection for a tank replacement. DEP sent an email to the owner as a reminder of the discussion on site concerning the installation of new piping, backfill, etc on 3/15/12. DEP received a phone call from the owner on 3/19/12, regarding the unauthorized work he did to replace a portion of the absorption field as a result of the tank replacement. DEP received several e-mails from the owner on 3/20/12, with pictures of the work done on the SSTS, in addition to the tank replacement. DEP returned a phone call to the owner on 3/20/12, regarding the work done on the SSTS over the weekend. The owner said he directed the gray water pipe to the side of the new tank, that the old d-box was excavated out when the hole for the new tank was dug and that new solid piping now connects the new d-box to two existing laterals. DEP called the owner and he explained the connections he made for the grey-water and the absorption field, all of which sound incorrect and contrary to our discussions on site on 3/15/12; he sent pictures as all the work is backfilled. DEP sent an e-mail to the property owner on 3/22/12 requesting additional pictures of work done on the SSTS over the weekend and clarification in writing. DEP received a reply via n e-mail from the owner on 3/22/12. He

explained the work he did and sent some pictures of the work. DEP received an e-mail from the owner on 4/6/12. He has done some work on the septic tank and d-box and is ready for an inspection. On 4/9/12, DEP performed a follow up inspection to look at the repair of the leaky septic tank outlet and installation of speed levelers in the d-box. DEP sent an e-mail to the owner regarding the site inspection done on 4/9/12 and what still needs to be completed on 4/11/12. DEP received an e-mail reply from the owner on 4/17/12, saying he would take a picture of the d-box and pipes and send it to DEP. DEP received an e-mail reply from the owner on 4/23/12. He has sealed the d-box outlets with tar and backfilled and seeded the site. DEP received an e-mail from the owner on 5/11/12, advising that the grass is growing and that he is waiting for an approval letter for the tank replacement. DEP sent a reply to the owner by e-mail on 5/11/12, advising that a site visit and letter regarding the new tank installation. On 6/4/12, DEP performed a follow up inspection for the tank replacement and partial absorption field replacement. The top of the ground is wet over the disturbed area, and the vegetation has not taken very well. The pipe that discharges to the ditch is carrying sewage and mud. On 6/14/12, DEP met for a scheduled appointment on site with DOH.

Project Name: Bradley Road (Log #1997-NV-0772)  
Town: Neversink  
Type of Use: Residence  
Type of Violation: Failed SSTS For 3-Bedroom - formerly Leroy Stewart  
Discovery Date:  
Status: New

Overview and Action:

DEP issued a NOV to the owner on 10/19/09. DEP received a message from owner responding to the NOV on 11/4/2009. DEP called owner on 11/5/2009 regarding NOV. Owner stated that he hasn't had any failure since summer, when he adjusted the speed dialers in distribution box (turning off one lateral completely). Owner asked DEP to perform site visit to confirm no failure status. DEP stated that several inspections will be conducted over several seasons to confirm failure did not return. DEP will contact owner for first inspection. DEP performed a site visit on 11/16/2009. There was a discharge; the site was not stable; the site was occupied. No sign of exploring for a possible leak into lines from septic tank or house. DEP performed a site visit on 12/14/2009. There was not a discharge; the site was stable; the site was occupied. Site Visit type: Follow up. Date: 2/21/12; septic failure not observed. Property Status: Currently inhabited. DEP called the complainant on 8/23/12 regarding the failure; she has not noticed a smell at all this summer. In addition, she has also noticed that there are not nearly as many people living in the house now as when the failure was first noticed.

Project Name: 13 Slater Road (2001-RO-0228)  
Town: Neversink  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS for 4 bedroom  
RE-2; Failing SSTS - CWC - field not leaching  
Discovery Date:  
Status: New

Overview and Action:

DEP initiated an Enforcement Action on 5/30/12. This project is funded under CWC septic

repair program. On 5/30/12, DEP received CWC's notice of failure. DEP issued a letter to the owner on 5/31/12 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer on 7/16/12. DEP received a call on 7/17/12 from the engineer regarding the pre-app. A soil and site evaluation was performed on 7/19/12.

Project Name: 28 Low Road (1998-RO-0708)  
Town: Neversink  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - Tank Replacement for 2 bedroom; Replaced Metal Tank; 1000 gallon concrete tank RE-2; failing SSTS - CWC - surcharged back from outlet to the field 60%

Discovery Date:

Status: New

Overview and Action:

DEP initiated an Enforcement Action on 5/30/12. This project is funded under CWC septic repair program. On 5/30/12, DEP received CWC's notice of failure. DEP issued a letter to the owner on 5/31/12 providing guidance for remediation. DEP received an e-mail from CWC 6/7/12 stating that engineer found stuck toilet float which caused failure and does not think replacing system is necessary at this time.

Project Name: 684 Big Hollow Road (2000-RO-0402)  
Town: Neversink  
Type of Use: SSTS Repair (RE)  
Type of Violation: Failed SSTS - RE.2 - Failing SSTS - CWC - surfacing

Discovery Date:

Status: New

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 5/15/12. DEP initiated an Enforcement Action on 5/15/12. This project is funded under CWC septic repair program. On 5/15/12, DEP received CWC's notice of failure. DEP issued a letter to the owner on 5/16/12 providing guidance for remediation. A soil/site evaluation was performed on 5/24/12. DEP issued a letter to the owner on 8/21/12 stating that the plans have not yet been received.

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 sent an 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. DEP's Assistant Counsel issued a comment letter to the homeowner on 6/3/11 regarding the NOV. DEP called the owner on 8/23/11 and advised her to contact CWC to check eligibility. DEP called the owner on 10/19/11 and left a message requesting a call back. DEP's Bureau of Legal Affairs issued a final notice to the homeowner on 12/29/11 regarding the NOV before the matter is referred to the New York City Law Department to recommend litigation. Site Visit type: Enforcement. Date; 1/20/12; septic failure not observed. On 7/26/12, DEP performed an inspection of the SSTS; no surface failures were observed.

