

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

**Filtration Avoidance 6.1 Enforcement Actions
For the period October 1, 2017 through March 31, 2018**

April 2018

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



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1. Introduction

Encompassing eight counties and 71 towns and villages, the New York City watershed is an apolitically, economically and geographically diverse landscape, covering nearly 2,000 square miles. Protecting this watershed is the responsibility of the New York City Department of Environmental Protection's Bureau of Water Supply (the Bureau). To ensure that the high quality of the water is sustained and the sources of the water are protected, the Bureau has developed an aggressive enforcement program both in the field and through the legal system. Enforcement activities of the engineers, field staff, police and legal departments responsible for the protection of the watershed are detailed in this bi-annual report.

This report, covering enforcement actions from October 1, 2017 through March 31, 2018, first presents an overview of the responsibilities of the Section: Regulatory and Engineering Programs which is within the Bureau and charged with oversight of enforcement activities. Next, the report addresses specific enforcement actions that occurred during the above mentioned reporting period. Included are new violations and updates on ongoing violations. The report is divided into sections relating to the areas covered. The **West of Hudson** (WOH) area is comprised of the following basins: Ashokan and Schoharie in the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Further included are those portions of the **East of Hudson** (EOH) area comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.¹ Within each of these sections, the enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), subsurface sewage treatment systems (SSTSs), stormwater and erosion control structures, as well as other activities, such as solid waste management facilities. In addition, individual police actions are included. The final section is devoted to the Kensico Spill Response activities, including specialized Haz Mat training.

2. Enforcement Responsibilities

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

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

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

The next sub-sections provide an overview of the specific responsibilities of the Regulatory and Engineering Programs (REP) Section (within the Bureau) and the responsibilities specific to the sections and groups within this Section that work effortlessly to enforce the appropriate laws and regulations. In addition to the REP Section and its sections and groups mentioned, the Bureau's Directorate of Water Quality (WQ) supports the enforcement efforts by monitoring water quality throughout the watershed and alerting other Directorates of any potential water quality violations. Also, the Bureau coordinates with various other agencies on enforcement issues; including the New York State Departments of Health (DOH) and the Department of 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) sections: Wastewater Treatment Programs and Stormwater Programs. Both of these sections consist of a Compliance and Inspection group. The entire Regulatory & Engineering Programs staff is critical to the effective enforcement of the Watershed Regulations and other environmental laws and regulations. The Regulatory & Engineering Programs staff has primary responsibility for the review and approval of regulated activities within the NYC Watershed to assure that these activities are designed and constructed in accordance with the Watershed Regulations. Once facilities are constructed, the REP staff inspects the construction sites, and responds to complaints of possible violations. If the staff confirms violations and the violations are not immediately resolved, staff may provide the necessary documentation to support issuance of a Notice of Violation (NOV) or other enforcement action. At the conclusion of any enforcement actions, REP staff conduct inspections again to assure that the work is corrected in accordance with appropriate regulations and the terms of any NOVs, consent order or other enforcement document.

2.1.1. Wastewater Treatment Programs

This section reviews and approves sewer systems, WWTPs and SSTs, which are regulated by the Watershed Regulations. In addition to the review of wastewater treatment systems, staff are also responsible for the review of the construction or alteration of all wastewater treatment systems having either surface or subsurface discharges. Engineering reports and facility plans for wastewater treatment systems are reviewed and conservative technical standards are applied to

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

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

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

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

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

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 or where progress, while in the program, has not moved forward. This semi-annual FAD Report is a summary of these NOVs.

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

This group consists of the Field Staff in field offices located within the WOH Watershed. The Field Staff's responsibilities include individual household septic system site evaluations; pre-application conferences; soils tests; construction inspections; and enforcing the Watershed Regulations for individual residential SSTs. 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 NOV is issued. 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 Directorates within the Bureau for corrective action or further investigation and/or legal action.

2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Group

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

2.1.2. Stormwater Programs

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

2.1.2.1 Stormwater Compliance & Inspection Group

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

2.1.3. SEQRA Coordination Section

The SEQRA Coordination Section was reassigned to the Section Chief of REP in August 2013 to facilitate coordination with other Directorates within the Bureau and with other DEP Bureaus. The SEQRA Coordination Section ensures that the Bureau's responsibilities as an Involved Agency under SEQRA are fully complied with and properly documented. Comments concerning applications submitted under SEQRA are submitted to the designated Lead Agencies. If DEP is the designated Lead Agency for projects undertaken, funded, or approved by NYC, the section ensures that all necessary procedures and protocols are established and then, followed. Activities of this section are not included in this report. The SEQRA activity will continue to be reported within the FAD Report 6.1.1.

2.2. DEP Police

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

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

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

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

Department. It also ensures accreditation through the NYS Division of Criminal Justice Services.

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

2.3. DEP's Office of the General Counsel

DEP's Office of the General Counsel (DEP Legal) provides legal support for the enforcement of the Watershed Regulations and, among other laws, the State Environmental Quality Review Act (SEQRA) to ensure complete environmental review of proposed developments. When DEP's regulatory authority or a specific decision is challenged, DEP Legal, together with the New York City Law Department, promotes and defends such authority or decision. Also, prior to the issuance 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 Directorates 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 Directorates within the Bureau. The New York City Law Department also renders legal opinions, interpretations and advice on enforcement matters to all Directorates of the Bureau.

3. Specific Enforcement Actions

3.1. Subsurface Treatment Systems and Stormwater

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

Catskill District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ASHLAND	38		32		33	
CONESVILLE	13		10		10	
GILBOA	19		15		17	
HUNTER	117	1	87	1	95	1
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		50	
LEXINGTON	48		45		46	
OLIVE	196		166		172	
PRATTSVILLE	32		24	1	31	1
ROXBURY	31		23		27	
SHANDAKEN	145		132		140	
TANNERSVILLE (V)	7		2		7	
WINDHAM	83		66		81	1
WOODSTOCK	61		53		51	
Total	7	1	759	2	817	3

Delaware District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ANDES	83		751		74	
ANDES (V)	4		2		2	
BOVINA	36		33		33	
COLCHESTER	4		5		7	
DELHI	71		65		74	
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANN (V)	1		1		0	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	33		29		29	1
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	
JEFFERSON	6		6		6	
KORTRIGHT	64		54		61	1

LIBERTY	1		1		1	
MASONVILLE	13		10		10	
MEREDITH	22	1	20	1	19	
MIDDLETOWN	119	1	105		110	
NEVERSINK	223		188		202	1
ROCHESTER	1		1		1	
ROXBURY	34		29		37	
STAMFORD	36		34		36	1
TOMPKINS	42		37		40	
WALTON	93		86		84	2
WALTON (V)	1		1		1	
WAWARSING	35		32		31	1
Total	998	2	1,556	1	926	7

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

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

Kensico Basin

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

3.1.1. Catskill District

Project Name: 231 Bear Kill Road (2005-SC-1143)
Town: Conesville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure to construct an SSTS.
Discovery Date: 12/11/2012
Status: Under Construction

Overview and Action:

DEP performed a site visit on 10/9/15; septic failure was not observed; a tank was installed but the field was never constructed; there is no sign of the trailer being used, the lawn is unkempt, and there is no sign of any traffic on the grass driveway. DEP performed a site visit on 10/28/15; septic failure was not observed; there is no sign of the trailer being used and there are no vehicle tracks into the lot. DEP performed a site visit on 2/24/16; septic failure was not observed; there is no sign of the trailer being used. DEP performed a site visit on 9/9/16; septic failure was not observed and there is no sign that the trailer is being used; the lawn is unkept and there are no tracks in the field. DEP performed a site visit on 3/8/17; septic failure was not observed and there was no sign of inhabitation. DEP performed a site visit on 9/6/17; septic failure was not observed. There was no sign of anyone using the dwelling. DEP emailed Schoharie County Health Department (SCHD) on 12/19/17 with a summary of this project to date, and an inquiry how they would handle the site if it was inhabited year-round vs. seasonal. DEP exchanged emails with SCHD regarding enforcement history of this site. DEP field staff will be checking on the status of the Certificate of Occupancy (CO) with the town, then DEP will update SCHD. DEP acquired a copy of the CO issued by the town on 11/26/17 for the trailer used for living quarters. DEP issued an email to SCDOH on 1/17/18 including copy of CO and DEP's Approval of the SCHD SSTS design. DEP performed a site visit on 3/12/18; septic failure was not observed. The driveway was plowed and there was no visible effluent.

Project Name: Scribner Hollow Rd (2017-SC-0569)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV for construction of an impervious surface within 100 feet of a watercourse without first obtaining an approved SWPPP.
Discovery Date: 10/18/17
Status: New/Approved/Closed

Overview and Action:

DEP initiated an Enforcement Action on 10/18/17. DEP issued an NOV to the owner on 10/18/17. A meeting was held with the project applicant, engineer and contractor on 10/20/17 to discuss the required SWPPP. DEP sent an e-mail to the engineer on 10/23/17 regarding the meeting that was held on 10/20/17. DEP requested to be contacted when soils are to be conducted, so that DEP can witness. DEP received a letter responding to the NOV on 10/30/17. DEP received an Application for a SWPPP on 11/14/17 from the engineer. DEP received the engineers' report and plans from the engineer on 11/14/17. DEP issued a NOCA on 11/16/17. DEP issued an Approval Determination letter on 11/17/17. DEP received an engineer's

certification letter from the engineer on 1/22/18. DEP issued a letter of Construction Compliance on 1/24/18. The violation was resolved and the case was closed on 02/15/18 with DEP Closure letter dated 2/15/18. DEP has resolved the Enforcement Action on 2/15/18.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: SP.1: DEP NOV for a site disturbance; also DEC NOV (formerly 2016-SC-0250.OT.3).
Discovery Date: 7/8/16
Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 7/8/16. DEP issued an NOV to four owners on 7/8/16 for a site disturbance violation. DEP received a phone call from an owner responding to the NOV on 7/11/16. DEP returned the call to an owner on 7/13/16 to discuss the NOV. DEP received a request for a pre-application meeting from the engineer on 7/17/16. A meeting was held with the project applicant and engineer on 7/27/16. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal; the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP received a survey from the engineer on 1/12/17. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 regarding setting up a meeting at the gravel pit site on 4/10/17. DEP sent an e-mail to the engineer on 7/6/17 asking if the 250' offset has been set and when the SWPPP for the rest of the site will be completed. Another email was sent on the same day stating that the 250' setback had been marked. DEP received plans and Engineers' report from the engineer on 9/12/17; still no Application for Review and Approval, NOI or Short Form EAF. DEP received an Application for a SWPPP on 10/3/17 from the engineer with EAF. DEP issued a NOCA on 10/13/17. During the meeting of 10/19/17, DEP discussed comments with the engineer regarding revisions that need to be made to the plans. A meeting was held with the project applicant and engineer on 11/17/17. During the meeting the engineer indicated he was still working on the volume reduction. DEP received a letter and the Total Water Quality Volume Calculations Report from the engineer on 12/14/17. DEP received a letter and revised plans from the engineer on 03/19/18 to DEP's concerns of 10/19/17.

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

Overview and Action:

DEC issued an NOV on 1/13/17. DEP sent an e-mail to DEC on 1/31/17 stating that DEP has a

meeting at the site on 2/2/17; DEC joined that meeting, along with the project applicant, to discuss site stabilization. DEP performed a site visit on 2/2/17; there were deficiencies; there was no discharge; the site was vacant; several neighbors complained about ice accumulation on the road due to site runoff. A meeting was held with the project applicant, engineer, and contractor on 3/16/17; DEP affirmed that the engineer is responsible for choosing post-construction stormwater controls and DEP is responsible for reviewing the proposed SWPPP for compliance with DEC's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). DEP provided the engineer with the Applicant's Guide to Stormwater Pollution Prevention Plans. DEP exchanged e-mails with CWC between 3/31 and 4/5/17 regarding general information on the project. DEP performed site visits on 4/6, 4/10, 4/26 and on 5/11/17; there were deficiencies, there was no discharge and the site was vacant. DEP received drawings from the engineer on 6/1/17 for the grading and erosion controls. DEP performed a site visit on 6/16/17; there were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant on 6/16/17. DEP received a letter from the engineer on 6/23/17 in response to DEP's letter of 9/21/16. DEP received an Application for a SWPPP on 7/11/17 from the engineer. DEP received an e-mail from the engineer on 7/25/17 regarding completing the chimney. He stated that the contractor will be there to repair the bioretention area and regrade and seed/mulch the front lawn. DEP issued a NOICA to the owner on 7/28/17 requesting additional information. DEP initiated an Enforcement Action on 8/01/17 as this is part of the SP.1, this is lot #2 plus the subdivision. DEP received a letter from DEC on 8/15/17 to the Hunter Planning Board stating that construction on lot #2 (as part of a Larger Common Plan) should not commence until SEQRA for the entire subdivision has been satisfied and the owner has developed a SWPPP in accordance with the General SPDES Permit. DEP performed a site visit on 8/18/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 8/23/17 regarding the 8/18/17 site visit and the need for items listed in the NOICA to be addressed. The engineer responded the same day. DEP performed a site visit on 9/1/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to owner and engineer on 9/5/17 regarding the 9/1/17 site visit and sent a photo of the media not draining properly. DEP sent an e-mail to the engineer on 9/15/17 regarding the paving that has been done especially the parking area and the need to divert the water from as much pavement as possible. DEP received the Notice of Availability for Review (NAR) from DEC on 9/15/17 for the Section 401 - Clean Water Act Water Quality Certification Permit. DEP exchanged emails with the engineer on 9/19/17 regarding scheduling a site visit with the owner to discuss concerns. DEP performed a site visit on 9/22/17; there were deficiencies, there was no discharge and the site was occupied. A meeting was held with the project applicant and engineer on 9/22/17. The applicant indicated the application to the Town will be withdrawn and a new submission presented to include lot #2 with the rest of the subdivision. DEP performed site visits on 10/12 and 10/13/17; there were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant, landscaper and general contractor on 10/20/17 to discuss the bio-retention cell. DEP received a response to the NOICA from the engineer on 10/24/17. A meeting was held with the project applicant on 10/27/17 to walk the site. DEP issued a NOICA to the applicant on 11/1/17 requesting additional information. DEP Stormwater group issued a letter to SCS on 11/2/17 regarding comments to the EAF. DEP sent an e-mail to the engineer on 11/16/17. The proposed culverts and swales are not all called out on the plans so it is difficult to correlate the HydroCAD report with the plans. DEP received an e-mail to the engineer from DEC on 12/1/17 stating that the project does not meet the eligibility criteria for

coverage under the General Permit and will require an individual SPDES Stormwater Permit. DEP received an e-mail from the engineer on 12/18/17 regarding temporary shutdown. DEP received a copy of DEC's letter "Request for additional information letter", on 1/10/18. DEP received a call from the engineer on 2/22/18 regarding the status of the project. They are still waiting for SEQRA Determination and will be presenting comments to the Planning Board that night.

