

**New York City
Department of Environmental Protection**

Bureau of Water Supply

**Filtration Avoidance 6.1 Enforcement Actions
For the period October 1, 2015 through March 31, 2016**

April 2016

*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 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, 2015 through March 31, 2016, first presents an overview of the responsibilities of the division: Regulatory and Engineering Programs which is within the Bureau and charged with 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 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 fastest and most effective manner.

The next sub-sections provide an overview of the specific responsibilities of the Regulatory and Engineering Programs (REP) division (within the Bureau) and the responsibilities specific to the sections and groups within this division that work effortlessly to enforce the appropriate laws and regulations. In addition to the REP division and its sections and groups mentioned, the Bureau's Division of Water Quality (WQ) supports the enforcement efforts by monitoring water quality throughout the watershed and alerting other divisions of any potential water quality violations. Also, the Bureau coordinates with 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 Division

The Regulatory & Engineering Programs division 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 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, they are also responsible for the review of the construction or alteration of all wastewater treatment systems having either surface or subsurface discharges. Engineering reports and facility plans for

wastewater treatment systems are reviewed and conservative technical standards are applied to all new and/or reconstructed facilities prior to approval. The Wastewater Treatment Programs staff is responsible for the investigation of reported commercial septic system failures and some residential SSTs, including dye testing and the review and approval of remediation plans. When it is determined that a system is in failure, a formalized NOV/Notice of Failure (NOF) procedure will be initiated. Also, before an NOV is served, DEP's Office of the General Counsel and the New York City Law Department are notified, and they closely monitor steps taken to remediate the failed systems should court prosecution become necessary. Other environmental violations may be documented and forwarded to other divisions 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. 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 residences. The SSTs Regulatory Compliance and Inspection Staff are responsible for the investigation of reported residential septic system failures, including dye testing and follow up activities. When it is determined that a septic system is in failure, DEP monitors the progress and if, the homeowner does not make the appropriate effort for the repair to occur, an NOF is issued. Also before an NOF is served, DEP's Office of the General Counsel and the New York City Law Department are notified, and they closely monitor steps taken to remediate the failed systems should court prosecution become necessary. Other environmental violations may be documented and forwarded to other divisions 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 Section

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 relocated to the Division Chief of REP in August 2013 to facilitate coordination with other divisions 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 divisions of the Bureau.

2.4. New York City Law Department

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

3. Specific Enforcement Actions

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

3.2. Subsurface Treatment Systems and Stormwater

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

Catskill District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ASHLAND	38		32	1	31	
CONESVILLE	13		10		9	
GILBOA	19		15		17	1
HUNTER	112		84		91	4
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		50	
LEXINGTON	48		45		46	1
OLIVE	195	1	165		171	
PRATTSVILLE	31	1	22		29	
ROXBURY	31		23		26	
SHANDAKEN	144	1	130	1	136	2
TANNERSVILLE (V)	7		2		6	
WINDHAM	83		66	1	77	2
WOODSTOCK	61	1	53	1	50	1
Total	899	4	751	4	796	11

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	1	751		74	
ANDES (V)	4		2		2	
BOVINA	35		32		33	
COLCHESTER	4		5		6	
DELHI	70		64		73	2
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANN'S (V)	1		1		0	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	32	1	29		29	
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	

JEFFERSON	6		6		6	
KORTRIGHT	64	1	54		61	1
LIBERTY	1		1		1	
MASONVILLE	13		10		10	
MEREDITH	21	1	19	1	18	
MIDDLETOWN	117		105		107	
NEVERSINK	221		187		201	
ROCHESTER	1		1		1	
ROXBURY	34		29		36	
STAMFORD	36		34	1	34	
TOMPKINS	42		37		40	
WALTON	91	1	83		79	
WALTON (V)	1		1		1	
WAWARSING	35		32		30	
Total	988	5	1,549	2	908	3

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		12	
EAST FISHKILL	1		0		0	
KENT	4		4		4	
PUTNAM VALLEY	0		0		0	
TOTAL	16	0	14	0	16	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

3.2.1. Catskill District

Project Name: 11466 Route 23 (2015-SC-0333)
Town: Ashland
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Complaint of failing SSTS to surface-DEP NOV-CWC-surcharged tank and field surfacing.
Discovery Date: 6/22/15
Status: Approved

Overview and Action:

DEP received an e-mail from the DEP Police on 6/22/15 regarding a complaint from the neighbor of a possible failing SSTS. DEP initiated an Enforcement Action on 6/22/15. DEP performed a site visit on 6/23/15; septic failure was observed as there was surfacing of sewage on ground. DEP found an obvious failure on the western property line. The contractor was on site pumping the tank as the tank was leaking at the seam. DEP received a call from the owner on 6/23/15 regarding the SSTS failure. He has contacted CWC and has a meeting scheduled for early August. DEP performed a site visit on 6/24/15. According to the tenant, the owner will attempt to seal the tank. DEP sent an e-mail to CWC on 6/30/15 to see if they could prioritize and expedite getting this project in their program. CWC stated that the owner is out of town until August and that he pumped the tank out at his own expense to minimize failure. DEP performed a site visit on 7/24/15. Sewage was surfacing uphill from the highway culvert. DEP issued an NOV to the owner on 8/10/15. DEP received pump out receipts for 6/11/15 and 9/1/15 via e-mail from the hauler. DEP e-mailed CWC on 9/2/15 to check on program status. CWC replied same day that they have an appointment for 9/22/15 to visit the property. The neighbor called DEP on 9/15/15 and said it is failing onto his property. DEP will inspect and contact the owner to request a pump out. DEP performed a site visit on 9/17/15; septic failure was not observed and the area of failure has dried up and the tank was exposed. This project is funded under CWC septic repair program. On 10/1/15, DEP received CWC's notice of failure. DEP called the owner on 10/15/15; the owner has not yet hired an engineer and stated that the failure is not currently surfacing; DEP asked that soils testing be scheduled right away and that the owner contact DEP within a week with his engineer selection. DEP received a call from the owner's neighbor on 10/22/15 requesting an update on the septic repair; DEP assured the neighbor that the project is being worked on. The neighbor does not think the septic has been failing lately due to a lower water table in recent weeks; DEP asked the neighbor to call with any updates or when the failure starts again. DEP and the owner exchanged calls on 10/22/15 regarding the owner's engineer selection and a proposed soil testing date; owner will call DEP with his selection when he meets with his contractor on 10/26/15. DEP left a message with the owner on 11/4/15 requesting a call back right away with his engineer selection and a date when soils will be done. DEP received a request for a pre-application meeting from the engineer/applicant on 11/4/15. A soil/site evaluation was performed on 11/4/15. DEP performed a site visit on 11/13/15; septic failure was not observed. DEP called the engineer on 12/2/15 regarding the design status and was told that the survey had just been completed and the design will follow in the near future. DEP received a call from DEP Police on 12/10/15; they received a complaint from a neighbor on 12/9/15 stating that he heard a tenant at the site say that the shower and washer were connected to the footing drains, as per the landlord's request. DEP will conduct an inspection, and possibly

a dye test. DEP performed a site visit on 12/11/15; septic failure was not observed. DEP did not see any signs of greywater being connected into the footing drain or of fresh excavation on the site. DEP performed a site visit on 1/4/16; septic failure was not observed and there was no sign of a footing drain on the property. DEP REP sent an e-mail to DEP Police on 1/5/16, updating them on REP's follow-up to the complaint received by the Police on 12/9/15. DEP received an Application, letter, plans, and pump information for a non-conventional individual SSTS on 2/1/16. DEP issued a NOCA on 2/3/16. DEP performed site visits on 2/5 and 2/10/16; septic failure was not observed and there was no evidence of a footing drain outlet. DEP issued an Approval Determination letter on 2/10/16. DEP sent an e-mail to CWC on 3/14/16 regarding the bid approval status for the project. DEP received a return call from CWC on 3/15/16, stating that the first bid submitted included \$22,000 in just retaining wall costs, so it is being reviewed for other possible solutions. DEP performed a site visit on 3/31/16; septic failure was not observed and there was no sign of a footing drain outlet.

Project Name: 530 Campbell Road (2007-SC-0941)
Town: Ashland
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure of wastewater not being treated by a DEP approved SSTS.
Discovery Date: 1/20/09
Status: No Application

Overview and Action:

DEP issued a Notice of Intent of Revocation of the Approval letter to the applicant on 2/4/14 by Certified/Return Receipt. On 2/15/14, DEP received the signed certified mail-return receipt request signed by the owner. DEP issued a Revocation of the Approval letter to the applicant on 3/18/14 by Certified/Return Receipt. On 3/27/14, DEP received the signed certified mail-return receipt request signed by the owner. DEP performed a site visit on 4/21/14; septic failure was not observed. DEP checked the tank and surrounding woods for effluent, none was found. The property is well maintained with a new garage being built. DEP performed a site visit on 5/2/14; there were no changes at this site. DEP performed a site visit on 7/11/14; septic failure was not observed and there was no visible effluent. DEP performed a site visit on 7/25/14; septic failure was not observed and there were no visible signs of failure. The tank had been disturbed (tarp was removed). The lawn is well kept and the new garage nearly finished. The site appears to be used frequently. DEP performed a site visit on 9/5/14; septic failure was not observed and there were no changes. DEP performed a site visit on 10/23/14; septic failure was not observed. DEP performed a site visit on 1/28/15; septic failure was not observed. The house has not been plowed out this winter. DEP performed site visits on 5/28 and 8/13/15; septic failure was not observed. There was no visible effluent and no progress in construction. The residence is well kept and appears to be used frequently. DEP Legal issued a letter to the owner on 9/16/15 regarding non-compliance with the NOV. To avoid continued litigation by NYC Law, the holding tank may no longer be used and plans for a compliant system must be submitted to DEP within 15 days; complete construction of the new system is required by 11/30/15. DEP left a message for the owner on 11/18/15 to discuss the September 2016 NOV letter from DEP Legal. DEP performed a site visit on 12/3/15; septic failure was not observed; placed the September 2016 NOV letter on door. DEP performed a site visit on 12/14/15; septic failure was not

observed; the NOV is still on the door; there was no sign of pumping. DEP Legal received a letter from the owner's attorney in response to DEP's 9/16/15 letter. The owner's attorney is requesting that a pump and haul be allowed, based on the owner's usage and financial priorities. DEP performed a site visit on 1/28/16; septic failure was not observed; there was no visible discharge or evidence of pumping.

Project Name: North Settlement Road, (2007-SC-0689)
Town: Ashland
Basin: Schoharie
Type of Use: New SSTS; DEP and DEC NOV for failure to obtain an approved SWPPP
Type of Violation: Stormwater (SP)
Discovery Date: 4/22/11
Status: Ongoing

DEP issued a warning letter to the applicant on 2/26/15 regarding the outstanding NOV and the need for an approved SWPPP. DEP exchanged e-mails with DEC on 4/9/15 regarding the status of the Order of Consent that was issued in 2012. DEC replied that they will need to take formal action. NYC Law sent an e-mail to a DEC attorney on 5/6/15 regarding revisiting the Order of Consent and modifying the Schedule of Compliance. It was also noted that the engineer has still failed to submit a SWPPP design to DEP or DEC. DEP received an e-mail from DEC Stormwater Compliance on 5/11/15 with a proposed schedule of compliance for the owner; DEC also noted that a penalty of \$8,437 will be included in the consent order. DEP received a copy of the DEC Consent Order on 6/30/15. A meeting was held at the site with the project applicant on 7/20/15. However, the meeting was unproductive because the engineer did not show up and DEC was unable to attend. DEP recommended that the meeting be rescheduled when all parties can attend. DEP issued a letter to the applicant on 7/23/15 regarding the re-scheduling of the meeting that was cancelled. Meeting is to include DEP, DEC, Owner and engineer. DEP received an e-mail from DEC on 7/23/15 stating that the due date has been extended to 9/1/15 due to the owner having issues contacting the engineer. DEP received the fully executed DEC Consent Order on 7/27/15. DEP received an e-mail from DEC to the applicant's representative on 8/18/15 regarding having a full SWPPP prepared for DEC and DEP by 9/1/15; requested confirmation that the engineer is still on track with this deadline. DEP received an Application for a SWPPP on 9/1/15 from the engineer. DEP issued a NOICA to the engineer on 9/15/15 requesting additional information. DEP was copied on an e-mail to the applicant from DEC on 12/8/15 regarding missed deadlines and documents, as stipulated by the Consent Order (CO). DEP was copied on e-mail correspondence between DEC and the applicant's representative between 12/18 and 12/21/15 regarding the unresponsiveness of the engineer to all parties; DEC suggested that the applicant request a modification to the CO with an explanation of why an extension in time is needed. DEP was copied on e-mail correspondence between DEC, the applicant, and the applicant's representative on 2/1/16 regarding the lack of response to DEC's 12/8/15 e-mail. DEC reminded both parties of the submittal requirements per the CO and gave a deadline of 2/19/16 for the SWPPP to be submitted to both DEP and DEC. DEP received an e-mail from the engineer on 3/2/16 with a copy of the third Draft SWPPP. DEP issued a NOICA to the engineer on 3/10/16 requesting additional information. DEP received an e-mail from the engineer on 3/17/16 stating that DEP should receive the revised SWPPP by 3/21/16. DEP sent an e-mail to the engineer on 3/24/16 notifying him that DEP has not yet received the revised SWPPP.

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 issued an NOV to the owner on 3/21/13. DEP called the owner on 4/5/13 to discuss the recently issued NOC and his schedule to start construction. The owner stated that he wanted to start construction this year. DEP performed a site visit on 4/30/13; septic failure was not observed. DEP called the owner on 6/11/13 requesting a status update on the construction schedule. DEP performed a site visit on 7/31/13; there was no visible effluent. The trailer appears to be rarely used. DEP called the owner on 9/11/13 requesting construction schedule. DEP called the owner on 10/10/13 stating that the project will be referred to DEP Legal if a commitment is not received. DEP Legal issued a letter to the owner on 11/12/13 requesting that the SSTS be completed by 12/31/13, weather permitting. DEP performed a site visit on 11/18/13; septic failure was not observed. DEP Legal spoke with the owner on 1/24/14. He is not using the trailer and there is no heat on the property and it is closed for the winter. DEP performed site visits on 5/2/14 and 6/2/14; septic failure was not observed. The site does not appear to be used as there was no visible car traffic or lawn maintenance. DEP performed a site visit on 7/8/14 and 8/21/14; septic failure was not observed. There was no visible effluent and no sign that the trailer is being used. DEP performed a site visit on 11/20/14; septic failure was not observed. There is very little sign of inhabitation. The driveway is in a hay field and there are no recent tracks and no visible failure or signs of pumping. DEP performed a site visit on 12/24/14; septic failure was not observed and there was no sign of use. DEP performed a site visit on 2/13/15; septic failure was not observed. The trailer is not being used. DEP performed a site visit on 6/25/15; septic failure was not observed. There was no sign that the trailer has been inhabited and three feet of grass was in the driveway. 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.

Project Name: 465 Bull Hill Road (2003-SC-0917)
Town: Conesville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: Failed SSTS; New SSTS; DEP NOV
Discovery Date: 5/22/06
Status: Approved

Overview and Action:

On 7/2/15, DEP requested DEP Police to inspect the site over the upcoming July 4th holiday weekend. DEP received an e-mail from DEP Police for inspections conducted between 7/2/15 and 7/5/15. No problems noted. NYC Law Department sent the owner an e-mail on 7/8/15

stating that litigation is being pursued due to his failure to work out compliance schedule with DEP. NYC Law Department contact information was also provided. NYC Law Department spoke to the owner on 7/8/15, and stated he did not get back to DEP regarding schedule because of a seriously sick family member. The owner did state that he would contact DEP the next day to discuss the schedule. DEP received a call from the owner on 7/13/14, who left message to discuss the written agreement. DEP called the owner on 7/14/15 and left a message to call back and discuss the schedule. DEP received a call from the owner on 7/20/15. DEP agreed with the owner that clearing should be done by 8/17/15. The owner was required to call back with proposed dates for other construction milestones by 7/23/15, after making some phone calls. DEP sent the owner an e-mail summarizing the phone conversation of same day. DEP sent a reminder e-mail to the owner on 7/22/15 regarding requirement to agree on construction schedule by 7/23/15. DEP received a call from the owner on 7/24/15 and came to agreement on construction schedule. DEP sent details to the owner via e-mail the same day. DEP received an e-mail from the owner on 7/28/15, in which he agreed to the compliance schedule for construction of SSTS this year. DEP sent the owner an e-mail on 8/5/15 reminding him to contact DEP inspector to discuss clearing and schedule. DEP received a call from the owner on 8/11/15 to arrange a meeting for 8/14/15. DEP performed a site visit on 8/14/15. DEP met with the homeowner to discuss clearing for the absorption area and hung flags for clearing limits. DEP received a call from the owner on 8/17/15 who left a message stating that he is waiting for bid from the contractor to clear his property and prepare it for fill material. DEP called the owner back the same day and he will inform DEP when contractor will start work. DEP performed a site visit on 8/27/15; septic failure was not observed. DEP spoke to the contractor. He is meeting with the owner this weekend to discuss estimate to build the absorption area. DEP sent the owner an e-mail on 9/1/15 and 9/11/15 requesting construction schedule. The owner called back and said he will get a deposit to the contractor, soon. DEP called the owner on 10/15/15 for a project status update; no progress was made due to a death in the family in late September 2015. The owner agreed to call the contractor and will update DEP by 10/19/15; the owner wants to be at the site when the contractor starts work and he still has to pay him. DEP left a message for the owner on 10/22/15 requesting a call back with the construction schedule. DEP sent the owner an e-mail on 10/28/15 stating that a construction schedule must be provided on this same date and that legal recourse is likely to resume. DEP performed a site visit on 11/19/15; a septic failure was not observed; there was no progress with construction and no sign of a recent pump-out. DEP performed a site visit on 12/30/15; there has been no construction activity. DEP REP received a call from DEP Police on 1/21/16 regarding the discontinuance of their inspections at this location due to lack of activity. REP will reach out to the Police in the future should assistance with inspections be required; enforcement remains open with REP. DEP performed site visits on 1/29, 2/4, and 2/19/16; there has been no construction activity. DEP performed a site visit on 2/24/16; septic failure was not observed; there was no visible effluent and no sign of pumping.

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

Status: Closed

Overview and Action:

DEP sent an e-mail to CWC on 12/5/14 requesting eligibility status and forwarded them the 2007 Notice of Failure. On 12/8/14, CWC replied that the project is still eligible for their program. On 12/8/14, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP issued a Design Approval Expiration letter on 12/8/14. On 1/27/15, DEP made a couple of phone calls to the owner but received no return call. DEP spoke to the owner's brother and encouraged him to start construction in the spring. He said he would install the tank, but does not want to install the field since there has been no failure there. DEP sent an e-mail to CWC on 3/12/15 inquiring whether funding for this project is full or partial. DEP received a return e-mail from CWC on 3/13/15, stating that it appears to be a full time residence. DEP called the owner on 3/18/15 and left a message to call back and discuss some of DEP's questions. DEP called owner and left message on 5/7/15. DEP sent the engineer an e-mail on 8/6/15 inquiring if project would be moving forward and stated that a re-approval of plans will be necessary. The engineer responded the same day that he has not had any recent contact with the owner. On 8/27/15, DEP spoke to the homeowner at the site and he has plans on installing a new tank, but does not want to install an entirely new system. DEP issued a letter to the owner on 9/4/15 as a reminder that the approval has expired and that a new application needs to be submitted. Additionally, DEP informed the owner of the CWC program. The owner has expressed interest in only replacing the septic tank, but DEP would like to discuss this further. DEP left a message with the owner on 10/16/15 to discuss the project status and schedule. DEP performed a site visit on 10/28/15; septic failure was not observed. DEP spoke with the owner and he still wants to do a tank replacement. DEP has resolved the Enforcement Action on 10/28/15, as the last five inspections yielded no failure. The violation was resolved and the case was closed internally on 10/28/15.

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.

Discovery Date: 8/28/15

Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 8/28/15. DEP issued an NOV to the representative on 8/28/15. DEP exchanged e-mails with the engineer on 8/27/15 and 9/1/15 regarding the quick inter erosion and sediment control plan to be used by the contractor to stabilize the site. A meeting was held with the project applicant and engineer on 9/11/15 to discuss stabilization. DEP received the Temporary Erosion & Sediment Control Plan from the engineer via e-mail on 9/23/15. DEP received a call from the contractor on 9/23/15 stating stabilization work will begin. DEP performed a site visit on 9/24/15; there were deficiencies, there was no discharge and the site was vacant. DEP issued an Interim Erosion Control Plan Approval to the representative on 9/25/15. This plan only satisfies one of the NOV conditions; the submission of a fully designed SWPPP is still outstanding. DEP exchanged e-mails with the engineer on 10/2/15 regarding items which need to be addressed as the result of a recent site visit. DEC issued an NOV on

10/7/15. DEP performed a site visit on 10/9/15; there were deficiencies, there was no discharge, and the site was vacant. DEP exchanged e-mails with the engineer between 10/2 and 10/9/15; DEP stated that a full SWPPP is needed for the home site as well as a full SWPPP for the master plan/remainder of the property. The engineer questioned the master plan; DEP responded detailing the issues which must be addressed to resolve the NOV and included photos taken on 10/9/15 which documented the current site conditions. DEP received an e-mail from the engineer on 10/12/15; the engineer forwarded DEP's 10/9/15 e-mail to the owner and owner's representative. The owner's representative contacted the contractor to take action on the deficient items. The engineer will work on a draft project scope with the owner for DEP's review. DEP received a Letter of Intent (LOI) Not to Construct from the engineer, on behalf of the owner, on 1/27/16. DEP REP sent an internal e-mail on 01/28/16, and copied: DEP Legal, NYC Law, and DEC, regarding whether the LOI addresses concerns about segmentation and the master plan. DEP issued a letter to the owner on 3/2/16 regarding the NOV. At a 2/29/16 Erosion and Sediment Control (E&SC) site visit, DEP witnessed that numerous deficiencies with site stabilization still persist; failure to stabilize the site properly will result in referral to DEP Legal for further action. It was also noted that a full SWPPP for the entire subdivision is still required. DEP and the engineer received an e-mail from DEC on 3/2/16 stating that no further construction will be permitted on the site until a SWPPP is prepared and Stormwater permit coverage is obtained. Deadlines have not been complied with; DEC is checking to see if an additional NOV or CO is warranted. DEP performed site visits on 3/3, 3/18, and 3/28/16; there were deficiencies, there was no discharge, and the site was occupied.

Project Name: 26 Beecher Rd (2014-AS-0319)
Town: Hunter
Basin: Ashokan
Type of Use: Stormwater (SP)
Type of Violation: Failing SWPPP - NOV for the construction of a new impervious surface within 100 feet of a watercourse without obtaining DEP approval.
Discovery Date: 6/19/14
Status: Ongoing

Overview and Action:

DEP issued an NOV to the owner on 6/19/14. A meeting was held with the project applicant and CWC on 6/20/14. DEP received a call on 6/27/14 from the owner acknowledging the NOV. DEP received a call on 7/23/14 from the engineer regarding enforcement and what constitutes the violation. A meeting was held with the project engineer on 8/4/14. DEP exchanged e-mails with the engineer on 9/25/14 regarding the site and where it stands. DEP called the engineer on 10/27/14 regarding when a SWPPP will be submitted. DEP sent an e-mail to the engineer on 11/5/14 requesting the status of the SWPPP. DEP received an e-mail from the engineer on 11/20/14 regarding the status of the SWPPP and DEP and the engineer will schedule a meeting to go over the plans. DEP called the engineer on 4/27/15 regarding the SWPPP. DEP issued a warning letter to the owner on 5/6/15 stating that per the NOV, a SWPPP must be submitted to DEP for review and approval. If an approvable SWPPP is not submitted to DEP within 30 days of the letter's date, the matter will be referred to DEP Legal. A meeting was held with the project engineer on 6/30/15. The engineer indicated that he would be completing the SWPPP with guidance from DEP. He states that he would provide information necessary to gain assistance the next day. DEP sent an e-mail to the engineer on 7/6/15 requesting information in completing the

SWPPP. DEP received a copy of the Topography information from the engineer on 7/7/15. DEP has tried to contact the engineer several times with regard to the SWPPP. When the engineer responded, DEP was told that the SWPPP will be sent out shortly, but it never arrived. DEP sent an e-mail to the engineer on 11/12/15, regarding the engineer's lack of progress on the outstanding NOV and overall project. DEP sent an e-mail to the engineer on 11/19/15, regarding the engineer's continued lack of response; DEP REP is referring the matter to DEP Legal. DEP Legal issued a letter to the Fire Department's Chief on 1/6/16 regarding the engineer's lack of response and failure to submit a SWPPP; the Chief must contact DEP Legal within five days of the letter date to confirm that a SWPPP will be submitted for review and approval within 30 days to avoid possible litigation. DEP received a call from the Chief on 1/15/16 regarding the letter from DEP Legal; a meeting has been scheduled during the week of 1/18/16 and the Chief will look for a new engineer. A meeting was held with the Chief on 1/20/16; it was agreed that an infiltration trench will be installed in the spring.