Project Type: SEQRA (SQ)

Status:

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

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

Location: Stamford (V)

Type of Use: Commercial

Discovery Date: 8/9/04

Type of Violation: SSTS Failure

Status: Approved

Overview and Action:

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. On 4/19/11, DEP did a routine absorption field inspection. Although the ground surface was very soft and oozy in the lower middle field and along the driveway, no sewage was observed. DEP met the new superintendent and discussed the history of the SSTS with him. DEP received the water meter readings on 4/21/11. DEP received an e-mail from the Phoenix House on 4/21/11 with dates and amounts of pump outs for 2011. DEP received word from the facility that maintenance work will begin this May 2011. On 5/5/11, DEP walked the absorption field with the maintenance staff. Sewage was observed on the



ground in two areas of the absorption field. The field has been mowed once this year, and a mower with a lighter footprint is being pursued. DEP received a call on 5/17/11 from the Septic-Tech representative; he informed DEP that Septic Tech would warranty the absorption field for 20 years if Septic Tech was installed as pre-treatment. On 5/20/11, DEP observed sewage on the ground in the lower fields and also in the ditch along the driveway. DEP issued a letter to the Director on 6/10/11 regarding the need to either replace or repair the SSTS until the violation is cured. DEP corresponded by email with the director regarding the site/repair work that was scheduled for last fall; the plans are to begin in two months. On 6/29/11, DEP did a routine inspection of the large absorption field; the lower area had soft spots and when stepped on brought sewage to the ground surface. There was also evidence of recent sewage ponding on the field and in the ditch along the road. DEP received pump out receipts on 7/5/11. DEP received the water meter readings on 7/5/11. DEP received the water meter reading from 7/1/11 to 7/15/11 on 7/18/11. DEP received the 7/13/11 pump out receipt on 7/18/11. DEP received the water meter readings on 8/18/11. DEP performed a site visit on 8/26/11; the field was soft in areas but no sign of sewage outbreaks. The tank is being pumped every other week. DEP received the water meter readings on 9/27/11. DEP received the water meter readings on 10/14/11. DEP performed a site visit on 10/21/11; the large absorption fields were recently mowed and there was no sign of sewage on the ground. DEP received the water meter readings on 11/16/11. The maintenance man said the field looks okay. DEP received the pump out receipts on 11/18/11. DEP received an e-mail from the maintenance department on 12/29/11 which included the water log. DEP received the water meter readings on 12/29/11. On 1/20/12, DEP performed a site visit to assess the absorption field. Although the field was spongy in several places, no effluent surfaced until the soft ground was stepped on. DEP performed a routine inspection of the SSTS on 2/9/12; there was no sewage on the ground in the area of the large absorption field. DEP sent an e-mail to the maintenance supervisor, requesting information on the frequency of the absorption field inspections and tank pump outs on 2/17/12. DEP received the water meter readings on 2/17/12. On 2/23/12, DEP performed a routine inspection of the absorption field; no sewage was observed on the surface of the absorption field. On 3/6/12, DEP performed an inspection of the absorption field. Although the lower middle and lower western fields were spongy, no sewage was observed on the ground. DEP received an e-mail from the maintenance supervisor on 4/3/12, explaining that the water usage is low because the population is lower than usual. DEP sent an e-mail to the maintenance supervisor on 4/3/12, asking if anything at the facility has changed recently, as the water usage is lower than usual. DEP received the water meter readings on 4/3/12. On 5/11/12, DEP performed a routine inspection of the large absorption field; no breakouts were observed. DEP also met the new maintenance supervisor. He mentioned that the occupancy has been lower than usual. On 5/18/12, DEP inspected absorption field on 5/18/12; the absorption field showed no evidence of failure. DEP performed a routine site visit on 5/30/12; the large absorption field is dry and is being mowed on a regular basis. DEP received a call on 6/5/12 from the grounds supervisor, who agreed to a meeting with DEP and the new maintenance personnel. On 6/13/12, DEP met with the director to review the SSTS and discuss maintenance. The new maintenance employee was supposed to be on site but was attending a class. The large absorption field is soft in spots, but there was no sewage surfacing. DEP received the pump out receipts on 6/13 and 7/19/12. On 7/20/12, DEP performed a routine inspection of the large absorption field. The field was drier than has been observed in recent years. Population has decreased, and there has been a severe lack of rain this season. DEP sent an e-mail to the director on 7/30/12, requesting the water log

for April 2012 through the present. DEP received the water meter readings on 7/31 and 9/7/12.

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

Overview and Action:

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

Town: Walton  
Basin: Cannonsville  
Project Name: Gilbert, Thomas, (Log #2005-CN-0663)  
Project Description: SSTS Replacement-CWC  
Project Type: Other (OT)  
Status: Closed

DEP received a call on 6/14/11 from the town of Walton CEO regarding a camper on the property in addition to the trailer. Someone is reputedly living in the camper (against town law). According to the town CEO, the persons living in the camper use the bathroom in the trailer. However, they allow grey water to spill out atop the ground when doing dishes, and the like. DEP called and left a message on 6/14/11 for the town CEO regarding the message he left the previous day. DEP received a call on 6/14/11 from the town CEO regarding the status of this project. He has sent the property owner a warning letter. The daughter has been living in the camper for approximately five years. DEP called and left a message on 6/15/11 for the town of Walton CEO at the Hamden offices (he is the assessor for the town of Hamden). DEP requested a copy of the warning letter sent to the property owner for DEP records. DEP initiated an Enforcement Action on 6/16/11 for tracking purposes. DEP received a call on 6/17/11 from the town CEO. A copy of the letter that was sent by the town to the property owner will be faxed to DEP. The CEO did not look at the grey water discharge due to the dogs which were running loose. He has spoken with the individual living in the camper, and has given her two weeks to get everything sorted out. The property owner did say that there was water hooked up to the camper, however, the individuals living in the camper used the trailer residence's toilet and shower. DEP received a call on 6/21/11 from the owner regarding adding a second trailer to the property. He wanted to know what he needed to do for the SSTS. Site Visit type: Complaint. Date: 06/15/2011. Septic Failure: Not observed. Someone is living in the camper. A dog within the camper started barking and someone inside scolded the dog. No one came out of the camper to meet with DEP. DEP did not see grey water discharge. Property Status: Currently inhabited. DEP sent an e-mail to the building enforcement officer on 4/13/12 informing him that we have closed out this complaint.