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

DEP sent an e-mail to the owner on 2/7/17 requesting an update on when the NOV will be satisfied. DEP's Bureau of Legal Affairs issued a letter to the owner on 5/5/17 regarding the outstanding NOV and the need to submit an approvable IRSP plan by 5/31/17. DEP received an e-mail from the owner on 6/10/17 regarding the letter from DEP Legal. He stated financial difficulties are holding him back from moving forward; he will contact his engineer. DEP exchanged emails with the owner on 8/01/17 regarding the status of the project. The owner responded the same day that they are looking into CWC assistance, but will work with the engineer to move forward by the end of the summer. DEP received an e-mail from the engineer on 9/20/17 stating that he received the retainer to do the stormwater modification. DEP sent an e-mail to the owner and engineer on 11/8/17 regarding the completion of the design and construction schedule. The engineer replied the same day that he would have something by mid-January 2018. DEP sent an e-mail to the engineer on 11/16/17 regarding the need to for the redesign to be submitted immediately. A general criteria for delaying Legal action is to show steps being taken to resolve the violation. DEP exchanged emails with the engineer on 2/9/18 regarding submission of plans. DEP received an e-mail from the engineer on 2/27/18 regarding temporary measures addressing the fluffing off with straw mulch and the installation of a stone check dam to prevent sediment runoff. DEP received an e-mail from the engineer on 2/27/18 regarding the SWPPP. The plans should be ready by mid-March. DEP received revised plans from the engineer on 3/29/18.

Project Name: Hunter Highlands Drive (2000-SC-0602)
Town: Village of Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Proposal for the construction of a 200 unit hotel. Approvals for Phases 2-4 have expired. This is a new proposal for 3 condos in 1st phase of which 2 can be built without SPDES expansion. Phase 1 is to consist of 3-12 unit condos. Failing SWPPP. DEP NOV.
Status: Ongoing

Overview and Action:
The NYC Law department issued a letter to the applicant's representative on 4/10/15 regarding

the NOV. NYC Law exchanged e-mails with the owner's former attorney on 1/28/16 seeking assistance on resolving the NOV, but he is no longer involved with the project. NYC Law then reached out to another representative of Highland Pollution Control Corp. (HPCC) on this same date; he will investigate the current status of the project and will report back. DEP performed a site visit on 5/16/16; there were deficiencies; there was no discharge; the site was vacant. A meeting was held with the owner on 6/2/16 to discuss the outstanding NOV. As a follow-up to the meeting, DEP sent an e-mail to the owner on 6/6/16 detailing steps required for the owner to obtain an extended SWPPP approval from DEP in order to resolve the NOV; the owner will also need to contact DEC regarding their NOV. DEP sent project documentation/history to the owner on 6/17/16. DEP, NYC Law, and a consultant exchanged e-mails on 6/20 and 6/23/16; they plan on keeping an open dialogue moving forward. DEP sent an e-mail to NYC Law on 10/27/16 stating that a voicemail was left for the owner. DEP sent an e-mail to DEP Legal and NYC Law on 1/30/17 regarding a discussion DEP had with the owner about a portion of the condo complex; it appears that the final unit will be constructed and the final top course pavement and proper drainage issues will be addressed. DEP had a conversation with the owner who stated he was still interested in developing the site (last unit in Phase II) and that he understands his obligations to pave the parking lot to satisfy the NOV. DEP exchanged emails with DEC on 1/23/18 regarding a phone call with the owner and that he still intends to construct final condominium units and has been working with his attorney on logistics.

Project Name: Shabby Ranch, Inc., (2013-SC-0624)
Town: Jewett
Basin: Schoharie
Type of Use: Septic Failure, surcharged cesspool with a collapsed cover- Complaint;
DEP NOV
Type of Use: Intermediate Repair (CR)
Type of Violation: CR.2 (2016): 3 unit apartment discharging to an unknown destination;
DEP NOV for an alteration/modification of the SSTS.
Discovery Date: 8/23/16
Status: No Application

Overview and Action:

DEP issued an NOV to the owner on 1/11/17. DEP received a call from the engineer on 1/12/17 to schedule a site visit at the property. He received a copy of the NOV, and we scheduled a site visit for 1/17/17. DEP met with the owner's engineer on site on 1/17/17. The recently installed sewage pipe is directed from the 3 unit apartment building to a cesspool that reportedly served a dilapidated 3 bedroom cabin to the north. DEP spoke to the DOH on 1/17/17 regarding the NOV DEP issued for the site. DOH asked to be informed of what is found at the site visit. DEP left a voice mail for the CEO on 1/19/17, asking for any information regarding occupancy of the dilapidated cabin that, according to the engineer's conversation, is a 3 bedroom that was lived in 3 years ago. DEP met with the current CEO on 1/26/17 to review the files. DEP received a call from the engineer on 1/27/17 regarding the project. DEP drove by the site on 2/3/17, There doesn't appear to be any change since the last site visit. DEP spoke to the engineer about the perceived non-use of the shack cesspool. He will submit a letter from the manager regarding the intermittent use of the cesspool, thus regarding it as an NCRA. DEP received an e-mail from the engineer on 2/10/17 with a copy of the FOIL request he submitted. On 4/27/17, DEP drove by the property on 4/27/17. The waste pipe from the front apartment building is still visible from the

road, it looks like it was recently covered with fresh mulch. A FOIL request #160525 was received by DEP on 4/28/17 and was satisfied by DEP on 5/4/17. DEP left a voice message for the engineer on 5/25/17 regarding the fulfillment of his FOIL request, and asked to discuss and move forward with the project. The owner is away until 6/5/17 and the engineer will discuss options with him after that date and contact DEP with a proposal. DEP issued a letter to the applicant on 7/6/17 regarding no action being taken to resolve the NOV and a plan needs to be submitted within 45 days. DEP received a letter from the engineer on 7/24/17. DEP issued a letter on 10/2/17 advising the owner that the sewer pipe must be removed. DEP returned a call to the owner's representative on 10/12/17. The owner is making arrangements to have the pipe removed and will call DEP once a date is set. DEP called the owner's representative on 11/6/17 regarding their schedule for removing the unauthorized piping work. DEP called owner's representative on 11/17/17 and left a message requesting the schedule to remove the piping. On 12/7/17, DEP did a drive by at the facility. The driveway gates were locked and DEP did not enter. From the road, one car was visible in the parking area and there were no indications of recent work in the SSTS area. DEP called the owner's representative on 12/27/17 and 1/26/18 and left a voice mail requesting a status update on removing the piping. DEP called the owners representative on 2/26/18 and left a message requesting a schedule for the work. DEP received an e-mail from the engineer on 3/5/18 advising that the work will be postponed due to the deep snow cover.

Project Name: Route 23C (2006-SC-0464)
Town: Jewett
Basin: Schoharie
Type of Use: Intermediate Repair (CR)
Type of Violation: Failed/Non-maintained SSTS; little Infiltration and Inflow (I&I) work in progress; surcharged system. DEP NOV for surfacing of sewage on the ground.
Discovery Date: 8/4/99
Status: Ongoing

Overview and Action:

DEP issued an end-of-the-season letter to the Scout Executive on 3/28/17 detailing 2016 observations of the SSTS status and 2017 goals for completing the upgrade. DEP received an e-mail from the director on 4/13/17 regarding DEP's end of season letter. DEP called DOH on 4/19/17 regarding the status of the SSTS. DOH suggested that DEP and DOH coordinate the pre-operational inspection this spring. DEP received a call from the director on 4/27/17 regarding the proposed seasonal inspections and work to be conducted. DEP called and left a message for DOH on 5/31/17 regarding upcoming inspections. DEP sent an e-mail to DOH on 6/8/17 advising that an inspection is scheduled for next week and requesting a status check on the permits. DOH responded advising that they cannot accompany DEP on the inspection and will not be issuing permits until the camp opens in July 2017. DEP performed a site visit on 6/22/17; the staff is trickling in now as the camp will be open by next week. DEP performed a scheduled inspection on 6/29/17. DEP performed a scheduled site inspection on 7/13/17. There were no major issues noted with the exception of the pump station alarm still not functioning in the audible mode. DEP sent an e-mail to DOH on 7/14/17 advising of DEP's SSTS observations including a water main break that occurred at the camp. DEP also requested copies of DOH issued permits. DEP performed a site visit on 7/27/17 while the camp was in session. Pump #1 is

still not working on auto and the pump alarm still only lights up but doesn't sound. On 8/10/17, DEP conducted an inspection of the SSTS. There was no evidence of sewage failing to the surface of the ground. DEP sent an e-mail to the FLOUT dosing technician on 8/11/17 regarding the malfunctioning alternating FLOUT observed. Based on the observations, the FLOUT is believed to be leaking which would disrupt to the alternating cycle. DEP sent an e-mail to camp director on 8/25/17 inquiring about the status of the malfunctioning FLOUT. DEP issued a letter to the Scout Executive on 1/31/18 outlining DEP's expectations for closing out the NOV for the upcoming season. DEP sent an e-mail to the scout executive on 3/21/18 inquiring whether DEP's letter was received.

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

Overview and Action:

DEP issued an NOV to the owner on 12/7/16; DEP also left a voicemail for the owner on this same date to notify him of the NOV and to request a call back, as detailed in the NOV. DEP performed a site visit on 12/14/16; septic failure was observed; the cesspool was still exposed on one side and was leaching out into the ditch; the ditch was still open and there was a large pool of effluent in it; a very strong odor was present. DEP called the owner on 12/16/16; he received a foreclosure notice from Ulster County; he also cannot currently pay for a repair due to more pressing financial obligations; he cannot submit a bid to CWC until he pays his engineer for the design, which expires in July 2017. DEP received a call from the engineer on 12/27/16; he has not heard from the owner. DEP updated the engineer on the conversation DEP had with the owner on 12/16/16. DEP performed a site visit on 3/9/17; septic failure was observed; the septic tank was collapsed and the cesspool and drywell were in poor condition; sewage was observed in the ditch. DEP sent an e-mail to the owner on 3/17/17 and stated that the enforcement status may be elevated if he does not make a commitment or respond. DEP received an e-mail from the owner on 3/20/17 stating that he will pay the engineer by end of March 2017. DEP sent the owner an e-mail on 3/22/17 and requested that the plans be renewed and that an update be provided by 4/7/17. DEP sent an email to the owner on 4/14/17 requesting an update on the status of the SSTS. DEP received an email on 4/17/17 from the owner stating that he is waiting for a response from his engineer. DEP sent an email to the owner on 5/17/17, requesting update on when project will move forward. DEP reminded him that his approval will expire in July 2017. DEP sent the owner an email on 6/19/17 stating that if significant progress is not achieved, then the project may be referred to DEP Legal or NYC Law Dept. DEP received a call from the engineer on 6/20/17 stating that the owner called him and wants to move forward. The engineer stated that the owner wants the force main to be four feet deep, so there may be an addendum to the approved plan. DEP emailed the owner on 6/20/17 requesting his commitment to the milestone completion dates. On 6/22/17, septic failure was observed in a ditch. DEP received copies of the Site Layout & Details plans from the engineer on 7/12/17 solely to include force main specific information on the Sewer Line Trench Detail. DEP issued a Modified Approval