Project Name: 1681 Platte Clove Road (2008-SC-1035)
Town: Hunter
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - CWC - DEP NOF
Discovery Date: 5/31/05
Status: Closed

Overview and Action:

DEP received a call from the engineer on 4/3/15 regarding the septic design for owner. The engineer stated that they have been hired as of January 2015. DEP received an e-mail from the engineer on 5/14/15 requesting a meeting regarding a re-approval of the project. DEP performed a site visit on 5/28/15. DEP issued a renewed Approval determination on 6/16/15. DEP received notice on 7/20/15 that construction will begin on 7/21/15. DEP met with the contractor and applicant on the site for a pre-construction meeting on 7/23/15. It appeared that there may be an issue with the property boundary, which will impact the system layout. On 8/3/15, the system was staked out previously with the engineer and the contractor has begun clearing the site. On 8/6/15, there was no construction activity. On 8/13/15, the curtain drain was installed. On 8/18/15, the split beds were installed, two d-boxes and splitter box. On 8/19/15, the two d-boxes were bedded and leveled and the speed levelers were installed. On 8/20/15, there was no activity. On 9/1/15, the contractor was working on locating the existing house sewer line. On 9/2/15, the tank and pump chamber hole with stone were prepared. On 9/3/15, the 1250 gallon septic tank was bedded, leveled and the pump chamber was set. On 9/10/15, there was no activity. DEP completed construction inspections on 9/22/15 as the site has been backfilled, seeded and mulched. DEP received an engineer's certification letter from the engineer on 10/16/15, along with DEP's As-Builts and an electrical certification from an inspection agency. DEP issued a letter of Construction Compliance on 10/21/15. DEP has resolved the Enforcement Action on 11/12/15. The violation was resolved and the case was closed on 11/12/15 with a DEP closure letter dated 11/12/15.

Project Name: Ternes Rd., (2012-SC-0647)
Town: Hunter
Basin: Schoharie

Type of Use: Failed SWPPP; NOV for failure to obtain an approved SWPPP prior to start of land clearing activities

Type of Violation: Stormwater (SP)

Status: Approved

DEP issued a warning letter to the applicant on 2/26/15 regarding the outstanding NOV and the need for an approved SWPPP. DEP received a call from the owner on 3/3/15 regarding DEP's letter of 2/26/15. DEP received a call from the applicant on 3/5/15 regarding the SWPPP. The applicant indicated he had contacted the design engineer and requested he submit the design to DEP. The applicant told the engineer he has until 3/9/15 to get the design to DEP. If no design is received, the applicant will retain a new engineer. DEP received a response to the NOICA from the engineer on 3/11/15. Submission included a letter and the site restoration plan and details. DEP received a call from the applicant on 3/19/15 regarding the SWPPP. The applicant was informed the design is still incomplete due to the engineer. DEP issued a NOICA to the engineer on 3/19/15 requesting additional information. DEP exchanged e-mails with the engineer and owner on 4/17/15 regarding the need for the SWPPP to be completed. DEP received a response to the NOICA from the engineer on 4/29/15. DEP received an e-mail from the engineer on 4/29/15 regarding the watercourses to be identified and stabilized. A meeting was held at the site with the project engineer and applicant on 5/8/15. DEP received a letter and revised plans (via e-mail) from the engineer on 5/8/15 in response to comments made at an on-site meeting. DEP issued a NOCA on 5/11/15. DEP issued an Approval Determination letter on 5/13/15. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP has tried to meet with the applicant on several occasions but have not been able to do so. DEP met with the contractor on the site for a pre-construction meeting on 10/16/15; the applicant was a no show. DEP called the applicant on 11/4/15 regarding the site work; the applicant indicated that the swales have been constructed. DEP sent an e-mail to the applicant on 12/9/15; to date, not all of the site work has been adequate and enhancements are needed; DEP has not received a response. DEP called the applicant on 2/24/16 regarding stabilizing the site; due to snow on 2/23/16, a meeting will be scheduled in March 2016 to assess the site.

Project Name: 120 Wase Road, (2007-SC-0887)

Town: Hunter

Basin: Schoharie

Type of Use: New SSTS requiring an IRSP; NOV for failure to obtain an IRSP approval.

Type of Violation: Individual Residential SPPP (IR)

Discovery Date: 12/29/08

Status: Ongoing

DEP issued a letter to the owner on 7/30/13 regarding site stabilization work. DEP received an e-mail from the owner regarding the completion of the site work. DEP called the applicant and left a message on 9/3/13 regarding the site. DEP performed a site visit on 9/11/13; there were deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the owner on 1/7/14. He is looking into the Land Acquisition Program to see if they are interested in one or two of his lots. DEP sent an e-mail to the owner on 4/1/14 regarding his plans for the implementation of the SWPPP. DEP sent an e-mail to the engineer and owner on 2/3/15 requesting an on-site meeting to discuss the plans and scaling back the project. DEP received a call from the former engineer on 2/5/15. The engineer indicated they have not been retained to

work on the project. In addition, according to the engineer the applicant still owes the engineer money so no work will be performed until the bills are paid. DEP performed a site visit on 7/24/15; there were no deficiencies, there was no discharge and the site was occupied. DEP exchanged e-mails with the owner on 7/28/15 regarding the property and anticipated start of work. DEP exchanged e-mails with the owner regarding a site visit on 9/16/15. A meeting was held with the project applicant on 10/29/15. The applicant indicated they will seek another engineer and get back to DEP. DEP issued a letter to the owner on 11/10/15 summarizing the meeting held on 10/29/15. DEP exchanged e-mails with the owner on 1/6/16 regarding the hiring of a new engineer for the project; the owner was away on business for a few months but is now reaching out to someone to produce revised plans. DEP urged the owner to take action quickly so that the project can be designed and reviewed prior to 2016's construction season.

Project Name: 70 Byrne Rd. (Courtney Ln.) (2006-SC-0211)
Town: Hunter
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS, unapproved construction of SSTS and renovated a garage to living space. DEP NOV.
Discovery Date: 2/26/15
Status: Closed

Overview and Action:

DEP called the owner regarding the ongoing septic issues on 4/22/15. On 4/30/15, DEP met with owner to discuss the illegally constructed septic system servicing the property. The owner will be retaining an engineer to evaluate existing septic system and determine what steps will need to be taken to bring the system into compliance. The owner stated that she had the system built about three or four years ago and that there are four 20 foot laterals and a 750 gallon plastic tank. On 5/14/15, DEP met on site with the engineer to evaluate the present undocumented system and determine what needs to be done to make the system compliant. The water well is currently 73 feet from the septic system and was not approved by DEP. DEP issued an NOV to the owner on 5/28/15. DEP received a phone call from the owner on 6/8/15, who stated the engineer is currently drafting plans. DEP sent an e-mail to the engineer on 7/16, 7/22 and 7/31/15 requesting that plans be submitted. DEP received an Application and plans for a conventional/non-conventional individual SSTS on 8/18/15. DEP issued a NOCA on 8/21/15. DEP issued an Approval Determination letter on 8/27/15. DEP performed a site visit on 9/29/15 to inspect the system layout. The system was laid out by the contractor, the effluent line is partially installed and the d-box is set, bedded and level. DEP performed construction-site visits on 10/7, 10/30, and 11/3/15; construction inspections were completed on 11/3/15. DEP received the engineer's certification letter from the engineer on 12/7/15. DEP issued a letter of Construction Compliance on 12/23/15. DEP has resolved the Enforcement Action on 1/12/16. The violation was resolved and the case was closed on 1/12/16 with DEP Closure letter dated 1/12/16.

Project Name: Hunter Highlands Drive, (2000-SC-0602)
Town: Hunter
Basin: Schoharie
Type of Use: Proposal for the construction of a 200 unit hotel; Site is +- 12 acres. Approvals for Phases 2-4 have expired. This is a new proposal for three

condos in 1st phase of which two can be built without SPDES expansion; Phase 1 to consist of 3-12 unit condos. Each building will consist of four 1-bedroom, four 2-bedroom and four 3-bedroom units. Phase 2 will consist of a 28-room hotel; Phase 3 will consist of three 12-unit condos.

Type of Violation: Stormwater (SP)

Status: Approved

DEP sent and received e-mails to and from DEC on 5/28/13 questioning any response to the NOV. DEP spoke with the NYS Attorney General's office on 6/12/13 regarding the status of the homeowner's association established with the project. The Attorney General's office stated that according to their records, there is no record of a homeowner's association established for the Trailside at Hunter. DEP met the Trailside Property manager during a routine site visit on 10/4/13. NYC Law followed up with a phone call to the property manager and e-mailed a summary of the conversation. DEP called the president of the Trailside Home Owner's Association (HOA) on 1/14/15 regarding the status of paving the parking lot and the homeowners' lawsuit against the owner. The area has not been paved and the lawsuit has not been settled; however, the Trailside HOA president promised to provide contact information for the owner's attorney. 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.

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

Town: Hunter

Basin: Schoharie

Type of Use: Residence

Type of Violation: Failed SSTS – DEP NOF

Discovery Date: 1/15/08

Status: Closed

Overview and Action:

DEP called the new owner and discussed the project on 5/10/12. For now, the owner stated there is no failure and this property is only used on weekends. DEP asked for permission to enter the property and inspect on a regular schedule and the owner readily agreed. Owner does not want to take action at this point, but was made aware that next step is to hire an engineer to do soils testing. Pending results of this test, if a design is not feasible to replace the septic system, an application requesting to connect to Tannersville WWTP collections system would need to be submitted to DEP Engineering for review. The owner was reminded to keep in touch with CWC regarding possible funding for the project, whether it connects or is completely replaced. DEP performed a site visit on 6/13 and 8/9/12; no septic failure was evident. DEP performed site visits on 1/4/13 and 3/13/13; septic failure was not observed. No septic failure observed. DEP performed a site visit on 8/6/13; there were no signs of septic failure at the time of inspection. The tenant stated that there have been no problems with the septic. DEP performed a site visit on 10/17/13; septic failure was not observed; the site appears to be stable; no signs of surface failure. This is a rental, not a weekend residence. DEP performed a site visit on 1/17/14; septic failure was not observed; no visible signs of failure at this time. DEP recommends a dye test be

done in the spring. DEP performed a site visit on 3/26/14; the site appears stable; there are no signs of septic failure at this time. DEP performed a site visit on 1/5/15; no active failure was visible at this time. DEP performed a site visit on 3/27/15; no visible signs of septic failure. DEP called the owner on 6/12/15 regarding a dye test to resolve ongoing septic issues. The owner will contact the tenant and DEP will e-mail consent form to set up the test. DEP received an e-mail from the owner on 6/29/15 regarding the dye test form. DEP received the completed Dye Test Information Sheet from the owner on 7/16/15. DEP called the tenant on 7/21/15 regarding scheduling a dye test to move toward resolving the ongoing violation status. DEP received voice messages on 11/20/15 requesting to dye test the SSTS; the tenant stated that there has been no septic failure for a very long time. DEP called the tenant on 11/20/15 to schedule a dye test on 11/23/15, the enforcement status was closed on 11/23/15 after 12 consecutive site visits were performed with no observation of failure, while inhabited, between 2010 and 2015. An NOF was issued in 2008; in 2010, there was a new property owner and tenant. The violation was resolved and the case was closed internally on 11/23/15.

Project Name: 111 Overlook (2013-SC-0129)
Town: Jewett
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; Camping trailer illegal discharge to buried system or tank.
DEP NOV
Discovery Date: 4/10/2013
Status: Closed

Overview and Action:

DEP received an Application for a non-conventional individual SSTS from the engineer on 10/7/14 along with plans. DEP issued a NOCA on 10/23/14. DEP issued an Approval Determination letter on 10/24/14. DEP performed a site visit on 11/12/14; there are no signs of the trailer discharging to the surface or to subsurface. DEP sent e-mail to the owner on 12/4/14, requesting information on the project construction schedule. The owner responded the same day that construction will take place in the spring 2015, unless finances don't allow it to be constructed. DEP reminded the owner about the 48 hour notice before construction requirements. DEP received an e-mail from the owner on 5/21/15 regarding construction plans. DEP responded by e-mail, reminding owner of notification requirements. DEP performed a site visit on 6/1/15; septic failure not observed and there were no signs of recent use. Camping trailer is not discharging to ground (no pipes from trailer). On 6/18/15, the system was laid out by the engineer. On 6/22/15, fill was being placed. On 6/25/15, the fill appears to be all in. On 6/29/15, there was no Activity. A soil evaluation of fill material was performed on 7/8/15. DEP performed a site visit on 7/9/15, there was no activity at the site as the contractor is holding off due to impending rain. On 7/13/15, the curtain drain was being installed. On 7/15/15, the d-box was installed, bedded and leveled. The laterals are installed and elevations were shot with the engineer. On 7/20/15, the field has been top-soiled, seeded and mulched. The effluent line has been partially installed. On 7/23/15, the effluent line was installed from the flout to the d-box with two cleanouts. On 7/27/15, the system was dosed with the contractor and engineer. DEP received As-Built plans and engineer's certification letter from the engineer on 9/23/15. DEP performed a site visit on 11/19/15 and completed construction inspections. DEP issued a letter of Construction Compliance on 12/3/15. The violation was resolved and the case was closed on

12/7/15 with DEP Closure letter dated 12/7/15. DEP has resolved the Enforcement Action on 12/7/15.

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
Discovery Date: 8/4/99
Status: Approved

Overview and Action:

DEP sent an e-mail to the Camp Director on 10/23/14 requesting a status update of items required to be completed as part of the approved plans for repairs proposed at the Camp. DEP called DOH on 2/23/15 after e-mails sent in fall 2014 and again January 2015, did not gain any response. DEP left a message requesting a copy of the Temporary Residence Permit (TRP) from last year and requested to add a few DEP requirements to this year's TRP. DEP received an e-mail from DOH on 4/10/15 summarizing key discussion points; attached to the e-mail were July and August 2014 water meter readings for the property and a 2014 DOH-issued permit. DEP exchanged e-mails with DOH on 4/14/15 confirming a joint inspection meeting at the camp on 5/5/15. Also included was information on water meter readings. DEP exchanged e-mails with a Boy Scouts of America (BSA) member on 5/1/15; DEP provided requested 2014 field reports and is drafting a pre-season letter and setting up an inspection schedule. On 5/5/15, DEP performed a joint pre-season inspection with DOH. There has been no change since DEP's last inspection of 2014. DEP issued a letter to the owner on 5/22/15 summarizing the SSTS operational status for 2014 and describing DEP's expectations toward closure of the latest NOV issued in 2012, as well as expectations for the 2015 season. DEP sent an e-mail to DOH on 6/19/15 regarding the compliance schedule for the SSTS at the camp. DEP exchanged e-mails with the Camp Director on 6/22/15 regarding the letter sent on 5/22/15 and the proposed inspection schedule; the Camp Director did not receive the letter but agreed to all inspection dates (with the exception of possibly 8/19/15). DEP received an e-mail from BSA president on 6/30/15 cancelling the 7/2/15 inspection. DEP called DOH on 7/1/15 to discuss BSA's last minute cancellation of DEP's pre-arranged inspection scheduled for 7/2/15. The end of June 2015 was wet and rainy which is typically when the absorption field fails. DOH did their pre-op inspection on 5/15/15. DEP received an e-mail from BSA president on 7/8/15 confirming the appointment on 7/9/15. DEP performed a scheduled inspection on 7/9/15. The SSTS was not failing. On 7/16/15, DEP performed a routine scheduled inspection of the SSTS on 7/16/15. As the summer camp was open. The absorption field was soft and wet in the middle southern areas. Flies were clustered above and around the suspicious spots on the absorption field. DEP performed a scheduled routine inspection of the facility on 7/30/15. On 8/13/15, DEP performed a scheduled inspection of the site. No surface failure was noted at the absorption field. DEP requested the water meter readings and was denied. DEP issued a comment letter to the Scout Executive on 12/22/15 regarding the outstanding issues stated in the NOV's. DEP received the water usage scattered from 2013 through 2015 on 2/9/16. DEP sent an e-mail to the Scout Executive and Camp Director on 2/23/16 regarding the lack of response to DEP's 12/22/15 letter. DEP requested a new response date of 3/15/16, along with a request to receive plans for

the repair of the SSTS prior to the 2016 camp season. DEP received an e-mail from the Boy Scouts of America (BSA) Council on 3/14/16 regarding a response to the end of season letter DEP sent in December 2015. BSA disputes most items in the DEP letter, but agrees to the upcoming inspection schedule for the 2016 camp season.

Project Name: 2080 Spruceton Rd (2010-SC-1005)
Town: Lexington
Basin: Schoharie
Type of Use: Intermediate SSTS (IS)
Type of Violation: IS.1-Change in use (10 units with bed/bath to 9 units with bed/bath, 6 of which have kitchens, and #10 is a bar open to the public + addition of laundry). DEP NOV. RE.1-Likely to fail SSTS - CWC - drywells.
Discovery Date: 10/24/14
Status: Closed

Overview and Action:

DEP issued an NOV to the owner on 1/23/15. DEP sent an e-mail to the owner on 2/10/15 requesting that DEP be contacted to discuss the NOV issued on 1/23/15. DEP received an e-mail reply from the owner on 2/11/15, advising that an engineer will contact DEP. DEP received a letter responding to the NOV from the owner's attorney on 2/17/15. DEP sent an e-mail to DOH on 2/27/15 countering arguments presented in the NOV response received from the owner's attorney on 2/17/15. DEP called DOH on 3/11/15 to discuss report. In discussing the situation, DOH noted that typically the SSTS would have to be proved adequate to service the flow from the activity for DOH to issue another Temporary Permit. DEP received the notice of occupancy for the bar/reception area, dated 7/1/14 for 12 people, via a FOIL request on 4/3/15. DEP exchanged e-mails with the owner from 4/16/15 to 4/20/15 regarding the NOV and dates/times to set-up a conference call. DEP exchanged e-mails with the owner between 4/30/15 and 5/8/15 regarding a date/time for a meeting, along with attendees required; 5/14/15 from 11:00am to 12:00pm was agreed upon. DEP Legal issued a letter to the owner's attorney on 5/8/15, in response to the attorney's letter of 2/17/15, regarding the NOV. DEP received additional water meter readings on 5/14/15 from the owner, spanning from 9/17/14 through 5/13/15. A meeting was held with the project applicant, their attorney, their engineer, DEP engineering, DEP Legal and NYC Corporation Counsel on 5/14/15. Contrary to the applicant's position, DEP insisted that the changes made to the motel constitute an alteration/modification to the SSTS. The applicant is going to seek assistance from CWC. DEP received an e-mail to CWC from the owner's attorney on 5/20/15 requesting that the Inn be considered for the CWC's Small Business Septic System Rehabilitation and Replacement Program. DEP exchanged e-mails with the owner between 6/3/15 and 6/5/15 regarding the status of the owner's CWC application. DEP exchanged e-mails with the owner between 6/10/15 and 6/19/15 to once again request the status of the owner's CWC application; the owner will provide an update once progress is made. DEP reminded the owner that the NOV remains outstanding and if a design is not submitted by 7/10/15, further enforcement actions will be taken. DEP received an e-mail from the owner on 6/22/15 stating that the soonest a site visit could be set-up with CWC is 7/16/15. DEP sent an e-mail to the owner on 7/27/15 requesting a status update. DEP received a copy of the Temporary Permit from DOH on 8/1/15. DEP sent an e-mail to the owner on 8/10/15 requesting a timeframe for resolving the NOV. DEP Legal issued a letter to the owner's attorney on 10/1/15 stating that a septic design must be submitted to DEP by 10/30/15; furthermore, DEP must be contacted within

5 business days of the letter date. Failure to comply will result in referral to NYC Law for possible litigation. DEP Legal received a response letter from the owner's attorney on 10/15/15 stating that CWC will conduct a dye test to determine if the system is in failure; he and CWC claim that there has not been a substantial alteration/modification to the system and feel that DEP enforcement and possible litigation is not necessary. DEP Legal issued a letter to the owner's attorney on 12/23/15 outlining the steps required for the owner to resolve the NOV. It was noted that deadlines have been missed. DEP Legal received a letter from the owner's attorney on 1/13/16 in response to the DEP Legal letter of 12/23/15. The owner feels that DEP did not sufficiently explain their position and thus would like for DEP to withdraw the NOV and work with CWC to include this business in their Small Business Program. DEP Legal issued an e-mail to the owner's attorney on 2/5/16 acknowledging receipt of his letter and that it is currently being reviewed. The violation was resolved and the case was closed on 2/25/16 with DEP Legal Closure letter dated 2/25/16. DEP has resolved the Enforcement Action on 2/25/16. DEP Legal exchanged e-mails with the owner's attorney on 2/25 and 2/26/16 with the NOV closure letter attached. Per the WWTP Section Chief, DEP closed this project as per the e-mail exchange between DEP Legal and the owner's attorney on 2/26/16.

Project Name: 68 Ridge Road (2001-AS-0759)
Town: Olive
Basin: Ashokan
Type of Use: SSTS Repair (RE)
Type of Violation: RE.2: Possible failure of repair. RE.1: Replacement SSTS-CWC. DEP NOV in RE.2.
Discovery Date: 12/18/15
Status: New

Overview and Action:

DEP performed a site visit on 12/18/15; septic failure was observed, as there was surfacing of sewage on the ground in the rear left of the property. The failure runs towards a rock wall and then dissipates into the ground; there is a strong odor present. There is standing water approximately 30 feet to the south and east of the failure location, which appears to be a low lying area collection of stormwater. There is a stream approximately 230 feet to the southwest of the failure; it is not clear if the failure can reach the stream. Further field investigations are necessary. This site was a CWC project replacement in 2001. DEP initiated an Enforcement Action on 12/18/15. DEP reviewed County records on 12/22/15, which showed the structure as a 3 bedroom, which was consistent with the 2001 approval bedroom count. DEP issued an NOV to the owner on 1/4/16. As a courtesy, DEP called the owner on 1/5/16 and left a message stating that the NOV is being issued and that the owner should call back to discuss. DEP received a phone call from the owner on 1/7/16; he will investigate the failure. DEP will send him an e-mail with CWC information to possibly assist with pump-out, which he hasn't done since he bought the home in 2005. DEP e-mailed the owner on 1/7/16 with an As-Built and contact information for the DEP Inspector and CWC. DEP left a message with the owner on 1/26/16 and requested a call back; DEP would like information regarding the septic tank pump-out and would like to schedule an appointment for a site inspection. DEP sent the owner an e-mail on 1/27/16 requesting the failure status, pump-outs, and CWC communication results. DEP received an e-mail response from the owner on 1/28/16. The owner stated that he has pumped out and that the speed levelers in the distribution box (d-box) have been adjusted so that the last lateral

(suspected to be the failure) is not receiving flow for a while. The owner said it is not currently failing and that DEP can come by to inspect without prior notification or announcement of arrival. The owner stated that he still needs to dig up the last lateral end to check on the status of the cap. DEP responded to owner on the same day, via e-mail, and asked when the pump-out took place and what the status was of the distribution box when it was initially uncovered. DEP received an e-mail from the owner on 1/29/16 stating that it appeared that the failing lateral speed leveler was taking on most of the flow. The owner also reported that DEP's As-built diagram was not accurate for locating the d-box. DEP will take measurements and adjust the record drawing; DEP also asked for a pump-out date again. The owner replied on the same day that he believes the pump-out was on 1/16/16. DEP performed site visits on 2/8, 3/11, and 3/31/16; septic failure was not observed.

Project Name: 1 Crosswell Manor (1997-AS-0221)
Town: Olive
Basin: Ashokan
Type of Use: Residence
Type of Violation: Three unit apartment complex with Failed SSTS. The failed SSTS appears to serve just one of the three apartments. DEP NOV and NOF
Repair/Replacement of tank. 8/9/2005
Discovery Date: 10/31/06
Status: Ongoing

Overview and Action:

On 4/16/15, DEP performed a scheduled inspection of the SSTS. The SSTS was not in failure. All three apartments are occupied. DEP called and left a message for the owner on 7/27/15 advising that DEP would be doing an inspection on 7/29/15. DEP received a phone message from the owner on 7/28/15 stating that the property has been foreclosed on and that as of 7/10/15, he was no longer the owner. 7/30/15, DEP inspected the site. No sign of sewage failing to the surface. DEP exchanged e-mails with the new contact for the bank on 8/28/15 in an attempt to bring the bank representative up to speed on the property. DEP performed an inspection on 9/4/15. All apartments appear to have been vacated. There was no evidence of a recent wastewater discharge. DEP exchanged e-mails with NYC Law between 7/27/15 and 9/11/15 regarding several matters: 1) REP will withdraw the lawsuit against the former owner; NYC Law will prepare a stipulation of discontinuance to do so. 2) Per the former owner, a real estate company is trying to rent out the apartments. 3) A title company contacted NYC Law stating that the bank is interested in knowing what needs to be done to clear the violation. DEP sent an e-mail to Wells Fargo Bank on 10/2/15 summarizing the project and outlining steps necessary to resolve the NOV. An overview map was also provided, but it was noted that nothing has been field verified. DEP performed a site visit on 10/6/15; septic failure was not observed. The property looked the same as during the previous inspection; utilities are disconnected, the lawn is overgrown, and the house is vacant and posted for sale. DEP received a call from Wells Fargo Realty on 10/19/15. Wells Fargo is the local bank representative; at this time, the bank hopes to sell the property as-is with full disclosure of the SSTS failure. DEP advised that enforcement would not be pursued as long as the apartment is kept vacant. The whole building is vacant at this time and will remain vacant for as long as the bank owns the property. DEP received a voice-mail from a potential buyer of the property on 11/12/15; he asked what needed to be done to the septic system. DEP returned the call on the same day and advised that an engineer would

have to be retained to design an SSTS repair. DEP stopped at the site on 12/14/15 due to activity; a perspective buyer was on the site, as well as a contractor who had just winterized the building. The site was still uninhabited and posted for sale. DEP performed a site visit on 12/14/15, as there were vehicles in the driveway. Septic failure was observed. The building is still vacant and winterized. 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.