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 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. DEP received a copy of the SPDES Permit Application on 4/1/11. DEP received a copy of the letter sent from the engineer to DEC on 4/18/11 regarding SPDES General Permit Application. DEP received an e-mail from DOH on 4/18/11 confirming that DOH approvals would not be required until the 5th tent is used. DEP received an e-mail from the Watershed Agricultural Council 4/21/11 stating that they will not implement BMPs until as-builts are received and approved by DEP. DEP issued the NOCA and Approval Determination letters on 4/21/11. DEP received an e-mail from the owner on 6/2/11; construction is expected to begin around 6/13/11. On 6/21/11, DEP met with owner to go over the construction of the SSTS. DEP received the pump out receipt from the applicant on 7/5/11. DEP received a call on 7/21/11 from the engineer regarding a new design for the SSTS using 780 gallons per day as the design flow. The 780 gallons/day was the flow value that the DOH stated could be the minimum used for the four tents and the owner's house. The engineer is completing the full design and will resubmit for a new design approval. Currently the camp is in operation and DEP has recently received a pump out receipt. DEP received revised plans from the new engineer on 8/15/11. DEP received a copy of the 9/2/11 pump out receipt from the applicant on 9/19/11. He also requested the status of the plans. DEP issued a comment letter to the applicant on 9/23/11 regarding the revised plans. DEP received revised plans from the engineer on 9/26/11. DEP issued a Modified Approval Determination letter on 10/6/11. DEP received an e-mail from the applicant on 10/19/11 stating that his first steps would be to install the tank for the house. DEP received a letter from DOH on 10/24/11 approving the plans. DEP received a call on 11/18/11 from owner regarding the installation of the septic tank. The owner stated that he will contact DEP early next week to set up an inspection of the septic tank installation. DEP called the owner on 1/23/12 regarding the SSTS. The septic tank for the house has been placed into the ground but not connected to the house as of yet; the owner will continue to pump and haul from existing tank until the construction can commence in the Spring. The pathway through garage floor has been completed. DEP received an e-mail from the owner on 2/24/12 discussing the construction of the approved SSTS. On 4/19/12, DEP met with owner to discuss the installation of the approved SSTS and the current failure for the 4 bedroom farm house. On 5/2/12, DEP performed a construction inspection. On 5/4/12, DEP conducted an inspection of

the SSTS leach field installation and the road crossing. DEP received a call on 5/14/12 from the owner regarding the installation of the septic line from the septic tanks to the leach field. The owner is waiting to hear back from contractor as to when he will resume work. DEP received a call on 5/21/12 from owner regarding the installation of the trench to connect the SSTS. The trench is nearly complete and DEP will be notified as to when the pipe is planned to be installed so an inspection can be conducted. On 5/29/12, DEP conducted an inspection of the 400 feet of trench and pipe with cleanouts from the septic tank near the bath house to the leach field. DEP also discussed the stream crossing which still needs to be completed. DEP called the owner on 7/27/12 regarding the bridge crossing for the SSTS. The SSTS is installed and working properly. Owner stated that he will complete the bridge crossing at the close of the Farm Tent business for the season. DEP received an e-mail from owner on 8/7/12. Owner stated that he may start the bridge crossing very soon depending on the weather and the Farm tent business. Owner will give DEP notice as to when he may start.

Project Type: SEQRA (SQ)

Status:

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

Project Name: Walton Woods Road (1999-CN-0154)

Town: Walton

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - Emergency Tank Replacement for 3 bedroom; 1000 gallon concrete tank for previous owners VanTassell, Robert & Patricia

RE.2 - Failing SSTS - CWC - surfacing

Discovery Date:

Status: New/Approved

Overview and Action:

DEP initiated an Enforcement Action on 5/14/12. This project is funded under CWC septic repair program. On 5/14/12, DEP received CWC's notice of failure. DEP issued a letter to the owner on 5/15/12 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 6/4/12. A soil/site evaluation was performed on 6/12/12. DEP received an Application for a conventional individual SSTS on 7/2/12. DEP issued a NOCA on 7/3/12. DEP issued an Approval Determination letter on 7/6/12.

Name: Sholam Road, (Log #2001-RO-0730) I.D. #: 1570

Location: Wawarsing

Type of Use: Residence

Discovery Date: 7/1/01

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 4/24/01. A soil/site evaluation was performed on 6/27/01. A design approval was issued on 8/28/01. On 11/30/01, an NOV was issued to the Owner. A design approval was issued on 12/12/02. DEP received a letter and new plans from the new engineer on

a different location 1/26/10. DEP issued an Approval Determination letter on 2/8/10. DEP issued a letter to the owner on 4/13/11 stating that the construction has not yet commenced. On 4/27/11, DEP stopped by to see if the applicant knew when he would be starting construction. He is waiting to hear back from CWC on funding and informed DEP who he would be using to install the system. Site Visit type: Follow up. Date: 2/1/12; no change to site. DEP called the property owner on 2/1/12; he is going to renew his application and is still trying to find a third contractor to submit a bid on the system for CWC. The owners engineer will send a letter to re submit plans. DEP received a letter from the engineer on 2/8/12 requesting design approval extension. DEP issued a renewed Approval determination on 2/21/12. DEP issued a letter to the owner on 6/27/12 stating that construction has not yet commenced.

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

Town: Carmel  
Basin: West Branch  
Project Name: Manzo, John, (Log #2011-WB-0829)  
Project Description: Solid Waste NOV  
Project Type: Solid Waste (SO)  
Status: New

DEP initiated an Enforcement Action on 11/23/11. DEP issued a NOV to the owner on 11/23/11. DEP received an email from DEP Legal on 12/16/11, advising that the owner hired a design professional that will be preparing a plan for review. DEP issued a comment letter to the engineer on 12/30/11 regarding the NOV. DEP sent an e-mail to Legal/Police on 1/27/12. DEP received an e-mail responding to the NOV on 1/27/12. The applicant has been in court several times at the Town of Carmel and the Town Courts are working with DEP and the applicant to obtain a stable condition at the site. Site inspections performed on 10/25/2011; 11/16/2011; 1/4/2012; 1/13/2012; 1/25/2012; 2/8/2012; 3/5/2012; Owner continues to implement the final closure/stabilization plan as approved by the Town of Carmel Planning Board and accepted by DEP. Additionally, the owner has removed all excess fill material from adjacent NYC Lands. Site is stable. DEP conducted a cursory inspection of the property on 6/14/12; implementation of the final stabilization plan continues. DEP performed a site visit on 7/6/12; with regard to final stabilization ~ limited progress noted since previous site inspection; no discharge or threat of discharge observed. DEP performed a site visit on 7/18/12; DEP received verbal permission on 7/17 to perform inspections whether he is present or not. DEP performed a site visit on 9/17/12; no new activity concerning movement or stabilization of fill since the last site visit.