Determination letter on 7/24/17 to the engineer along with the approved plans. DEP called CWC on 8/11/17 for the project status. They are waiting for bids to be submitted by the contractor, and are awaiting a copy of approved plan from the engineer. DEP redirected an email from the owner requesting reimbursement for engineering fees. A pre-construction meeting is scheduled for 8/29/17. DEP performed a site visit on 8/29/17; septic failure was observed. Sewage was still spilling into a dug ditch from the cesspool. DEP sent an email to the owner on 9/20/17 requesting construction schedule status and status of bid approval with CWC. DEP sent the owner an email on 10/12/17 requesting updates on construction schedule, bid approval status and farming operation description/plan. DEP performed a site visit on 10/17/17; septic failure was observed. DEP REP sent DEP Legal a request to contact the owner on 10/20/17, to help him move forward with construction, as he has not responded to recent emails from REP. REP also sent email the same day to DEP Farm Program to see if property is in their program. They responded that it is not in the Farm Program. DEP Legal called the owner on 10/20/17 and left a message to call back either legal or REP. DEP emailed the owner on 11/20/17 requesting a reply to work out an acceptable schedule before further referral to DEP Legal. The owner responded stating that the project is in the hands of the engineer. DEP called the engineer on 11/21/17, there is nothing they are aware of stopping this project from moving forward. The owner did ask for convenience toilet in garage. DEP mentioned that this should be on revised plans, and if a new septic tank is necessary, that also needs to be on revised plans. The owner also asked for updated trench detail on the plans to include non septic related items. The engineer stated that they needed some elevation information to finish some of their planning, but again indicated that the SSTS could be installed as per the approved design at any time. The engineer also stated that the owner plans to do the work himself. They are concerned because he doesn't have all the right equipment. DEP emailed the owner on 11/21/17, requesting when his start date of construction will be. DEP emailed the owner on 12/15/17 regarding project schedule and the need to resubmit plans for the convenience toilet in the garage. DEP sent email to the owner on 1/16/18, stating that DEP Legal will contact him in the near future, as he has not communicated with DEP in two months. DEP called the engineer on 1/16/18 for status update. They recently sent the owner a copy of the plans including trenchwork unrelated to SSTS design, but on the same drawing. DEP exchanged emails with the owner on 1/22/18 and requested a date when the plans would be submitted to DEP for review/approval and if he can start construction as soon as weather permits. DEP called the engineer on 2/28/18. The engineer stated that the owner emailed the comments on preliminary plans and said he'd mail them marked up drawings. DEP sent the owner an email on 3/15/18 requesting an update on when the plans will be submitted and when construction will commence (after the approval). DEP performed a site visit on 3/16/18; septic failure was not observed. The owner sent DEP an email on 3/19/18 stating he hired an engineer to handle the project. DEP sent an email to the owner on 3/20/18, again, requesting plan submission, construction, and contractor information. The owner replied the same day with no additional information, he's putting all of the schedule in the engineer's hands.

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

Repair/Replacement of tank.

Discovery Date: 10/31/06

Status: Ongoing

Overview and Action:

DEP REP and DEP Legal received an e-mail from NYC Law on 12/14/15 containing a Stipulation of Discontinuance for the case against the former owner, as he no longer owns the property. All parties will continue to work with the bank to ensure that the potential buyers are made aware of the SSTS situation. DEP performed site visits on 1/7 and 2/9/16; the “For Sale” sign is still up, the building is still vacant, and there is no sign of any work being done on the property. DEP performed a site visit on 4/6/16 and met with the new owner on site. He hopes to renovate the building into two apartments upstairs and use the downstairs for storage; he understands the need for an engineer to propose a solution to the NOV. DEP met with the engineer on 5/10/16 to review his project file; copies of as-builts were provided. DEP received a call from the engineer on 7/6/16 stating that the two septic tanks were pumped out during the week of 6/27/16. The owner is currently away for a few months, so he did not leave the tanks accessible, nor did he have the failing drywell pumped out, as he wants to do that the same day it is decommissioned. DEP left a voicemail for the engineer on 1/19/17 regarding the need to move forward on the project. DEP performed a site visit on 3/30/17; septic failure was not observed and it appears that someone is staying there. On 5/9/17, DEP met at the site with the owner. He is waiting for the engineer to finish the soils investigation and submit a proposal to DEP. DEP called the engineer on 10/23/17 requesting a status check on the repair. On 12/7/17, DEP inspected the SSTS areas. No evidence of earthwork or SSTS malfunction were noted. The upstairs apartment was occupied. The downstairs apartment was vacant. DEP called and left a message for the engineer on 12/27/17 requesting a status update. DEP sent an e-mail to the engineer on 1/26/18 requesting a status update. DEP called the engineer on 2/23/18 requesting a schedule. The engineer plans to do soil testing in early March 2018. DEP inspected the property on 03/22/18. The down stairs apartment seems to be used for storage. No one was home in the upper apartments. No sign of the SSTS failing.

Project Name: Schrader Rd (2010-SC-0611)

Town: Prattsville

Basin: Schoharie

Type of Use: Stormwater (SP)

Type of Violation: SP.1: DEP NOV and DEC NOV. Land clearing, grading, and grubbing on slopes over 15% resulting in greater than 5 acres of disturbance. RE.1: 1500 gallon tank to replace the existing 1250 gallon tank. SS.1: New SSTS.

Discovery Date: 10/2/15

Status: Under Construction

Overview and Action:

DEP issued an Approval Determination letter on 10/12/16. DEP performed a site visit on 10/20/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 11/3/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the contractor on 11/7/16 regarding extreme tracking at the site, which must be swept immediately. DEP performed a site visit on 11/10/16; there were deficiencies; there was no discharge; the site was occupied; the bioretention cell in the driveway

near the house has been split in two. DEP performed site visits on 12/1, 12/2, 12/8, and 12/14/16; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 12/23/16, and on 1/5 and 1/18/17; there were deficiencies; there was no discharge; the site was vacant. DEP performed site visits on 2/2 and 2/15/17; there were no deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 3/1/17; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 3/17 and 3/30/17; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 4/14, 4/28, 5/11, 5/18 and 5/31/17; there were deficiencies, there was no discharge and the site was vacant. The driveway should have water bars installed or be resurfaced with stone. In addition, the swale and check dams along the driveway should be improved. DEP sent an e-mail to the contractor on 6/8/17 asking when the bioretention cells will be planted. Also the driveway needs repair an additional water bars and the swale needs reshaping and check dams. DEP performed site visits on 6/12, 6/26, 7/20, 8/18, 8/25, 9/7 and 9/22/17; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 10/12/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the contractor on 10/13/17 regarding the deficiencies at the 10/12/17 site visit. The engineer replied the same day. DEP sent an e-mail to the engineer on 10/17/17 regarding the capacity above the media needs to be maintained. DEP performed a site visit on 10/20/17; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the project applicant, landscaper and general contractor on 10/20/17 to discuss the bioretention cell. The landscaper will lower the elevation of the mulch and level off the base of the cell. When the driveway is built up it will provide the ponding capacity. DEP performed site visits on 10/26, 11/8, 11/21/17 and 2/27/18. There were no deficiencies, there was no discharge and the site was vacant.

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

Overview and Action:

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

not observed and the “For Sale” sign is gone. DEP performed a site visit on 12/17/15; septic failure was not observed; there was no sign of inhabitation and no realty sign posted. DEP performed a site visit on 6/27/16; septic failure was not observed; the house is vacant and is posted for sale; there is no sign of use. DEP performed site visits on 12/27/16 and 1/3/17; septic failure was not observed; the house remains vacant and appears to be abandoned, as of the latter date. DEP performed a site visit on 7/12/17; septic failure was not observed. There was no sign that the house is being used. DEP has put the Enforcement Status on hold as of 9/22/17 due to the property not being inhabited. Project will be monitored by tasks every six months for re-inhabitation and will deal with possible loss of NCRA status and compliance with regulations time of re-inhabitation. DEP is monitoring this project site for inhabitation/failure. DEP performed a site visit on 1/11/18. The house is abandoned and boarded.

Project Name: Etta Post Road (2006-SC-0578)
Town: Prattsville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; DEP NOV issued for unapproved construction of an SSTS.
Discovery Date: 11/13/15
Status: Approved/Closed

Overview and Action:

DEP issued an NOV to the owner on 12/6/16. He has arranged to have a 1500 gallon holding tank installed in the spring of 2017, as he cannot afford a permanent system and may start to use the property seasonally. Once the owner calls to confirm receipt of the NOV, DEP can discuss a holding tank proposal with him. DEP received a call from the owner on 12/9/16 in response to the recently issued NOV; due to weather forecasts, he does not believe soils will be done in 2016. DEP spoke with the owner on 12/14/16 and requested that he write a letter supporting his claim of seasonal property use. DEP will review the letter to determine if a holding tank is an option, per Appendix 75A Regulations (75A). DEP does not review or approve holding tank designs or construction and will defer the project to DOH for enforcement if something does not comply with 75A. DEP left a voicemail for the owner on 2/17/17 regarding a seasonal use submittal. DEP spoke with the owner on 5/11/17 who stated he has an engineer who has already visited the site and will be in touch with DEP. He also stated that he plans on installing a full system. DEP spoke with the owner on 5/24/17 and an engineer has been hired. The contractor plans on digging a hole on 6/5/17. The plumber will also be there to do waste line plumbing under the dwelling, and will terminate outside house with a cap. DEP informed the owner that putting in a septic tank prior to plan approval would have to follow the emergency procedures of the regulations. He said he is going to cap the waste pipe so there will be no discharge and that he is using the neighbors shower. DEP received a request for a pre-application meeting from the engineer on 6/2/17. DEP received a call from the engineer on 6/2/17 regarding soil testing. A soil/site evaluation was performed on 6/6/17. DEP issued a letter to the owner on 8/4/17 stating that plans have not yet been received. DEP received call from owner on 8/4/17, inquiring whether his engineer has submitted plans yet. DEP stated no plans have been received to date. DEP called the engineer on 8/11/17 and left message with receptionist to call back with status of plans and whether he received DEP's letter from last week. She stated he'd call back mid to late afternoon. DEP re-sent the 8/4/17 letter to the owner and engineer on 8/16/17 as they claimed they did not receive it. DEP left a voicemail for the engineer on 8/18/17, requesting a date when

plans will be submitted. DEP received a call from owner on 8/23/17 stating he hasn't heard back from engineer. DEP received plans from the engineer on 9/1/17. DEP received a call from the owner on 9/26/17 stating that engineer was sending in revised plans on 9/11/17. DEP received an Application for a non-conventional individual SSTS on 9/29/17. DEP called the owner on 10/3/17 and left a message that plans have been received and are in the review process. DEP will contact the owner with any updates on comments/approval. DEP issued a NOCA on 10/5/17. DEP issued an Approval Determination letter on 10/6/17. DEP performed construction inspections on 10/16, 10/18, 10/19, 10/20, 10/23, 10/25, 10/31 and 11/2/17. DEP completed construction inspections on 11/6/17. DEP received an engineer's certification letter from the engineer on 11/7/17. DEP issued a letter of Construction Compliance on 12/4/17. DEP has resolved the Enforcement Action on 12/18/17. The violation was resolved and the case was closed on 12/18/17 with DEP Closure letter dated 12/18/17.

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

Overview and Action:

On 10/19/16, DEP received DEC's executed Consent Order dated 10/18/16; receipt of a civil penalty was also confirmed. DEP received a revised SWPPP from the engineer on 10/20/16 to DEP's letter of 10/13/16. DEP issued an Approval Determination letter on 11/1/16. DEP performed a site visit on 12/6/16; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the owner on 12/7/16 stating that a pre-construction meeting should have taken place before any site work began. DEP also provided a list of items which need to be addressed, several of which DEC will also check. DEP received notice on 12/15/16 that construction began. DEP sent an e-mail to DEC on 1/31/17; DEP is attempting to set-up a site meeting on 2/2/17. DEP performed a site visit on 2/2/17; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the owner on 2/8/17 regarding the lack of erosion and sediment controls at the site; wastewater concerns were also expressed. A meeting was set-up on 2/10/17 to discuss these issues. DEP received a notice issued by DEC to the owner on 2/13/17 stating that the owner is in violation of the Order on Consent. DEC requested that the owner respond within ten days of receiving the notice; financial penalties are also possible. DEP exchanged e-mails with the owner on 3/7/17; it appears that site conditions have improved; DEP would like to meet with the owner on 3/10/17 to discuss items which still must be addressed. DEP exchanged e-mails with the owner on 3/13/17 regarding the site meeting; a new date/time was agreed upon on 3/16/17. DEP performed site visits on 3/16 and 3/30/17; there were no deficiencies; there was no discharge; the site was vacant. DEP exchanged e-mails with the applicant on 4/5/17 regarding hiring an Erosion and Sediment Control (E&SC) inspector and putting up document storage boxes at the site for the SWPPP and inspection reports. DEP performed a site visit on 4/12/17; there were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/26, 5/11, 5/18 and 5/31/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owners on 6/8/17 with

a list of expectations to be met and requested that the issues be addressed. DEP performed a site visit on 7/7/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the representatives on 7/7/17 regarding DEP's email of 6/8/17 and the lack of response to it. DEP received a response from the owner on 7/7/17 regarding the need to change their inspecting engineer. DEP assessed the site and the site condition has not changed. DEP performed site visits on 7/27 and 8/11/17; there were deficiencies, there was no discharge and the site was vacant. A tentative site meeting is set for 9/7/17 with the applicant, contractor and engineer. A meeting was held with the project applicant and new engineer on 9/7/17. DEP received an e-mail from the applicant on 9/21/17 indicating the construction stake-out will proceed next week. DEP performed a site visit on 9/28/17; there were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the engineer on 10/4/17 regarding the stakeouts. DEP performed a site visit on 10/6/17. There were deficiencies, there was no discharge and the site was vacant. DEP observed construction stake-out has been performed at the site. DEP observed on 10/13/17 that construction has begun. DEP performed a site visit on 10/23/17. There were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 10/24/17 regarding the site visit of the previous day and the lack of silt fence below the fill. DEP performed a site visit on 10/25/17. There were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner on 10/25/17 regarding the need for E&S inspections. DEP received an e-mail from the owner on 10/26/17 stating that the engineer is putting in silt fence as per the plan. DEP performed a site visit on 11/2/17. There were no deficiencies, there was no discharge and the site was occupied. DEP received a call from the applicant on 11/15/17 regarding the construction of the stormwater controls. The applicant stated they would keep working to get the practices installed. DEP received an e-mail from the owner on 11/20/17 regarding the site. He stated that the machine is back on site and he has retained a contractor to assist in the completion of the stormwater installation. DEP performed site visits on 11/22 and 11/30/17. There were no deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner and CWC on 12/08/17 regarding the re-design. CWC stated that they will not pay for a re-design as it isn't being requested by DEP. DEP performed a site visit on 12/13/17. There were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant on 12/22/17 to discuss the next steps in preparation for spring. DEP received an e-mail from the owner on 1/8/18 regarding his schedule as to how he will complete the SWPPP. No construction materials were observed on site. DEP sent an e-mail to the owner on 3/6/18 regarding an on-site meeting with DEP to discuss how the stockpile materials are being prepared. DEP assessed the site and no construction materials for the stormwater controls were observed. DEP received a response e-mail from the owner on 3/9/18 stating that he will transfer the materials and requested a meeting be set for March.