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 (2014) - 1500 gallon tank to replace the existing 1250 gallon tank. SS.1: New SSTS.
Discovery Date: 10/2/15
Status: New

Overview and Action:

DEP initiated an Enforcement Action on 10/2/15. DEP issued an NOV to the owner on 10/2/15. DEP received an e-mail responding to the NOV on 10/2/15 from the company working on the site; they will mulch what has been disturbed and are having work done on the stormwater plan and septic. DEC issued an NOV on 10/7/15. DEP performed a site visit on 10/13/15; construction had started without a SWPPP; there were no deficiencies, there was no discharge, and the site was vacant. DEP sent an e-mail to the engineer on 10/14/15 requesting a meeting between DEP, DEC, the engineer, and the company working on the site to discuss the required stormwater controls. DEP noted that the mulch on-site looks good. DEP performed a site visit on 10/29/15; there were no deficiencies, there was no discharge, and the site was vacant. DEP received an Application for a SWPPP on 10/29/15 from the engineer with plans and a Notice of Intent (NOI). DEP exchanged e-mails with the engineer on 10/29 and 10/30/15 to confirm that DEP received and is reviewing the SWPPP. DEP is preparing comments which must be addressed before site work can commence and the Town CEO must be contacted regarding the foundation of the house. DEP sent an e-mail to DEC on 11/6/15 stating that the SWPPP submitted by the engineer is not in compliance with DEC's regulations. DEP issued a NOICA to the owner and engineer on 11/17/15 requesting additional information. DEP received a response to the NOICA from the engineer on 11/23/15. The submission included a revised HydroCAD, proposed methods, and data sheets. DEP issued a NOICA to the engineer on 12/3/15 requesting additional information. DEP exchanged e-mails with the engineer on 12/4/15; the engineer confirmed receipt of the NOICA and will review and address missing information. DEP received a call from the engineer on 12/8/15 regarding the second NOICA letter. The engineer had a few questions and said the revised SWPPP will be delivered the following week. DEP performed a site visit on 12/14/15; there were no deficiencies, there was no discharge, and the site was vacant. DEP received a call from the site contractor on 2/5/16 regarding the engineer being

unresponsive. DEP performed a site visit on 3/22/16; there were deficiencies, there was no discharge, and the site was vacant.

Project Name: 4794 Washington St. (2012-SC-0331)
Town: Prattsville
Basin: Schoharie
Type of Use: Anonymous complaint of sewage dumping. DEP NOV
Discovery Date: 6/1/12
Status: Ongoing

DEP called the owner on 8/18/15 and asked questions about the SSTS on property. The owner stated there was a camping trailer hooked up to an SSTS when they bought the property in 2005. The camper was removed as part of the purchase of the property. They installed two underground septic connections (in 2007) that interconnect and go to the pre-existing system. They do not know where the system is or what the system is. It has not been pumped since they purchased the property. Seasonal water supply exists. Months of use are April through November. They do not have any pictures of original camper and/or septic connection back in 2005. DEP mentioned to owner that there is no approved SSTS on file and will discuss more when DEP meets with owner onsite. DEP performed a site visit on 8/25/15; septic failure was not observed. There is a white discharge on the steep bank behind the camper above the stream; possibly caused from draining their holding tanks. DEP received a message from the owner on 8/26/15. DEP called the owner on 8/26/15 and left message requesting return call. DEP informed the owner that an inspection was done and material was witnessed to have been dumped/pumped on the slope behind the second trailer and DEP needed to discuss this matter. DEP received a call from the owner on 8/27/15, who stated that the white material was food waste. When asked, the owner admitted to discharge shower and sink (grey water) over the bank and that only toilet water is dumped into SSTS. DEP informed the owner that grey water must be sent into the SSTS and cannot be discharged to surface of the ground. The owner stated that the Town told her to discharge grey water when they put the trailer on the property. DEP gave the owner CWC's number (via text) and owner agreed to call and keep DEP informed with CWC program participation status. DEP also asked the owner to run a snake and try to locate and identify what SSTS exists on the property, as it may be determined that the existing SSTS is an unapproved construction and may have to be replaced with a compliant system. DEP received call from the owner on 9/3/15 wishing to meet onsite 9/4/15. On 9/8/15, DEP met with the owners and informed them that an NOV will be issued and they will need to stop discharging grey water. They stated they no longer discharge grey water and it all goes to the unknown underground system. DEP stated that the details of the NOV will most likely prohibit them from using the underground unapproved system. DEP informed them that they will need to hire an engineer. DEP issued an NOV to the owner on 9/18/15. DEP received a call from the owner on 9/21/15 in response to the NOV. DEP called the owner on 9/24/15. Her son just got in an accident, she will call back later, today. DEP called the owner on 9/28/15 and left message to call back and discuss resolution of NOV. DEP called the owner on 9/29/15 and reviewed with the owner that decommissioning must happen this season and that owner should hire an engineer to start with soils testing or consider a holding tank option. DEP recapped this information in a text to owner. DEP called the owner on 10/15/15 for an update on his intentions; he plans on pursuing a holding tank option. DEP can provide some details and specifications, but suggested that the owner contact the Town to make sure a holding tank and camping trailers are allowed. In the

next few weeks, DEP will contact the owner to schedule a meeting on-site with the Town CEO to discuss the project. The owner stated that one camper has been winterized and the other will be done in a few weeks. A survey map recently provided by the owner, from when he purchased the property, will be discussed at the on-site meeting. DEP called the owner on 10/28/15 to discuss the scheduling of winterizing and decommissioning the existing system; the owner reiterated interest in holding tank requirements and said that one might be installed this season. DEP will forward some information via e-mail. The owner also reiterated that one trailer is winterized and is not in use and that the main trailer will not be used for more than two more weeks; all wastewater is being held in camper holding tanks. The owner stated that it is fine for DEP to inspect the site at any time. DEP received an e-mail from the owner on 10/29/15 confirming that each camper is one bedroom and that they are supplied with power from the electric utility company. DEP issued an informational letter to the owner on 12/14/15 regarding holding tank regulations and guidance material.

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 NOV
Discovery Date: 6/26/06
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.

Project Name: 854 Johnson Holw Rd (2013-SC-0403)
Town: Roxbury
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Complaint; reporting SSTS Failure. DEP NOV
Discovery Date: 7/31/13
Status: Ongoing

Overview and Action:

DEP performed a site visit on 8/20/14; a suspicious area was observed and no septic odor noticed

at this time. DEP performed a site visit on 10/7/14; septic failure was not observed. The area that had been wet or soiled was dry at the time of inspection. DEP performed site visits on 12/29/14, 1/23/15 and 2/12/15; septic failure was not observed. There was snow covering the area of the suspected failure and there was no new sign of activity coming to or from the house. DEP performed a site visit on 3/30/15; suspicious area was witnessed. DEP will continue to monitor. DEP performed a site visit on 5/27/15; septic failure was not observed. There was a damp area in the road side ditch. DEP performed a site visit on 10/9/15; septic failure was not observed, though there was a suspicious wet area in the roadside ditch. DEP performed site visits on 11/19 and 12/23/15 and on 3/16/16; septic failure was not observed.

Project Name: 466-478 Oliverea Rd (2014-AS-0719)
Town: Shandaken
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: DEP NOV; Failed SSTS serving 2 residential buildings.
Discovery Date: 12/30/14
Status: Closed

Overview and Action:

DEP called the owner on 1/12/15 requesting an update on possible CWC funding. DEP performed an inspection of the SSTS on 1/15/15. The cesspool was surcharged above the top of the cesspool, and about six inches from the top of the ground. The structure is covered with a small piece of plywood. DEP performed an inspection of the SSTS on 1/23/15. Sewage was observed surfacing on the ground above the cesspool and the area surrounding the cesspool was saturated with sewage. The owner has covered the opening and installed cones around the discharge as previously requested by DEP. DEP called the owner on 1/23/15 regarding the sewage overflow and advised to have the system pumped again to keep the sewage from surfacing. He said he can't afford to keep pumping and wants to install a septic tank and single lateral as a temporary fix. DEP advised him that the SSTS needs to be repaired properly and that as an owner he may feel the temporary fix is good enough and the full repair will not happen if the failure is no longer visible. He is waiting on the CWC board decision for funding eligibility. DEP sent an e-mail to DOH with pictures of the sewage surface failure from the two most recent site visits on 1/26/15. DOH responded that their staff did not witness a sewage failure on either of the two visits they performed. This project is on the CWC Septic Committee meeting agenda scheduled for 2/3/15 for additional discussion on program eligibility. DEP performed a site visit on 2/10/15. There is heavy snow cover everywhere on the lawn, except where the cesspool is located. Sewage has melted the snow and is still obvious in a two foot circumference around the cesspool. DEP called the owner on 2/10/15 regarding the ongoing surface failure and requested a pump out, a return call, and the status of the possible CWC funding for the repair. DEP received a return call from the owner on 2/13/15. He said the CWC informed him that they cannot fund the SSTS replacement under the existing rules. DEP advised him to pump the SSTS when needed and to spread lime over the contaminated ground. He said the snow bank now covers the surface failure and he cannot afford to pump, instead he wants to install a new tank and temporary lateral. DEP received a phone call from the engineer on 2/17/15 regarding the owner's idea of installing a tank and temporary lateral. DEP issued an NOV to the owner on 2/17/15. DEP called owner at home on 2/27/15 regarding the NOV. DEP received a voice-mail from the owner on 2/27/15, in response to DEP's phone call on the same date, requesting a call back. DEP

performed a site visit on 3/2/15. The area around the cesspool was snow covered and undisturbed. The sewage level in the cesspool was below the first course of concrete blocks. There was no sign of a recent failure or a recent pump out. DEP received an e-mail from the DEP Police regarding the site visit conducted on 3/1/15 with negative results. DEP performed a follow-up inspection of the SSTS on 3/6/15. The area appeared undisturbed since DEP's site visit on 3/2/15. The sewage level was several inches above the concrete cover and just two inches below the top of the ground. The waste pipe under house # 470 was exposed and some dirt had been removed to access the pipe. DEP received a return call from the owner, agreeing to pump the cesspool and block it off, and to keep DEP informed of any progress. DEP corresponded with the owner by e-mail on 3/7/15. He said he called the hauler and will advise DEP when the waste line is cleared and the cesspool is pumped. DEP performed a site visit on 3/9/15. The cesspool was overflowing to the top of the ground and did not appear to have been pumped out. The opening in the crawl space to access the waste pipe for cabin #470 was closed up and insulated. Snowmelt was occurring. DEP called the owner on 3/9/15 and left a voice message after the site visit to advise that the sewage is overflowing on the ground and that DEP would like to be notified when the hauler plans to pump so DEP can witness the pump out. DEP received a return call from the owner on 3/9/15 regarding the hauler, who will be there on 3/11/15 to pump out the overflowing SSTS. The owner also offered to e-mail the pump out receipt to DEP. DEP sent an e-mail to the owner on 3/10/15, asking for an approximate pump out time so that DEP can witness the work. DEP received an e-mail from the owner on 3/10/15. The hauler is expected between 9 am and 10 am on 3/11/15 and will install another cover for the cesspool, as the original cover fell in the tank during the 1/5/15 pump out. On 3/11/15, DEP met with the owner and hauler to witness the pump out of the cesspool, which has very little capacity due to deep inlet pipes and what appears to be a thick sludge layer as well as a cave in the surrounding soils. DEP exchanged various e-mails with NYC Law between 3/9/15 and 3/24/15 regarding the amended stipulation. On 3/27/15, DEP performed an inspection of the failed SSTS adjacent to #470 Oliveria Road. No sewage was observed migrating out of the cesspool; however, the untreated sewage level was at the top of the ground. The waste pipe under the cabin was partially submerged in discolored water and/or wastewater. DEP sent an e-mail to the owner on 3/27/15 requesting that he contact a hauler to have the cesspool pumped out. DEP performed a site visit on 4/1/15 and observed the cesspool to be surcharged to the top of the ground with untreated sewage seeping from the cesspool to the surface of the ground. DEP sent an e-mail to the owner on 4/1/15 regarding an inspection which revealed sewage surfacing on the property and the requirement, per the NOV, to have the system pumped. DEP received an e-mail from NYC Law on 4/6/15 stating that the litigation papers have been filed. DEP received an e-mail from DEP Police on 4/6/15 stating that they would like to be kept up to date with any legal matters and at this time they are not pursuing any enforcement actions. DEP sent an e-mail to DEP Police on 4/6/15 requesting that they provide Engineering with details if they are contemplating any enforcement actions. DEP received a copy of the Affidavit, Order to show cause, Summons and Complaint and Memo of Law from NYC Law on 4/6/15. DEP REP, DEP Police, and NYC Law exchanged e-mails from 4/6/15 through 4/9/15; NYC Law is seeking a Temporary Restraining Order (TRO) against the owner from the Ulster County Supreme Court; the Court has scheduled a hearing on 4/29/15 and has ordered the owner to pump out the system prior to then. DEP sent an e-mail to the DEP Police on 4/9/15 to brief them on the legal status of the project. On 4/13/15, DEP inspected the cesspool. Sewage was overflowing the top and seeping into the ground around the top of the cesspool. DEP performed an inspection of the SSTS on 4/16/15. The

cesspool was surcharged to within two inches of the top of the ground. The hose that supplied water to the other houses on site is no longer there. DEP performed a site inspection on 4/22/15. The cesspool was surcharged to the top of the ground. The ground immediately surrounding the cesspool was saturated with sewage and the vegetation was lush. There was no sign that a hauler had been there or the cesspool had been pumped since DEP's last visit. DEP received the 4/2/15 pump out receipt from the owner on 4/27/15. On 4/29/15, DEP staff inspected the site. The cesspool was surcharged, but well below the surface of the ground. Sewage was not overflowing the structure. DEP performed a site visit on 5/1/15. The sewage was surfacing on the ground in the vicinity of the cesspool. A hearing was held at the Ulster County Court House with DEP staff, the property owner, the engineer and NYC Corporation counsel on 5/5/15. The judge ordered that a temporary repair be put in place within 30 days and that the full repair be installed within 90 days. A soil/site evaluation was performed on 5/12/15. DEP met with the owner, engineer and contractor on 5/12/15 for soils testing for a replacement SSTS for the two houses served by the failed cesspool. When DEP arrived, the contractor had already installed a tee, an outlet filter and a lateral from the cesspool under the engineer's supervision. The work was backfilled and the contaminated soils were limed. A septic failure was not observed and the property was inhabited. DEP performed a site inspection on 5/27/15. There is no sewage on the ground near the temporary repair and the ground was not soft. DEP received an e-mail from NYC Law on 6/8/15 stating that the court order has been signed by an Ulster County Court Judge and was filed with the Ulster County Clerk; it will be served to the owner on this same date. The Court also agreed to reschedule the status conference. Per the court order entered on 6/8/15, the owner will need to submit plans to DEP for a full repair by 8/7/15. On 6/11/15, DEP met with the engineer to witness percolation tests. The area of the temporary repair was dry. On 6/23/15, DEP witnessed soils performed by the engineer. Three deep holes were dug and three percolation tests run. A conventional absorption field can be installed outside the 100 foot setback from the Esopus Creek. DEP exchanged e-mails with NYC Law on 6/23/15 regarding timeframes; due to full soils testing being completed after the court order was issued, the SSTS plans are now due on 8/10/15. A compliance conference has also been scheduled by the Supreme Court of Ulster County for 10/1/15. DEP called the engineer on 8/10/15 to advise him of the design due date of 8/10/15. He said he had been advised a few days prior and that the design will be submitted on 8/12/15. DEP received plans from the engineer on 8/13/15. On 8/18/15, DEP performed an inspection of the repaired cesspool and lateral. Although the area above the cesspool is overgrown, no sewage was observed surfacing there or near the recently installed lateral. DEP issued a letter to the owner on 8/19/15 commenting on the plans and requesting an application and site location map. DEP sent an e-mail to the owner on 8/27/15 stating that a preliminary design for a full repair had been submitted by the engineer over a week ago; DEP is thus interested in getting a construction start date for the work, as there is optimism that this re-submission will be approvable. On 9/18/15, DEP performed a routine inspection of the repaired SSTS. There was no sign of sewage on the ground. The messy backfill around the cesspool cover has been cleaned up. DEP received an Application and plans for a commercial repair on 9/22/15 from the engineer. DEP issued a NOCA on 9/30/15. DEP received notice on 11/7/15 that construction will begin on 11/9/15. DEP performed a construction site visit on 11/10/15; DEP and the engineer inspected the septic tank and the two new waste lines from the front house and the cabin to the septic tank. The pipes in the absorption bed were also inspected; the header pipes from the distribution box to the perforated pipes were adjusted to have proper pitch. DEP exchanged e-mails with NYC Law between 11/9 and 11/13/15 regarding construction progress at

the site; once DEP receives everything required, NYC Law stated that litigation will cease. DEP sent an e-mail to the owner on 11/16/15; DEP was notified that construction is complete and DEP will do a final inspection within a week. DEP asked the owner to have the cesspool for the collapsed building completely filled in, as it does not conform to DEP's regulations and thus cannot be used as a sewage disposal system. DEP performed a final construction site visit on 11/20/15; all disturbance has been graded, seeded and mulched. DEP issued a letter of Construction Compliance on 12/4/15. The violation was resolved and the case was closed on 12/4/15 with DEP Closure letter dated 12/4/15. DEP has resolved the Enforcement Action on 12/4/15.

Project Name: 37 Alpine Rd (2012-AS-0624)
Town: Shandaken
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: Failing SSTS - CWC - small business; DEP NOV
Discovery Date: 9/28/2012
Status: New

Overview and Action:

DEP asked the engineer to schedule a pre-construction meeting. DEP performed a site visit on 4/23/15; the new 1500 gallon and 1000 gallon tanks for edelweiss and the two bedroom cabin were set. DEP advised the contractor to use contaminated soils on site with lime and a good distance away from the slope that leads to the creek. DEP also advised the contractor to bed piping below and above with appropriate material as on the approved plans, and to use a tamper. DEP performed a site inspection on 4/24/15 and met with the engineer to discuss construction activity and tank installation. DEP received notice on 4/24/15 that construction will begin on 4/24/15. DEP performed a site inspection on 4/27/15 to observe and document recent construction activity. DEP received a call from the engineer on 4/28/15. Two more tanks will be set, then work will stop unless the contractor receives additional money from the owner. On 4/29/15, the new 1000 gallon tank at upper chalet has been installed. DEP pointed out where cleanouts are needed due to pipe run length or elbows. DEP performed a site visit on 5/1/15; DEP again stressed bedding and tamping, and achieving 12" cover over pipes from main house to tank and grease trap. DEP checked pipe elevations before and after crossings, gave okay to connect all tanks to the existing field, bypassing new dosing chamber. DEP asked the contractor to grade off, stabilize and mulch disturbances before leaving the job. DEP spoke to both the contractor and the engineer on 5/6/15. The areas disturbed for the tanks and associated piping have been backfilled and roughly graded. The contractor has left the job due to lack of payment from the owner. All tanks are currently connected to the existing absorption field. On 5/8/15, DEP performed an inspection, as the contractor left before completing the entire SSTS install. The existing absorption field has wet, soft areas that were not evident during other site visits. The site needs to be buttoned up, as work is on hold. DEP performed a site visit on 6/11/15; wet spots are evident in the area of the existing absorption field, although, there is no distinct sewage smell. DEP and the engineer inspected the contractor's work for a partial final on the tanks and associated piping. The site is sufficiently stabilized except for the erosion caused by the stormwater pipe. DEP received a partial certification letter (for the portion of work that has been completed to date) from the engineer on 6/22/15. DEP issued a partial construction acceptance letter to the owner on 7/2/15. DEP performed an inspection of the SSTS on 8/18/15. The existing

absorption field was failing to the surface in several areas. Soap suds surfaced when the ground was walked on and wastewater was obvious in other spots as well. DEP called the owner on 8/21/15 regarding the failing absorption field. DEP advised him to contact the contractor to install the new fields in as soon as possible. DEP also advised him to reduce water usage and that DEP will follow up. DEP called the design engineer on 8/26/15 and left a voice mail to advise him of the absorption field failure and requested that he contact the property owner and the contractor to urge them to finish the SSTS repair. DEP received a return call from the engineer on 8/27/15 regarding the need to continue work on the SSTS. He said he left a message for the contractor to provide a start date. DEP issued a letter to the owner on 8/28/15 regarding the partial construction status and now failing absorption field. DEP requested a response within five days. On 9/4/15, DEP performed a follow-up inspection of the existing absorption field. The area where a surface failure was observed was very wet and spongy, but there was no sewage surfacing. DEP spoke with the owner and advised him to have the contractor finish the work, immediately, and to have the tanks pumped to avoid a future discharge to the surface of the ground. DEP performed a site visit on 9/18/15 to observe the absorption field. Several soft areas were noted and sewage was showing on the ground in two places where the lawn mower tires had sunk into the absorption area. DEP called the owner on 9/21/15 regarding the absorption field failure. DEP left a voice message requesting that the failure be addressed, the contractor set a date for completing the SSTS and suggested that a push mower be used in the spongy areas rather than the heavier lawn tractor to avoid ruts and the ability for sewage to reach the ground surface. DEP performed an inspection of the absorption field on 9/29/15. Sewage was puddled again in the rut made by the lawn tractor. Sewage also surfaced in a small area above the rut when walked on. DEP issued an NOV to the owner on 10/16/15. DEP called the engineer on 10/16/15; he will work on getting a flow confirmation letter from DOH to submit to DEC to start the SPDES permit application process. DEP received a call from DOH on 10/21/15; DOH is planning to inspect the SSTS. DEP performed a site visit on 10/23/15; septic failure was not observed and DEP inspected the absorption field. The grass has not been mowed recently; although, the ruts from the lawn mower are still evident, no sewage was pooled in the ruts. The other areas where sewage had been observed surfacing were dry at the top of the ground, and were only slightly soft when walked on. DEP called the owner on 10/30/15 regarding the NOV issued on 10/16/15. Owner said he received the NOV and had left a message for the contractor the previous week. DEP asked him to pursue a commitment from the contractor and to be advised of any progress on 11/3/15; he agreed to do so. DEP mentioned that the site visit on 10/23/15 showed no surface failure. DEP called the owner on 11/5/15 regarding the NOV; he still had no construction start date. The owner said he is waiting to hear from the contractor, who knows the system must be completed in 2015. DEP advised him that due to a lack of response and an open NOV, the project has been referred to DEP Legal. DEP left voice messages for both the contractor and the owner on 11/16/15 to ask if work on the SSTS would begin that week, as hoped. DEP received a return call from the contractor on 11/16/15 regarding the installation of the absorption beds. DEP received a call from the engineer on 11/19/15. The contractor will return to the site to install the three absorption beds, starting this same date. DEP performed a construction site visit on 11/20/15; DEP inspected one of the absorption beds and it has been partially backfilled after inspection by the engineer. The other bed work will resume on 11/23/15. DEP performed a construction site visit on 12/14/15; septic failure was not observed. DEP performed a walk through to determine if all fixtures that discharge to the new SSTS are low-flow; three toilets in the main building are old. DEP issued a letter to the owner on 12/17/15

stating that all plumbing fixtures must be connected to the new SSTS as low-flow in order for DEP to issue a final construction acceptance letter. DEP received a call from DOH on 12/22/15 regarding the SPDES permit. The engineer will submit the application on behalf of the owner. The contractor will install the low-flow kits in the toilets so that the SSTS construction can be accepted by DEP. DEP received a phone call from the owner's daughter on 12/29/15, requesting clarification on the low-flow toilets and the SPDES permit application. She will address both issues, contact DEP for an inspection, and copy DEP on the DEC application. DEP received a phone call from DEC on 1/6/16, with regard to DEP's letter dated 12/17/15. DEC will call the engineer to get the SPDES permit application process underway. DEP called the facility on 1/29/16 and spoke to the owner's son, who said that he installed low-flow kits in the two downstairs toilets and a plumber installed a kit in the upstairs toilet. He also said that the engineer is working on the SPDES permit and that a crack in the dosing chamber cover will be repaired or the cover will be replaced. DEP performed a construction site visit on 2/2/16; septic failure was not observed. DEP inspected to determine if the three toilets had been retrofitted for low-flow and the dosing chamber cover had been replaced. DEP advised the owner that the certification letter and "As-built" are all that are needed for DEP to formally accept the construction. However, after a discussion DEP had with the manufacturer of the low-flow units, DEP discovered that they are not the correct model. DEP spoke to one of the family members at the facility on 2/3/16 and explained the need for a different product to achieve a low-flow flush. DEP also forwarded this information to the owner via e-mail. DEP received a letter from DOH on 3/21/16 regarding the new outfall and DOH's concurrence of the wastewater discharge flows depicted on the engineer's drawings, which were approved by DEP on 8/8/13.