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

DEP initiated an Enforcement Action on 10/28/11. DEP issued a NOV to the owner on 10/28/11. DEP sent an internal status update via email on 11/9/11. DEP sent an internal update on status of NOV on 11/14/11, advising that the engineer will prepare and submit a plan/report to address interim, temporary stabilization of the fill. DEP received a letter and plans responding to

the NOV on 12/07/11. DEP issued a letter to the engineer on 12/12/11 regarding the NOV, advising that the recently submitted plans are acceptable with conditions. DEP sent an e-mail to Legal/Police on 1/27/12. The applicant has been before the Town of Carmel Court several times to resolve the unstable site conditions. Site inspections performed on 10/25/2011; 11/16/2011; 1/4/2012; 1/13/2012; 1/25/2012; 2/8/2012; 3/5/2012; Owner has provided a dense, temporary cover material in advance of final closure/stabilization as approved by the Town of Carmel Planning Board and accepted by DEP. Site is stable. DEP sent an internal e-mail on 5/22/12; DEP spoke with the owner and he stated that he is eager to start the final stabilization work; however, he is waiting on the Town of Carmel to lift the stop work order and anticipates resolution this month. DEP received a phone call on 6/7/12 from the homeowner indicating that work would commence on the final stabilization plan immediately. A site inspection conducted on 6/14/12 noted that no work has been undertaken. DEP performed a site visit on 7/6/12; site stabilization work underway; netting, mulch and seed are in place on roughly 1/5th of the disturbed area. Additional silt fence will be installed below the work area. DEP performed a site visit on 7/18/12. DEP sent an internal e-mail on 8/10/12 with findings of the 8/9/12 site visit; a four-person landscaping crew was active; grading and placing topsoil on the level portions of the fill adjacent to the house. At the request of the applicant, the Town of Carmel highway crews installed a speed bump and diversion curbing to divert storm flows away from the driveway.

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

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

DEP issued the NOCA and Approval Determination letters on 7/27/12. DEP performed a site visit on 8/10/12; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 8/20/12; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 9/5/12; there were no deficiencies, there was no discharge and the site was vacant. DEP called DEC 9/11/12 for an update on the referral to the DEC law department for the water quality violation (NOV). DEC will visit the site and based on the conditions, will decide if it will be referred. DEP performed a site visit on 9/19/12; there were no deficiencies, there was a discharge and the site was occupied.

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 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. DEP performed a site visit on 4/15 and 4/28/11; there were no deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the engineer on 5/3/11, stating stabilization measures will be addressed by the contractor. A meeting was held with the contractor on 5/9/11. Completing stabilization for Lots 3 and 7 was discussed. DEP performed site visits on 5/11, 5/25, 6/2, 6/7, 6/22, 7/25 and 8/4/11; there were no deficiencies, there was no discharge and the site was occupied. DEP issued a 37 page field inspection report to the Putnam County Coalition on 8/22/11. DEP performed site visits on 8/30, 9/1 and 9/28/11; there were no deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 10/17, 11/1, 11/9, 11/16, 11/30, 12/15, 12/27/11, 1/9, 2/6 and 3/19/12; there were no deficiencies; there was no discharge and the site was occupied. DEP performed site visits on 4/9, 5/8, 5/21, 6/4, 6/7, 7/18, 7/20, 8/9 and 9/12/12; 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.

Project Name: 890 Route 35 (Log #2008-CR-0200)

Town: Lewisboro

Type of Use: Residence

Type of Violation: Failed septic, small shopping center, with 2 delis, physical therapy offices

Discovery Date:

Status: Overview and Action:

DEP received a Change of Use Application Form from DOH on 4/12/2011. DEP received the Inspection Form from DOH along with comments on 6/24/2011. DEP received a letter from the engineer to DOH on 5/23/12. DEP issued a No Objection letter to the DOH on 5/23/12. DEP

received an approved Construction Permit on 6/7/12 from DOH along with copy of the approved plan.

### 3.2.4. Kensico Basin

## 3.3. DEP Police Actions

### 3.3.1. Catskill District

Name: State Route 23 **CS-080-12, SJS 34934**  
Location: Ashland  
Type of Use: Rural  
Type of Violation: Haz Mat  
Date Discovered: 4/16/12  
Status: Closed

#### Overview and Action:

DEP Police handled a complaint which involved a 1000 gallon fuel tank located on the bank of the Batavia Kill Stream. DEP Haz notified to respond and determined that the tank contained approximately 500 gallons of diesel fuel. Because of its size and location, additional equipment would be needed to reach and remove it. Haz Mat completely sealed the tank until removal could be completed by a sub-contractor. DEP Police and Haz Mat involved.

Name: So. Gilboa Road / Blackberry Street **CS-141-12, SJS 36054**  
Location: Gilboa  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 6/14/12  
Status: Closed

#### Overview and Action:

DEP Police observed a dumping of household garbage scattered around the pull off area that did yield traceable evidence. Officer obtained a cell phone number but when contacted, subject stated that he was not responsible for the dumping. Additional interviews with landlord and other tenants to determine responsibility for the dumping yielded negative results. Officer did not have enough evidence to charge any of the subjects interviewed. DEP Police involved.

Name: Stryker Road **CS-189-12, SJS 37038**  
Location: Gilboa  
Type of Use: Rural  
Type of Violation: Stream Disturbance  
Date Discovered: 8/4/12  
Status: Closed

#### Overview and Action:

DEP Police investigated a complaint of an individual constructing rock walls along the banks of the Schoharie River approximately one mile north of the Gilboa Dam. Officers conducted foot patrol of the area and observed the rock walls, three tents as well as other camping supplies on a rock ledge. Landowner stated that he camps there two weeks each year and studies fossils that



he collects. The rock walls were the beginning stages of a “fossil hut” and kiln that he was constructing using rocks, clay and downed timber. Officer contacted DEC and determined permit is required for this type of activity and subject does not have a valid permit. Subject advised to stop all construction work and obtain the necessary permit. Subject issued tickets for disturbing the banks of a Protected Stream (NYCRR) and Placing Substance on the Banks of a Protected Stream (NYS ECL). DEP Police involved.

Name: Clove Road **CS-230-12, SJS 37841**  
Location: Hunter  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 9/23/12  
Status: Open

**Overview and Action:**

DEP Police received complaint of a possible discharge of raw sewage to the Schoharie Creek from a residence. Investigation revealed that numerous pipes with backflow preventers were discharging into a drainage ditch leading to the creek. Dye testing being performed by DEP Engineering, and site being monitored for evidence of effluent entering the creek. Open. DEP Police and Engineering involved.

Name: Ashokan Main Dam **CA-388-12, SJS 36318**  
Location: Olive  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 6/27/12  
Status: Closed

**Overview and Action:**

DEP Police were advised by DEP Operations of a minor leak of oil from a transformer at the western end of the main dam. Central Hudson was notified and after responding to inspect the scene decided to return with a new transformer box. Transformer was replaced and the small amount of oil that did leak was cleaned by Central Hudson personnel. DEP Police and DEP Operations involved.

Name: Bostock Road **CA-425-12, SJS 36646**  
Location: Olive  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 7/12/12  
Status: Closed

**Overview and Action:**

NYC DEP Police observed a dumping of household refuse which did yield a piece of evidence that may be traceable. Watershed maintainers contacted for clean-up of debris. DEP Police and DEP Operations involved.