Project Name: 165 Mill St (2012-SC-0251)
Town: Windham
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - DEP NOV for sewage discharging to a road-side ditch.
Discovery Date: 5/3/12
Status: Closed
Overview and Action:

DEP issued an Approval Determination letter on 11/3/16. DEP performed a site visit on 12/19/16; septic failure was not observed; the house was recently decorated for the holidays and appears to be used on weekends; there were two cars in the driveway on 12/16/16. DEP performed site visits on 1/9 and 2/8/17; septic failure was not observed; the house appears to be used on weekends; there was no sign of pumping on 1/9/17. To avoid possible further enforcement proceedings, DEP Legal issued a letter to the owner on 2/22/17 with the following installation compliance schedule: a contractor must be hired by 4/1/17; the site must be cleared and SSTS construction must start by 5/1/17; and the SSTS must be finished by 6/1/17. DEP performed a site visit on 3/22/17; septic failure was not observed; the property is being maintained. DEP sent update request to NYC Law on 4/13/17. NYC Law spoke with the owner on 4/17/17 who has received two quotes and plans on doing the work himself. DEP performed a site visit on 4/24/17; septic failure was not observed. The property appears to be used on weekends. There is a new fire pit and yard furniture. DEP performed a site visit on 6/12/17; septic failure was not observed. There was no visible failure or signs of pumping. NYC Law Department called the owner on 7/19/17 and left a message to call back. DEP performed a site visit on 7/26/17; septic failure was not observed, there was no visible effluent. NYC Law Department sent the owner an email on 7/28/17, requesting start of construction to commence as soon as possible, and to call in response to receiving the email. DEP received a voicemail from the owner on 7/28/17, who stated construction startup is imminent. DEP performed a site visit on 8/21/17; septic failure was not observed. There was no visible effluent or signs of pumping. The lot was recently mowed and weeded. NYC Law Department received a call from CWC's attorney and a copy of his letter, stating that this project is not going to be funded because the structure was not a residence before 1995, which is the cutoff date. Additionally, it is not fundable due to the illegal conversion from barn to residence and outstanding violations with the town. NYC Law has not received a response from the applicant as of 10/12/17 regarding a start date. DEP sent CWC an email on 10/20/17 asking whether owner is appealing their decision that this project is not fundable. DEP received an email from CWC on 10/23/17 stating that owner has not filed an appeal due to being denied program eligibility. CWC also stated he has no grounds to request an appeal. DEP performed a site visit on 11/20/17. Septic failure was not observed. DEP has resolved the Enforcement Action on 12/15/17. The violation was resolved and the case was closed internally on 12/15/17.

3.1.2. Delaware District

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

Overview and Action:

On 2/13/17, NYC Law notified DEP that the 11/28/16 legal letter was re-sent to the owner at two different addresses via return receipt mail. On 2/12/17, one of the receipts was returned from one address, without a signature, but the letter was not returned. DEP Legal issued another Notice of

Intent to Revoke Approval letter to the owners on 3/24/17; DEP intends to revoke the 3/16/16 design approval on 5/8/17, unless certain written statements are provided within 15 calendar days of the date the owners receive the letter. Affidavit of service was completed for Notice of Intent to Revoke Approval on 4/6/17. DEP performed a site visit on 4/7/17. Paperwork on the door indicates that the property may have fallen into a foreclosure status. The date could not be made out during the site visit. DEP issued a Revocation of the Approval letter to the applicant on 6/19/17 effective 5/8/17 the date specified in the Notice of Intent dated 3/24/17. DEP performed site visits on 10/13/17 and 1/29/18; septic failure was not observed. DEP called the owner on 3/16/18 and spoke with the secretary. DEP requested that the owner call back for an update on the property status, plans, and ownership change, if applicable.

Project Name: County Hwy 6 (2017-CN-0234)
Town: Bovina
Basin: Cannonsville
Type of Use: Stormwater (SP)
Type of Violation: DEP SWPPP NOV for construction that has created new impervious surfaces within 100 feet of Coulter Brook without prior approval.
Discovery Date: 5/23/17
Status: Under Construction

Overview and Action:

DEP initiated an Enforcement Action on 5/23/17. DEP issued an NOV to the owner on 5/23/17. DEP received a call from the owner of the property on 5/30/17 regarding the NOV received. The owner will contact an engineer and pursue a variance. DEP received an e-mail from the owner on 6/5/17 regarding hiring an engineer and moving forward with design. DEP received a call from the engineer on 6/7/17 regarding the project. DEP told the engineer that a meeting was scheduled for 6/9/17 to discuss the level of detail needed for the stormwater treatment design submission. DEP told the engineer that this should not delay scheduling the soil testing or collecting site information to develop a base map of the site. DEP called the engineer on 6/12/17 notifying him that the meeting was postponed and that he should continue with scheduling the soil testing. A soil/site evaluation was performed on 6/20/17 with the engineer and CWC. DEP sent an e-mail to the engineer on 6/22/17 regarding mitigation options based on the soil testing results and required information for the variance submission. DEP exchanged e-mails with the applicant on 6/27/17 regarding the status of the project. DEP sent an e-mail to the engineer on 7/7/17 requesting an update on the project. DEP sent an e-mail to the engineer on 7/17/17 requesting an update on the project. DEP received a call from the engineer on 7/18/17 regarding the preliminary design. The engineer is planning to send the preliminary design (sketch and Hydro CAD) in on 7/19/17. DEP received an e-mail from the engineer on 7/18/17 regarding preliminary design. The email included a site plan sketch and the Hydro CAD per and post calculations. DEP sent an e-mail to the engineer on 7/21/17 regarding the preliminary calculations and design. DEP notified the engineer that the preliminary information looks good and to keep moving forward with the design. DEP called the engineer on 7/21/17 regarding a small change to the drainage area delineation map. DEP received an Application for a Variance that coincides with the SWPPP on 8/9/17 from the engineer. DEP issued a NOCA on 8/21/17. DEP issued an Approval Determination letter on 9/19/17. DEP received the signed Variance Determination from the owner on 9/25/17. DEP met with the contractor, engineer and the applicant's representative on the site for a pre-construction meeting on 9/27/17. DEP sent an e-

mail to CWC on 9/27/17 with a copy of the variance determination. DEP received notice on 10/1/17 that construction will begin on 10/2/17. DEP performed a site visit on 10/2/17. There were no deficiencies, there was no discharge and the site was occupied. DEP issued a letter rescinding the technical approval issued in 9/19/17. A technical determination was not required since there was no regulatory review and approval required for construction of an impervious surface within 100 feet of a watercourse. Rather, a variance to the prohibition of it was required and remains valid. DEP performed site visits on 10/13, 10/19 and 11/3/17. There were no deficiencies, there was no discharge and the site was vacant. DEP is waiting for the Engineer's certification to close this project.

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

Overview and Action:

DEP sent an e-mail to the engineer on 12/23/16 stating that the SWPPP must be adjusted and resubmitted with regard to the bioretention cell and planting media. DEP received an e-mail from the engineer on 12/27/16; the engineer reviewed DEP's e-mail comments dated 12/23/16 and subsequently observed the installation at the site. Based on this observation, the gutters of the new building will be modified. DEP sent an e-mail to the engineer on 1/5/17 stating that the engineer's proposed modifications are unacceptable; the engineer must either reinstall the gutters to ensure proper drainage to comply with the SWPPP or modify the SWPPP to provide stormwater treatment for the runoff. DEP received an e-mail from the engineer on 1/5/17 regarding the parking lot layout. DEP performed a site visit on 1/6/17; there were deficiencies; there was no discharge; the site was occupied. DEP issued a letter to the Village of Fleischmanns Planning Board Chairperson (PB Chair) on 1/12/17 regarding issues with the amended site plan dated 3/23/16, and options for resolution. DEP exchanged e-mails with the engineer on 1/12/17; the engineer stated that the owner has decided to reset the gutters and discharge roof rainwater into the rain garden; a soil analysis will be provided of the material used. DEP advised to wait until the spring of 2017 to complete the rain garden. DEP exchanged e-mails with the PB Chair on 1/12/17 regarding the large parking lot; the PB Chair provided a master plan and documents received from the engineer and DEP provided a copy of the SWPPP Approval for reference. DEP performed site visits on 1/20 and 3/2/17; there were deficiencies; there was no discharge; the site was occupied on 1/20 and vacant on 3/2/17. DEP sent an e-mail to the engineer on 3/3/17 regarding the gutter alignment, seeding and mulching, and bioretention completion. DEP performed a site visit on 4/20/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 4/20/17 regarding the need to finish realigning the gutters and construct the bioretention cell. DEP questioned his plan to finish. DEP received a call from the engineer on 4/28/17 regarding work to be done. DEP performed site visits on 5/3 and 5/8/17; there were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the engineer on 5/11/17 regarding confirmation of who will be providing the planting media and who will be building the bio retention cell. DEP received an e-mail from

the engineer on 5/11/17 stating that a rain garden will not be required. DEP performed site visits on 5/15 and 5/26/17; there were no deficiencies, there was no discharge and the site was occupied. DEP received a copy of the project review notes that the engineer sent to the V/Fleischmanns Planning Board on 5/30/17. DEP sent an e-mail to the engineer on 6/1/17 regarding road and parking lot reconstruction requires a permit as it is considered disturbance per the DEC website. DEP performed site visits on 6/8, 6/13 and 6/15/17; there were no deficiencies, there was no discharge and the site was occupied. DEP exchanged emails with the engineer on 6/15/17 regarding the weir not being necessary as well as additional stone. DEP performed site visits on 6/19, 6/22, 6/27 and 7/3/17; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 7/6/17 regarding items discussed that need to be addressed. DEP performed a site visit on 7/11/17; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 8/3/17 regarding when the bioretention cell will be scarified and planted. DEP performed site visits on 8/25 and 9/21/17; there were deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the engineer on 9/28/17 regarding 9/14/17 site inspection and the observation that the bioretention cell is still not completed, does not drain adequately and the area around the cell is not stabilized. DEP received a call from the applicant' son on 10/4/17 regarding the 9/28/17 letter from DEP. DEP returned the call and there was no answer. DEP exchanged e-mails with the engineer on 1/9/18 regarding the gravel being considered a disturbance. DEP responded that it does not. DEP used the opportunity to address the completion of the bioretention cell and requested a letter of intent. DEP received an e-mail from the engineer on 1/19/18 regarding finishing the rain garden. DEP sent an e-mail to the owner and engineer on 3/26/18 requesting the status of the plans.

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

Overview and Action:

DEP issued an NOV to the owner on 6/6/17. DEP called and left a message for the owner on 6/7/17 asking for a call back. The owner stopped in at the field office looking for the DEP engineer who issued the NOV. DEP tried to explain that this individual does not work out of this office and pointed out his contact information in the letter. DEP showed the owners what they needed to do per the NOV; pump out and increase the tank and SSTS field for a five bedroom residence, to close out the NOV. They stated that what was installed was incorrect, that the effluent filter should have been inside the 1500 gallon tank. DEP tried to explain that the system was designed for a three bedroom residence, per the paperwork received from CWC and indicated on the engineer's plans that the owners had brought with them. The owners stated that the designer of the addition, the contractor, nor the CEO had told them that they needed to increase the size of the system because of the increase in the bedroom count. DEP received a phone call from the owner on 6/13/17. DEP explained that he has 2 more bedrooms than septic system was approved for and they have to hire an engineer to submit plans. DEP will contact the

owner to meet onsite to discuss the review/approval process. DEP performed a site visit on 6/15/17; septic failure was observed. The owner will contact his new contractor to find a new engineer to complete the necessary work. DEP also advised the owner to not park vehicles on the absorption area of the SSTS. DEP received a call from an engineer on 6/28/17 asking for a few details on the existing replacement system. The engineer met with the owner onsite to discuss the issues. The engineer thinks that the garage will need a new stand-alone system if the owner wishes to convert a portion of it to living space. Due to the failure of the replaced system, the engineer thinks that the bed may need to be completely replaced due to the parking situation, as well as a larger septic tank. DEP received a request for a pre-application meeting from the engineer on 7/19/17. A soil/site evaluation was performed on 8/8/17. DEP Section Chief received a call from the engineer on 8/4/17 regarding a design for the alt/mod. He was advised to submit a design and reach out to CWC for potential reimbursement in the new side agreement. DEP sent an e-mail to the engineer on 10/12/2017 regarding the project status. DEP received an Application for a conventional individual SSTS on 10/31/2017. This system may be an Alteration/Modification to an existing SSTS. DEP issued a NOCA on 11/09/2017. DEP performed a watercourse determination on 11/21/2017. DEP issued a comment letter on 11/28/2017 to the engineer requesting additional information.