Project Name: Valley View Road (2001-AS-0322)
Town: Shandaken
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: Revised proposal to establish 10 campsites instead of 15 campsites and remodeling some structures. CR.1 - NCRA/Change in use. DEP NOV; SP.1-Two locations of new impervious construction near watercourses. DEP NOV. CWC for small Business
Discovery Date: 2/3/14
Status: Ongoing

Overview and Action:

DEP exchanged e-mails with DOH and made comments internally on 10/22/14 and 10/23/14 regarding the number of bedrooms in the offsite housing and the possibility of a Temporary Residence Permit (TRP). A meeting was held between DEP REP, DEP Legal, NYC Law, the engineer, the project applicant and attorney on 12/22/14. DEP received the TRP for the owner from DOH on 1/13/15. This permit expires on 11/30/15. NYC Law sent an e-mail to the owner's representative on 1/28/15 asking if 1/30/15 is still a good date for DEP to take an inventory of the property. A new DEP Legal contact was also provided. DEP Legal received a letter from the owner's attorney on 1/29/15, along with a Comprehensive Facility Report, in response to DEP's request to conduct an inventory of the property. DEP exchanged e-mails with DEC on 3/10/15 and learned that the owner was never issued a SPDES permit; however, a stream disturbance permit was issued in 2011. DEP sent an e-mail to DOH on 4/6/15 requesting an inspection pre-meeting, possibly on 5/5/15. DEP sent an e-mail to the engineer on 4/7/15 regarding a site visit

for 5/6/15. DEP called DOH on 4/28/15 regarding the next inspection. At this time, DOH does not plan on attending as they were not invited. On 5/27/15, DEP met with the owner, engineer, attorney, and CWC to perform an inspection of the main complex. DEP performed a site inspection on 5/27/15 and found two locations on-site where new impervious surfaces were constructed within 100 feet of two separate watercourses (addition of reception tent and recreation barn). DEP called the engineer on 6/8/15. It was ascertained that the landowner had been informed of the stormwater WRR violation found at the site during the site inspection; he was also informed that the preparation of a SWPPP to come into compliance would be reimbursed. DEP explained to the engineer that a letter would be forthcoming from DEP describing the violations and giving the landowner 30 days to comply. DEP issued an NOV warning letter to the owner on 6/11/15. DEP initiated an Enforcement Action on 7/7/15. DEP sent an e-mail to the engineer on 7/6/15 regarding the need for a letter of intent and schedule for compliance within five days. DEP received a call from the engineer on 7/7/15 regarding the pending NOV notice sent by DEP. The engineer states that he will send a letter acknowledging the DEP notice and describe a schedule of steps to be taken to resolve the issue. DEP received a letter from the engineer on 7/9/15 detailing the owner's intentions regarding stormwater concerns raised with the tent slab and barn additions. DEP sent an e-mail to the engineer on 7/16/15 requesting clarification on outlines pertaining to work done, and/or occupancy for, the performance space, restaurant, and the Valley View House. This project is funded under CWC Septic Repair Program. On 9/18/15, DEP received CWC's notice of failure. DEP received a call from the engineer on 10/5/15 to schedule soils for the SSTs. DEP performed a site visit on 10/8/15; DEP witnessed soils for the Recreation Barn. DEP also advised the owner that the catering sink violation should be taken care of immediately; he said he would work on it and that the tent would be up until Thanksgiving time of 2015. DEP received a call from the engineer on 10/22/15; the owner has asked CWC to do an inspection of the cesspools at the lower cabins in hopes of being funded. The plan submitted by the engineer shows tanks and cesspools, but the owner is claiming that there are no tanks. Soils will be scheduled in a few weeks and a site plan will be submitted, following.. DEP received an e-mail from the engineer on 10/23/15 stating that CWC will revisit the site on 10/26/15 to address two additional sewage systems that were determined to be cesspools instead of septic tanks. Soils testing will be scheduled for the week of 11/1/15; the engineer will work on a submission, thereafter. This project is funded under the CWC Small Business Program. On 10/26/15, DEP received CWC's notice of failure for the cottage behind the main building. DEP received a voice-mail from the engineer on 11/5/15 regarding setting up days for soils testing due to there being multiple "official" failures on the site. The engineer then would like to present one plan for all issues. DEP performed a site visit on 11/10/15 and witnessed a deep hole and a perc hole for a replacement absorption bed for the Streamside Cottage, which was determined by CWC to be in failure due to a surcharged cesspool. The engineer plans to make the system large enough to accommodate the Birdsong Cottage and the housekeeping building should they fail in the future. The setback from the creek is close to 100 feet, but was not measured. DEP sent an e-mail to the engineer on 11/12/15 regarding the engineer's lack of progress on the outstanding NOV and overall project. DEP sent an e-mail to the engineer on 11/19/15 regarding the engineer's continued lack of response; DEP REP is referring the matter to DEP Legal. DEP issued a letter to the owner on 11/30/15 regarding the abatement of noted violations; DEP requested a response within 7 days of the letter date. DEP reviewed and picked up preliminary facility plans from the engineer on 12/1/15. DEP received an e-mail from the owner on 12/9/15 requesting that all concerns regarding the site be

referred to his engineer and/or attorney. DEP sent comments for the preliminary plans to the engineer on 12/15/15 and also requested that the potable water lines be shown on the plans. DEP Legal issued a letter to the owner on 1/6/16 regarding the engineer's lack of response to the SWPPP NOV warning letter issued on 6/11/15, and his failure to submit a SWPPP. To avoid possible litigation and the issuance of a SWPPP NOV, the owner must contact DEP Legal within 5 days of the letter date to confirm that a SWPPP will be submitted for review and approval within 30 days and that construction will commence by 5/1/16. DEP met with the engineer to review the SSTS plans on 3/4/16. DOH reviewed and accepted these plans earlier that week; a few details need to be corrected. In addition, the owner cannot substantiate the prior use of the Performance Space or the dining room, so the engineer is using the owner's current numbers (since purchasing in 2002), as well as occupancy ratings from the Town of Shandaken CEO. Attorneys from DEP Legal and NYC Law had a phone conversation with the applicant's attorney on 3/18/16. The applicant's attorney advised that the engineer is going to submit a site plan during the week of 3/21/16; the site plan will focus on the SSTS; there was no indication of when the SWPPP might be submitted. DEP received a letter from DOH on 3/21/16 regarding wastewater discharge flows/outfalls; the information in this letter isn't entirely correct; the engineer will speak with DOH and a new letter should be forthcoming. DEP sent an e-mail to DOH and the engineer on 3/23/16 regarding some needed changes to the flow confirmation letter. DEP received revised preliminary SSTS plans from the engineer on 3/24/16.

Project Name: Route 28, (2007-AS-0935)
Town: Shandaken
Basin: Ashokan
Type of Use: Failed SWPPP – DEP NOV
Type of Violation: Stormwater (SP)
Status: Approved

DEP received a call from the engineer on 9/17/14 regarding removing the pavement that caused the NOV. DEP called the Town Supervisor on 9/25/14 regarding the status of the project. DEP received an e-mail from the engineer and Town Supervisor on 10/30/14 regarding contract revisions. DEP received an e-mail from the Town Supervisor to the engineer on 12/17/14 requesting the status of the addendum. DEP sent an e-mail to the Town Supervisor and the engineer on 5/5/15 requesting the project status. DEP sent and received an e-mail to the engineer on 5/12/15 regarding project status. DEP sent an e-mail to the Town Supervisor on 5/14/15 requesting status of the SWPPP. A meeting was held with the Town Supervisor, Highway Superintendent, CWC and Engineer on 6/10/15 to discuss moving forward with the project. The contract to proceed with additional work between the Town and the Engineer was signed during the meeting. DEP exchanged e-mails with the engineer and copied other pertinent individuals, on 8/5/15, regarding the status of the SWPPP. DEP exchanged e-mails with the engineer between 10/1 and 10/5/15 regarding the submittal of the SWPPP. DEP received a letter from the engineer on 10/9/15, responding to DEP's comments made in May 2015, along with revised plans and a revised SWPPP. DEP issued a NOCA on 10/10/15. DEP sent an e-mail to the engineer on 10/23/15 requesting that the proposed area of pavement to be removed be shown on the SWPPP plan. DEP exchanged e-mails with the Town of Shandaken Supervisor on 11/5/15 regarding the status of the SWPPP; DEP is waiting for the engineer to revise the SWPPP and resubmit it. DEP received copies of the revised plans and the revised SWPPP, from the engineer. DEP issued an Approval Determination letter on 1/15/16.

Project Name: NYS Route 28, (2010-AS-0115)
Town: Shandaken
Basin: Ashokan
Type of Use: Replacement SSTS
Type of Violation: Intermediate Repair (CR)
Status: Closed

DEP drove through the parking lot on 6/18 and 7/11/14, DEP drove by the site. The blacktop has not yet been installed on the d-box/absorption field. DEP received a phone message from the highway superintendent on 8/29/14. He said if the SWPPP will be installed this year, the entire lot will be paved after the install, if not, the area over the absorption field will be paved this year. On 10/24/14, DEP performed an inspection of the SSTS area. Blacktop has not been installed over the absorption field. A highway worker told DEP that they were still blacktopping town roads and may do the SSTS in a few weeks. DEP left a message for the superintendent. DEP drove by the facility on 11/6/14 and noticed that paving has been completed in the parking area above the absorption field. The engineer was notified. DEP completed construction inspections on 11/6/14. DEP received As-Built plans and engineer's certification letter from the engineer on 4/8/15. DEP called the engineer on 4/9/15 regarding the as-built, which erroneously shows the pump chamber as existing and is not stamped and signed. DEP sent an e-mail to the design engineer on 6/19/15 requesting the revised/proper "as-built" for the repaired SSTS. DEP sent another e-mail to the design engineer on 7/31/15 requesting a few clarifications to the "as-built", previously submitted. DEP received As-Built plans from the engineer on 10/5/15. DEP issued a letter of Construction Compliance on 10/15/15. DEP has resolved the Enforcement Action on 10/15/15.

Project Name: 42 Main Street (2005-AS-0216)
Town: Shandaken
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1895 - CWC- Managed Repair Area for Phoenicia NIP
WWTP - (liquor store with rentals); DEP NOF issued
Discovery Date: 10/14/04
Status: Closed

Overview and Action:

DEP issued a letter to the owner on 7/28/15 requesting that he move forward with the process of addressing the SSTS failure. DEP received a call on 8/6/15 in response to the reminder letter that DEP issued on 7/27/15. The property owner returned DEP's call on 8/7/15. He said he hasn't fixed the SSTS because it is no longer failing and because he can't afford to pay the 40% portion of the repair. DEP advised him to contact CWC, to find out exactly what program he qualifies for. DEP also advised that the repair was non-compliant and that a "to the extent possible" design needs to be submitted to DEP. DEP returned the phone call to the owner on 8/7/15. DEP left a message asking the owner to contact his engineer to begin the process of replacing the substandard septic system at his store/apartment. DEP called the owner on 8/13/15 and left a voice mail requesting a return call regarding the CWC funding and moving ahead with the repair for the liquor store/apartment SSTS. On 8/18/15, DEP stopped at the store hoping to speak to the owner about starting the SSTS repair process. DEP gave the clerk a business card and asked him to have the owner call. DEP called the owner and left a voice message on 9/17/15 regarding the

necessary SSTS repair and an engineer to design it. DEP requested a call back within a few days. DEP has resolved the Enforcement Action on 10/27/15. There have been no failures witnessed in years; maintenance and repairs which have been completed by the owner are taken at his word. The violation was resolved and the case was closed internally on 10/27/15.

Project Name: 61, 65 Spring St, (2011-SC-0597)
Town: Tannersville
Basin: Schoharie
Type of Use: Failing SWPPP; Site Stabilization Plan; due to existing encroachments into onsite wetland areas, all site work activities shall be suspended. DEP NOV
Type of Violation: Stormwater (SP)
Discovery Date: 8/24/11
Status: Under Construction

DEP issued an Approval Determination letter on 9/19/14. DEP exchanged e-mails with the engineer on 10/16/14 regarding a construction schedule and informed that a pre-construction meeting will be required. DEP received notice on 11/12/14 that construction will begin on 11/12/14. DEP met with the applicant's representative and contractor on the site for a pre-construction meeting on 11/12/14. DEP performed site visits on 12/3/14 and 1/7/15; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 4/15/15; there were no deficiencies, there was no discharge and the site was vacant. DEP called the engineer on 4/17/15 regarding the stormwater controls. When the snow has cleared a meeting will be held at the site with the engineer, contractor and owner to discuss the stormwater construction and landscaping. It is anticipated that the stormwater controls will be installed this year. DEP exchanged e-mails with the engineer on 4/23/15 regarding the site and where it stood. The engineer replied that they will be having a pre-construction meeting once some of the details are worked out with the Landscape Architect (LA). This project is on CWC's 6/2/15 Board Meeting Minutes and was approved for stormwater design funding. DEP received a letter and plans from the engineer to ACOE on 6/4/15 regarding the owner's wish to proceed with other site improvements, including a planting plan. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 7/28/15 regarding a pre-construction meeting. DEP performed a site visit on 8/6/15; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 8/26/15 regarding site work. The engineer indicated he has not heard from the applicant and there are issues with the LA. DEP exchanged e-mails with the engineer on 10/19 and 10/27/15 to confirm that the pre-construction meeting will be on 10/29/15. DEP met with the contractor, engineer's representative and CWC on the site for a pre-construction meeting on 10/29/15. The engineer's representative will be calling to let DEP know when the contractor will be starting up. CWC asked the engineer's representative for a copy of the estimate for construction. The contractor and engineer's representative discussed the items in the SWPPP. The project was sent to DEP Legal for enforcement of the NOV on 11/2/15. DEP Legal issued a letter to the owner on 11/2/15 regarding the outstanding NOV; the owner must contact DEP Legal within 5 business days of the letter date and must submit a construction timetable within 30 days to avoid a referral to NYC Law for possible litigation. DEP performed site visits on 11/9, 11/17, and 11/23/15; there were no deficiencies, there was no discharge, and the site was vacant. DEP completed construction inspections on 11/24/15. DEP received an engineer's certification letter from the

engineer on 12/3/15. This project is on CWC's 2/2/16 draft Board Meeting Minutes and was approved for future stormwater.

Project Name: 109 County Rt. 65 (2015-SC-0579)
Town: Windham
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: Petroleum storage tanks within 100 feet of a watercourse. DEP NOV.
Discovery Date: 9/25/15
Status: Ongoing

Overview and Action:

A meeting was held with the Greene County Industrial Development Agency (IDA) on 9/24/15 to discuss relocating the tanks. A location was identified. DEP is waiting for a site sketch with temporary stormwater control measures shown. DEP initiated an Enforcement Action on 9/25/15. DEP issued an NOV to the owner on 9/25/15. DEP received an e-mail from the Greene County Industrial Development Agency on 9/28/15 stating that a concept site plan documenting critical issues is being worked on. DEC issued an NOV on 10/7/15. In accordance with Emergency Procedures noted in the Watershed Regulations, DEP issued a Temporary Emergency Approval letter to the owner on 10/27/15. This approval will, conditionally, allow bulk fuel storage tanks to be relocated; the submission of a full SWPPP is still outstanding. DEP exchanged e-mails internally on 11/9/15 regarding a conversation with DEC; tanks were moved on 11/6/15. DEC issued a new registration for the site; the landowner has 30 days to terminate the previous registration. In accordance with the DEC NOV, contaminated soils must be remediated. DEC will inspect the site for compliance. DEP exchanged an e-mail internally on 1/6/16; DEC left a voice-mail stating that the owner has not responded to DEC's NOV and no petroleum spill cleanup has occurred. DEP will follow-up with DEC to ascertain their next steps. On 1/6/16, DEP received a spill letter from DEC issued to the owner on 10/2/15 requesting that the contaminated soil be excavated and that post excavation soil samples be taken to confirm that the spill had been cleaned up.

Project Name: C D Lane Rd. (2015-SC-0475)
Town: Windham
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Approximately 2.9 acres of disturbance (3+ miles) without an Approved SWPPP. DEP NOV
Discovery Date: 8/20/15
Status: Approve/Closed

Overview and Action:

DEP received an e-mail from the President/General Manager on 8/7/15 regarding the best practices guidelines for downhill trail construction and a drawing package that describes how features are built. DEP initiated an Enforcement Action on 8/20/15. DEP issued an NOV to the President/General Manager on 8/20/15. DEP issued a letter to the owner on 9/8/15 regarding observations made during an assessment of the bike trail. DEP received a letter, trail maintenance plan and log, sketch, and Erosion & Sediment Control (ES&C) plan from the owner on 9/23/15 in response to DEP's comments and concerns. DEP exchanged e-mails with the

engineer between 10/2 and 10/5/15; DEP asked the engineer to correct an issue regarding where water was going during recent heavy rains at the South Street parking lot. DEC issued an NOV on 10/7/15. In response to an e-mail from the engineer on 10/19/15, DEP sent an e-mail to the engineer and owner on 10/27/15 affirming that a professional engineer is not required to address trouble spots and stabilization on existing trails. Additionally, DEP will need to review and approve E&SC plans prior to any new trails being constructed. DEP received an Application for a SWPPP on 10/30/15 from the owner with revised plans for the existing trails; plans for new trails will be submitted prior to their construction in spring 2016. DEP received an e-mail from DEC on 11/3/15; DEC stated that per the permit, bike paths and trails only require a SWPPP with E&SC and no post construction practices. DEP issued a NOCA on 11/10/15; there was one notation regarding the Batavia Skill trail map. DEP received a revised E&SC plan from the owner on 12/11/15 (additional copies were received from the engineer on 12/22/15). DEP issued an Approval Determination letter on 12/23/15. The violation was resolved and the case was closed on 1/22/16 with DEP Closure letter dated 1/22/16. DEP has resolved the Enforcement Action on 1/22/16.

Project Name: 4924/44/48 State Rt. 23 (2014-SC-0628)
Town: Windham
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: SS.1: Proposed subdivision. SP.1: DEP NOV for greater than two acres of disturbance within 100' of a watercourse.
Discovery Date: 9/17/15
Status: Ongoing

Overview and Action:

DEP received a letter to the Town of Windham Planning Board from the engineer on 9/17/15, along with plans. DEP issued an NOV to the owner on 9/17/15. DEP initiated an Enforcement Action on 9/17/15. A meeting was held with the Greene County Industrial Development Agency (GC IDA) on 9/24/15 to discuss the future site development and the permitting requirements and overall project. DEP received an e-mail from the GC IDA on 9/28/15 stating that a draft response to the NOV is being worked on. DEP received a letter from the Greene County Industrial Development Agency (GC IDA) on 10/1/15. The letter was following-up on a recent site visit/conversation and detailing their interest/involvement in the site. DEP received a letter from the owner responding to DEP's NOV on 10/2/15. DEC issued an NOV on 10/7/15. DEP noted on 10/14/15: What appeared to be an insufficient number of hay bales were observed at the site; no hay had been spread to stabilize the site. DEP received the Windham Planning Board's draft resolution dated 10/15/15 regarding the SEQRA classification and conditioned site plan approval. A Planning Board meeting was attended with the project engineer on 10/15/15; the NOV and related matters were discussed. DEP received an e-mail from DEC on 10/27/15 regarding a status update on the site. In accordance with Emergency Procedures noted in the Watershed Regulations, DEP issued a Temporary Emergency Approval letter to the owner on 10/27/15. This approval will, conditionally, allow bulk fuel storage tanks to be relocated; the submission of a full SWPPP is still outstanding. DEP exchanged e-mails internally on 11/9/15 regarding a conversation with DEC; tanks were moved on 11/6/15. DEC issued a new registration for the site; the landowner has 30 days to terminate the previous registration. In accordance with the DEC NOV, contaminated soils must be remediated. DEC will inspect the

site for compliance. A meeting and preliminary site walk was held with the engineer on 12/7/15. DEP exchanged an e-mail internally on 1/6/16; DEC left a voice-mail stating that the owner has not responded to DEC's NOV and no petroleum spill cleanup has occurred. DEP will follow-up with DEC to ascertain their next steps. On 1/6/16, DEP received a spill letter from DEC issued to the owner on 10/2/15 requesting that the contaminated soil be excavated and that post excavation soil samples be taken to confirm that the spill had been cleaned up. DEP sent an e-mail to the engineer and owner on 3/1/16. DEP noticed that the access road had been used; if usage will continue, it will have to be stabilized and a construction entrance will need to be added. If there will be no more usage, the road should be seeded and mulched.

Project Name: Lauren Lane off Begley Rd., (2011-SC-0697)
Town: Windham
Basin: Schoharie
Type of Use: Lot #5 New SSTS, SWPPP for 8 lot subdivision; NOV for failure to obtain DEP approval prior to construction of 8 lots; DEC NOV
Type of Violation: Stormwater (SP)
Discovery Date: 6/21/12
Status: Ongoing

DEP's Assistant Counsel issued a letter to the owner on 7/10/14 regarding the outstanding NOV. DEP issued a letter to the new lot owner on 3/3/15 explaining that per the terms of his deed, the responsibility for constructing and maintaining stormwater management measures have been transferred from the original applicant to him. A site meeting was held with a prospective contractor on 4/21/15. A meeting was held with the project applicant and the contractor on 5/28/15. DEP performed a site visit on 6/18/15 and 7/14/15; there were no deficiencies, there was no discharge and the site was vacant. DEP exchanged e-mails with the owner and engineer on 7/29/15 regarding the paving. DEP exchanged e-mails with the contractor on 8/31/15 stating that the paving is complete and requested to be notified when the rain gardens and berms are to be constructed. DEP exchanged e-mails with the owner on 9/2/15 regarding reimbursement; the owner was advised to contact CWC. DEP exchanged e-mails with the engineer between 10/2 and 10/5/15; DEP asked to reschedule the 10/1/15 meeting, as no one was there other than DEP. The engineer responded that the site is on-hold due to paperwork. DEP sent an e-mail to the engineer on 10/27/15 confirming that paperwork e-mailed by the engineer on 10/19/15 regarding the site is satisfactory. DEP performed site visits on 10/29 and 12/23/15; there were no deficiencies, there was no discharge, and the site was vacant. DEP exchanged e-mails with the owner on 1/5/16; per DEP's last site visit, work had not commenced; the owner stated that paperwork has been submitted and he is awaiting approval in order to move forward. This project is on CWC's 2/2/16 draft Board Meeting Minutes and was approved for future stormwater funds. DEP exchanged e-mails with the owner on 3/14/16 regarding when the contractor would be working on the project; the owner said within a few weeks; DEP hopes for the work to be done in spring 2016. DEP issued a Modified Approval Determination letter on 3/25/16 to the owner along with the approved plans.

Project Name: 4806 Route 23 (2008-SC-1111)
Town: Windham
Basin: Schoharie
Type of Use: Residence

Type of Violation: Failed SSTS - Surfacing – CWC DEP NOV
Discovery Date: 6/20/11
Status: Ongoing

Overview and Action:

DEP sent the engineer an e-mail on 6/11/15 to schedule dose test inspection to see if field fails immediately or not. DEP performed a site visit on 6/19/15; the ends of all four laterals appear to be connected by a manifold which is not raised to function like a vent, therefore, sending wastewater to end of lower lateral causing field to fail in that location for years. Dye test confirmed this finding. The engineer to correct vents, possible recommend abandoning lower lateral and propose expansion. DEP sent the engineer an e-mail on 7/9/15 requesting a follow up from last site visit and stated that litigation may be pursued if there is no immediate progress. DEP sent engineer an e-mail on 7/15/15 that legal action is now commencing due to no response. DEP performed a site visit on 7/21/15; there were no changes. DEP called the engineer on 7/24/15 and left a message that there needs to be a plan and immediate action taken to correct improper construction of vent pipe. DEP also called the owner's representative (son) and informed him that piping needs to be fixed, immediately, or further legal enforcement action will be taken. He said he would try to get in touch with the engineer again, who hasn't been returning his calls. DEP received an e-mail from the engineer on 7/24/15, with some venting ideas, and will confirm plan next week. DEP received call from the engineer on 7/29/15, requesting a call back to discuss fixing the SSTS. DEP received a call from the engineer on 7/30/15. The engineer will contact owner to discuss proposed venting solution (combined or individual) for the laterals and for the d-box, and then will update DEP. DEP sent the engineer an e-mail on 8/5/15. The engineer stated construction to start on 8/11/15. On 8/12/15, DEP met the engineer on site. Capped each lateral and added a vent to the d-box. Opened the pump chamber and heard water dripping in. The lowest speed leveler was left in an up position to lower volume. DEP performed a site visit on 9/15/15; there was no visible discharge and the area of failure was dry. DEP performed a site visit on 11/17/15; septic failure not observed. DEP performed site visits on 1/11 and 3/11/16; septic failure not observed and there was no visible effluent.

Project Name: 165 Mill St (2012-SC-0251)
Town: Windham
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - NOV
Discovery Date: 5/3/12
Status: Ongoing

Overview and Action:

NYC Corporate Counsel issued a letter to the owner on 1/21/15 regarding the lack of response to the NOV along with the complaint. DEP performed a site visit on 2/13/15. The residence is inhabited on a full time basis and there was no visible failure or disturbance in the area around the tank. NYC Law Department sent an e-mail to DEP stating that recent draft complaints were returned from two addresses to which they were sent. The documents were sent to a third address on 2/13/15. On 2/20/15, DEP received a copy of a letter from the owner, via Law Department, in response to the Law Department's recent correspondence. The letter requested issues to be resolved amicably. DEP performed a site visit on 2/26/15. The house appears to be limited to weekend use. The rabbits, chickens and dog are no longer on-site. The area over the septic tank

was recently shoveled off and there is no sign that it had been pumped. DEP performed a site visit on 3/13/15. There was no sign of the previous tenant, no sign of discharge and no visible attempts at pump outs, tank is buried. DEP had internal communications regarding the possibility that this could tie into a municipal line. DEP performed a site visit on 5/26/15; there was no sign of failure and no sign of-pump-out. The tank is still buried. NYC Law issued a letter to the owner on 6/12/15 via overnight express mail; in order to resolve the enforcement action, a DEP compliant SSTS design must be prepared by a professional engineer and submitted within 30 days to DEP; the tank also must be pumped out and removed immediately. NYC Law Department received an e-mail from the owner which included an invoice from a septic hauler dated 7/6/15 and a letter requesting information on why the engineer's last submission is not acceptable. DEP called the septic hauler on 8/17/15, who verified the 7/6/15 pump out was legitimate and was for about 300 gallons. The hauler said it was probably more since it was a surcharged tank. DEP performed a site visit on 8/21/15; there was no sign of recent pump out. The tank is buried and the rabbits are back. NYC Law issued a letter to the owner on 11/16/15 stating that the SSTS design prepared by the engineer in September 2012 cannot be installed, as the soils at the site are not compliant with DEP's regulations. DEP has informed the owner of this several times. A new design will need to be prepared and the site should be vacant since there is no compliant system installed. NYC Law and DEP spoke with both owners on 11/19/15. They will hire another engineer and will contact DEP when they are ready for a site visit. NYC Law will send the owners a list of attendees who were on the conference call and their contact information. DEP performed a site visit on 11/25/15; septic failure was not observed and there was no visible discharge. NYC Law sent one of the owner's an e-mail on 1/12/16 to clarify DEP's position on the need for a design compliant with Appendix 75A regulations; variance information was also provided, if the owner desires to pursue that route. DEP performed a site visit on 1/13/16; septic failure was not observed and there was no visible effluent or signs of pumping. A meeting was held with one of the owner's and NYC Law on 2/3/16; possible solutions were discussed for a compliant SSTS on the property. The owner stated he planned on purchasing composting toilets; NYC Law will respond in writing to the owner to document expectations and regulations to comply with. DEP performed a site visit on 2/17/16; septic failure was not observed; there was no visible effluent, no sign of pumping, and the tank is buried. E-mails were exchanged regarding system design possibilities during the time period of 2/24 and 3/2/16 between: NYC Law and the owner's representative; the owner's representative and the engineer; and the engineer and DEP. DEP sent an e-mail to the engineer on 3/14/16 requesting an update on the project, as it is under enforcement and requires a resolution.