Name: 26 Upper Boiceville Road CA-447-12, SJS 36778  
Location: Olive  
Type of Use: Residential  
Type of Violation: Haz Mat  
Date Discovered: 7/20/12  
Status: Open

Overview and Action:

DEP Police were notified by DEP Haz Mat of a possible spill of a white, milky substance coming out of a culvert pipe in the vicinity of the Onteora High School. Officer interviewed Director of Facilities & Operations at Onteora Central School District whom stated that the substance was floor wax stripper being dumped down a drain pipe by an employee. Based on observation by DEP Haz Mat team and the amount of the substance in the stream it appeared that the dumping had been going on for some time. DEP Haz Mat and NYS DEC Spill Response to ensure full clean up. Onteora School District was issued a ticket for Contravention of Standards (NYS ECL). DEP Police, DEP Haz Mat and DEC involved.

Name: 241 Moonhaw Road CA-524-12, SJS 37432  
Location: Olive  
Type of Use: Residential  
Type of Violation: Stream Disturbance  
Date Discovered: 8/30/12  
Status: Open

Overview and Action:

DEP Police observed large equipment at the above address and discovered a mini-excavator on the rocks alongside a stream and also where the operator had built a small dam to block the flow of water so that a full size excavator could sit on dry land. The stream bed and banks had been changed and it appeared that the operator was also building a retaining wall with large boulders at the stream's edge just below the residence. There were no permits posted in the area. Photos were taken and officer will contact DEC as well as attempt to contact property owner. It was determined that permit had been issued 7/25/11 but expired 9/30/11. Owner stated current permit valid until 9/30/12. Officer to follow up with DEC to confirm. DEP Police and DEC involved.

Name: 49885 State Route 30 CS-087-12, SJS 35097  
Location: Roxbury  
Type of Use: Residential  
Type of Violation: Stream Disturbance  
Date Discovered: 4/24/12  
Status: Closed

Overview and Action:

DEP Police observed a bulldozer near the bank of the East Branch of the Delaware River, determined ownership of the land and interviewed a subject who stated that the impact of Hurricane Irene resulted in a large tree buildup in the stream that was beginning to cause significant erosion to his land. While the water level was low he had filled in the banks with no impact to the stream. Patrol issued a Notice of Warning for Disturbing a Protected Stream without a Permit and advised subject to contact DEC for the required permit before doing any

future work in or near the stream. DEP Police involved.

Name: 34 School View Drive **CS-100-12, SJS 35280**  
Location: Roxbury  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 5/4/12  
Status: Closed

**Overview and Action:**

DEP Police investigated a dumping complaint and observed construction debris, household items and refuse with no traceable evidence thrown into the stream in the back of the unoccupied house as well as a burn pit with charred refuse. Officer traced ownership of the property and when contacted, owner told the police that the property was left clean and that the refuse had originated after they moved out of the house. Owner was informed that clean-up of the property was her responsibility. Officer will conduct follow up to make sure that owner completes clean-up. DEP Police involved.

Name: 1216 Intake Road **CS-150-12, SJS 36309**  
Location: Roxbury **Spill # 1203013**  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 6/26/12  
Status: Closed

**Overview and Action:**

DEP Police were notified of a spill that occurred at the Shandaken Tunnel Intake Chamber boat ramp. Contractor technician driving a truck carrying equipment was backing down the ramp and two pieces of equipment containing diesel fuel fell off. The spill of approximately 5-6 ounces of diesel fuel was cleaned immediately by the crew using spill pads which were disposed of properly. DEC contacted for spill number. DEP Police and DEC involved.

Name: 1117 Andres Gray Road **CS-234-12, SJS 37886**  
Location: Roxbury  
Type of Use: Residential  
Type of Violation: Stream Disturbance  
Date Discovered: 9/27/12  
Status: Open

**Overview and Action:**

DEP Police investigated a possible stream violation occurring on or near NYC property. Interview with land owner determined that he did possess a valid NYS DEC permit under the general flood repair section which deals with erosion, sedimentation and turbidity controls. Excavation and stream work being done by local company revealed at least three areas where small trees had been unearthed and left deposited along the stream bank on NYC property creating a berm which is in violation of the DEC permit. Follow-up investigation will be conducted to ensure that stream banks are planted with suitable material for erosion control and the unearthed trees are removed from NYC property to alleviate any flood concern issues. Charges are pending. DEP Police and DEC involved.

Name: State Route 28, Esopus Bridge CA-125-12, SJS 34496  
Location: Shandaken  
Type of Use: Rural  
Type of Violation: Haz Mat  
Date Discovered: 3/26/12  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of two 55 gallon red metal drums containing what appeared to be a petroleum-based product. The drums, located along the west bank of the Esopus Creek approximately 100 yards downstream from where State Route 28 crosses the creek in Mt. Tremper are believed to have been deposited there by past flood waters. Officers located both drums and label identified contents as a highly refined petroleum distillate. Site was photographed and DEP Haz Mat to be notified for further investigation and removal / remediation. Site was photographed and DEP Haz Mat removed drums from location. DEP Police and DEP Haz Mat involved.

Name: 5863 Main Street CS-213-12, SJS 37513  
Location: Tannersville  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 9/4/12  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of sewage discharge at a seasonal summer camp where they did observe discharge from a pipe onto the back lawn and evidence of recent digging in the rear of the house. Officer gained inside access through workers on site observed the discharge after running the shower and flushing the toilet. DEP Regulatory Enforcement personnel arrived on site, a dye test was performed with positive results and phone contact was made with the house manager and engineering/construction contractor. DEP REP confirmed that residence is connected to the Tannersville Sewage Treatment Plant but a history of blockage due to excessive use of the septic system led to the system being bypassed to prevent future blockage. Contractor stated that he connected the pipes from the new addition on the house into an existing pipe in the ground. The house manager and contractor were both issued tickets for Discharge of Effluent without a Permit (NYS ECL), and Disposing of Noisome Substance on or Near Waterway (NYS ECL) and Unpermitted Disposal of Regulated Waste (NYCRR). DEP REP will assist with correcting the problem. DEP Police and Regulatory Enforcement Program involved.

### 3.3.2. Delaware District

Name: BWS Road #4 CB-170-12, SJS 35281  
Location: Andes  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 5/4/12

Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping of household refuse which did yield traceable evidence in the form of a bank transaction receipt. Follow-up contact with bank branch manager determined that bank is unable to disclose any personal customer information without court mandated documentation because of their privacy policy. Investigation closed due to lack of further evidence. DEP Police involved.