Project Name: 7019 County Highway 26 (2007-CN-0751)
Town: Hamden
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: SSTS Replacement-CWC-Failing-dye recovered. DEP NOV.
Discovery Date: 12/8/09
Status: Closed

Overview and Action:

DEP issued a renewed Approval determination on 10/13/16. DEP performed a site visit on 10/13/16; septic failure was not observed; the site was already under construction. DEP received a call from the engineer on 10/13/16; the engineer had told the contractor to start construction, but they neglected to alert DEP prior to it beginning. DEP performed construction site visits on 10/18 and 10/19/16; the distribution box has been set and the swale has been installed. DEP performed construction site visits on 10/21, 10/24, 10/25, 10/26, 11/2, 11/3, 11/14, 11/17, 11/18, and 11/22/16; there was no activity on any of the dates, other than on 11/22/16 when there was machinery on site. DEP performed a site visit on 2/1/17; septic failure was not observed; photos were taken; the site is inhabited, but no one was present at the time of the inspection. DEP performed a construction site visit on 2/7/17; there was no activity. DEP performed a site visit on 3/9/17; septic failure was not observed; the owner's representative and owner's mother were present. DEP performed a construction site visit on 3/13/17; there was no activity. DEP performed site visits on 4/3 and 4/4/17; septic failure was not observed. There was no one there at this time but there were cars in driveway. DEP called the town CEO on 4/4/17 and left a message asking about a building permit for this property. DEP issued a letter to the owner on 4/5/17 requesting that construction, which began in late 2016, recommence as soon as weather conditions permit. It was also noted that work on the barn was observed; if bedrooms are being added, a new design and re-approval are required. A response was requested upon the owner's receipt of the letter. DEP called the town CEO and left a message with the town clerk on 4/26/17. DEP received a call from the owner on 5/1/17 regarding the letter that was sent about the start of

construction and the concern of additional bedrooms. DEP called the owner back the same day. The owner states that the contractor will be back after the site has dried out. Additionally, the owner addressed the concern about the additional bedrooms. She stated that she has always had an office and open space in the barn. There is water in the barn from when the previous owner housed animals which is now utilized as a sink and an outside spigot (no additional bathrooms). DEP called the CEO on 5/3/17 regarding the possible conversion of the barn to residential space. The CEO stated that the only items in the file are with regards to the replacement SSTS for the home. The CEO stated that he would investigate the matter. DEP called the CEO on 5/17/17 to follow up on the situation with the barn. He spoke with the contractor who stated that they are not living in the barn. DEP performed a site visit on 6/12/17; septic failure was not observed. The mother of the owner is living in the house full time. DEP received a call from the owner on 6/12/17 regarding the status of construction. The owner stated that the contractor will call 48 hours in advance of starting construction up again. DEP performed a site visit on 7/13/17; there are three new cars in driveway but could not get anyone to answer the door. DEP issued a letter to the owner on 7/13/17 stating that construction has not yet commenced. DEP performed a site visit on 9/7/17; no one was at home and failure was not observed. DEP performed a construction inspection on 10/2/17. DEP requested Legal to issue a letter to the owner on 10/20/17, to complete the project this season; supporting documentation was provided. DEP Legal issued correspondence to the owner on 10/27/17 requiring a dye test and construction to commence within 5 days. DEP performed construction inspections on 11/13, 11/21 and 11/27/17. DEP completed construction inspections on 11/28/17. DEP was copied on a letter to CWC from the engineer dated 11/22/17, regarding completion of septic system. DEP received As-Built plans and an engineer's certification letter from the engineer on 12/1/17. DEP issued a letter of Construction Compliance on 12/1/17. The violation was resolved and the case was closed on 12/13/17 with DEP Closure letter dated 12/13/17. DEP has resolved the Enforcement Action on 12/13/17.

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

Overview and Action:

DEP observed and prepared a violation report on 8/19/15. DEP initiated an Enforcement Action on 8/19/15. DEP issued an NOV to the owner on 9/1/15. DEP received a call from the owner in response to the NOV on 9/4/15. DEP received message from the owner on 9/16/15 requesting call back to discuss the NOV. The owner called DEP on 9/17/15 and left a message. DEP returned owner's call and there was no answer and DEP could not leave a message. DEP called owner on 9/28/15 and left message to call back regarding failing SSTS and measures they have taken to hire engineer or limit failure. This project is funded under CWC Septic Repair Program. On 9/28/15, DEP received CWC's notice of failure. DEP issued a letter to the owner on 9/29/15 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 10/13/15. DEP called the owner on 10/14 and 10/15/15 to see if an

engineer had been hired, but was unable to leave messages. A soil/site evaluation was performed on 10/16/15. DEP received an Application for a non-conventional, individual SSTS on 10/22/15. DEP issued a NOCA on 11/4/15. DEP issued an Approval Determination letter on 11/4/15. DEP issued a letter to the owner on 4/15/16 stating that construction has not yet commenced. On 5/3/16, DEP returned the owner's call from the week of 4/25/16; the owner's husband has recently passed away. She is awaiting a clear title before progressing with the SSTS; then a bid will be submitted to CWC by the contractor. DEP performed a site visit type on 9/12/16; septic failure was not observed; spoke with the owner and she is waiting for the contractor to start construction. DEP called CWC on 12/16/16; CWC has not yet received a bid and is waiting for a clear title in the owner's name, which is needed before they can approve a submitted bid. CWC will call the owner to inform her of this. DEP called CWC on 2/17/17; they are getting paperwork together so that the owner can move forward with soliciting quotes for construction. DEP sent an email to CWC on 8/18/17 requesting bid status. DEP performed a site visit on 9/14/17; the site of the failure is overgrown with weeds and cannot see the failure at this time and there is no odor. DEP called and left a message for the engineer on 9/21/17 asking for a call back regarding the status of the property line issues. DEP received a call from the engineer on 9/27/17 regarding the message that was left. The engineer does not know why the system is not under construction since plans have been approved. DEP received notice on 10/31/17 that construction will begin on 11/1/17. DEP performed construction inspections on 11/2, 11/6, 11/8, 11/15, 11/16, 11/17, 11/20, 11/21, 11/28, 12/4, 12/6/, 12/7, 12/8, 12/11, 12/14, 12/15, 12/18, 12/20, 12/26, 12/28/17, 1/8/, 1/23, 1/29, 1/31 and 2/1/18. DEP received As-Built plans and an engineer's certification letter from the engineer on 2/1/18. DEP completed construction inspections on 2/2/18. DEP issued a letter of Construction Compliance on 2/9/18. The violation was resolved and the case was closed on 2/27/18 with DEP Closure letter dated 2/27/18. DEP has resolved the Enforcement Action on 2/27/18.

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

DEP called the applicant on 7/12 and 7/13/16 regarding the site work for the SWPPP. The contractor provided a very high estimate and as such was denied. The applicant is waiting on a new estimate. DEP exchanged e-mails with the applicant on 2/8/17 regarding a new contractor to implement the approved SWPPP; the applicant has hired someone, but he or she is not available until after 3/17/17; DEP will follow-up to set up a site meeting. DEP sent an e-mail to the owner on 6/7/17 requesting the status of construction. Also requested a time to meet at the site with the contractor. The owner responded the same day that she will get in touch with her contractor to see when he can start the work. DEP exchanged emails with the owner and set up a time to meet at the site on 6/8/17. DEP received a call from the applicant on 6/28/17. The applicant is reworking the SWPPP with the engineer. DEP received a call from the engineer on 7/13/17 regarding the owner wanting to move the house another 500 feet from originally planned and wanted to touch base. DEP responded the same day stating that they will need to revise the

SWPP indicating the new house location. DEP received a call from the applicant on 8/2/17 regarding the relocation of the house. DEP received a sketch plan of the house layout from the engineer on 8/8/17. DEP called the applicant on 8/22/17 regarding the relocation of the house. DEP discussed this site with the design engineer 11/16/17. The engineer indicated he would get back to working on the revised site plan. Since the proposed home location has been moved, the engineer will need to get additional topo.

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

Overview and Action:

DEP corresponded with the CEO on 9/16/16 about the status of the property. The CEO stated that the owner has a building permit that was issued in August 2016, for a 580 square foot /one bedroom cabin. The CEO also stated that the owner has an outdoor toilet and no water supply. The CEO was unaware that the owner is collecting rainwater for use and that he is discharging greywater, but he is not initiating any enforcement actions at this time. DEP asked if the owner would receive a certificate of occupancy if there is open enforcement from DEP; the CEO stated that as long as he has an outhouse and no running water in the house, a certificate of occupancy could be granted. DEP is moving forward with enforcement due to the owner admitting to generating wastewater and using an unapproved SSTS and will copy the CEO on any enforcement paperwork. The project was sent to DEP Legal for assistance on 9/20/16. DEP Legal issued a letter to the owner on 10/27/16 regarding his lack of compliance in resolving the NOV; terms were provided to be promptly implemented by the owner to avoid referral of the project to NYC Law. The owner was requested to respond by 11/10/16 to schedule a review of the SSTS. DEP received an e-mail from DEP Legal on 11/3/16; the owner's ex-wife provided a new mailing address for the owner. DEP Legal issued a new letter to the owner at three additional addresses via certified and regular mail on 11/7/16 regarding his lack of compliance in resolving the NOV; terms were provided to be promptly implemented by the owner to avoid referral of the project to NYC Law. The owner was requested to respond by 11/17/16 to schedule a review of the SSTS. DEP received a voicemail from the owner on 11/10/16; DEP called the owner on 11/15/16. The owner stated that he showed pump-out receipts to three individuals he claimed were recently on-site; he is planning on installing a composting toilet and an outdoor shower and kitchen, so that he can discharge greywater on to the ground. DEP called the owner on 11/16/16; the owner stated that he has been removing a tank from the camper and dumping wastewater himself. DEP stated that per the NOV, a DEC licensed septic hauler should be doing pump-outs. The owner offered to send photos of the pump-out receipts mentioned previously to DEP. There is no water connection in the cabin; the owner has been transporting water to the site and plans on storing it inside the cabin to pump outside for usage in the outdoor kitchen and shower. DEP stated that he would still need an SSTS for the greywater, as it is considered to be wastewater. The owner expressed his dissatisfaction; DEP explained that his property is within the New York City Watershed; thus, all of the water on his property eventually reaches the Cannonsville Reservoir. The owner reiterated that he "cannot afford the architect's stamp" and

would have a local contractor do the work if DEP “waives” this rule. DEP explained that the design is a requirement which cannot be waived. The owner also stated that he could not obtain CWC’s assistance because there is no permanent residence, which is why he is building the cabin. The owner is not on site and will not be there during the winter, as his water keeps freezing up; he usually returns to the site sometime in May. DEP left a voicemail for the owner on 12/19/16 and called on 2/17/17; he plans on requesting funding from CWC after his cabin is completed. DEP informed him that CWC has certain requirements for qualification in their program. The owner still plans on installing a composting toilet and asked about using an outhouse. The initial use of his property is seasonal, but he eventually plans for it to be year-round. The owner requested that DEP contact him in April 2017 to plan a meeting on-site to discuss all issues. A warning for the site was opened on 5/12/17. DEP staff should be accompanied by DEP Police when visiting this site until further notice. DEP called the owner on 5/17/17 to set up an appointment at the site. DEP contacted CWC on 6/7/17 regarding project eligibility for funding. CWC stated that the structure is new and therefore not eligible. DEP met on the owner on site on 6/13/17. DEP explained to the owner that he has two options. He can hire an engineer to design a compliant system following approval process by DEP. Or his second option is to install a holding tank and comply with DOH requirements. DEP will follow up on this meeting by sending the owner documents. DEP received a return call from DOH on 6/21/17, who stated they are unaware of any other funding source for SSTS construction other than CWC in the Watershed. Additional project information and history was sent from DEP to DOH via email in case this project is brought to their attention. DEP called the CEO on 6/22/17 regarding information on the property. DEP received a call from the CEO on 6/27/17 regarding the property. He stated that nothing was ever on file regarding a structure or septic system on the property. It has always been on file as rural vacant land. A building permit was issued for a structure with no running water. DEP issued a letter to the owner on 10/24/17 regarding their meeting of 6/12/17. DEP has given the owner the option of upgrading the SSTS that requires an Engineer and Approved SSTS or a hold and haul which will require the owner to contact DOH. DEP sent the owner a text message on 11/20, 12/18 and 1/16/18 inquiring if he had made any decisions on how to handle wastewater.