Project Name: 4620 Route 23 (2000-SC-0070)
Town: Windham
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #659 – CWC – DEP NOF
Discovery Date: 4/28/98
Status: Closed

Overview and Action:

DEP received a call from the owner on 1/16/15, stating he is ready to move forward with the project. He stated new beams are on the bridge. He inquired if he could have a repair SSTS that

didn't impact so much property. DEP suggested that he call his engineer for recertification and/or discuss the possible different technology and plan new submittal. DEP also suggested that he contact CWC to review how their program works. DEP received an unsigned letter from the owner on 1/20/15, waiving the contractor, engineer, and CWC from any liability while using the bridge to access the property. The bridge's integrity is questionable. DEP performed a site visit on 1/30/15; there was no visible failure. The bridge has been repaired but is very narrow and is just large enough for fuel deliveries. DEP sent an e-mail to the engineer on 3/6/15 and asked if the owner has been in touch with them to move forward with the project. The Engineer responded the same day and has not been recently contacted by the owner. DEP performed a site visit on 3/27/15; there was no visible discharge. DEP received an e-mail from the engineer on 4/3/15 stating that the owner has contacted them. The engineer will start the process and contact CWC to discuss funding. DEP called the owner on 4/3/15 and left a message for a return call to discuss any progress made with the engineer and if the owner reviewed the program with CWC since the January 2015 discussion with DEP. The owner called DEP on 4/6/15 and left a message to call back, but said he's moving forward with the project. DEP returned a call on 4/7/15 and left a message to call back. DEP returned the owner's call on 4/8/15. The owner stated that the engineer will visit the site soon and plans to recertify the expired plan. DEP sent the engineer an e-mail on 4/8/15 requesting an estimate of when plans will be submitted for renewed approval. On 5/22/15, DEP met with owner and engineer to re-certify the existing plan. The bridge has been repaired and there are no changes at the site. DEP received a letter from the engineer on 5/29/15 requesting design re-approval. DEP issued a renewed Approval determination on 7/8/15. DEP sent an e-mail to CWC on 8/5/15 to check for status of construction bid approval. CWC confirmed same day that bid has been approved by CWC. DEP performed a construction inspection on 8/13/15; the system layout has been done by the contractor. DEP received a phone call from the contractor to schedule an on-site meeting with the engineer. DEP received notice on 8/13/15 that construction will begin. On 8/20/15, DEP met with owner, contractor and engineer, to go over septic construction. DEP conducted construction inspections on 9/11, 9/14, 9/21, 9/23 and 9/25/15; no activity. DEP performed construction site visits on 10/2, 10/8, 10/14, and 10/19/15; an additional soil/site evaluation was performed on 10/19/15. DEP performed construction inspections on 10/20, 10/23, 10/26, 10/27, and 10/28/15. DEP received As-Built plans and an engineer's certification letter from the engineer on 11/12/15. DEP issued a letter of Construction Compliance on 11/12/15. DEP performed a construction site visit on 11/13/15 and completed construction inspections. DEP has resolved the Enforcement Action on 12/7/15. The violation was resolved and the case was closed on 12/7/15 with a DEP closure letter dated 12/7/15. This project is on CWC's 1/5/16 Board Meeting Minutes and was approved for additional costs. This project is on CWC's 2/2/16 draft Board Meeting Minutes and was approved for additional costs.

Project Name: 197 Sickler Rd (2015-AS-0618)
Town: Woodstock
Basin: Ashokan
Type of Use: SSTS Repair (RE)
Type of Violation: Unapproved SSTS installed in 2014; to be replaced; for a 2 bedroom residence. DEP NOV.
Discovery Date: 11/20/15
Status: New/Approved/Closed

Overview and Action:

A soil/site evaluation was performed on 10/13/15. DEP received a request for a pre-application meeting from the engineer on 10/14/15. DEP received an Application and plans for a conventional individual SSTS on 10/14/15. DEP issued a NOCA on 10/21/15. DEP issued an Approval Determination letter on 10/22/15. DEP received hand delivered notes from the engineer's report on 10/29/15 regarding the SSTS. DEP performed a construction site visit on 11/18/15. DEP received As-Built plans and an engineer's certification letter from the engineer on 11/18/15. DEP initiated an Enforcement Action on 11/20/15. DEP issued an NOV to the owner on 11/20/15. DEP completed construction inspections on 11/24/15. DEP performed a construction site visit on 11/24/15. DEP issued a letter of Construction Compliance on 12/1/15. DEP has resolved the Enforcement Action on 12/15/15. The violation was resolved and the case was closed on 12/15/15 with DEP Closure letter dated 12/15/15.

3.2.2. Delaware District

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

Overview and Action:

DEP performed a site visit on 4/23/15; septic failure was observed. Septic was visibly entering a watercourse/wetland, and surfacing of sewage on ground. DEP performed a site visit on 4/24/15. Septic failure was observed. No one was at the home during time of site visit. The failure is from the pipe to the roadside ditch. DEP observed and prepared a violation report on 4/24/15. DEP did not receive a phone call from the property owner (or tenant) since leaving a card during the 4/24/15 site visit. DEP issued an NOV to the owner on 4/27/15. DEP received a call from the tenant on 4/27/15 regarding the business card that was left during the 4/24/15 site visit. The tenant stated that she told the owners the septic system was failing in the late spring. The owners reputedly own a carpet store in Arkville. There are two people in residence Monday through Friday. On Saturday and Sunday, the children are home, bringing the total number of people to four. On 4/30/15, DEP met with co-owner and personally delivered the NOV and advised immediate action should be taken. DEP called and left a message for one of the owners at his place of business on 5/7/15 regarding his property in Andes. DEP asked for a call back in regards to the property in Andes. DEP called owner at work and left a message on 5/8/15 to call back. On 5/14/15, the violation was forwarded to DEP Legal for follow-up on enforcement action. DEP Legal issued a letter to the owner on 5/22/15 regarding failure to comply with the NOV. Immediate pump-outs and proof are required, as are SSTS repair plans from a licensed engineer (by 5/27/15). If these conditions are not met, the matter will be referred to NYC Law for possible litigation. DEP performed follow-up visits on 6/18/15 and 6/19/15. DEP personally delivered the NOV to the owner at his workplace in addition to posting it on the house. The owner states that CWC has looked at site and will be moving forward with remediation. DEP called and left a message for CWC on 6/23/15 regarding the status of this project with the program. CWC called

back; they had inspected the property, paid for a pump out and sent a letter out to the owner instructing him to obtain an engineer on 5/21/15. This is a rental property, so there is a cost share. This project is funded under CWC Septic Repair Program. On 6/24/15, DEP received CWC's notice of failure. DEP called owner's place of work on 7/10/15 and left message with receptionist. DEP stated that this matter was urgent and that the owner needed to call DEP, immediately, otherwise, further legal action will be taken. DEP sent CWC an e-mail on 7/10/15 requesting any additional contact numbers to reach the owners and informed them that DEP may pursue litigation soon if the owner does not cease surface failure and pump out to manage the failure. DEP performed a site visit on 7/16/15; septic failure was observed. DEP has decided to litigate this violation, with the Commissioner's approval. DEP notified CWC via e-mail on 8/25/15 that DEP is referring the project to NYC Law for further enforcement due to the ongoing surface failure. DEP received a copy of the letter issued to the owner from NYC Law on 8/25/15 regarding the commencement of litigation. To avoid this, the owner must contact NYC Law by 9/2/15. NYC Law left a message stating that they are trying to contact the owner but his voice-mail is full. DEP received a second warning letter issued to the owner from NYC Law on 9/17/15. NYC Law has not been able to reach the owner despite several attempts; if the owner does not contact NYC Law by 9/23/15, a complaint will be filed with the NYS Supreme Court and penalties and damages will be sought. NYC Law received a call from one of the owners on 9/23/15 regarding the second letter that was sent. The second owner thinks an engineer is coming out and that a backhoe might be going to the property soon for soil testing. NYC Law is looking to have a conversation with the other owner to discuss a timeline to have the SSTS fixed prior to winter 2015. DEP received an e-mail from NYC Law stating that NYC Law spoke with owner on 9/24/15. Owner reported soils testing with DEP has been scheduled to occur within a week or so. DEP performed a site visit on 9/28/15; sewage was observed in an overgrown ditch but no odors were detected. DEP received a request for a pre-application meeting from the engineer on 10/19/15. A soil/site evaluation was performed on 10/21/15. DEP issued an NOV on 10/22/15. DEP sent the engineer an e-mail on 10/27/15 stating that plans are due on 10/28/16; the engineer responded on the same day stating that he would work quickly, but the plans would not be in by 10/28/15. DEP sent the engineer an e-mail on 11/4/15 requesting that plans be submitted right away. DEP sent an e-mail to NYC Law on 11/5/15, requesting to move forward with enforcement since plans have not been received by the deadline. DEP sent an e-mail to NYC Law on 11/6/15 stating that any correspondence for enforcement and litigation moving forward should be sent to two specific addresses. DEP Legal sent an e-mail to NYC Law on 11/17/15 requesting the next steps to be taken on this project. DEP sent the engineer an e-mail on 12/7/15 asking when plans will be submitted. DEP received an e-mail from the engineer on 12/12/15; he will submit plans once the new technology is approved by DEP. DEP sent the engineer an e-mail on 1/22/16 requesting that plans be submitted before 2/1/16. DEP reiterated to the engineer that the new technology he inquired about is not allowed in watershed. DEP received an e-mail from the engineer on 1/25/16 stating that he is currently working on the design. DEP performed a site visit on 1/26/16; septic failure was not observed. DEP received an Application for a non-conventional individual SSTS on 2/17/16. DEP issued a NOCA on 2/17/16. DEP issued a comment letter on 2/17/16 to the engineer. DEP received a letter and revised plans from the engineer on 2/29/16 to DEP's letter of 2/17/16. DEP issued a comment letter on 3/4/16 to the engineer requesting design revisions. DEP returned a call to the engineer on 3/9/16 regarding the design revisions; he is adamant about maintaining the current configuration and will submit a revised design addressing slope stabilization for the fill material. DEP received revised plans

from the engineer on 3/14/16. DEP issued an Approval Determination letter on 3/16/16.

Project Name: 68 County Hwy 7, (2011-PE-0632)
Town: Colchester
Basin: Pepacton
Type of Use: DEP NOV and DEC NOV issuance
Type of Violation: Stormwater (SP)
Discovery Date: 9/1/11
Status: Ongoing

DEC issued an NOV to the owner on 9/1/11. DEP initiated an Enforcement Action on 9/1/11. DEP received a DEC Consent Order on 9/14/11. A meeting was held with DEC and the owner's contractor on 10/18/11; discussed that the owner will need to hire an engineer to design an E&SC plan. DEC is also going to comment that if they exceed two acres, they will need a DEP permit. DEP received an e-mail from DEC on 11/1/11 stating that the owner has agreed to sign the Consent Order and advised that there were still some problems at the site. DEP called the owner on 11/1/11 regarding a site meeting. DEP received a copy of the executed order from DEC on 12/20/11. A meeting was held with DEC on 1/20/12. DEC has directed the owner to coordinate with DEP on the house site and a DEP SWPPP approval if the site disturbance is going to be greater than two acres. DEP performed a site visit on 5/17/12; there were no deficiencies, there was no discharge and the site was vacant. Construction for this project is on hold as of 10/2/12 due to lack of funds. DEP performed a site visit on 10/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 10/18/13; there were no deficiencies, there was no discharge and the site was vacant. DEC verbally closed the NOV issued on 9/1/11. DEP is now internally closing the NOV on 11/7/13. DEP has resolved the Enforcement Action on 11/7/13. DEP received an e-mail from DEC on 5/15/15 stating that the owner recently contacted DEP regarding his septic system and thinks this will satisfy the consent order; DEC affirmed that stormwater is a separate issue and provided him with appropriate contacts at DEP and DEC. DEC reminded the owner that non-compliance can lead to a payable penalty and legal action. DEP exchanged e-mails with the engineer on 9/17/15 and 9/18/15 regarding the requirement of a SWPPP before a septic system can be constructed. DEP exchanged e-mails with the engineer on 9/29 and 10/2/15; DEP asked the engineer to include stormwater measures when preparing the septic plans. DEP also provided site visit availability dates and requested a short narrative of the project and some hydrologic analysis. DEP called the engineer on 2/26/16 regarding the site disturbance; the site survey has been completed and the engineer will provide total disturbance estimates, soon.

Project Name: 1221 Federal Hill Rd. (2008-CN-1423)
Town: Delhi
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Stormwater and Septic Complaint; Failing SSTS - CWC - surfacing. DEP NOV
Discovery Date: 7/26/2010
Status: Closed

Overview and Action:

DEP performed a site visit on 1/16/15 and 1/28/15; septic failure was not observed. DEP called

the owner on 2/5/15 regarding submission of bids to the CWC. The owner has two contractors who currently have plans, but are waiting for some snow melt before submitting a bid to CWC to ensure accuracy. DEP called the owner on 4/17/15 regarding the status of the bid submission. Two contractors visited the site this past week. Both are contacting the CWC in regards to the new schedule of values (which usually comes out in March). One contractor is also speaking with the engineer and CWC in regards to the pump tank. DEP performed a site visit on 5/4/15; DEP talked to owner and is waiting on CWC to accept the contractor's bid. DEP called the owner on 7/31/15 regarding the status of the project. CWC has selected a contractor. The contractor is waiting for the two week moratorium to end to start work. DEP received notice on 8/5/15 that construction will begin on 8/5/15. DEP performed construction inspections on 8/6/15 and 8/7/15; the contractor has perc tested his own fill and DEP witnessed perc test. DEP performed a construction inspection on 8/10/15; three of the five laterals were installed as to plans. DEP performed a construction inspection on 8/11/15; 1250 gallon two piece was set and leveled on six inches of crushed stone. DEP performed a construction inspection on 8/14/15; the onsite system has been installed, the pump has been installed and everything has been backfilled. On 8/17/15, DEP inspected the d-box; 10-hole d-box installed as to plans. The swale was installed as to plans and final grading, seeding and mulching. DEP sent an e-mail to the engineer on 8/17/15 informing him of the status of the construction. The engineer responded stating that he will let DEP know when they can do the pump test. DEP completed construction inspections on 8/26/15. DEP received a call from the contractor on 9/9/15 regarding the status of the project. The contractor stated that by 9/11/15, all seed and mulching will be completed. DEP received As-Built plans/engineer's certification letter from the engineer on 9/25/15. DEP issued a letter of Construction Compliance on 9/29/15. DEP has resolved the Enforcement Action on 10/16/15. The violation was resolved and the case was closed on 10/16/15 with DEP Closure letter dated 10/16/15.

Project Name: 14561 State Highway 28, (2008-CN-0467)
Town: Delhi (V)
Basin: Cannonsville
Type of Use: Failed SSTS, 2 bedroom trailer
Type of Violation: Intermediate Repair (CR)
Discovery Date: 11/4/11
Status: Closed

DEP received As-Built plans/engineer's certification letter from the engineer on 8/9/12. DEP issued a letter of Partial Construction Acceptance on 8/15/12. DEP received an e-mail from the owner on 11/26/12; he is still waiting for an appraisal of the property. DEP received an e-mail from the owner on 2/20/13; the garage property is listed with a national realtor. DEP exchanged e-mails with the owner on 6/25/15 regarding the garage. The owner stated that it is being rented for storage only and requested no need of electric or water. DEP has resolved the Enforcement Action on 10/27/15. DEP to inspect three times a year; if the owner moves someone in without a connection or sign-off, enforcement will once again be pursued. DEP received a phone call from the contractor on 12/8/15. He plans to install the waste pipe from the building to the septic tank within a week; DEP performed a site visit on 12/16/15 and witnessed the waste pipe installation. DEP called the engineer on 12/22/15; he mailed the revised As-built and final certification letter, which were received by DEP on 12/23/15. DEP issued a letter of Construction Compliance on 12/28/15.

Project Name: 1245 Main St. (2014-PE-0670)
Town: 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 issued an NOV to the owner on 12/2/14. A meeting was held at the site with the project applicant on 12/8/14. DEP received a call from the engineer on 12/9/14 regarding the stormwater plan requirements. DEP received a call from the new engineer on 12/10/14 regarding the site and the SWPPP submission. DEP re-issued an NOV to the owner on 12/16/14 and 1/5/15 to the forwarding address provided by the Post Office on 12/26/14. DEP exchanged e-mails with the new engineer on 2/3/15 regarding the completion of the SWPPP. DEP received an Application for a SWPPP on 3/20/15 from the engineer with plans. DEP received an Application for a SWPPP on 4/21/15 from the engineer with plan set. DEP issued a NOCA on 5/7/15. DEP received additional copies of the plans and SWPPP for review from the engineer on 7/6/15. DEP issued an Approval Determination letter on 7/21/15. DEP received the Short Form Environmental Assessment Form and Negative Declaration from the engineer on 8/4/15. DEP performed a site visit on 11/25/15; there were no deficiencies, there was no discharge and the site was occupied. The new building is under construction without notification sent to DEP. DEP met with the engineer on the site for a pre-construction meeting on 12/10/15. DEP performed site visits on 12/31/15 and 1/6, and 1/20/16; there were no deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 2/4 and 3/16/16; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 3/18/16 to set-up a meeting to discuss some pending items.

Project Name: 7019 County Highway 26 (2007-CN-0751)
Town: Hamden
Type of Use: SSTS Repair (RE)
Type of Violation: SSTS Replacement - CWC-Failing-dye recovered DEP NOV
Discovery Date: 12/8/2009
Status: New

Overview and Action:

DEP called the property owner on 4/4/14 and left a message in regards to the property. DEP issued a Design Approval Expiration letter on 4/7/14. DEP received a call on 4/7/14 from the property owner regarding the septic system. The property owner requested a copy of the design expiration letter to be faxed so that she could remedy the problem. DEP issued a copy of the Design Approval Expiration letter to the applicant on 4/7/14 via fax. DEP issued a renewed Approval determination on 4/29/14. DEP performed a site visit on 1/8/15; septic failure was not observed and no one was at home. Site visit on 1/8/15 at barn; DEP noted that construction has stopped. DEP called and left messages for the owner on 10/8, requesting a call back, and on 10/28/15 regarding conducting a dye test to see if the property is still failing and to inform the

owner that an NOV may be issued due to lack of progress. DEP corresponded with CWC on 10/30/15; DEP is issuing an NOV based upon CWC's dye test in 2007; CWC has no issue with such action. DEP issued an NOV to the owner on 11/12/15. DEP performed a site visit on 12/3/15; septic failure was not observed; a copy of the NOV was taped to the door. DEP re-issued the NOV via certified/return receipt mail on 12/4/15, as the owner has not yet responded to the original NOV; continued lack of response will result in referral to DEP Legal and/or NYC Law. The NOV that was taped to the owner's door on 12/3/15 was gone on 12/4/15. On 12/21/15, DEP REP and DEP Legal left messages for the owner requesting a call back to schedule a dye test right away. DEP performed a site visit on 2/25/16; septic failure was not observed; photos were taken; a note to FedEx was on the door on 2/24/16, but not on 2/25/16. DEP performed a site visit on 3/3/16; septic failure was not observed; photos were taken; a copy of the NOV was taped to the door. DEP performed a site visit on 3/7/16; septic failure was not observed; photos were taken; the NOV is still taped to the door.

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: Approved

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 8/3/15. DEP exchanged e-mails with the engineer between 7/27/15 and 8/3/15 regarding the project scope and how to proceed. Preliminary site visits are scheduled for 8/12/15 and 8/13/15. DEP sent an e-mail to DOH on 8/6/15 regarding the project and was not sure if it qualified as a realty subdivision given the fact that it is not a continuous tract of land. 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.

Project Name: 929 Mcarthur Hill Rd. (2013-CN-0655)
Town: Kortright
Basin: Cannonsville
Type of Use: SSTS Repair (RE)

Type of Violation: Two residence and old barn with plumbing; failing SSTS, direct discharges – CWC – DEP NOV

Discovery Date: 11/21/2013

Status: Closed

Overview and Action:

DEP received a faxed copy of the pump out receipt from the applicant on 1/30/15; the receipt is dated 1/14/15. DEP performed a site visit on 3/23/15 to check to see if it is inhabited and it was. DEP issued a letter to the owner on 4/16/15 stating that construction has not yet commenced. DEP called the engineer on 5/20/15 regarding construction status. The engineer stated that the contractor plans to start in early June of 2015. DEP e-mailed the contractor and asked him to start as to avoid DEP Legal from becoming more involved. DEP performed a site visit on 5/26/15 and 7/15/15; septic failure was not observed. DEP performed construction inspections on 8/3/15 and 8/6/15; no activity. DEP called the owner on 8/11/15 regarding the start of construction. DEP sent the contractor an e-mail on 8/11/15 stating that substantial construction must be completed by 8/17/15 to avoid DEP taking further legal action against owner. DEP received an e-mail from contractor on 8/12/15 stating that he will start construction on 8/13/15 but does not know how far along project will be by 8/17/15. DEP performed a construction inspection on 8/14/15; the contractor has moved in a bulldozer and the layout is done. DEP performed construction inspections on 8/17/15, 8/18/15 and 8/19/15. The fill is in and has been perced by the engineer. DEP performed construction inspections on 8/20, 8/26, 8/27 and 8/31/15; no activity. DEP performed construction inspections on 9/1, 9/3, 9/4, 9/8, 9/9, 9/10, 9/11, 9/15, 9/16, 9/18, 9/21, 9/22, 9/23, 9/24 and 9/30/15. DEP performed construction site visits on 10/2, 10/7, 10/13, 10/15, and 10/19/15. DEP received an e-mail from the contractor on 10/22/15 with construction photos. DEP received As-Built plans, along with engineer's certification letter, from the engineer on 10/28/15. DEP completed construction inspections on 11/6/15. DEP issued a letter of Construction Compliance on 11/10/15. DEP has resolved the Enforcement Action on 11/12/15. The violation was resolved and the case was closed on 11/12/15 with DEP Closure letter dated 11/12/15. This project is on the CWC Septic Committee meeting agenda scheduled for 12/1/15 for additional costs approval.

Project Name: Crowe Rd, (2012-CN-0066)

Town: Kortright

Basin: Cannonsville

Type of Use: DEC NOV for PBS and SPDES Violations

Type of Violation: Intermediate Repair (CR)

Discovery Date: 2/9/12

Status: Ongoing

DEP received a phone call from the highway superintendent on 2/17/15. As an easement with the neighboring property owner will be required to install a full SSTS, the town has decided to install a holding tank, which will fit on the property owned by the town. He was advised that DEP will review the design and inspect the construction. DEP received a phone call from the engineer on 2/18/15 regarding the town's decision to install the holding tank. The engineer will submit a design and encourage the town to pursue the easement so an absorption field may be added at a later time. DEP received plans from the engineer on 4/8/15. DEP sent an e-mail to the engineer on 5/14/15 providing comments on the plans. DEP sent an e-mail to the engineer on 6/22/15 stating that per the attorneys, the year-round holding tank proposal would require a

variance, but because this is a repair, a design could be accepted "to the extent possible." DEP received a call from the highway superintendent on 9/17/15. He said the engineer is not returning his calls and he wants to know the status of the plans for the holding tank. DEP advised that the holding tank use must be seasonal and that to use it year round and to have the waste pipe within 50 feet of the well may require a variance. DEP reminded him that a managed repair would allow setbacks to be relaxed due to the site constraints. The proposed waste pipe, for both the SSTS and the holding tank, would need to be installed within a property under easement with his neighbor and DEP or WAC. The stub for the proposed waste pipe was installed years ago under the slab and the waste pipe that directed sewage to the decommissioned failed cesspool is about 15 feet from the creek. DEP advised him it will be discussed at an enforcement meeting on 9/22/15. DEP sent an e-mail to the highway superintendent on 9/17/15, with the WAC survey sections, showing that the WAC easement does not extend into the parking area of the garage. The survey shows the entire garage parcel. DEP called the Town of Kortright Highway Superintendent on 10/6/15 regarding options for the SSTS repair. DEP advised him that a year-round holding tank will not be accepted as a managed repair, and that the original engineer had called DEP to discuss an absorption bed.

Project Name: McMurdy Brook Rd, (2010-CN-0500)
Town: Kortright
Basin: Cannonsville
Type of Use: Lot #8 of the proposed 15 lot subdivision; DEP NOV for failure to obtain DEP SWPPP approval.
Type of Violation: Stormwater (SP)
Discovery Date: 1/13/11
Status: Ongoing

A meeting was held with the project engineer on 7/18/14 regarding the conceptual SWPPP. DEP received a call from the engineer on 9/4/14 stating that he has received a partially signed contract from the owner. DEP called the applicant on 9/18/14 regarding the stormwater plan. There was no answer so a message was left. DEP exchanged e-mails with the engineer on 11/5/14 and on 11/19/14 regarding the SWPPP modifications. DEP received an Application for a SWPPP on 12/1/14 from the engineer with modified plans. DEP issued a NOICA to the engineer on 12/12/14 requesting additional information. DEP called the engineer on 12/16/14 to discuss revisions to the SWPPP. DEP exchanged an e-mail with the engineer on 2/3/15 regarding the SWPPP revisions. DEP received a response to the NOICA from the engineer on 2/19/15. DEP issued a NOCA on 2/26/15. DEP issued comments on 3/12/15 to the engineer. DEP received a letter and revised plans from the engineer on 3/26/15 in response to DEP's letter of 3/12/15. DEP issued an Approval Determination letter on 4/9/15. DEP issued a letter to the owner on 10/15/15 stating that construction has not yet commenced. DEP received a voice-mail from the owner's husband on 10/28/15 stating that he has been waiting for over three months for an estimate on the driveway and expects one soon, possibly on 10/30/15.