Name: State Route 10 **CB-199-12, SJS 35529**

Location: Andes

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 5/19/12

Status: Closed

Overview and Action:

DEP Police observed a dumping of household refuse which contained traceable evidence. When interviewed, the subject stated that he had transported his garbage to the county landfill that morning. Officer issued NOW (Notice of Warning) for violation of NYS ECL Transporting Uncovered Load. Subject immediately responded to the dump site and voluntarily conducted the necessary cleanup. DEP Police involved.

Name: Pepacton Reservoir, adjacent EDRC **CB-157-12, SJS 35193**

Location: Colchester

Type of Use: Municipal

Type of Violation: Haz Mat

Date Discovered: 4/29/12

Status: Open

Overview and Action:

While on patrol of the Pepacton Reservoir, Strategic Patrol officers observed a petroleum sheen on the water approximately two hundred yards from the area of the East Delaware Intake Chamber. It was noted that the substance was percolating from a location under the water. DEP Haz Mat contacted and area boomed off from the intake chamber. Preventative tuffboom placed at the entrance to the intake itself. Contract Haz Mat divers contacted and diving operation revealed that a pipe approximately 200 feet down was leaking petroleum product into the water. Capping operation completed by divers. Site presently inspected regularly for any further leakage at the site. DEP Police, DEP Haz Mat and DEP Operations involved.

Name: NYC Highway 30A **CB-383-12, SJS 37147**

Location: Colchester

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 8/11/12

Status: Open

Overview and Action:

DEP Police observed a small dumpsite with did yield traceable evidence. Subject contacted and although not responsible for dumping, he stated he would make some phone calls, find out what

he could and then re-contact police. Case remains OPEN. DEP Police involved.

Name: 374 Griffith Road **CB-387-12, SJS 37232**  
Location: Colchester  
Type of Use: Rural  
Type of Violation: Sewage Discharge  
Date Discovered: 8/16/12  
Status: Open

**Overview and Action:**

DEP Police investigated a complaint involving a possible waste pipe / failed septic system located under a shed at a rod and gun club hunting cabin surrounded by NYC property. Once shed was located, officers immediately detected the odor of raw sewage and observed a four inch pipe under the shed where raw sewage was visibly present on the ground. DEP Engineering notified and site visit scheduled to assess exposed septic pipe issue and determine possible remediation plan. Officers attempted to identify the president of the gun club through the WaLIS system, Delaware County Tax and Mapping office, Delaware County Deputy Treasurer and Colchester Township Tax Collector with negative results. The investigation is ongoing at this time, as the officer is still unable to identify the responsible party, that is, the president of the rod & gun club. DEP Police and DEP Engineering involved.

Name: Peekamoose Road **CG-017-12, SJS 33263**  
Location: Denning  
Type of Use: Rural  
Type of Violation: Haz Mat  
Date Discovered: 1/7/12  
Status: Closed

**Overview and Action:**

DEP Police received a complaint regarding a propane tank in a stream on city property. Investigation revealed a propane tank approximately ¼ full, positioned well above the high water mark most likely deposited there during very high flood conditions. Officers secured the tank to prevent leaking and contacted DEP Haz Mat for removal. DEP Haz Mat removed the tank from the area for proper disposal. DEP Police and DEP Haz Mat involved.

Name: 50 Mountain Lane **CG-264-12, SJS 34818**  
Location: Denning  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 4/11/12  
Status: Closed

**Overview and Action:**

DEP Police investigated a possible septic violation reported by the T/Denning Code Enforcement Officer. Upon arrival at the location, officer determined that the house in question has no running water or septic system and is slated to be condemned by the Department of Health. Current residents have three weeks to vacate and are using their mother-in-law's bathroom at a nearby address during that time. A verbal warning given cautioning against disposing of any solid waste in anything other than a septic tank or porta potty which would result in ticket

issuance. Follow-up by officer determined that trailer had been removed and site was cleaned up by landowner. DEP Police and T/Denning Code Enforcement involved.

Name: 2000 YMCA Road **CG-271-12, SJS 34867**  
Location: Denning  
Type of Use: Commercial  
Type of Violation: Stream Disturbance  
Date Discovered: 4/14/12  
Status: Closed

**Overview and Action:**

DEP Police responded to a possible stream violation complaint where they observed water running through a culvert under the roadway which was directed from the Neversink River and led into a man-made lake. Subject at scene pointed out the actual diversion in the Neversink River, in the form of an established concrete structure which is the only source of water to fill the lake that was built sometime in the mid 1960's. Following the system, the water flows into the lake and the overflow continues past the lake through a secondary culvert and back into the Neversink River. Subject stated that he did repair the stream banks recently damaged from flood erosion and also removed debris from the diversion gate that had built up from the last flood as allowed by DEC general stream permits. Officer found no En Con violations at this time. DEP Police involved.

Name: Peekamoose Road **CG-590-12, SJS 36864**  
Location: Denning  
Type of Use: Commercial  
Type of Violation: Dumping  
Date Discovered: 7/24/12  
Status: Closed

**Overview and Action:**

DEP Police investigated a dumping of several large garbage bags which contained one gallon and five gallon paint cans (all empty), other miscellaneous items and a FOR SALE sign with a phone number on it. The phone number connected to a local business that had recently closed. Officer followed up with owner, further referred to most recent leaseholder, unable to make contact, current leaseholder not responsible. Not enough probable cause to issue summons. DEP Police involved.

Name: County Route 26 **CB-257-12, SJS 35907**  
Location: Hamden  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 6/6/12  
Status: Closed

**Overview and Action:**

DEP Police observed a small dumpsite consisting of household appliances deposited in the woodline adjacent to the roadway. Contents did yield traceable evidence in the form of a serial and model number on a microwave oven found at the site. Follow-up contact with manufacturer determined that no warranty information was available for the oven as no product registration

was filed. DOT contacted for site cleanup. DEP Police involved.

Name: Launt Hollow Road **CB-349-12, SJS 36661**  
Location: Hamden  
Type of Use: Commercial  
Type of Violation: Haz Mat  
Date Discovered: 7/13/12  
Status: Closed

Overview and Action:

DEP Police investigated a complaint alleging an auto body shop was discharging waste oil onto the ground. Officer responded to the location and while speaking with the owner was shown a five gallon container clearly containing waste oil for collection and disposal. Owner also urged officer to check the vicinity for any sign of waste oil discharge which yielded negative results. DEP Police involved.

Name: 356 Meadow Brook Road **CB-217-12, SJS 35650**  
Location: Middletown  
Type of Use: Residential  
Type of Violation: Stream Violation  
Date Discovered: 5/25/12  
Status: Closed

Overview and Action:

DEP Police responded to a complaint of a neighbor possibly discarding horse manure in the stream near the residences. On scene, officer interviewed subject and was led to the manure collection site which was approximately thirty yards from the residence and in excess of two hundred yards from the nearest stream. No violations at the location. DEP Police involved.