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

Overview and Action:

DEP issued a warning letter to the owner on 6/1/17 regarding structures on the property and the lack of construction approval. DEP received a call from the owner on 09/05/2017 regarding the letter that he received. Owner informed DEP that he never installed the approved system. The property does have a well, barn and residence. Owner stated that he had installed a concrete septic tank, which is connected to a dry well. He reported that he has never had an issues with the dry well. This was installed because he lost his leg and did not have the money to install the designed system. He currently lives in the 18x24 cabin and has created a homestead. DEP issued an NOV to the owner on 10/11/17. DEP received a phone call from the owner on 10/26/17. He

asked for DEP staff to meet with him onsite to discuss. DEP called the owner on 11/6/17 and scheduled site visit for 11/9/17. DEP met with the owner at the property on 11/9/17. The owner showed DEP surface failure of grey water above the drywell he installed. The owner is convinced the surface failure does not reach the pasture drainage ditch which was less than 10 feet away. Tall grass made it difficult to determine during this inspection if it reached the ditch. This ditch collects runoff from the field and discharges to an open flat area which may reach Elk Creek during storm events. DEP stated that the watercourse maybe marked out and measured for the 250 foot setback for a raised system. The owner asked if DEP could purchase easement rights on his property which may give him funds to build a compliant septic system. DEP stated that his contact information would be given to land acquisition programs and that regulatory programs could not discuss land acquisition with him any further. DEP asked if the owner wanted to get involved with the small farm program. He inquired previously and did not like the restrictions, and did not think it would give him any benefit. The owner awaits further contact from DEP regarding flagging of 250' setback and land acquisition's contact information. DEP called the owner on 11/22/17 to give him DEP's LAP phone number. The owner did not answer and there was no option to leave a message. DEP REP will review the 250' setback requirement for a raised system on this site.

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

Overview and Action:

DEP received a request for a pre-application meeting from the engineer on 11/16/17. A soil/site evaluation was performed on 11/21/17. DEP met with owner and contractor on 11/24/17. The contractor was trying to locate the septic tank. Algae and a septic odor were present along the stream in the area behind the house. The house has been vacated. The owner does not plan to re-occupy until the failure is addressed. DEP received an e-mail from the owner on 11/24/17 advising that the house is vacated and that they were unable to locate the septic tank. On 11/28/17 DEP performed a site visit. Additional soils testing was performed and the septic tank was located and uncovered. DEP advised the engineer to have tank pumped A soil/site evaluation was performed on 11/28/17. DEP initiated an Enforcement Action on 11/28/17. DEP performed a site visit on 12/4/17. Septic failure was observed. Septic was visibly entering the watercourse/wetland. On 12/04/17 DEP inspected the property. The septic tank had been pumped. The property appeared vacant at the time of the inspection. DEP issued an NOV to the owner on 12/12/17. DEP received an e-mail from the engineer on 2/20/18 advising that plans would be submitted in early March. On 03/22/17 DEP performed a site inspection. Contractors were present at the time of the inspection working on the interior of the house. The SSTS failure was still actively failing in to the watercourse. DEP inspected the inside of the septic tank. The tank was filled to the outlet. DEP informed the contractor's that the tank must be pumped. The

house is currently uninhabited and does not have anyone living there however it appeared that the contractors have been occupying the house during the day. DEP received a list of pump out dates from the hauler on 3/23/18. DEP called the owner on 3/23/18 regarding the septic failure. The owner believes that ground or surface water filled the tank. The tank was pumped 3 weeks ago. Pumper to send pump-out receipts. DEP called the engineer on 3/23/18 regarding the status of plans for the repair. Engineer said plans were nearly complete. Estimated submitting to DEP by first week of April. DEP also told the engineer that the tank was full again and failure was still active. DEP stressed the importance of submitting plans soon for the NOV. DEP exchanged e-mails with the owner on 3/26/18 regarding pumping the septic tank. On 3/29/18, DEP inspected the septic tank. The tank had been pumped prior to DEP's arrival and was mostly empty however groundwater could be heard draining into the tank. Sewage was still surfacing on ground and entering watercourse in area of failures.

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

Overview and Action:

DEP received an e-mail from the DEP Police on 5/5/17 regarding a complaint of a septic failure. DEP called the tenant on 5/5/17 regarding the complaint that was received and requested a call back. DEP sent a reply back to the DEP Police on 5/5/17 once it was determined that more information was needed to follow up on the complaint. DEP received an e-mail from the DEP Police on 5/6/17 regarding the additional information requested. A full address of the property with photos of the failure were provided. DEP initiated an Enforcement Action on 5/8/17. DEP reporting officer stopped in the field office to discuss the project. The officer stated that the failure is located in an enclosed area, a four foot high chain link fence topped with barbed wire. The tenant told the officer that they had dogs, but the officer did not see any dogs at the time of the visit. The officer attempted to reach out to the tenant again, but was unsuccessful. DEP called the tenant on 5/8/17 regarding the complaint and left a message asking for a call back. The tenant called back the same day: The sewage is backing up around a white pipe that was sticking up out of the ground and has completely covered the pipe. They had made the owner aware of the situation. The tenant is willing to show DEP the failure and explain everything while on site. The tenant provided the name and cell phone number for the owner of the property. DEP called the tenant on 5/11/17 to set up a site visit with a DEP inspector. DEP called and left a message for the tenant on 5/24/17 letting them know that DEP was going to inspect the property mid to late morning on 5/25/17. DEP performed a site visit on 5/25/17; obvious failure; sewage/effluent at surface under large bush, odors, etc. Appears to be contained in the area of vegetation. DEP received a request for a pre-application meeting from the applicant on 5/25/17. DEP observed and prepared a violation report on 5/25/17. DEP issued an NOV to the owner on 6/6/17. DEP called and left a message for the owner on 6/7 and again on 6/12/17 regarding the property. A Notice of Violation has been issued due to a septic failure found at this property. DEP asked for a call back to discuss this issue. DEP re-issued the NOV to the applicant on 8/4/17 via return receipt. DEP called the tenant on 9/21/17 regarding the mailing address for the owner. The tenant

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

Project Name: 4 Schumway Road (2001-NV-0181)
Town: Neversink
Basin: Neversink
Type of Use: Intermediate Repair (CR)
Type of Violation: Proposal for two frame buildings, including a gas station. DEP NOV for a surface discharge.
Discovery Date: 7/15/16
Status: Closed

Overview and Action:

DEP issued a letter to the owner on 1/12/17 detailing items which much be satisfactorily addressed in order for DEP to accept the construction of the replacement SSTS and to close the NOV. DEP exchanged e-mails with the owner on 1/12/17 regarding the letter issued on this same date and setting up a meeting to discuss the items therein. DEP exchanged e-mails with the owner and engineer on 1/17/17 regarding scheduling a meeting. DEP received an e-mail from the engineer on 1/21/17; once the owner has returned from travelling overseas, the engineer will have the dosing counter set-up and will advise the owner on tasks to complete prior to scheduling final inspections. DEP corresponded with the engineer on 2/3/17 regarding the installation of the dosing counter; he is waiting for the temperature to rise above freezing, as the work will be done in the parking lot (which has been covered in snow and ice). DEP sent an e-mail to the owner on 3/30/17 requesting water meter readings from 12/9/16 to the present. DEP sent an e-mail to the engineer on 3/30/17 to schedule an inspection of punch list item progress for construction approval. DEP received water meter readings dated 8/8/16 through 3/28/17 via e-mail from the owner. DEP received the water meter readings on 5/5/17. DEP corresponded by e-mail with the engineer on 5/16/17 regarding the pending inspections and verifications needed to close the construction. DEP corresponded by e-mail with the CEO on 5/24/17 regarding some tanks that are stored across the street from the property. DEP sent an e-mail to the owner on 6/6/17 requesting up to date water meter readings. DEP corresponded via e-mail with the owner on 6/6/17 regarding a final inspection, which is pending the engineer's coordination. DEP received water meter readings on 6/6/17. DEP performed a site visit on 6/23/17. The absorption field

showed no signs of over use, it is vegetated and stable. DEP received a phone call from DOH on 7/11/17 regarding an application the owner has submitted for a food service permit so he can begin catering at a local spa. DOH is interested in the SSTS capacity. On 7/11/17, DEP sent the water use info to DOH and requested a copy of the foods service correspondence between DOH and the owner. DEP requested the water meter readings for the facility via email on 7/12/17. DEP received a copy of the food service permit from the applicant to DOH on 7/12/17 from DOH. DEP exchanged emails with DOH on 7/18/17 regarding their pre-operational inspection. DEP sent an e-mail to the owner and the engineer on 7/24/17 requesting a site visit for the final inspection and the water meter readings. DEP received an e-mail reply from both the owner and the engineer on 7/24/17 regarding the preparation for a final inspection. No water meter readings were received. DEP spoke to the owner on 7/26/17 regarding the work accomplished on the SSTS punch list. He said the engineer was on site to set the floats to the correct dose and verified the dose with a liquid measurement. He will get elevation readings for the stray septic tank that had been installed for the second building that was never built, so we can determine if it can be connected to the existing septic tank and/or pump chamber. DEP corresponded by email with the engineer on 7/27/17, and gave a tentative final inspection date for 8/4/17. On 8/7/17, DEP met with the owner and engineer for the dose volume and dose counter verification. Elevations were checked, the installed stray tank can be connected to the in-use septic tank with the minimum required pitch. DEP called the store owner on 8/15/17 regarding the DEP Police observed sewage discharge the previous day. He said that when the police told the store manager, about the discharge, she was surprised and called him for advice. He told her to check the pump circuit breakers, which were off, as was the alarm circuit breaker. He also said that the stray tank was the source of the discharge into the parking lot. DEP called the DEP Police on 8/15/17 regarding the incident and the information given to DEP. DEP received a copy of the incident report that was filed by DEP Police on 8/12/17. Site Visit type: Followup. Date: 08/19/2017. Septic Failure: Not observed. Site was inspected for septic failure following manhole overflow the week prior. There was no failure observed, all appeared to be working well. An outdoor tent with seating for at least 10 was observed as well as a farmers market. DEP sent e-mail to the owner on 8/21/17 requesting the meter readings from May 2017 forward and the dosing counter readings. DEP sent an e-mail to DOH on 8/21/17 regarding the sewage overflow and catering at the site. DEP issued a letter to the owners on 9/01/17 regarding the NOV and the need for daily dosing counter and water meter readings. DEP received the water meter readings on 9/15/17. DEP sent an e-mail to the engineer on 10/23 and 11/6/17 requesting a status update. DEP received an e-mail from the engineer on 11/13/17 advising that he will submit the as-built shortly. DEP responded to an e-mail from the engineer on 11/24/17 acknowledging the delay in resubmitting the as-builts. DEP performed a site visit on 12/8/17; septic failure was not observed. DEP met with manager on 12/7/17 to do a status check. DEP inspected the absorption field area and tank area; no indication of a malfunction was noted. Water meter readings were provided to DEP. DEP sent an e-mail to the engineer on 12/27/17 and 1/26/18 requesting a status update. DEP called the engineer on 1/29/18 requesting a schedule on when the as-built will be submitted. DEP received As-Built plans and an engineer's certification letter from the engineer on 2/27/18. DEP issued a letter of Construction Compliance on 3/1/18. DEP has resolved the Enforcement Action on 3/1/18. The violation was resolved and the case was closed on 3/6/18 with DEP Closure letter dated 3/6/18.

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

Overview and Action:

DEP performed a site visit on 2/2/17; septic failure was not observed. DEP performed a site visit on 4/27/17; septic failure was observed in the absorption field. First and second laterals, which were previous repaired, are failing. Effluent is surfacing and draining back into the ground. Effluent is not leaving the area of the bed. DEP contacted CWC on 5/8/17, who said they do not have a way to pay for this second time repair, but that they are eligible for the 50% reimbursement pump out program every 3 to 5 years. DEP issued an NOV to the owner on 6/19/17. DEP received a call from the owner on 6/30/17. He is planning on pumping out the septic tank on 7/7/17. Then he will start working on repairing other 3 laterals by adding crushed stone around them. DEP to contact owner on 7/5/17 to confirm septic tank pump out schedule and attend if possible. The owner was informed that continued failure will elevate enforcement actions, and recommended he communicate regularly with DEP regarding his efforts. DEP called the owner and left a message on 7/5/17 regarding the date and time of the pump out that he wishes to do. DEP received a call from the owner on 7/10/17 regarding the date and time of the pump out. The tank will be pumped on 7/12/17. DEP performed a site visit on 7/12/17; septic failure was observed. The owner was having the tank pumped out. The tank looked good after the pump out. There were no sounds of water flow coming into the tank after the pump out was completed. DEP performed a site visit on 10/26/17. Septic failure was not observed. The laterals were open for gravel placement. In the area of the previous failure, additional topsoil was added. The failure seems to be abated with the additional topsoil. Effluent was visible with four laterals open for gravel placement. The owner is trying to keep the water usage down to help mitigate the failure. DEP performed a site visit on 1/8/18. Septic failure was not observed. The area of failure was covered in approximately two inches of snow. The owner stated that the work that was started prior to winter has been completed.

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

DEP performed a site visit on 12/28/16; the plumbing and holding tank for the barn were inspected; the site was in compliance with the Consent Order for the winter season. DEP

exchanged e-mails with DEP Legal and NYC Law between 12/9 and 12/30/16 concerning the inspection and re-inspection; an NOV for non-compliance with the consent order will not be issued. DEP called the site manager on 4/21/17 regarding the seasonal holding tank use. The water supply in the horse barn will not be turned on until the middle of May, and DEP will be contacted to inspect prior to the first wedding of the season, scheduled for 5/28/17. DEP performed a scheduled spring start up inspection with the site manager on 5/19/17. The liquid level of the horse barn holding tank was about 10 inches from the top cover of the riser, and the alarm was flashing. The manager said the hauler had been called the previous day. DEP called the site manager on 5/23/17 regarding the overfull holding tank observed on 5/19/17, he said the hauler came on the morning of 5/20/17. DEP performed a site visit on 6/16/17. The alarm was not flashing, and it was observed on the hauler's chart that 3000 gallons had been pumped on both 6/14/17 and after the previous DEP site visit, on 5/20/17. DEP performed a site visit on 7/27/17. The alarm for the holding tank was not flashing. DEP performed a site visit on 8/18/17. The alarm for the holding tank was blinking and the audible alarm was off. DEP received a reply e-mail from the owner on 12/29/17 confirming a site visit for 1/2/18. DEP performed a site visit on 1/3/18. Septic failure was not observed. DEP inspected the holding tank, bathroom and SSTS on 1/2/18. The facility appeared to be closed for the season. No problems were observed. DEP inspected the facility on 3/22/18. The house was occupied but the apartment and barn appeared unused. No signs of the SSTS failing were observed.