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 received an e-mail from DEP Police regarding an Encon Violation on 7/7/15. DEP initiated an Enforcement Action on 7/7/15. DEP called and left a message for the town CEO on 7/10/15 regarding this parcel. DEP received a call from the town CEO on 7/13/15 regarding the property. The town does not have anything on a septic system or the existing campers. On 7/17/15, DEP answered the complaint with DEP police at 462 Blueberry Lane. DEP found three campers and one shack along with a shed with a toilet in it on the property. Two of the campers and the toilet in the shed have pipes coming out and into the ground to unknown tanks. The shack has water going in but could not find a pipe coming out. The town CEO is unaware of buildings. DEP police spoke with owner. DEP issued an NOV to the owner on 8/10/15. DEP received a message from owner's ex-wife on 8/12/15, with correct mailing address for owner. DEP received a message from owner on 8/13/15 regarding receipt of NOV. DEP called back and left message with the owner to return the call. The owner returned call and stated he improved the SSTS for the main trailer by installing a 275 gallon tank and 60 feet of perforated pipe in sand/stone to the main trailer, in 2011, when he bought the property. This is also where the outdoor toilet (low flush) discharges. The end of the lateral is almost to grade and he pumps out tank when it breaks out to surface. He had been paying a non-DEC licensed hauler to bring wastewater to Oneonta. The guest camper has no discharge pipes. The friend's camper has a discharge pipe to a 55 gallon drum with no leach field but is surrounded by stone, which is used two Saturdays a month. In 2014, he said he used the camp from April to July, and this year, plans to use from April to October, as his full time residence. He does winterize the campers for winter season. The owner would like to meet with DEP on site, but his work hours make that difficult. He will send DEP a text message picture of a recent pump out receipt by licensed hauler. He confirmed his water supply is a 275 gallon tank that he fills periodically from another tank he has on his truck. DEP informed him that pump outs must be done by licensed hauler, per the NOV. DEP provided CWC contact information for possible funding and requested that the owner minimize any water usage and contact DEP with any CWC news. He reported on the same day that CWC site visit is scheduled for 8/26/15. DEP stated that he will be contacted after next enforcement meeting as follow-up. DEP received a text message from the owner on 8/17/15 with two pictures. One is of a recent pump out receipt and other is picture of his pump that he previously used to empty his 275 septic tank and then bring to Oneonta for disposal at a WWTP. DEP received text message from owner on 8/20/15, who stated that CWC will not fund his project since there is no house or trailer on property. DEP sent a message to owner on 9/2/15: the friend's camper must be disconnected and the tank pumped out and removed or crushed and backfilled. The main camper system, cap outlet from tank so no flow gets to field, reduce water usage as it will need to be pumped by licensed hauler with all receipts submitted to DEP. This work shall be inspected by DEP prior to backfilling. DEP called the owner on 9/14/15, who confirmed he received DEP's message from 12 days prior. He said his friend's camper is disconnected from its underground tank. He will be leaving camp for the year, soon, and he doubts much will be done this year to resolve septic violations. He gave permission to DEP to perform inspections and check for sewage. He would appreciate two days' notice, and would try to be available to meet DEP. DEP called the owner on 10/23/15 to schedule a site visit for the following week. The owner stated that one tank has been removed and the camper that was connected to it was going to be reposed, soon; he also stated that the second tank was not going to be removed and that he was only using

it for greywater. DEP stated that periodic inspections would be done at the property until issues were resolved; the owner restated that he wanted advance notification of site visits. DEP performed a site visit on 10/28/15 and met with the owner; septic failure was not observed; both campers have been disconnected for the winter. DEP gave the owner instructions on how to properly install a holding tank. DEP called the owner on 2/19/16 regarding his plans for the summer months. The owner would like to put a cabin and an SSTS on the property, but he has not moved forward with the plans due to the winter. He stated that he has not been to the property since the last time DEP was on-site in October 2015 and reiterated that if DEP needs to conduct a site visit, he wants to be contacted first.

Project Name: 4399 Elk Creek Road (2008-CN-2421)
Town: Meredith
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: RE.2: Modification to Eljen; former CWC. DEP NOV. RE.1: Failing SSTS-CWC-field running back in tank.
Discovery Date: 12/8/15
Status: New/Approved/Under Construction

Overview and Action:

DEP received an Application for an individual SSTS on 12/3/15. DEP performed a site visit on 12/8/15; septic failure was observed; effluent was observed in the hole dug around the d-box. The field and soils surrounding the field are fine; there is no sponginess and the lines are not bleeding out. According to the engineer, sewage is also backing up into the home. DEP initiated an Enforcement Action on 12/8/15. DEP issued a NOCA on 12/9/15. DEP issued an Approval Determination letter on 12/9/15. DEP called and left a message for the engineer on 12/28/15 regarding the status of this project. DEP received a call from the engineer on 1/5/16; the contractor is working with the owner to keep costs down, as CWC is not funding this modification; the owner will be cutting the necessary trees down himself. DEP issued an NOV to the owner on 2/16/16. DEP received a call from owner on 2/19/16, in response to the NOV. He will start construction when weather permits in spring 2016; DEP asked to be contacted a few weeks prior to construction and explained that periodic inspections will be conducted until issues are resolved; the owner was agreeable to this. DEP received notice on 3/8/16 that construction will begin on 3/9/15. DEP performed construction site visits on 3/9, 3/10, 3/11, and 3/16/16.

Project Name: 43371 State Highway 30 (2009-PE-0245)
Town: Middletown
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - metal tank & surfacing-60% - DEP NOV
Discovery Date: 4/28/2009
Status: Ongoing

Overview and Action:

On 9/16/14, DEP requested Bureau of Legal Affairs to issue a legal letter to the owner for lack of progress and continued failure. DEP performed a site visit on 9/26/14; septic failure was observed for the surcharge septic tank, cesspool and dry-well. DEP Legal issued a letter to the owner on 11/19/14 regarding failure to resolve the NOV issued on 10/29/13. In order to avoid

referral to NYC Law and possible litigation, the owner must comply with the terms of this letter, including, contacting the Watershed Treatment Programs Supervisor within five business days from the letter date. DEP performed a site visit on 2/4/15; septic failure was observed. The septic tank, cesspool and drywell were collapsed and in poor condition. DEP performed site visits on 6/2 and 8/28/15; septic failure was observed. Surcharged septic tank, cesspool and drywell. DEP performed a site visit on 12/1/15; septic failure was observed in the surcharged septic tank, cesspool, and drywell. DEP performed a watercourse determination on 2/1/16; two watercourses were found. DEP performed a site visit on 2/11/16; septic failure was observed in the surcharged septic tank, cesspool, and drywell; photos were taken of the property deed to verify ownership.

Project Name: 832 Woolheater Rd (2014-PE-0369)
Town: Middletown
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Failure - SSTS Replacement - DEP NOV
Discovery Date: 7/9/14
Status: Ongoing

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 7/1/14. A soil/site evaluation was performed on 7/8/14. DEP observed and prepared a violation report on 7/8/14. DEP initiated an Enforcement Action on 7/9/14. DEP issued an NOV to the owner on 7/18/14. DEP received an Application for a conventional individual SSTS on 9/22/14. DEP issued a NOCA on 9/24/14. DEP issued an Approval Determination letter on 9/24/14. DEP issued a letter to the owner on 4/14/15 stating that construction has not yet commenced. This project is funded under CWC Septic Repair Program. On 6/11/15, DEP received CWC's notice of failure. On 10/14/15, DEP issued a reminder letter via certified/return receipt mail to the owner due to lack of activity; DEP requested to be contacted within 14 days of the letter date to discuss a septic remediation schedule. DEP performed site visits on 10/27/15 and 2/12/16; septic failure was not observed.

Project Name: Route 28 (2001-PE-0806)
Town: Middletown
Basin: Pepacton
Type of Use: Intermediate SSTS (IS)
Type of Violation: Failed SSTS; Construction of a Warehouse for Lumber & Supplies Building will be 130' X 300'. Construction of an impervious surface within 100 feet of a watercourse. Total area of impervious surface equals approx. 40,000 sf.
Discovery Date: 10/15/01
Status: Ongoing

Overview and Action:

DEP issued a letter to the owner on 7/9/14 regarding their non-compliance to the approved SSTS plans. DEP performed a drive by inspection on 7/11/14. There are two caution cones situated in the parking area about 10 feet out from the grassy area and about 30 feet apart. The cones do not represent the entire area of the absorption field, and can be easily moved to allow traffic through. DEP called the owner on 7/31/14 regarding the DEP letter issued on 7/9/14. He advised DEP that

his attorney advised him that DEP is no longer allowed on the property and also advised DEP that there is no violation and so he is not worried about installing the bollards to protect the absorption field. On 6/22/15, the violation was forwarded to DEP Legal for follow-up on enforcement action. E-mails were exchanged between DEP and DEP Legal from 6/22/15 to 7/1/15 regarding this matter. DEP Legal issued a letter to the owner on 7/2/15 regarding the NOV. Permanent barriers must be approved by DEP and installed by 8/1/15 to prevent anything being stored on or driven over the absorption field. Additionally, DEP must be contacted within five business days of the letter date. Compliance is required to avoid referral of this matter to NYC Law. On 8/18/15, DEP drove by the site and took some pictures. Large concrete blocks have been placed around the grassy area where the septic tank and part of the absorption field exist. Barriers have not been placed around the entire field, which according to the "as built" extends well into the driving/parking area. DEP issued an NOV comment letter to the owner on 9/18/15 regarding permanent protection measures for the SSTS which have not yet been met. To avoid re-referral to DEP Legal, the owner must take into consideration the as-builts, make the corrections described, and contact DEP for an inspection within 14 days. DEP drove by the site on 10/2 and 11/2/15; the concrete barriers and the orange cones are in the same position as they were last observed; they are either at the perimeter of the lawn area or on the lawn; the barriers do not encompass the entire absorption field and the installed SSTS and the reserve are still not blocked off from traffic. DEP Legal issued a letter to the owners on 11/6/15 regarding their non-compliance with the Approval and outstanding NOV items; proper barriers must be installed by 12/1/15 and DEP must be contacted within 5 business days of the letter date, or the matter might be referred to NYC Law. DEP drove by the site on 11/10 and 12/16/15 and on 1/15/16; there was no change in the placement of the cones or concrete barriers and they still do not block traffic from driving over the absorption field or reserve area.

Project Name: 79 Rennison Road (1998-RO-0131)
Town: Neversink
Basin: Rondout
Type of Use: SSTS Repair (RE)
Type of Violation: Replacement SSTS for 3 bedroom-RE.1 is a CWC project. RE.2 is a NON-CWC project. DEP NOF
Discovery Date: 7/12/13
Status: Ongoing

Overview and Action:

DEP received an Application for a conventional individual SSTS on 4/21/14. DEP issued a NOCA on 4/23/14. DEP issued a comment letter on 4/23/14 to engineer. DEP called the engineer and left a message on 11/14/14 requesting items in comment letter to be addressed prior to DEP approval of plans. The engineer called back the same day and left a message stating that the owner needs to pay him for services provided before he will address outstanding issues. DEP issued a letter to the owner on 11/25/14 stating that plans have not yet been received. DEP called the owner on 10/2/15; a tentative site visit has been scheduled for 10/8/15; the owner stated that he is having difficulty finding financing for the new SSTS. DEP performed a site visit on 10/8/15; septic failure was observed; the absorption field is soft in the northeast corner and one spot shows evidence of a previous surface failure, which is not migrating off of the property. DEP performed a site visit on 10/9/15; a septic failure was observed; photos were taken of the absorption field. DEP corresponded with CWC on 11/12 and 12/7/15 to discuss if the property

could become eligible for funding, despite the owner receiving SSTS funding from CWC back in 1998; CWC stated that they cannot pay for systems twice. It was noted by CWC that a few exceptions to this rule have occurred, but as research projects. DEP called the owner on 1/19/16 to schedule a site visit. DEP performed a site visit on 1/20/16; septic failure was observed; there was surfacing of sewage on the ground, odors were present, and areas of ponding were evident (due to frozen puddles on absorption bed); nothing is migrating off of the property. DEP called the owner on 3/29/16 to schedule a site visit. DEP performed a site visit on 3/30/16; septic failure was observed; there was surfacing of sewage on the ground and effluent was evident in puddles on the first two laterals; there were no odors present and the failure was not migrating from the puddled locations. The possible issuance of an NOV was discussed.

Project Name: 667 County Hwy 4, (2012-PE-0464)
Town: Roxbury
Basin: Pepacton
Type of Use: The site is a mixed residential/commercial site and is owner occupied.
DEP NOV
Type of Violation: Intermediate SSTS (IS)/Stormwater (SP)
Discovery Date: 5/22/14
Status: Ongoing

DEP received an application for a SWPPP on 4/28/15 from the engineer. DEP issued a NOICA to the engineer on 5/8/15 requesting additional information. DEP returned a call to the engineer on 5/11/15 regarding NOICA. The engineer had questions regarding SEQRA. DEP received a response to the NOICA from the engineer on 5/14/15. DEP issued a NOCA on 5/20/15. DEP received the Type II SEQRA Determination, dated 5/18/15, from the Tech Team on 5/22/15. DEP performed a site visit on 6/10/15; there were no deficiencies, there was no discharge and the site was occupied. DEP issued a comment letter on 6/11/15 to the engineer requesting revisions. DEP exchanged e-mails with the engineer on 8/5/15 regarding the revised SWPPP. DEP received a letter and SWPPP from the engineer on 8/24/15 to DEP's letter of 5/20/15. DEP issued a comment letter on 8/26/15 to the engineer with minor edits that need to be incorporated into the SWPPP before it's approvable. DEP received a letter and revised plans from the engineer on 9/3/15 to DEP's letter of 8/26/15. DEP issued an Approval Determination letter on 9/10/15. DEP received an e-mail from the applicant on 10/13/15 regarding the location of rain garden #1. A meeting was scheduled and held with the project applicant, engineer and CWC on 10/15/15 to discuss the issue with constructing rain garden #1, as shown on the plan; it was agreed that the location of rain garden #1 would be abandoned and rain garden #2 would be resized to treat all of the proposed impervious areas within 100 feet of the watercourse. DEP received an e-mail from the engineer on 10/16/15 with a revised site plan. DEP received a letter from the engineer on 10/26/15 regarding the 10/15/15 meeting and the revised construction plans for the rain garden. DEP issued a Modified Approval Determination letter on 10/27/15 to the engineer along with the approved plans. This project is on CWC's 11/3/15 Board Meeting Minutes and was approved for future stormwater. DEP met with the contractor and the engineer on-site for a pre-construction meeting on 11/13/15. DEP received an e-mail from the engineer on 11/20/15 specifying that the SWPPP will be implemented in early spring 2016, approximately on 4/15/16.

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

On 1/21/15, DEP received from NYC Law, the signed settlement agreement resolving the litigation. DEP sent an e-mail to the owner on 3/4/15 regarding the need to have the holding tank pumped to be in compliance with the SSTS Approval and the Stipulation. DEP called the manager on 3/4/15 regarding the need for an inspection. The manager said there are problems with opening the tank cover (frozen) as well as the water supply to the barn being frozen. DEP advised him to pump the holding tank and that DEP would try for an inspection in the next two weeks. On 3/18/15, DEP performed a scheduled inspection of the site. The cover for the holding tank is frozen in place. The alarm breaker is now off, and has been for several weeks. The tank level is above 1000 gallons, as it was during the last inspection, and needs to be pumped. DEP advised the manager of the two ongoing violations. The information on the pump chamber panel was recorded. DEP sent an e-mail to the owner on 3/23/15 regarding problems witnessed during DEP's 3/18/15 site visit, such as the tank needs to be pumped and the absorption field is being overloaded. DEP asked for pump out receipts and for the owner to contact an engineer to address the field. DEP received a phone call from the manager on 5/15/15 regarding the holding tank. It was pumped, yesterday, the alarm is on and the problems with the frozen/broken water lines are repaired. The manager asked that DEP give a call prior to a site visit to ensure he can be there. DEP called the hauler on 6/12/15 regarding pump outs. He has done three pump outs so far this season, all at the owner's request. DEP received a copy of the Consent Decree and Order from NYC Law Dept. on 6/25/15. DEP performed an inspection of the site on 8/21/15. The alarm breaker was in the off position, and when switched to the on position the alarm sounded. The pump panel readings were taken. As the manager was not on site, and several people were setting up the area for a wedding, DEP left without attempting to speak with the owner due to the number of guests on site. DEP called the owner on 8/24/15 regarding the alarm breaker being found in the off position and the tank liquid level being high enough to trigger the alarm during DEP's inspection on 8/21/15. The owner said the alarm is always functional and when it sounded on 8/21/15, the hauler was called. DEP asked the owner for the pump out receipts from 4/1/15 to the present, and advised him that DEP would call the hauler to verify his statement. DEP reminded the owner he violated the court ordered stipulation. The owner replied that he has been in compliance all year. DEP has resolved the Enforcement Action on 8/24/15. DEP called the hauler on 8/24/15 after speaking to the owner. The hauler said he received a call, today, 08/24/15, from the owner, who informed the hauler that a message had been left on the hauler's phone on 8/21/15 asking for a pump out. The hauler told DEP he did not receive the message but will pump out. DEP sent an e-mail to the owner on 8/28/15 regarding the holding tank alarm condition that DEP observed on 8/21/15. DEP requested confirmation of a pump out post 8/21/15 and the pump out receipts for 2015. DEP performed a follow up inspection of the

holding tank on 9/2/15. There were no violations noted. DEP sent an e-mail to the owner on 9/3/15 regarding the need for this season's pump out receipts. DEP also requested that the test function on the alarm panel be repaired. DEP performed a routine inspection of the holding tank and alarm on 9/18/15. The alarm breaker was in the on position, the alarm panel light was flashing, but there was no audible sound. There is an option to silence the alarm which DEP assumes had been activated. Several people were on site so DEP didn't locate the owner or try to lift the tank cover for an inspection. DEP performed a site visit on 10/2/15; septic failure was not observed; the alarm breaker was on, the alarm was not activated and the liquid level in the barn holding tank was below the alarm activation point. DEP called the manager on 10/2/15 to set-up an appointment to collect pump-out receipts for summer 2015 and to inspect the holding tank. DEP called the hauler on 10/2/15 regarding the pump-out receipts; the hauler said he would submit them by 10/5/15. DEP, NYC Law and the owner exchanged e-mails between 9/30 and 10/2/15 regarding the lack of pump-out receipts, which must be made available by the owner to DEP upon request per the Consent Decree. DEP called the hauler on 10/5/15 and again, requested the pump-out receipts. DEP performed a site visit on 10/23/15; septic failure was observed; the light on the alarm for the holding tank was flashing, but the sound had been shut off. A tent was being set-up next to the pond for a wedding. DEP performed a site visit on 11/2/15; septic failure was not observed; a routine inspection of the barn holding tank, alarm and breaker was done; no violations were noted and there have been no alarms, float errors or timer overrides since they were last recorded on 8/2/15; pump station activity was also recorded. NYC Law issued a letter to the owner on 11/9/15 stating that if pump-out receipts are not provided to DEP by 11/23/15, and if the barn tank is not disconnected by 12/2/15, fees will be triggered as per the Consent Order. DEP received an e-mail from the owner, via the hauler, on 11/9/15 containing pump-out information for nine dates from 6/2 to 10/29/15. NYC Law sent an e-mail to the owner on 11/10/15 stating that per the Consent Order and letter sent on 11/9/15, actual pump-out receipts are required. NYC Law drafted an e-mail to the owner on 11/13/15 stating that actual pump-out receipts are still required; this was in response to an 11/12/15 e-mail from the owner stating that he already passed along information provided by the hauler and would be away until Thanksgiving (2015). NYC Law reiterated that this information does not suffice for the Consent Order. DEP sent an e-mail to the hauler on 11/17/15 and received pump-out dates and volumes directly from him on 11/18/15. NYC Law sent an e-mail to the owner on 11/23/15 stating that the information provided to DEP by the hauler on 11/19/15 is acceptable, but going forward, the owner must maintain paper receipts on the vendor's letterhead or with his signature; this information must be kept where it can be accessed by the manager. DEP called the manager on 12/16/15 and requested an appointment to inspect the water lines at the barn. DEP performed a site visit on 12/18/15 with the manager; the alarm was flashing, as the tank was full past the alarm float; the water supply pipes have been cut and all three of the bathrooms in the barn have been winterized. DEP and the manager agreed to keep a clipboard in the barn office for the hauler to note dates and amounts of pump-outs. DEP advised that the tank needs to be pumped below the alarm float level to be in compliance. DEP spoke with the manager on 1/8/16 to schedule a site visit to check on holding tank compliance; the hauler will be pumping the tank on this same date. DEP performed a site visit on 1/15/16; septic failure was not observed; the septic tank has been pumped, the alarm breaker was on and a clipboard was hung in the barn office with the most recent pump-out date and amount written in by the hauler. The liquid level in the holding tank was measured; the pipes for the water supply to the apartment and barn bathrooms are still disconnected.

Project Name: 1475 West Highland Rd, (2013-CN-0565)
Town: Stamford
Basin: Cannonsville
Type of Use: Alleged Illegal SSTS installation – DEP NOV
Type of Violation: Other (OT)
Discovery Date: 10/25/13
Status: Approve

DEP issued a letter to the new owner on 11/14/14 stating that an NOV was issued on 11/12/13 regarding the existing system which is unapproved and must be pumped out and decommissioned. Furthermore, wastewater cannot be generated on the property and an SSTS design plan is required by a licensed design professional. DEP received a call from the engineer on 3/6/15 regarding the site. The engineer told DEP that the new owner wants to resolve the issues at the site and that he had not been hired by the land owner at the time of the conversation. DEP spoke to the new homeowner about the history of this site. He is aware of the issues regarding his septic system and seems ready to move forward on getting these issues fixed. DEP received a request for a pre-application meeting from the engineer/applicant on 4/23/15. DEP spoke to the homeowner, he verified he received letters that were sent. He has hired an engineer and will be moving forward. DEP performed a site visit on 5/27/15; septic failure was not observed. Does not appear that the house has been used. A soil/site evaluation was performed on 6/9/15. DEP received a call from engineer on 6/9/15 who requested variance application. DEP provided application to engineer, who is considering this as an option to achieve approvable SSTS design. A soil/site evaluation was performed on 9/1/15. DEP spoke with the engineer on 10/15/15 regarding the plan submittal. DEP received an Application for a non-conventional individual SSTS on 10/19/15. DEP issued a NOICA to the engineer on 11/2/15 requesting additional information. DEP received revised plans from the engineer on 12/9/15. DEP received a response to the NOICA from engineer on 2/22/16 to DEP's letter of 11/2/15. The submission included the requested easement. DEP issued a NOCA on 2/22/16. DEP issued an Approval Determination letter on 2/23/16.

Project Name: County Highway 18, (2008-CN-0263)
Town: Stamford (T)
Basin: Cannonsville
Type of Use: 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
Type of Violation: Intermediate Repair (CR)
Discovery Date: 7/15/08
Status: Ongoing

DEP's Assistant Counsel issued a letter to the owner on 3/14/14 regarding the outstanding NOV, occupancy on the property, and failed SSTS. The matter will be referred to NYC Law if the owner does not respond. On 3/18/14, DEP drove through the site and looked at the area where both the residential septic tank and manhole are located. There was no sign of a surface sewage failure. There was only one animal outside. No cars were on site. On 3/26/14, DEP drove by the property; several animals were in the barnyard, including horses, sheep and goats, and it appeared there was fresh hay for them. There were no cars in the driveway. DEP called the

facility on 12/16/14 and spoke to the daughter and requested a site visit. DEP called the owner on 2/10/15 to confirm that day's appointment; she would rather meet on 2/18/15 and the meeting was rescheduled for 2/18/15 which was also cancelled. DEP issued a letter to the owner on 4/8/15 confirming their meeting of 4/16/15. DEP returned the phone call to the owner on 4/16/15 regarding the cancellation of the site visit. DEP left a voice-mail requesting that a new appointment be scheduled and explained that the issues from the NOV need to be addressed. DEP received a voice message from the owner on 4/16/15 regarding the need to reschedule the appointment for 4/17/15 and a desire to better understand the nature of DEP's concerns. DEP Legal issued a letter to the owner on 5/29/15 regarding the outstanding NOV and unanswered notices sent regarding these violations. The owner must contact the Observer within five business days of this letter; failure to do so will result in possible litigation by NYC Law. Project was sent to NYC Law for litigation on 9/18/15. DEP Legal spoke to the owner's attorney on 1/27/16. One owner is in a nursing home; another still lives on the property. The foreclosure will take another six months. The owner's attorney will request permission for DEP to access the property.

Name: River Road. (2004-CN-0718)
Location: Stamford (V)
Basin: Cannonsville
Type of Use: Commercial
Discovery Date: 5/18/15
Type of Violation: SSTS Failure – DEP NOV
Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 5/18/15. DEP sent an e-mail to DOH on 5/28/15 with information on the new absorption field; DEP asked if DOH would do a joint review. DEP exchanged e-mails with DOH and the engineer between 5/30/15 and 6/1/15; DOH regulates the kitchen and thus would do a review. DEP called the design engineer on 6/2/15 regarding the leaching pools shown on the plans. DEP questioned the logic behind collecting stormwater at ground level and discharging the stormwater into the ground. DEP issued a NOICA to the owner on 6/5/15 requesting additional information. DEP issued a comment letter on 6/5/15 to the owner regarding the NOICA. DEP sent an e-mail to the engineer on 6/5/15 requesting a discussion on the 6/5/15 NOICA and NOICA comment letter and the 4/14/15 deep test results. DEP sent an e-mail to DOH on 6/9/15 asking if DEC would like to review the project. DEP also asked the engineer to send the response to the 6/5/15 NOICA/NOICA comments and revised plans to DOH. DEP received the May 2015 water meter readings on 6/10/15. DEP received a response to the NOICA from the engineer on 6/29/15. The submission included an engineering report and revised plans. DEP received the June 2015 water meter readings on 7/13/15. DEP exchanged e-mails with the owner between 7/13 and 7/14/15 regarding erroneous water meter readings. DEP issued a NOCA on 7/15/15. DEP received the July 2015 water meter readings on 8/3/15. The owner stated that the population at the center is growing daily and is currently at 75. DEP issued a comment letter on 8/12/15 to the engineer and applicant. 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.