Name: 72 Hillys **CB-280-12, SJS 36028**  
Location: Middletown  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 6/13/12  
Status: Open

Overview and Action:

DEP Police on ATV patrol for possible trespass near a seasonal residence observed a small, recently excavated area at the side of the home which borders the Platte Kill Stream, a classified trout stream. Further patrol of the stream bed revealed two pipes that appeared to be coming from the septic tank that were releasing effluent onto the stream bed and ultimately into the Platte Kill Stream. When interviewed, homeowner stated that the previous owner told him if the septic tank was pumped out once a year he would not have any problems. Homeowner was advised to cease discharging further matter into the septic tank and to have it pumped out immediately. Subject was issued ticket for Discharge without SPDES Permit and Depositing Noisome or Unwholesome Substance On / Near Waterway (NYS ECL). Officer also advised homeowner that DEP would contact him to assist with an approved septic plan which included installing a temporary 1000 gallon septic for use until the new system is completed. DEP Police involved.



Name: Benton Hollow Road **CG-529-12, SJS 36471**  
Location: Neversink  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 7/4/12  
Status: Closed

Overview and Action:  
DEP Police observed a small dumping of household refuse which did yield traceable evidence. Subject was contacted and subsequently issued ticket for Unlawful Disposal of Solid Waste (NYS ECL). DEP Police involved.

Name: Frost Valley Road **CG-643-12, SJS 37203**  
Location: Neversink  
Type of Use: Rural  
Type of Violation: Stream Disturbance  
Date Discovered: 8/14/12  
Status: Closed

Overview and Action:  
DEP Police along with DEP Stormwater Prevention Department employee inspected bridge work site and observed several violations of DEC Permit and Engineer's blueprints. The embankment of the diverting stream was leaking water into the current worksite yet workers were still running the equipment in it causing turbidity. Two small sediment ponds set up by contractor had no effect. Contractor directed to construct larger sediment ponds as per permit and blueprint standards. DEC on scene instructed the project manager to turn on the pump in the basin where the point source is and place additional hay bales and silt fencing. DEP Police will patrol daily to monitor project and issue summons for further violations if necessary. DEP Police, DEP Stormwater Prevention and DEC involved.

Name: County Route 19 **CG-690-12, SJS 37515**  
Location: Neversink  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 9/4/12  
Status: Open

Overview and Action:  
DEP Police checking DEP Air Shaft observed a large dumping of multiple trash bags sliding down the steep hillside above the shaft site. The bags containing a large amount of baby diapers appeared to have been dumped at different times did yield traceable evidence. Initial attempt to interview subject at residence met with negative results, however, officer observed a large amount of similar trash outside the door of residence on the deck in black trash bags with red draw strings matching those found at dump site. Investigation to continue at a later date. DEP Police involved.

Name: Little Hollow Road **CG-709-12, SJS 37592**  
Location: Neversink  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 9/8/12  
Status: Open

Overview and Action:

DEP Police observed a dumping of household refuse with traceable evidence, some of which had found its way into a nearby stream. Officer interviewed subject named in evidence who denied dumping. Father of subject subsequently contacted officer at precinct and identified older son as the responsible party. Officer issued ticket for Throwing Refuse on Highways and Adjacent Lands (NYS VTL) and subject returned to dumping location to clean up the site. DEP Police involved.

Name: Aden Road (NYC Road #2) **CG-731-12, SJS 37728**  
Location: Neversink  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 9/17/12  
Status: Closed

Overview and Action:

DEP Police observed a dump site on city property which did yield traceable evidence. Initial attempt to interview subject at residence met with negative results but officer noticed full, white trash bags with orange ties outside the residence which did match those found at dump site. Subject later contacted officer stating she was still unable to determine who had actually dumped the bags but subsequently accepted responsibility for ownership. Officer issued ticket for Throwing Refuse on Highways and Adjacent Lands (NYS VTL). DEP Police involved.

Name: Paddy Lane **CG-740-12, SJS 37801**  
Location: Neversink  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 9/21/12  
Status: Open

Overview and Action:

DEP Police observed a large dumping of household refuse behind a fallen tree on city property which did yield traceable evidence. Follow-up interview revealed that subjects had agreed to have their neighbor (who is mentally challenged) transport to the transfer station. Interview with neighbor determined that he did not have enough coupons to take the trash to the dump so he "put the bags in the woods". Notices of Warning for Unlawful Disposal of Solid Waste were issued to both parties who were advised to transport any refuse responsibly and properly. DEP Police involved.

Name: State Route 10 **CB-042-12, SJS 34028**  
Location: Tompkins  
Type of Use: Municipal

Type of Violation: Dumping  
Date Discovered: 3/4/12  
Status: Closed

Overview and Action:

DEP Police observed one large box filled with fabric material which ultimately yielded some traceable evidence. Further investigation revealed that primary subject was deceased but numerous family members and relatives reside in the area and officer will attempt to contact one of them for inquiry and resolution. Further investigation revealed that primary subject was deceased. Attempts to locate relatives of same resulted in negative results. No Further Leads / Site cleanup completed by DOT. DEP Police and DOT involved.

Name: State Route 10 **CB-344-12, SJS 36603**  
Location: Tompkins **Spill # 1203479**  
Type of Use: Rural  
Type of Violation: Haz Mat  
Date Discovered: 7/10/12  
Status: Closed

Overview and Action:

DEP Police observed an Open top, blue drum adjacent to the parking area pull off containing what appeared to be 3-4 gallons of transmission fluid. A search of the area for any other dumping or traceable evidence yielded negative results. DEP Haz Mat responded to the scene and completed necessary clean up. DEP Police and Haz Mat involved.

Name: State Route 10 **CB-104-12, SJS 34751**  
Location: Walton  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 4/7/12  
Status: Closed

Overview and Action:

DEP Police observed a dumping of household refuse which did yield traceable evidence. Interview with subject at location determined trash had been transported by local disposal service. Verbal warning given to subject to insure trash is disposed of lawfully in the future. DEP Police involved.

Name: Pines Brook Road **CB-427-12, SJS 37852**  
Location: Walton  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 9/24/12  
Status: Closed

Overview and Action:

DEP Police investigated a complaint of numerous bags of trash along the side of the road which did yield traceable evidence. Follow-up interview with subjects actually responsible for transporting trash to the landfill determined that their pick-up truck is always covered but there was one day when the tarp ripped while en-route to the landfill. All individuals involved were

verbally warned about ensuring that garbage is secured in the pick-up to prevent any future occurrence of dumping. DEP Police involved.