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

Overview and Action:

DEP received a call from NYC Law on 5/3/16; NYC Law is hoping to speak with the owner during her scheduled meeting with her attorney on 5/11/16. In preparation for that discussion, NYC Law asked specifically when DEP is available for a site visit, how long it would take, and what would be required. DEP provided availability and timing; the manhole in the garage would need to be inspected, as well as the septic tank to see if it is leaking and the manhole following the tank to check for effluent. DEP asked if a dye test can be requested and if subsequent visits can be scheduled to check for dye. DEP received an e-mail from NYC Law on 6/22/16; NYC Law will contact the owner's attorney closer to the foreclosure trial, which is upcoming. DEP performed a site visit on 7/22/16 by driving by the property; it appears to be uninhabited. DEP received an update from DEP Legal and NYC Law on 9/29/16; there has been no change in foreclosure status. DEP received an e-mail from DEP Legal on 11/23/16 stating that per NYC Law, a trial date has not yet been set for the foreclosure. It was also confirmed that the owner is still in a nursing home. DEP drove by the site on 4/4/17. The house looks vacant and the property looks un-kept. Three horses were in the field to the rear of the property by the red barn. DEP drove by the site on 6/28/17. The grass has been recently cut, and a small maroon SUV was parked in the driveway. Nothing else has appeared to change. DEP legal received an update from

NYC Law on 10/27/17 regarding the proceedings. The judge is considering a request for an adjournment. NYC law will seek an update in two weeks. DEP drove by the residence on 1/2/18. The house appears to still be occupied.

Project Name: River Road (2004-CN-0718)
Town: Stamford
Basin: Cannonsville
Type of Use: Intermediate Repair (CR)
Type of Violation: SSTS Failure; DEP NOV surface failure.
Status: Closed

Overview and Action:

DEP received a voice-mail from one of the owners on 8/19/15 stating that the facility is closing as of 11/15/15. DEP received the August 2015 water meter readings on 9/15/15. DEP received the September 2015 water meter readings on 10/5/15. DEP exchanged e-mails with the manager on 11/17/15 regarding the potential sale of the property. DEP exchanged e-mails with DEC on 11/19/15 regarding the existing SPDES permit for the site, which authorizes operations "for an indefinite period" or until DEC states otherwise. DEP issued a refresher letter to the owner on 11/23/15 regarding the current status of the NOV; potential buyers are encouraged to contact DEP. DEP performed a site visit on 4/22/16; there was no sign of recent activity and no "For Sale" signs posted. DEP called the Director and sent him an e-mail on 5/6/16 inquiring about the ownership of the property. DEP called the Delaware County Real Property Tax Office on 5/24/16 and was informed that the property ownership has not changed. DEP performed a site visit on 7/22/16; the property is still vacant but is being maintained. DEP performed a site visit on 12/28/16 by driving through the property; it remains vacant yet maintained; the porch lights were on and the driveways have been plowed. DEP drove through the property on 4/4/17. The porch lights were on and the property appears to be maintained. DEP drove through the property on 6/28/17. The maintenance truck was not on the property, and none of the porch/door entrance lights were on. The grass mowing has been kept up, and there was a small bucket at the main entrance filled with wood scraps. DEP drove by the site on 7/6/17 and noticed some activity. A meeting and walk around with the caretaker followed. The new owner intends to keep the premises private for his personal use. DEP issued a letter to the new owner on 7/25/17 regarding the outstanding NOV's on the property. DEP has resolved the Enforcement Action on 8/17/17. Applicant is no longer pursuing a new absorption field. DEP called the owner's contact on 10/23/17 and requested written plan for the property. DEP sent an e-mail to owner's contact requesting the written plan on 11/6/17. DEP received a letter from the new owners' representative on 11/8/17 regarding the new use for the property as a 250 acre Residential Estate. The violation was resolved and the case was closed on 11/9/17 with DEP Closure letter dated 11/9/17. DEP has resolved the Enforcement Action on 11/9/17. DEP received an e-mail from DOH on 11/9/17 advising that they were deactivating the public water supply.

Project Name: Miller Drive (2016-CN-0694)
Town: Walton
Basin: Cannonsville
Type of Use: Septic System (SS)
Type of Violation: Garage converted to a single family residence without a Certificate of Occupancy. DEP NOV for use of an unapproved SSTS.

Discovery Date: 11/22/16

Status: Closed

Overview and Action:

DEP issued an NOV to the owner on 12/7/16. DEP received a voicemail from the owner on 12/14/16 in response to the NOV; the owner stated that soils were done and plans should be submitted by 12/16/16, but construction cannot start until spring 2017 due to the snow/weather. DEP called the owner back and reiterated that plans are due by 12/16/16. DEP received an Application for a non-conventional individual SSTS on 12/20/16. DEP received a voicemail from the buyer's attorney on 12/21/16; DEP returned the call and stated that the Reviewer will provide comments to the engineer on 12/22/16, as plans will need to be resubmitted with changes. DEP issued a NOCA on 12/22/16. DEP issued a comment letter on 12/22/16 to the engineer. DEP spoke with buyer's attorney on 12/23/16 and stated that plans need to be resubmitted. DEP continued that it is uncertain which plans will be approvable for this property until a final review has taken place. DEP received an e-mail from the owner stating that DEP can share information regarding the property with the buyer's attorney. DEP received revised plans from the engineer on 1/3/17. DEP issued an Approval Determination letter on 1/3/17. DEP spoke with the buyer's attorney on 1/3/17 to inform her that plans have been approved. DEP issued a letter to the owner on 6/20/17 stating that construction has not yet commenced. DEP received a call from previous owner on 6/28/17, stating that he sold the house, and the new owner is just waiting for the contractor to get started. DEP sent engineer an email on 6/28/17 requesting new owner name and contact information. DEP issued a letter to the new owner on 8/18/17 stating that construction has not yet commenced. DEP received notice on 8/28/17 that construction will begin on 8/29/17. DEP completed construction inspections on 9/19/17. DEP received As-Built plans and an engineer's certification letter from the engineer on 10/3/17. DEP issued a letter of Construction Compliance on 10/3/17. The violation was resolved and the case was closed on 10/12/17 with DEP Closure letter dated 10/12/17. DEP has resolved the Enforcement Action on 10/12/17.

Project Name: 1227 East River Road (1999-CN-1022)

Town: Walton

Basin: Cannonsville

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS #734 - CWC - DEP NOF and DEP NOV for spongy ground; not gross surface failure.

Discovery Date: 5/20/98

Status: Closed

Overview and Action:

DEP Legal reissued a letter to owner on 11/28/16 due to an incorrect date listed regarding several years of non-compliance and a consistent failure. To avoid possible referral to NYC Law for litigation, the owner must stop the discharge, hire a contractor, and submit a bid to CWC by 12/14/16; the SSTS must also be fully constructed by 6/1/17. DEP called CWC on 12/16/16; bids have not been received to-date. DEP performed a site visit on 1/4/17; septic failure was not observed; DEP knocked on the door but no one was at home; the previously failing area was inspected; no failure was witnessed, but the ground was very soft and spongy; photos were taken. DEP received a call from CWC on 2/15/17; the new owner has signed a program agreement and has given a brief overview of the program. DEP performed a site visit on 4/27/17; septic failure

was observed, surfacing of sewage on ground. DEP gained permission from the new owner to look on the property. The owner is aware and is moving forward with the rehab project. DEP received notice on 10/10/17 that construction will begin on 10/12/17. DEP received a call from the contractor on 10/13/17 regarding hauling in fill over the weekend. DEP performed construction inspections on 10/16, 10/18, 10/19, 10/20, 10/24, and 10/25/17. DEP completed construction inspections on 10/25/17. DEP received an engineer's certification letter from the engineer on 12/7/17. DEP issued a letter of Construction Compliance on 12/7/17. The violation was resolved and the case was closed on 12/13/17 with DEP Closure letter dated 12/13/17.

Project Name: 15 Sholam Road (2001-RO-0730)
Town: Wawarsing
Basin: Rondout
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1570 - CWC-surfacing - DEP NOV for surface discharge.
Discovery Date: 11/30/01
Status: Closed

Overview and Action:

DEP spoke with CWC on 12/8/16; the owner and/or contractors need to provide detailed quotes to CWC and hopefully a quote which is agreeable to all can be decided upon. DEP left a voicemail for the owner on 12/12/16 to follow-up on his new bid submission status. DEP received an e-mail from NYC Law on 12/16/16 regarding the status of the motion judgement. DEP Legal sent an e-mail to NYC Law on 2/3/17 to determine the status of the paperwork; NYC Law replied that the paperwork is being revised, based on review. DEP left a voicemail for the owner on 2/13/17 to follow-up on his new bid submission status; DEP requested a return call. DEP called CWC on 2/17/17; new bids have not yet been received. DEP received an e-mail from NYC Law on 3/1/17 with the motion for default judgment paperwork for review; DEP Legal sent comments to NYC Law on 3/22/17. DEP performed a site visit on 3/31/17; septic failure was observed; odors were present at the outlet of the pipe and at the end of the ditch. The owner stated that plans were provided to another contractor for a bid submission; he also said that he would be travelling for the next two weeks. The owner was advised to have the tank pumped out to prevent the watered down effluent from possibly migrating off of the property; DEP asked for a copy of the pump-out receipt. NYC Law sent clean copy of motion papers to DEP for final review/signature on 4/7/17. DEP received an e-mail from NYC Law on 5/19/17 with the documents that were sent to the court. DEP received an e-mail from NYC Law on 6/13/17 regarding the signed paperwork from the Ulster County Courts. DEP contacted CWC for any updates on 6/14/17. CWC expects a quote to be submitted before the end of the day. DEP sent email to CWC on 6/19/17 requesting update on bid status. DEP performed a site visit on 6/22/17; septic failure was observed. Sewage was evident in the ditch, no odors. This project is on the CWC Septic Committee meeting agenda scheduled for 6/23/17 for project approval. DEP sent CWC an email on 7/14/17 requesting bid approval status. DEP received an email from CWC on 7/17/17 stating that they plan to write the notice to proceed on 7/20/17, as they are waiting for the right of objection period to end. DEP received an e-mail from NYC Law on 7/18/17 sent to DEP Legal attorney. The Attorney sent the order to the Ulster County Clerk on 7/6/17 to be entered and is waiting to get a copy of the entered order sent back. Once that is in hand, DEP can serve notice of entry on the owner. NYC Law heard from DEP upstate Law that CWC was considering funding for a septic repair at their July board meeting so he may be moving forward

with repairs on a parallel path. DEP emailed CWC on 7/21/17 requesting to be notified when notice to proceed has been issued. CWC email DEP back the same day stating that the notice to proceed was issued. On 7/26/17, the NYC Law reported they have received a copy of entered order (entered 7/13/17), and will begin the process to serve it to the owner, along with a letter stating that he should continue with the CWC bid approved construction process. DEP called CWC on 8/11/17 to obtain the contractor's name and contact information. DEP called the contractor on 8/11/17 regarding the start of construction. The contractor is working on the schedule currently and hopes to start later this month. The contractor was provided the inspector's name and contact information and advised to call 48 hours in advance of construction. DEP performed site visits on 8/24, 8/30, 9/13, 9/21, 9/22, 9/25, 9/26 and 9/29/17. DEP performed construction inspections on 10/3, 10/5 and completed construction inspections on 10/6/17. DEP received an engineer's certification letter from the engineer on 10/6/17. DEP issued a letter of Construction Compliance on 10/6/17. The violation was resolved and the case was closed on 10/19/17 with NYC Law closure letter dated 10/19/17. DEP has resolved the Enforcement Action on 10/19/17.