Project Name: 28 Townsend Street (2001-CN-0080)
Town: Walton
Basin: Cannonsville
Type of Use: Intermediate Repair (CR)
Type of Violation: CR.1 - Replacement of existing SSTS for lots #s 32 and 33. CR.2 - Failing SSTS of lot #s 15 and 16. CWC Small Business. DEP NOV.
Discovery Date: 2/9/16
Status: New

Overview and Action:

DEP received a report from DEP Police on 2/8/16 regarding a complaint of a failed septic system at a trailer park; DEP notified DOH of this report on this same date. DEP performed a site visit on 2/9/16; septic failure was observed. DEP and DOH confirmed that two drywells, connected to a septic tank that serves five combined bedrooms for lot #s 15 and 16, have failed. DEP received two calls from the owner on 2/9/16 regarding meeting at the site. DEP initiated an Enforcement Action on 2/9/16. DEP corresponded by e-mail with DOH on 2/11/16 regarding setbacks to the well at the site. DEP received a call from DOH on 2/11/16; DOH witnessed a piece of a 55 gallon drum, with a sealed cover installed, on the main access port of the septic tank. The drywells were being backfilled and graded without risers, as the 55 gallon drums did not reach final grade, nor did they entirely cover the square access port of the drywells; no lime or fresh soil had been added to the contaminated backfill, which DOH requires. DEP spoke with the superintendent on 2/11/16 and received photos from him of the drywell riser on this same date. The superintendent could not locate properly sized culvert pipes for the temporary risers and wanted to know if the 55 gallon drum would suffice. The circumference of the drum did not entirely cover the square access opening, nor was it high enough to reach final grade. DEP advised to either get a watertight fit, or skip the riser install and pump directly out of the septic tank. DEP performed a site visit with DOH and the engineer on 2/12/16 to do soils; septic failure was not observed. The septic tank was almost full and the drywells, which were previously excavated, had been covered with the contaminated soils, but not completely backfilled; the area has been limed and is still fenced off. This project is funded under the CWC Small Business Program. On 2/16/16, DEP received CWC's notice of failure. DEP issued an NOV to the owner and manager on 2/18/16. DEP corresponded with the manager on 2/22/16 regarding the septic tank level, backfill of the drywells and ways to check for a sewage failure. DEP received a phone call from the owner of trailer # 15 on 3/7/16; DEP called back and left a voice-mail. DEP performed a site visit on 3/11/16 with DOH; septic failure was not observed, but the septic tank had definitely been recently surcharged. The fencing was down and the disturbed areas still need to be graded and limed. DEP and DOH advised the manager and the superintendent to check the septic tank level more frequently and to have it pumped when it becomes surcharged. DEP received preliminary plans and percs from the engineer on 3/24/16.

Project Name: 327 Johnson Hill Road (2000-CN-0066)
Town: Walton
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1206 – CWC – DEP NOF
Discovery Date: 11/12/1998
Status: Under Construction

Overview and Action:

DEP called the owner on 3/13/15 to see if she had called the design professional. DEP encouraged the owner to contact the design professional to see if they would provide a letter to get the previous plans reapproved for construction. DEP called and left a message on 3/19/15 asking the owner to call back. DEP wanted to know if she was able to contact the engineer and if he was going to send out a re-approval. DEP left a message for the owner on 4/3/15 requesting status update and any project progress. Also stated that NOV's get issued when failing sites don't make progress. DEP called the owner on 4/17/15 and left a message to call back with SSTS status and discuss schedule. DEP performed a site visit on 5/12/15. The area where septic had been failing is now dry. Usage is down now that it is mostly just her home. Advised her to continue to proceed with getting plan renewed and contact a contractor. Gave her business card and told her to call with updates on progress. DEP called owner on 5/12/15 and left message to call back to try and help avoid DEP legal action regarding failed SSTS. On 5/21/15, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a call from the owner on 5/21/15. Owner asked for a return call and left no other information in her message. DEP called the owner on 5/27/15 regarding the letter that was sent. DEP informed the owner that the project needs to move forward at this point. The owner stated that she had called and left a message for the previous professional and never received a call back. DEP provided the name and number again, for the owner to call. DEP asked that the owner call back to inform of progress. DEP received a call from the owner on 5/27/15. She tried calling the old professional and was informed that the old engineer has retired. They will inquire to see if the new engineer on staff is willing to take the job, but told the owner that he is rather selective on the jobs that he takes on. Owner is going to call another local engineering company to see if they are willing to take this project on. DEP issued a Design Approval Expiration letter on 6/17/15 also with soil validity concerns. DEP e-mailed engineer 6/17/15 regarding recertification and soils. DEP received a request for a pre-application meeting from the engineer/applicant on 6/24/15. A soil evaluation of fill material was performed on 6/30/15. DEP contacted the old engineering firm on 9/16/15. They have not received any recent communication from the owner. DEP stated that DEP will be contacting owner and asked engineer to keep DEP updated with any progress. DEP called the owner on 9/16/14 and left a message. DEP called and spoke with owner about status of plan submission on 9/2/15, who deferred to engineer. DEP then called engineer and left a message for call back on this subject. Engineer returned call and stated plans will be submitted by 9/16/15. DEP exchanged calls with the engineer on 10/14 and 10/15/15 regarding the status of the plans; the engineer is working on his fourth design, this one is for a Presby system, as the owner does not want a pump system. The engineer hopes to submit plans within the next couple of weeks. DEP performed a site visit on 11/13/15; septic failure was not observed and photos were taken; the owner confirmed that the engineer is working on a plan. DEP received an Application for a non-conventional individual SSTS on 11/18/15. DEP issued a Modified Approval Determination letter on 12/2/15 to the engineer along with the approved plans. DEP spoke with CWC on

1/21/16; CWC has not yet received a bid quote and the owner needs to sign a program participation agreement again, as the first one was lost in a flood years ago; DEP to update the owner. DEP called the engineer on 1/21/16; he will contact the owner regarding the CWC paperwork. Engineer also stated that he sent plans to the contractor and is expecting a bid to be submitted, soon. DEP received a call from CWC on 1/21/16 stating that they will be meeting with the owner during the following week to address the necessary paperwork. DEP called the engineer on 2/9/16; the owner provided plans to a contractor so that a bid could be written up for CWC. DEP performed a site visit on 2/29/16; septic failure was not observed and photos were taken; no one answered the door; plans are approved and construction will be done in spring 2016. DEP received call from CWC on 3/14/16; they approved the construction bid. DEP received notice on 3/21/16 that construction will begin on 3/22/16. DEP performed construction site visits on 3/22, 3/23, 3/25, 3/28, 3/30, and 3/31/16.

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.
Discovery Date: 5/20/1998
Status: Ongoing

Overview and Action:

DEP called the owner on 4/27/15 regarding a dye test. The wife referred DEP to her husband to obtain permission to dye test the system to see if it is still in failure. DEP called and left a message for the owner on his cell phone on 4/27/15 regarding conducting a dye test to determine if the system is in failure. DEP called and left a message for the owner on 5/4/15 regarding what DEP would like to do to move the project forward (conduct a dye test). DEP issued a letter to the owner on 5/11/15 requesting that a dye test be scheduled to document the current status of the SSTS. DEP performed a site visit on 5/29/15. Septic failure was not observed. DEP taped the letter to the door and took pictures of letter on door and the old failure spot. DEP received a call from the owner on 6/4/15 regarding scheduling a dye test. Owner stated that the system seems to have started acting up again this spring and that they now have a wet spot in the lawn again. DEP will call the owner back to schedule the dye test. DEP called and left a message for the owner on 6/5/15 regarding scheduling the dye test for 6/10/15. DEP called the owner on 6/8/15 regarding a time for the dye test. DEP will meet with the owner on 6/10/15. DEP performed a site visit on 6/10/15. Septic failure was observed. A dye test was conducted. Failure is evident at the tree line. Dye was not recovered on 6/10/15 by DEP. DEP performed a follow up site visit on 6/11/15. There was surfacing of sewage on ground and there was no dye surfacing. DEP performed a follow up site visit on 6/15/15. Still no dye surfacing. DEP issued an NOV to the owner on 7/10/15. DEP called the owner on 7/10/15 regarding the NOV. DEP stressed that they need to call the number listed on the paperwork when they receive the letter. The owner stated that they have been working on getting the SSTS fixed for years, but the project stalls after a while and then they have to start over again. DEP received a call from designer on 7/16/15 regarding what is needed to get the design reapproved. The original Engineer's license is inactive so they are looking for another engineer to recertify the design prior to resubmission. DEP received a call from the owner on 7/17/15, who stated that he left his engineer a message, recently, and was waiting to hear back. He agreed to keep DEP posted with any developments. DEP stated he

would be contacted if he does not reach out to DEP with update within two weeks. DEP called the owner on 8/5/15 regarding the status of the plan submission. Owner is continuing with the original surveyors to do the recertification. He has sent a check to cover the cost of the recertification and is currently waiting for the plans to be sent to him so that he can move forward. DEP received a letter from the engineer on 9/4/15 regarding design expiration and re-approval. DEP issued a Modified Approval Determination letter on 9/15/15 to the engineer along with the approved plans. DEP corresponded with CWC on 10/14/15 regarding the bid submittal status; CWC stated that there has been no activity. DEP called the owner on 10/15/15 to see if a contractor has been hired and/or a bid has been submitted to CWC. DEP called the owner on 10/20/15 to schedule a site visit. DEP performed a site visit on 10/22/15; septic failure was observed and there was surfacing of sewage on the ground in the back lawn. The owner said he purchased a building permit and is waiting for his contractor to start. DEP called CWC on 10/23 and 12/16/15; CWC stated that a bid has not yet been submitted. DEP Legal issued a letter to the owner on 12/23/15 regarding the necessary steps to prevent moving forward with litigation: immediately stop discharging sewage, submit a bid to CWC, and have the SSTS constructed by 5/15/16. DEP REP sent an e-mail to DEP Legal on 1/5/16 requesting that the 12/23/15 letter be reissued with some minor edits. DEP spoke with CWC on 1/21/16; CWC still has not received a bid submittal for this project. DEP Legal issued a letter to the owner on 1/27/16 regarding the NOV. To avoid referral of the case to NYC Law and possible litigation, the owner must: stop discharge to the ground, hire a contractor, submit a bid to CWC by 2/15/16, and have the SSTS fully constructed by 5/15/16. DEP performed a site visit on 1/28/16; septic failure was observed and there was surfacing of sewage on ground; no one was home; took photos of the back lawn; the failure is still visible. DEP called CWC on 2/25/16; CWC does not have any records of a bid submitted or approved.

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
Discovery Date: 11/30/2001
Status: Ongoing

Overview and Action:

DEP called and left a message for the owner on 3/25/15 to let them know that a site visit would be conducted on 3/26/15. DEP performed a site visit on 3/26/15; septic failure was observed. There was grey matter and an odor noted at time of the site visit. DEP performed a site visit on 5/14/15. Septic failure was not observed. The ditch is damp and no odors were detected. DEP called the town CEO on 5/27/15 regarding the status of the building permit for the second residence. The building permit was issued in 2003 to replace a house and was renewed in 2004. The owner was sent a letter informing him that the permit was going to expire in November of 2005. The permit has not been renewed since. The second residence has had site, footing, foundation, and electrical inspections. Residence is not ready for a certificate of occupancy and one has not been issued. The owner will have to close out this permit and apply for a new one since the building codes have changed so much in the past decade. The permit does not indicate the number of bedrooms for the replaced residence. The plans do not show an existing SSTS for the replaced residence. DEP called and left a message for the town assessor on 6/17/15

confirming the owner name and mailing address. The assessor's office returned the call and confirmed the owner's and the mailing address. The information was passed to NYC Law via e-mail. DEP performed a site visit on 6/25/15. There was a questionable discharge, no odors, ditch wet, but it could be ground or storm water. DEP performed a site visit on 9/17/15. The owner stated that he is having problems getting the engineer to complete the plans for submission. DEP performed a site visit on 12/30/15; septic failure was observed in the same location. NYC Law issued a warning letter and draft complaint to the owner via certified return receipt mail on 2/18/16. To avoid litigation, the owner must respond by 3/8/16 to discuss a plan and schedule for a compliant septic system to be installed. DEP exchanged e-mails with NYC Law on 3/10/16 asking if they have received a response from the owner in regards to the complaint that was sent. At this time, NYC Law has not had a response to the letter. DEP called and left a message for the owner on 3/14/16 letting him know that a site visit would take place. DEP performed a site visit on 3/17/16; septic failure was observed in the ditch and odors were detected at the time of the site visit.

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

Project Name: 579 Croton Falls Rd (2014-CF-0639)
Town: Carmel
Basin: Croton Falls
Type of Use: Crossing, Piping, Diversion (CPD)
Type of Violation: Owner diverted a watercourse without prior review and approval by DEP.
DEP NOV
Discovery Date: 11/12/14
Status: Ongoing

Overview and Action:

DEP issued an NOV to the owner on 11/13/14. DEP performed a site visit on 11/13/14; construction started without an approved SWPPP. There were deficiencies, there was no discharge and the site was occupied. DEP received a copy of the NOV issued by the Town to the owner on 11/20/14 via e-mail. DEP issued a follow-up letter to the meeting of 11/21/14, to the owner on 11/25/14 regarding the NOV issued on 11/13/14. DEP received a call from the Town on 11/25/14 regarding coordination of the Town and DEP's NOV's. DEP received a call from the owner's engineer on 12/2/14 regarding the resolution of the DEP and Town's NOV's. The engineer stated that a survey and plan will be submitted to DEP and the Town, when ready. DEP received a notice from the engineer stating that they have been retained by the owner on 12/8/14. DEP received a copy of the engineer's letter to DEC on 3/16/15. DEP responded to the engineer's e-mail dated 4/15/15 regarding the NOV. DEP received plans from the engineer on 4/20/15. DEP issued a letter to the engineer on 5/1/15 regarding the proposed work in response to the NOV. DEP received the owner's response to DEP's NOV from the engineer via e-mail on 11/30/15. In a conversation with the engineer on 2/4/16, DEP reiterated that work is not complete; there is approximately 100 feet of stream to restore. Due to recent cold weather and snow, work will resume in the spring of 2016.

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' of a controlled lake. DEP NOV
Discovery Date: 10/21/14
Status: Ongoing

Overview and Action:

DEP received an e-mail from Legal on 2/3/15 regarding status of the case. DEP performed a site visit on 2/11/15; there was no work in progress, the site was closed and snow covered. DEP received e-mails from Legal between 2/12/15 and 2/17/15 regarding the status of the case. DEP performed site visits on 2/18/15, 2/23/15, 3/2/15 and 3/10/15; no work in progress, site is closed and snow covered. DEP received an e-mail from Legal on 3/13/15 regarding the status of the case. DEP performed site visits on 3/23/15 and 3/31/15; no work in progress and the site is closed. DEP performed site visits on 4/6/15 and 4/21/15; there was no work in progress at this time. DEP received a response to the NOICA from engineer on 4/27/15; submission included plans. DEP performed site visits on 4/28/15 and 5/4/15; there was no work in progress at this time. DEP issued a NOICA to the engineer on 5/4/15 requesting additional information. DEP performed site visits on 5/11/15, 5/27/15, 6/2/15, 6/18/15, 6/24/15 and 7/1/15; there was no work in progress. The red trailer has been removed. DEP performed site visits on 7/9/15, 7/14/15, 7/20/15 and 7/27/15; there was no work in progress. DEP performed a site visit on 8/4/15; the tree company was on site to remove a dead tree bordering the adjacent property. The job is scheduled to be completed the following day. No other work in progress. DEP performed a site visit on 8/12/15; the tree has been removed and the site is closed with no work in progress. DEP performed site visits on 8/18/15, 8/24/15, 8/31/15, 9/8/15, 9/14/15, 9/21/15 and 9/29/15; the site is closed and there is no work in progress. DEP performed site visits on 10/6 and 10/13/15; the site was closed and there was no work in progress. On 10/13/15, DEP was notified of the summary deposition schedule for the court case regarding the site. DEP performed site visits on 10/21, 10/26, 11/5, 11/10, 11/30, 12/11 and 12/16/15; the site was closed and there was no work in progress. 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.

Project Name: Prato Gary Attn: Garon Fence Co/Fill Section, (2010-CF-0892)
Town: Carmel
Basin: Croton Falls
Type of Use: Fill section. Failure to comply with Rules and Regulations; Land Use Permit for survey and eventual remediation. DEP NOV.
Type of Violation: Stormwater (SP)
Status: Ongoing

DEP had a meeting on 9/5/14 with staff from DEC, AG-WIG, NYC Corporation Counsel and the owner and his team of technical and legal representatives to discuss proposed groundwater sampling and long term groundwater monitoring on affected lands. Surface soil and water sampling of fill material on NYC Lands is proposed to commence on 9/8/14. DEP received the Off-Site Investigation Report and Supplemental Investigation Work Plan for the Prato property from the engineer on 1/23/15 and 1/30/15, respectively. On 2/25/15, DEP held an internal tech team meeting and a joint conference call with DEC and WIG Office to discuss review comments on AKRF's remedial investigation report. DEP issued a letter to the engineer on 3/23/15 regarding the Off-Site Investigation Report. A copy of the letter was also issued to the owner. DEP received via e-mail, a copy of a revised letter from the DEC to the attorney on 3/24/15 regarding DEC's comments regarding the work plan submitted by the engineer on behalf of the owner of the property. On 4/15/15, DEP conducted a site visit with DEC and WIG's office to assess locations of monitoring wells with the consultant. On 5/7/15, DEP and DEC performed an inspection of the impacted wetland on NYC lands to assist in determining the nature and extent of remediation work. DEP sent correspondence to NYC Corporation Counsel on 5/8/15 via e-mail regarding the 5/7/15 site visit. DEP received e-mails from the remediation consultant on 6/1/15, 6/2/15 and 6/3/15 regarding the installation of a hand dug monitoring well point within the impacted wetland on NYC Lands. Land Use Permit (LUP) for well installation work was issued on 5/26/15. DEP received a copy of the engineer's letter and plans to DEC on 9/15/15 regarding creating an access road for a proposed monitor well. DEP responded on 9/18/15 to the engineer's e-mail dated 9/15/15 regarding the plans with suggested edits/revisions. DEP received an e-mail from DEC on 10/7/15; DEC conditionally approved the monitoring plan for the property. DEP received an e-mail on 11/18/15 from the Watershed Inspector General regarding a letter dated 10/8/15 that was sent to the owner's attorney. DEP performed a site visit on 12/14/15; monitoring well locations were established; there was no discharge and the site was stable and occupied. DEP REP sent an e-mail to DEP Employee Health and Safety (EH&S) and DEP Legal on 1/20/16 regarding when and where initial sampling was performed. On 2/29/16, DEP received a copy of the compliance letter DEC sent to the applicant.

3.2.4. Kensico Basin

Project Name: Harrison Waste Facility, (2013-KE-0313)
Town: Harrison
Basin: Kensico
Type of Use: Organic waste transfer - DEP NOV.
Type of Violation: Solid Waste (SO)
Status: Closed

On 7/2/14, DEP re-sent, via e-mail, December 2013 review comments on the facility site plan to the engineer. DEP received a call from the engineer on 9/22/14 regarding the Variance NOICA.

DEP requested a joint site inspection of the Town of Harrison's Nike Base property scheduled for 10/2/14. DEP staff met with the project engineer on 10/2/14 at the property to assess its suitability as an alternative location for Harrison's organic waste transfer operations. An e-mail was sent to DEP and NYC lawyers on 10/3/14 regarding the 10/2/14 site inspection. An e-mail was sent to DEP and NYC lawyers on 11/7/14 regarding an update on the variance. DEP received an e-mail from the town on 1/23/15 regarding the status of the variance. DEP received an e-mail from the town on 2/10/15 accepting and authorizing the variance. DEP received an e-mail from the engineer on 3/13/15 regarding documentation of change in grass clipping collection. DEP received an e-mail from the engineer on 4/27/15 regarding the status of the project. DEP received draft drawings/specs from the engineer for the proposed improvements to the transfer station facility. DEP called the engineer to convey that the draft plans are acceptable. DEP received a call from the engineer on 6/3/15 regarding the nature of plantings proposed for the facility buffer strip and the use of herbicides to eliminate existing invasive species. DEP received plan specifications and contract documents from the engineer on 6/16/15. DEP sent an e-mail to the engineer approving the bid documents on 6/22/15. DEP sent an e-mail to the NYC attorney on 7/20/15 regarding the Variance mitigation contract. DEP received an e-mail from the representative on 8/20/15 scheduling an 8/27/15 pre-construction meeting for the Variance mitigation plan. DEP attended a pre-construction meeting on 8/27/15. On 9/29/15, DEP inspected construction activity at the site. Asphalt top course has been placed throughout the site. The block retaining wall and perimeter curbing was installed. Grass buffer/filter strip had been cleared and graded; item 4 stone dissipater has been installed at the lip of asphalt. Topsoil, seed and straw are necessary. DEP performed a site visit on 10/8/15; asphalt is complete; there are no seed or stabilization in the grass buffer area. DEP sent e-mails on 11/25 and 12/22/15 to the Town of Harrison Engineer regarding the status of the As-Builts for the site improvements; DEP received a response on 12/23/15. DEP received the "As-Built Survey Site Improvements" from the Town of Harrison Engineer on 2/2/16. DEP has resolved the Enforcement Action on 2/22/16. The violation was resolved and the case was closed on 2/22/16 with DEP Closure letter dated 2/22/16.

Project Name: 16 Bayberry Rd (2014-KE-0203)
Town: North Castle
Type of Use: Delegated SS (DFS)
Type of Violation: Septic Failure.
Discovery Date: 4/8/14
Status: Closed

Overview and Action:

DEP received revised plans from the engineer on 11/3/14. DEP issued a No Objection letter to DOH on 11/5/14. DEP received an approved Construction Permit on 11/13/14 from DOH along with a copy of the approved plan. DEP called the engineer on 1/8/15 regarding the status of the repair. He reported that he is still seeking a third estimate for the work before submitting as part of the Kensico Repair program. DEP performed a site visit on 1/13/15; septic failure was not observed. There was no sign of SSTS repair at this time and no sign of surface discharge. DEP received an e-mail from the engineer on 2/5/15 stating that there seems to be a limited number of companies that are familiar with the system so there is a delay in getting three proposals and that the weather has put everything on hold for the time being. Engineer knows that the Town of North Castle is anxious to get this done because there has been a machine parked there for

months. DEP performed a site visit on 3/25/15; septic failure was not observed. DEP received an e-mail from the engineer on 4/2/15 stating that he is waiting for prices. DEP received an e-mail from the engineer on 5/6/15 stating he has received the proposals. REP received an e-mail from DEP Reimbursement program on 7/9/15 that the contractor has been selected and construction has begun. DEP performed a site visit on 8/5/15; septic failure was not observed. DEP received an e-mail from DOH on 9/4/15 stating that work has been completed. Awaiting as-built drawings from the engineer. DEP received a Certificate of Construction Compliance on 12/16/15 from DOH along with As-Built Plans.

3.3. DEP Police Actions

3.3.1. Catskill District

Name: Schoharie Reservoir **CS-084-14, SJS 48812**
Location: Conesville
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 8/4/14
Status: OPEN

Overview and Action:

DEP Police investigated a complaint which originated from Air 6 (helicopter) patrol that had observed a small plume of oil (3' in diameter) on the Schoharie Reservoir across from Gate 22. Using GPS coordinates and added assistance from Air 6, a marine patrol on the reservoir was able to locate the oil plume now marked with a buoy. Oil plume and bubbles from source are more easily visible from the air. DEP Haz Mat notified to respond to the location for further investigation and water sampling and awaiting action by DEP Haz Mat. Monitoring of site ongoing. DEP Police and DEP Haz Mat involved.

Name: 465 Bull Hill Road **CS-021-15, SJS 52346**
Location: Conesville
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 2/25/15
Status: Closed

Overview and Action:

DEP Police responded to an e-mail request from a DEP Regulatory and Engineering Programs (REP) employee to monitor a residence for septic tank discharge where homeowner had previously been caught discharging septic tank contents into the nearby woods. A recent site inspection by a DEP REP employee determined that the septic tank had been shoveled off of snow and had a path leading from the tank to the woods. DEP had not been receiving pump-out receipts from the owner for this part-time residence so any signs of activity are suspect. DEP Engineering requested Police to conduct frequent checks of the residence particularly on weekends to determine if discharge activity had resumed. Police checked location and observed that there had been no weekend activity based on absence of fresh vehicle tracks in the snow on driveway. Police have conducted numerous checks of site and observed that there has been no change in condition. DEP Police contacted by Wastewater Treatment Program in regards to this

case and it was agreed that this case could be closed with no further action needed by the Police at this time. Wastewater Treatment Program did state the City is still pursuing the property owner through NYC Law Department for his refusal to install a working septic system on the property. Closed. DEP Police and DEP REP involved.

Name: County Route 39 **CS-223-15, SJS 57485**
State Route 990V

Location: Conesville

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 12/24/15

Status: Closed

Overview and Action:

DEP Police observed a small dumping along the roadway that did not yield any traceable evidence. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: 370 State Route 990V **CS-226-15, SJS 57546**
DEP Police Schoharie Precinct

Location: Gilboa

Type of Use: Municipal

Type of Violation: Haz Mat Spill / Discharge

Date Discovered: 12/29/15

Status: Closed

Overview and Action:

DEP Police was notified of a generator spill at Gilboa Precinct. The generator lines had cracked and an estimated 1 gallon of anti-freeze had leaked out which was not recoverable. Repairs scheduled for next day and DEP Haz Mat will respond to clear snow from around the perimeter of the slab. DEP Police and DEP Haz Mat involved.