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

Name: 245 Pound Ridge Road **CE-1077-12, SJS 36260**  
Location: Bedford **Spill # 1202929**  
Type of Use: Residential  
Type of Violation: Haz Mat  
Date Discovered: 6/24/12  
Status: Closed

#### Overview and Action:

DEP Police investigated a complaint in which an above ground fuel oil tank was leaking oil from the bottom. Spill estimated to be approximately 75 gallons. Town of Bedford Police and Fire Departments on scene and spill was contained with speedi-dri and spill pads. Homeowner responsible for remediation of site as location does not fall within NYC watershed boundaries. No impact to any adjacent waterways detected. DEP Police, DEC and T/Bedford Police and Fire Departments involved.

Name: 737 Croton Falls Road **CE-1677-10, SJS 24875**  
Location: Carmel  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 8/31/10  
Status: Closed

#### Overview and Action:

DEP Police were dispatched for a complaint of multiple dump trucks dumping debris on NYC property which may be impacting the Croton Falls Reservoir. On scene, officers observed construction of a garage in progress and a continuous stream of dump trucks depositing dirt at the site as well as trucks discarding debris and boulders from private property onto NYC property. Specifically noted were boulders being thrown from the private property, striking and destroying trees on NYC property and damage incurred to a 25 foot section of stone wall which was later repaired. Further investigation from the shoreline of the Croton Falls Reservoir looking to the private property above revealed at least four areas where large boulders and run off had breached a silt fence which had been placed by the property owner in an attempt to prevent run off from entering NYC owned lands. Sediment from a large area of fill placed 50-75 yards from NYC property had entered and eventually settled in the reservoir. Presently, DEC and the Attorney General's office are involved in this investigation. DEC is awaiting test results on the fill to determine if it contains substances that would disqualify the material as legally dumped fill and the AG's office is trying to obtain a stop work order for the site and next obtain consent to enter the property. The NYS DEC received test results on the fill to determine if it contains substances that would disqualify the material as legally dumped fill and the AG's Office obtained a stop work order for the site DEP Legal and NYS AG office involved in civil action with responsible party. DEP Police, DEC and Office of the Attorney General involved.

Name: 987 Route 6 **CE-1380-12, SJS 37239**  
Location: Carmel **Spill # 1205009**  
Type of Use: Commercial  
Type of Violation: Haz Mat  
Date Discovered: 8/17/12  
Status: OPEN

**Overview and Action:**

DEP Police were dispatched to K Mart at the above location for an oil spill possibly leaking onto city property. Upon arrival officer observed a 55 gallon drum containing used motor oil with oil surrounding it on the ground, a compactor leaking water with some kind of petroleum present and what appeared to be an old oil spill on the ground. Officer interviewed Product Manager, Loss Prevention Manager and Store Manager and advised them to have their environmental contractor clean the spill areas and remedy the problem of overflow around the 55 gallon drum used to receive waste motor oil from the public as well as the compactor leak. Follow up by officer confirmed that old spill and leak from compactor had been cleaned and a new 55 gallon drum was in place for used oil collection (minus overflow catch basin which K Mart Corp. said they did not need). Officer questioned the legality of the location of new 55 gallon drum for bulk storage of used oil inside of building and will check NYS DEC regulations regarding this. DEP Police involved.

**3.3.4. Kensico Basin**

Name: 20 West Lake Drive, Shaft 18 **CE-927-12, SJS 35793**  
Location: Mt. Pleasant  
Type of Use: Municipal  
Type of Violation: Haz Mat  
Date Discovered: 5/30/12  
Status: Closed

**Overview and Action:**

DEP Police responded to a haz mat complaint after it was discovered that the pipe that feeds fluoride to Shaft 18 had been leaking into the chlorine solution chamber inside the Shaft 18 facility. The fluoride solution then mixed with water already in the chamber; total volume was estimated to be between 20,000 to 40,000 gallons. DEP Haz Mat on scene already pumping out some of the product along with the assistance of contractors who responded to scene with vacuum trucks and storage containers. DEC, Office of Emergency Management, Department of Transportation and NYS Fire arrived on scene and joined various DEP personnel already manning Command Post Operations. Approximately six hours later, the situation inside the chlorination chamber had stabilized, although pumping operations continued throughout the night. DEP Police, DEP Haz Mat, DEC, OEM, DOT and NYS Fire involved.

Name: Nannyhagen Road and Rte 120 **CE-1181-12, SJS 36571**  
Location: Mt. Pleasant  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 7/8/12  
Status: Closed

Overview and Action:

DEP Police responded to a possible dumping complaint in which a pick-up truck carrying discarded shrubs was seen pulled over to the side of the road near city property. Officer interviewed two subjects in truck contemplating dumping shrubs there but they did not. Officer checked the area for any signs of similar shrubs with negative results. Subjects issued Notice of Warning for Trespass and advised not to dump on city property. DEP Police involved.

Name: 16 Halsey Place **CE-1376-12, SJS 37226**  
Location: Mt. Pleasant **Spill # 1204965**  
Type of Use: Residential  
Type of Violation: Haz Mat  
Date Discovered: 8/16/12  
Status: Closed

Overview and Action:

DEP Police investigated a fuel oil spill in the vicinity of the Kensico Reservoir. On location, officer interviewed employee of environmental company who was removing tank from the ground and realized it had small holes in it causing some fuel to spill. Officer checked the area and did not observe any signs of fuel spill into storm drains or streams, therefore no impact to the Kensico Reservoir. DEP Police involved.

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: Closed

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. Investigation ongoing to determine responsible subject(s). Investigation revealed no additional information as to the perpetrator. Investigation closed no further leads. 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:**

**8/16/12 – 16 Halsey Place, Valhalla, NY (NYS DEC SPILL REPORT # 1204946)**

New York State DEC spill report stated tank removal with soil and ground water contamination.

**Initial action taken:** Called National Environmental Sciences and confirmed the DEC spill report. Checked maps and found a stream close to the spill location that flows into Kensico. BWS Spills coordinator notified DEP Police to respond and check for impact to nearby stream and to Kensico Reservoir. After further investigation, DEP Police confirmed NO impact to said resources.

**5/30/12 – 20 Westlake Drive, Valhalla, NY**

20,000 – 25,000 gallons of fluoride leaked to the dilution pit at shaft 18.

**Initial action taken:**

DEP Operations staff immediately began pumping out the pit and treating water prior to discharge to sanitary sewer. NYS OEM, NYSDEC, and Westchester County DOH on-site. Dilution pit water eventually pumped into frak tanks for future removal. NO impact to NYC's Water Supply.