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

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

Overview and Action:

DEP REP issued a notarized affidavit to DEP Legal on 12/22/15. DEP REP received the final brief in DEP's motion for summary judgment from DEP Legal on 1/4/16. DEP performed site visits on 1/6, 1/22, 1/25, 2/2 and 2/9/16; the site was closed and there was no work in progress; the site was snow covered on 2/9/16. DEP performed a site visit on 2/17/16; there was no work in progress; erosion controls have deteriorated and must be maintained; the stock piles were recovered and the silt fence was reinstalled. DEP performed a site visit on 2/29/16; the site was closed and there was no work in progress; erosion controls must be maintained; the stock piles were protected and plastic sheeting was replaced; and, the silt fence was reinstalled/replaced. DEP performed site visits on 3/8 and 3/15/16; the site was closed and there was no work in progress; erosion controls must be maintained. DEP performed a site visit on 3/30/16; there was no work in progress; although, erosion controls have been maintained, they have not been installed correctly. The silt fence must be keyed in and the plastic tarps covering the stock piles must be anchored down; part of the perimeter fence has fallen down. DEP performed site visits on 4/19, 4/26, 5/11, 5/18, and 5/25/16; there was no work in progress and no change; erosion controls have been maintained but are not installed correctly; the silt fence must be keyed in and plastic tarps covering stock piles must be anchored down; the perimeter fences fell down and were reinstalled twice over the course of these site visits. DEP performed site visits on 5/31, 6/14, and 6/22/16; there was no work in progress, the site was closed, and there has been no change; installation for erosion controls has not been not corrected. DEP performed site visits on

6/29, 7/6, 7/13, 7/25, and 8/4/16; there was no work in progress, the site was closed, and there has been no change; the installation for erosion controls has not been not corrected; a minimal amount of vegetation has germinated on the stock pile. DEP performed site visits on 8/19, 8/24, 9/1, 9/8, and 9/27/16; there was no work in progress, the site was closed, and there has been no change. DEP performed site visits on 10/14, 10/25, 11/10, 12/6, and 12/15/16, and on 1/3, 1/19, 2/6, 2/23, 3/2, and 3/13/17. There was no work in progress, the site was closed, and there have been no changes. DEP performed a site visit on 4/11, 5/2, 5/24 and 6/12/17. Erosion controls have completely deteriorated and are not functional. Silt fence must be replaced and stock pile must be stabilized. DEP performed a site visit on 7/3/17. The site is undisturbed and erosion controls have not been maintained. DEP performed a site visit on 7/17/17. No stabilization work has been done on site but the majority of site is now covered with vegetation. DEP performed a site visit on 8/8, 8/25, 9/20 and 9/27/17. No work is in progress and the site is vegetated. DEP performed site visits on 10/25, 11/13 and 12/5/17; the site is closed and stable and no work is in progress. DEP performed site visits on 1/2, 2/12 and 3/14/18; the site remains undisturbed. The area is snow covered and is stable but temporary erosion controls have disintegrated and must be maintained when weather permits.

3.1.4. Kensico Basin

No enforcement actions to report during this time frame.

3.2. DEP Police Actions

3.2.1. Catskill District

Name:	Beechridge South	SJS 72489
Location:	Lexington	
Type of Use:	Rural	
Type of Violation:	Dumping	
Date Discovered:	2/18/18	
Status:	Closed	

Overview and Action:

DEP Police investigated an anonymous complaint of a dumping on property in which officer located household refuse in a stream that did yield traceable evidence. Officer located, interviewed subject and issued ticket for Unlawful Disposal of Solid Waste (RR). When subject and spouse met patrol for site clean-up, investigation found that garbage had already been removed. DEP Police involved.

Name:	Spruceton Road	SJS 73098
Location:	Lexington	
Type of Use:	Rural	
Type of Violation:	Stream Violation	
Date Discovered:	3/29/18	
Status:	Closed	

Overview and Action:

DEP Police on patrol, identified a new logging site which upon initial investigation revealed

numerous violations. Officer found no Best Management Practices in place resulting in turbid water running off the log landing to the road culvert and then into the Westkill Stream. Dump truck on site was leaking hydraulic fluid onto the road and the attached trailer was unregistered. Subject advised to cease work until BMP's for turbidity control and ground stabilization were installed. Subject issued tickets for Unregistered Trailer (NYS V & T), Contravention of Standards (NYS ECL), and Disposal of Noisome, Unwholesome Substance On or Near Highway or Waterway (NYS ECL). When follow-up was conducted two days later, officer observed that all BMP's had been implemented. DEP Police involved.

Name: Gate W-20, State Route 28A **CA-751-17, SJS 70701**
Location: Olive
Type of Use: Municipal
Type of Violation: Haz Mat Spill
Date Discovered: 10/19/17
Status: Closed

Overview and Action:

DEP Police received a complaint from a fisherman whom stated that while fishing at Gate W-20, he observed what appeared to be an oil spill coming from the tributary stream into the Ashokan Reservoir. Officers arrived on scene and walked the shoreline for evidence of oil spill but their investigation yielded negative results. There was no odor of petroleum based fuel present. Complaint information forwarded to West of Hudson Haz Mat for further investigation. DEP Police and W.O.H. Haz Mat involved.

Name: State Route 28 & Temples Pond **SJS 72203**
Location: Olive
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/27/18
Status: Closed

Overview and Action:

DEP Police on patrol, observed thirteen tires dumped on the eastbound shoulder of State Route 28, adjacent to the property. Tires were used, worn, damaged and did not yield any traceable evidence. Dispatch advised to contact DOT or DEP Operations for removal and proper disposal. DEP Police involved.

Name: State Route 28A **SJS 72932**
Location: Olive
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/19/18
Status: OPEN

Overview and Action:

While on patrol DEP Police observed a large black trash bag on the shoulder of the highway. Bag was found to contain colored glass bottles and an old lamp shade along with traceable evidence on two envelopes. Photos of site and documents taken into evidence. Investigation to continue to determine responsible subject for ticket issuance. DEP Police involved.

Name: State Route 28A, Gate W-27 **SJS 73026**
Location: Olive
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 3/25/18
Status: OPEN

Overview and Action:

DEP Police on patrol, observed a large white trash bag and empty cardboard box dumped in the parking area of Gate W-27. Bag contained only household refuse but secondary label on box did yield traceable evidence which officer photographed for follow-up investigation and ticket issuance. DEP Operations notified for removal. DEP Police and DEP Operations involved.

3.2.2. Delaware District

Name: Highway #30A **CB-436-17, SJS 70520**
Location: Colchester
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/10/17
Status: Closed

Overview and Action:

DEP Police investigated a dumping complaint received via DEP Land Management which consisted of one black garbage bag containing common household refuse items but no traceable evidence. While conducting clean-up of area, DEP Land Management located a receipt possibly related to dumping which was relayed to DEP Police. Receipt did not yield any identifiable information to trace purchaser. DEP Police and DEP Land Management involved.

Name: Miller Hollow Road **CB-469-17, SJS 70984**
Location: Colchester
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/3/17
Status: Closed

Overview and Action:

DEP Police observed a small dumping consisting of a large, black garbage bag deposited in the parking area / wood line of roadway. Officer searched contents of bag which contained household refuse but yielded no traceable evidence. DEP Operations contacted for removal. DEP Police and DEP Operations involved.

Name: County Route #26 **SJS 72268**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/1/18
Status: Closed

Overview and Action:

DEP Police observed a household refuse dump site along the roadway adjacent to property which yielded no traceable evidence. No impact to the water supply. A search of the immediate area also yielded negative results. DEP Operations contacted for proper removal. DEP Police and DEP Operations involved.

Name: County Route #27 **CB-487-17, SJS 71206**
Location: Masonville
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/18/17
Status: Closed

Overview and Action:

While investigating an unrelated complaint, DEP Police observed a dump site located over an embankment on property. The dumping consisted of eight white garbage bags containing miscellaneous household refuse and recyclables. No traceable evidence recovered. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: 7870 State Route 42 **CG-500-17, SJS 68837**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 7/22/17
Status: Closed

Overview and Action:

DEP Police observed three bags of household refuse, two buckets filled with aerosol cans, tire and oil dispenser dumped in the vicinity of the Grahamsville Annex. No traceable evidence found but further investigation of available video footage may yield evidence leading to subject responsible. Photos taken for case file. Further investigation of available video footage failed to yield evidence leading to subject responsible. DEP Police involved.

Name: 882 City Route 55A **CG-509-17, SJS 68926**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 7/26/17
Status: Closed

Overview and Action:

DEP Police observed trash dumped along the side of the road and examined 40 pieces of trash which did yield traceable evidence. Initial attempts to contact met with negative results. Officer will further investigate and attempt to contact subject to determine responsible party. Officer made contact with relative of the subject responsible, and it was determined that they had moved out of the NY State area. Cleanup completed by DEP Operations. DEP Police involved.

Name: West Shields Road **CG-631-17, SJS 69851**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/5/17
Status: Closed

Overview and Action:

DEP Police observed several shopping bags of trash dumped on city property. Officer examined trash and found traceable evidence. Further investigation to follow in any attempt to locate responsible subject. Further investigation failed to locate responsible subject. DEP Police involved.

Name: Sugarloaf Road **CG-797-17, SJS 71299**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/24/17
Status: Closed

Overview and Action:

DEP Police received a complaint via NYS Forest Ranger of a dumping on the property, also providing the name and address of possible subject. Officer responded to location where six white trash bags had been tossed down embankment landing in the stream resulting in trash scattered from the roadway all the way down into the stream. Subject interviewed at address found at dump site stated that he threw the trash down the embankment because the transfer station was closed. Subject was issued ticket for Prohibited Disposal of Solid Waste (RR) and Depositing Noisome or Unwholesome Substance On or Near a Highway (NYS ECL). DEP Police and NYS Forest Service involved.

Name: 143 Skyline Drive **CG-835-17, SJS 71616**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 12/17/17
Status: Closed

Overview and Action:

DEP Police investigated a dumping complaint in which the remains of a butchered Black Angus cow (head, hooves, hide and guts) had been dumped just off of the roadway. A black, numbered tag present in one ear was deemed untraceable by NYS Agriculture and Markets, whose director also stated that since the remains were from a butchered carcass and not of a neglected animal they could not assist. When interviewed, neither complainant nor several area farmers could help to identify the tag or the farm from which cow may have originated. Town of Neversink Highway Department contacted for removal. DEP Police, NYS Agriculture and Markets and T/ Neversink involved.

Name: Big Hollow Road **SJS 72383**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/10/18
Status: OPEN

Overview and Action:

While on patrol, DEP Police observed a dumping of garbage spread all over the roadway. Officer checking for traceable evidence located two names / two addresses on pieces of discarded mail. Follow-up to be conducted to locate and determine which subject responsible for ticket issuance. DEP Police involved.

Name: 186 Meyers Road **SJS 72854**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 3/14/18
Status: Closed

Overview and Action:

DEP Police on patrol of Neversink Dam area, observed two garbage bags of household refuse now strewn all over the dam and State Route 55 roadway. Traceable evidence recovered and officer responded to address on letter to interview subject whom stated that her husband had left for work that morning with garbage bags in his possession. Subject notified husband of complaint who quickly responded to dumping location and with officer assistance was able to clean up all remaining refuse. Subject's compliance throughout investigation led officer to issue Notice of Warning for Depositing Noisome, Unwholesome Substance on Highway (RR). DEP Police involved.

Name: Town Brook Road **CS-349-17, SJS 71390**
Location: Stamford
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 12/1/17
Status: Closed

Overview and Action:

DEP Police responded to assist NYS Police with an overturned pick-up truck in a stream. Officers on scene detected a strong smell of gasoline and observed a broken road culvert. Minimal debris and fluid leakage with no impact to the watercourse. Operator initially left the scene but returned and was issued summons for Leaving the Scene of Property Damage Auto Accident by NYS Police. DEP Police issued subject ticket for Disposal of Noisome, Unwholesome Substance In or Near Waterway (NYS ECL). DEP Police and NYS Police involved.

Name: Roses Brook Road **SJS 72212**
Location: Stamford
Type of Use: Rural

Type of Violation: Stream Violation
Date Discovered: 1/27/18
Status: OPEN

Overview and Action:

While on patrol, DEP Police identified a logging site adjacent to Rose Brook (stream). Officer observed inadequate measures in place to mitigate turbidity at the stream crossing, prompting follow-up investigation to identify logger / business involved and issue tickets for violations. Upon subsequent return to logging site, officer identified name on logging truck, observed no work permit posted and further determined that registration numbers for bulldozer and skidder on site were not on file. Name of primary logger obtained from trucker. When interviewed, logger was directed to immediately cease all work until all violations were addressed and permit conditions were met. Officer issued ticket for Failure to Post Permit (NYS ECL) and Notice of Warning for remaining ECL violations. Charges contingent upon remediation of stream crossing and installation of proper turbidity controls. DEP Police involved.

Name: 188 Sholam Road **SJS 72471**
Location: Wawarsing
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 2/17/18
Status: Closed

Overview and Action:

DEP Police on foot patrol of land parcel, found garbage scattered all over the parcel which did yield traceable evidence. Subject located and when interviewed stated he was unaware of any garbage being across the street from his home and apologized for the garbage there. Subject was issued ticket for Unlawful Disposal of Solid Waste (RR) was directed to remove the material from the property proper disposal. DEP Police involved.

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

Name: Hemlock Dam Road **CE-2035-17, SJS 71156**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/16/17
Status: Closed

Overview and Action:

DEP Police investigated a dumping reported located across from Boat Area #1, Croton Falls Reservoir. Upon arrival, officer observed 12 discarded tires, of varying brands, which did not yield any traceable evidence. DEP Field Maintenance notified for clean-up and proper disposal. DEP Police and DEP Field Maintenance involved.

3.2.4. Kensico Basin

Name: 1475 Old Orchard Street **CE-1797-17, SJS 70327**
Location: North Castle
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 10/1/17
Status: Closed

Overview and Action:

DEP Police responded to an anonymous report of “brown liquid coming from an abandoned white house” and located the house in question where significant flooding possibly due to a burst pipe or other drainage issue had resulted in standing murky water trapped in the basement and flow over lower driveway. Officer unable to investigate further as house was vacant and doors locked with multiple padlocks. Location is not on city property and has no impact on the watershed. Photos taken for file. Officer initiated complaint with Westchester County Health Department for follow-up and Town of North Castle Code Enforcement officer also notified via North Castle Fire Marshal. DEP Police, Westchester County Health Department and Town of North Castle involved.