Name: State Route 990V, **CS-010-16, SJS 57899**
Gilboa Dam Construction Site **Spill # 15104112**

Location: Gilboa

Type of Use: Municipal

Type of Violation: Haz Mat Spill / Discharge

Date Discovered: 1/22/16

Status: Closed

Overview and Action:

DEP Police was notified of a spill at the Gilboa Dam construction site in which a LinkBelt 250X excavator blew a hydraulic line resulting in approximately 2 quarts of fluid leaking onto the ground. Spill pads were placed under the machine and the impacted soil was removed and deposited in a drum for proper disposal. DEP Police involved.

Name: State Route 990V **CS-030-16, SJS 58367**
Gilboa Dam Construction Site **Spill # 1511308**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Haz Mat Spill / Discharge
Date Discovered: 2/25/16
Status: Closed

Overview and Action:

DEP Police were conducting site inspections and observed construction workers spreading what appeared to be dishwashing detergent on the surface of the storm water retention pond behind the guard booth. Officer contacted DEP Project Manager who stated that a mechanical failure of a petcock valve on a fuel line for a Cat D8 bulldozer had leaked approximately 5 gallons of diesel fuel onto the ground. Absorbent pads and booms deployed to contain the spill; clean-up ongoing at this time, until complete. DEP Police and DEP BEDC involved.

Name: 15 Ski Bowl Road **CS-198-15, SJS 56995**
Location: Hunter **Spill # 1508692**
Type of Use: Residential
Type of Violation: Haz Mat Spill / Discharge
Date Discovered: 11/23/15
Status: Closed

Overview and Action:

DEP Police responded to a complaint from DEC Spill Coordinator of a #2 fuel oil spill and met with him at site. Per fuel company, nothing unusual was noted when the 275 gallon tank was last filled on 10/27/15, but since then, tin plug in the tank rotted and gave way, spilling approximately 150 gallons of fuel. Spill pads and booms, now in place, and carbon system for the sump pump to be installed, shortly. Most of the oil has leached away. No direct impact to the water supply as no active creeks in the vicinity. No violations observed. Fuel Company replaced the tank. DEP Police, DEC Spill Coordinator involved.

Name: Maple Avenue, NYC Parcel #7410 **CS-020-16, SJS 58134**
Location: Hunter
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 2/8/16
Status: Closed

Overview and Action:

DEP Police, while on sector patrol, observed 7 full and queen size mattresses dumped on NYC parcel which yielded no traceable evidence. DEP Watershed Maintainers notified for removal. DEP Police and DEP Land Management involved.

Name: Cold Brook Gauge Access Road **CA-715-15, SJS 56908**
Location: Olive
Type of Use: Municipal
Type of Violation: Hazmat Spill / Discharge
Date Discovered: 11/18/15

Status: Closed

Overview and Action:

DEP Police was flagged down by DEP Land Acquisition employee advising of a suspicious package in the roadway described as a red duffel bag with a large amount of unknown white powder coming from it. Officer responded, observed the canvass bag and determined it to be canvass cover for a fire extinguisher mounted on the exterior of a vehicle. Extinguisher had unintentionally fallen from a vehicle and upon impact discharged resulting in fire retardant chemical being deposited on the roadway. DEP Haz Mat notified and advised that there were no Haz Mat concerns with retardant residue. Town of Olive Highway Department notified and dispatched Dept. of Public Works crew for removal and clean-up. DEP Police, DEP Haz Mat and town of Olive Highway Department involved.

Name: 21 Edward Lane **CA-040-16, SJS 57914**

Location: Olive

Type of Use: Commercial

Type of Violation: Dumping

Date Discovered: 1/24/16

Status: OPEN

Overview and Action:

DEP Police responded to a dumping complaint at a local business in which owner stated that several weeks ago someone had dumped a bed box spring on the property which he removed but, today, a large TV box had been dumped at the same location. Dumping site is on the shoreline of the Esopus Creek. Shipping invoice on box did yield traceable evidence. Initial attempts to contact subject met with negative results. Officer will conduct a follow-up investigation in an attempt to locate subject for enforcement. DEP Police involved.

Name: Pangman Rd / Stanley Slater Rd **CS-228-15, SJS 57573**

Location: Prattsville

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 12/31/15

Status: Closed

Overview and Action:

DEP Police responded to a report of dumping on an environmental easement reported by DEP Land Management. Upon arrival, officer observed household refuse strewn throughout the area which did yield traceable evidence. Numerous attempts to make contact with subject met with negative results. Land Management provided with updated contact information and their crew removed the garbage. DEP Police and DEP Land Management involved.

Name: 4099 Roxbury Mountain Road **CS-182-15, SJS 56701**

Location: Roxbury

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 11/5/15

Status: Closed

Overview and Action:

DEP Police was notified of a possible dumping by DEP Land supervisor. Upon arrival, officer conducted patrol of area and located 8-10 clear garage bags of a white powdery substance. Photos taken for documentation. Dumping appears to have been there for some time. No traceable evidence located. DEP HAZ Mat and Land Management notified for removal. DEP Police, DEP Haz Mat and DEP Land Management involved.

Name: 468 Oliverea Road **CA-920-14, SJS 51461**
Location: Shandaken
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 12/29/14
Status: Closed

Overview and Action:

DEP Police investigated an anonymous complaint of a possible septic leak. Officer responded to the above location and interviewed numerous tenants residing at different addresses all in the vicinity of the original complaint and all owned by the same landlord. One subject residing at 470 Oliverea Road reported issues with a leaking septic which officers were able to locate by odor present and a resident later witnessed “sewage bubbling up out of the ground”. Another resident at 476 Oliverea Road had experienced problems with a backed up toilet and the 470 Oliverea Road resident also had problems with a leaking septic and suspected tainted tap water. Officer documented leak and surrounding area with photos and made identification of landlord through NYS DMV. All residents were advised not to drink the water. Officer contacted DEP Regulatory Engineering Programs (REP) and the Department of Health. REP employee made contact with the landlord whom stated that he hired a company to pump out the system as well as a physical engineer to design a repair plan but was hampered by lack of funding. Landlord was temporarily covering the leak area with plywood and placing caution cones as directed by REP. Department of Health (DOH) to conduct dye test and follow-up with landlord. On 2/13/15, this case was essentially turned over to DEP REP. However, on 2/28/15, the investigation was reopened pending new information of further leakage/pumping activity. DEP Police, DEP REP and DOH involved.

SUPPLEMENTAL (1) FOR CASE: CA-920-14 /- 2/28/15: Officer directed to follow up at property for signs of continued septic leakage or recent septic pumping as landlord had notified DEP REP that septic had been pumped on 2/27/15, thereby ending the leakage on property. Officer interviewed resident of 468 Oliverea Road whom stated that he had been at home all day on the day in question (2/27/15) and had not seen any vehicle at the property conducting the septic system pumping. Officer searched the property for any possible sewage leakage or evidence of an area having been cleared of snow and dug up for pumping the septic system, all with negative results. Officer’s attempts to contact the landlord at his residence were also met with negative results, despite the presence of three vehicles in the driveway and a television set on in the background. Case remains open.

SUPPLEMENTAL (2) FOR CASE: CA-920-14 /- 3/30/15: Officer received a phone call from the original complainant residing at 478 Oliverea Road, whose attorney was requesting any

reports generated by DEP regarding this investigation as the landlord is now evicting the tenants presumably because they alerted DEP to the failed septic system. Complainant also stated that landlord or his contractor can be seen meddling with the septic cover just before and / or after DEP REP (civilian) vehicle has conducted site check. Officer was finally able to interview landlord at location and was shown a recent e-mail he received from DEP regarding remediation. Officer inspected septic failure site again, and there appears to be no change in the condition of the site since his last inspection. At this time, there are still no criminal charges registered against the landlord. Officer will follow up with DEP REP and their point of contact regarding this matter. Case remains open. Monitoring of site revealed no change in conditions. DEP Police received an e-mail from DEP Engineering advising that homeowner has remedied the problem. DEP Engineering had attached a copy of the letter of satisfaction from the DEP and it has been filed in the case folder. Homeowner had installed a new septic system for the property. The case is resolved at this time. DEP Police, DEP Engineering and DOH involved.

Name: State Route 23, NYC Parcel #2653 **CS-211-15, SJS 57226**
Location: Windham
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 12/8/15
Status: Closed

Overview and Action:

DEP Police was notified by DEP Land Management of a dumping of household garbage on a newly acquired NYC parcel (#2653). Officer investigated and located traceable evidence leading to the house on the adjacent property which has two apartments. Follow-up by officer led to interview with subject whom stated that garbage was hers and it had been dragged into the woods by a bear that has been causing problems for the past few months. Garbage had already been cleaned up by subject's niece. DEP Police and DEP Land Management involved.

3.3.2. Delaware District

Name: NYC Road #8 **CB-430-15, SJS 56609**
Location: Andes
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/31/15
Status: Closed

Overview and Action:

DEP Police on patrol observed numerous trash bags located just beyond the guide rail which contained only household refuse and no traceable evidence. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 30 **CB-064-16, SJS 58471**
Location: Andes
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/2/16

Status: OPEN

Overview and Action:

DEP Police received a dumping complaint from DEP Land Management consisting of household refuse which did yield traceable evidence in the form of a purchase receipt and a mailing label from a box. Store owner was able to provide customer name /address from purchase receipt which was same location as address on label.

Investigation continuing to connect subjects in question to this dumping for enforcement. DEP Police involved.

Name: 1755 Upper Dingle Hill Road **CB-096-16, SJS 58911**

Location: Andes

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 3/25/16

Status: OPEN

Overview and Action:

DEP Police received a dumping complaint from property owner when he discovered a large dumping site over an embankment on his property. Upon arrival, officer observed the dumping, which consisted of recyclables, household refuse and mailers in the form of personal papers and magazines which did yield traceable evidence leading to numerous possible suspected individuals. Officer will conduct follow-up investigation in an attempt to locate the responsible person(s) for enforcement and cleanup of site. DEP Police involved.

Name: County Route #5 **CB-037-16, SJS 58132**

Location: Bovina

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 2/8/16

Status: Closed

Overview and Action:

DEP Police while on sector patrol, observed a dump site consisting of household refuse, television sets, tires and miscellaneous items over an embankment. No traceable evidence found and no negative impact to the water supply. Delaware County Dept. of Public Works notified of location for proper disposal. DEP Police and Delaware County DPW involved.

Name: Miller Hollow Road / State Route 30 **CB-095-15, SJS 52736**

Location: Colchester

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 3/24/15

Status: Closed

Overview and Action:

DEP Police on sector patrol observed a dumpsite at road intersection consisting of recyclable materials which did not yield any traceable evidence. Materials removed by Officer for proper disposal. Area has been noted as high frequency dumping area and will be monitored for future activity and camera placement. Additional signage stating "No Dumping" posted at site. No

further incidents reported. DEP Police involved.

Name: 429 County Route 7 **CB-455-15, SJS 56950**
Location: Colchester
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 11/20/15
Status: Closed

Overview and Action:

DEP Police met with complainant at logging site where officer observed turbid run-off water crossing the complainant's property and flowing into the stream that feeds the Pepacton Reservoir. Owners of logged property disclosed logger's name and officer subsequently met with logging crew on site to address their actions and resulting run-off and turbidity. DEC identified stream in question to be "Classified" and logger advised to acquire proper permits before work continues. Officer issued tickets for Contravention of Standards (ECL 17-0501-(1) and Unregistered Motor Vehicle (VTL 401(1)(A) for vehicle being used on 10 acre site. Crew chief complied with officer's directive to place hay bales to prevent further turbid storm water from entering stream. DEP Police and DEC involved.

Name: State Route 28 **CB-039-16, SJS 58172**
Location: Delhi
Type of Use: Municipal
Type of Violation: Sewage Discharge
Date Discovered: 2/11/16
Status: Closed

Overview and Action:

DEP Police responded to the location of a possible sewage discharge complaint in the village of Delhi in the vicinity of the high school. DEP employee reported witnessing a slight sewage overflow coming from a manhole close to the high school with an estimated flow rate of 100 to 300 gallons. Officer arrived on scene and canvassed the area multiple times with negative results thus determining that the spill had already been remediated. DEP Police involved.

Name: County Route 26 **CB-370-15, SJS 55893**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 9/22/15
Status: Closed

Overview and Action:

DEP Police observed numerous bags of household garbage and recyclables thrown over the embankment close to a "No Dumping" sign. Officer was able to locate traceable evidence including several invoice slips from a truck stop bearing a truck company name. Officer to continue investigation with trucking company to obtain driver's name responsible for the dumping. Investigation was unable to determine the responsible subject. Cleanup of site by Highway Dept. DEP Police, Delaware County DOT involved.

Name: County Route 2 **CB-424-15, SJS 56504**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/26/15
Status: Closed

Overview and Action:

DEP Police on sector patrol observed a dump site on city property consisting of household refuse that had been thrown over an embankment depositing some of the materials in nearby stream bed. No contamination occurred due to low water levels, at the time. Negative impact to water supply. Further investigation resulted in responsible subject being issued Notice of Warning for General Violation of EC Law. Subject stated that family members not welcome on the property, were responsible and he assured that it will not happen again. DEP Police involved.

Name: Gregory Hollow Road **CB-053-16, SJS 58388**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/26/16
Status: OPEN

Overview and Action:

DEP Police on patrol observed a dumping area over an embankment containing a tire, kitchen stove, empty red container and a Troy-Built push string trimmer with possible traceable evidence on a serial number label. Officer contacted Troy-Built and determined that model trimmer was sold through Lowe's Stores. Manager of local Lowe's was given information from trimmer and will attempt identification of owner for enforcement. DEP Police involved.

Name: 1323 McMurdy Hill Road **CS-168-15, SJS 56338**
Location: Kortright
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 10/16/15
Status: Closed

Overview and Action:

DEP Police responded to the above location to assist DEP Engineering employee with possible sewage discharge complaint. Upon arrival, officer observed PVC pipe protruding from the ground behind the house with no evidence of sewage discharge. Patrol advised owner that they would be conducting periodic checks to assure non-use. Numerous subsequent checks of site confirmed no discharge. Per DEP Engineering, the subject was issued Notice of Violation. DEP Police and DEP Engineering involved.

Name: 462 Blueberry Road **CB-280-15, SJS 54485**
Location: Masonville
Type of Use: Rural
Type of Violation: Sewage Discharge

Date Discovered: 7/6/15
Status: Closed

Overview and Action:

DEP Police received an anonymous complaint regarding subjects living in a camper with “no septic system and their waste is all over the ground.” Upon arrival, Officer interviewed female subject whom stated that camper “residence” was owned by her brother who was not present. When asked about septic system she showed officer a discharge line coming from the camper leading to a pipe in the ground that empties into a buried holding tank which brother has periodically pumped out. Subject also showed officer a toilet mounted outside on the side of the shed with a buried pipe that leads to the same tank. Officer was unable to determine location of the tank or clean out pipe and will make contact with owner to confirm those details. Officer returned to location accompanied by DEP Engineering Project Manager who conducted a field investigation and will report to his chain of command on the septic situation. Property owner stated that he placed a 275 gallon drum in the ground without permit which he empties once a year and brings waste to the local landfill. Investigation ongoing to determine violations. Investigation / disposition ongoing. DEP Engineering issued Notice of Violation to property owner. All activity from camper ceased and piping removed. DEP Police and DEP Engineering involved.

Name: NYC Road #8 **CB-468-15, SJS 57068**
Location: Middletown
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/27/15
Status: Closed

Overview and Action:

DEP Police on patrol, initially, observed a mattress hanging over guide rail. Further investigation revealed seven large dog food bags filled with dirt debris, a second mattress, and a bed frame at same location. No traceable evidence was found. DEP Operations notified for removal and proper disposal. DEP Police and DEP Operations involved.

Name: Hasbrouck Road **CG-375-15, SJS 55150**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 8/12/15
Status: Closed

Overview and Action:

DEP Police observed a household dresser thrown over the guiderail onto NYC property which had broken open on impact, scattering its contents throughout the woods. Officer was able to retrieve traceable evidence but subject located at the address was not one of the names found in evidence. Investigation to continue to locate and identify parties responsible. Investigation unable to locate subject responsible for the dumping of the debris. Cleanup of site by DEP Operations completed. DEP Police and DEP Operations involved.

Name: Aden Road **CG-470-15, SJS 56161**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/6/15
Status: Closed

Overview and Action:

DEP Police, on patrol, came across four large trash bags on the side of the road which contained empty beer bottles and boxes and yielded no traceable evidence. DEP Land Management notified for clean-up. DEP Police and DEP Land Management involved.

Name: 382 Benton Hollow Road **CG-475-15, SJS 56201**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/8/15
Status: Closed

Overview and Action:

DEP Police investigated a dumping in which numerous boxes and bags of garbage had been dumped on property adjacent to city property. Search of dumped refuse did yield traceable evidence. Officer will conduct follow-up on address information to track down subject(s) responsible. DEP Police involved.

Name: Slater Road **CG-115-16, SJS 58626**
Location: Neversink
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 3/10/16
Status: Closed

Overview and Action:

DEP Police observed turbidity in the Chestnut Creek, a waterway that feeds into the Rondout Reservoir. Officer determined that turbidity was caused by a hillside collapse into the small stream off of Slater Road. DEP Regulatory and Engineering Program notified and will be responding to follow up on the incident. DEP Police and DEP Engineering involved.

Name: Betty Brook Road **CB-215-15, SJS 57334**
Location: Stamford
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 12/14/15
Status: Closed

Overview and Action:

DEP Police on sector patrol observed a small dump site off the roadway consisting of cardboard boxes and empty beer bottles. Possible traceable evidence obtained from label on discarded ceiling fan box. Numerous attempts to trace label information yielded negative results. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 10, Cannonsville Reservoir **CB-390-15, SJS 56076**
Location: Tompkins
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/1/15
Status: Closed

Overview and Action:

DEP Police observed a dump site located in the pull-off area approximately 0.5 miles North of the West Delaware Intake consisting of household refuse and some large lumber / wood crating. No traceable evidence found and minimal impact to water supply. DEP Watershed Maintainers notified for proper disposal. DEP Police and DEP Operations involved.

Name: State Route 10 **CB-408-15, SJS 56356**
Location: Tompkins
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/17/15
Status: Closed

Overview and Action:

DEP Police observed a dumping of household refuse on the side of the road that did yield traceable evidence. Subject from trash removal business stated that load was covered but it was still possible that something had fallen off of the truck. Subject volunteered to pick up refuse and was advised to make sure future loads were covered and secure. DEP Police involved.

Name: 2169 Dry Brook Road **CB-056-16, SJS 58430**
Location: Tompkins
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 2/29/16
Status: Closed

Overview and Action:

DEP Police, on patrol, observed fresh mud in the middle of Dry Brook Road that led to a nearby stream where dirt had been dumped. Officer interviewed property owner whom stated that he wanted to help the road crew with ditch cleaning in front of his house. Officer advised subject that he could not operate machinery in the roadway and could not dump dirt and mud into a trout stream. Subject was issued Notice of Warning for Polluting Streams Prohibited. DEP Police involved.

Name: State Route 10 **CB-089-16, SJS 58827**
Location: Tompkins
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/21/16
Status: OPEN

Overview and Action:

DEP Police on sector patrol observed a dump site on NYC property adjacent to the NYS parking area consisting of multiple bags of household refuse which did yield traceable evidence. Photos of site taken for case file. Officer conducted initial investigation to determine contact phone numbers for possible suspect. Message left on residential answering machine for subject to contact DEP Police office. Officer to follow-up on identification of responsible subject. DEP Police involved.

Name: State Route 206 **CB-012-15, SJS 51648**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/11/15
Status: OPEN

Overview and Action:

DEP Police observed a large dumpsite of approximately 15 bags of unknown refuse, recyclables and cardboard boxes thrown over the embankment from the NYS maintained parking area, which appears to be ongoing as some bags were covered with snow and others (more recent), were not. No traceable evidence observed; however, Officer was unable to investigate further due to steep terrain, thick vegetation and many of the bags being hung up in tree tops. No impact on water supply. DEC will be contacted to determine if they want to initiate further investigation or possible camera deployment. DEC contacted and advised of site status. No further leads. Closed. DEP Police and DEC involved.

Name: Walton WWTP, South River Road **CB-475-15, SJS 57172**
Location: Walton
Type of Use: Municipal
Type of Violation: Sewage Discharge
Date Discovered: 12/4/15
Status: Closed

Overview and Action:

DEP Police was notified of a Haz Mat spill which occurred at the Walton WWTP. Upon arrival, officer interviewed plant employee whom stated there had been a pump malfunction, overnight, that led to an unknown amount of spillage over the WWTP's overflow which went into the river. Employee further stated that issue had been corrected with no more spillage occurring. Officer inspected the river and saw no evidence of additional spilling, at that time. DEP Police involved.

Name: 2085 Bob's Brook Road **CB-492-15, SJS 57429**
Location: Walton
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 12/21/15
Status: Closed

Overview and Action:

DEP Police on sector patrol observed turbidity in the waters of Bob's Brook approximately 1 mile from State Route 10 intersection and then noticed mud run-off coming off the mountain directly across from address noted, above. A logging operation was underway approximately ¼

mile further up the road. Officer saw gravel and some run-off control measures implemented at the site but not in the area of concern. A subject whom identified himself as in charge of logging activity was interviewed and issued Notice of Warning for Contravention of Standards (ECL 17-0501-(1) and advised of additional measures needed to curtail turbidity. Subject was directed to install more hay bales and fencing to stop turbidity and advised that site would be monitored throughout the next few weeks for compliance. Subsequent monitoring of site determined that control measures had been put in place stopping turbid flow. DEP Police involved.

Name: 351 Country Meadow Loop, Lot #15 **CB-035-16, SJS 58128**
Location: Walton
Type of Use: Residential (Country Meadow Trailer Park)
Type of Violation: Sewage Discharge
Date Discovered: 2/8/16
Status: Closed

Overview and Action:

DEP Police investigated a failed septic complaint at the above noted trailer park comprised of 52 lots. Upon inspection of the location, officer observed a dug up area of soil over the cap to the septic tank as well as the leech field and both had pooled up liquid septic present. Complainants (2) stated this was the second time septic has backed up and condition of site had not changed in two weeks. Officer's initial attempt to contact the trailer park owner met with negative results. Officer also contacted DEP Engineering with all information and photo documentation. Subsequent interviews with the trailer park owner, the trailer park manager and the maintenance superintendent provided little additional information and their actions towards remediation of the problem woefully inadequate. Officer turned case over to Commercial Project Management office of DEP Wastewater Design Review (Engineering) in Kingston for remediation plan and resolution. DEP Police and DEP Engineering involved.

Name: Country Meadow Loop **CB-038-16, SJS 58133**
Location: Walton
Type of Use: Residential (Trailer Park)
Type of Violation: Dumping
Date Discovered: 2/8/16
Status: Closed

Overview and Action:

DEP Police responded to the location of a dumping complaint at the Country Meadow Trailer Park and found a sizable dump site of household refuse from an unknown number of resident contributors. Maintenance supervisor stated that dump site was more of a holding area for the debris until it could be trucked to the landfill. Officer contacted the Town of Walton Code Enforcement officer to advise him of the accumulated refuse and its location. Code Enforcement officer stated that he was aware of the dumpsite and would make contact with the park management to issue a directive to clean up and remove the refuse within 30 days. DEP Police and Town of Walton Code Enforcement involved.

Name: Freer Hollow Road **CB-050-16, SJS 58349**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/24/16
Status: Closed

Overview and Action:

DEP Police observed a small dump site while on sector patrol. Dumping consisted of numerous bags of household refuse discarded along the roadway. No traceable evidence recovered and no negative impact to the water supply. Town of Walton Highway Supervisor contacted and advised of location for removal and proper disposal. DEP Police and Town of Walton Highway Dept. involved.

Name: State Route 10 **CB-070-16, SJS 58603**
Location: Walton
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 3/9/16
Status: OPEN

Overview and Action:

DEP Police observed a dump site on NYC property along the Cannonsville Reservoir under the Chase Brook Bridge consisting of household refuse, one large bag, two office chairs, and litter and discarded fishing debris, food wrappers and empty cans that was strewn throughout the general area. No traceable evidence found, DEP Operations notified for proper disposal. DEP Police and DEP Operations involved.

Name: Carcass Brook Road **CB-076-16, SJS 58645**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/11/16
Status: OPEN

Overview and Action:

DEP Police, on patrol, identified a dump site consisting of three large bags of household refuse and a radio which did yield traceable evidence. Officer conducted further investigation leading to interview of subject at address on packing slips. Subject admitted that son works in the area where dumping occurred and is most likely responsible. Officer advised that if refuse is removed and properly disposed of within 10 days, no summons would be issued. Officer will conduct follow-up inspection of site for removal. DEP Police involved.

Name: Delaware Aqueduct Shaft 2 **CG-515-15, SJS 56696**
Location: Wawarsing
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/5/15
Status: Closed

Overview and Action:

DEP Police was advised of a dumping on city property by DEC officer. Dumping was located. Dumping consisted of discarded reclining chairs with no traceable evidence. DEP Land Management notified for removal and proper disposal. DEP Police and DEP Land Management involved.

Name: City Route #55A, Merriman Dam **CG-035-16, SJS 57812**
Location: Wawarsing
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/16/16
Status: Closed

Overview and Action:

DEP Police, conducting security checks, observed two large trash bags just off of the roadway which did not yield any traceable evidence. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: Diamond Road **CG-108-16, SJS 58553**
Location: Wawarsing
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/7/16
Status: OPEN

Overview and Action

DEP Police observed a large dumping along the roadway consisting of two wooden chairs, one plastic chair, wooden shelves, white wall paneling and one large cardboard with shipping label intact. Officer made contact with subject at the address whom stated the dumped items were hers but she had hired her grandson to dispose of them. Subject (grandson) met officer at dump site, acknowledged his actions and was issued ticket for Depositing Refuse Nauseous/Offensive Matter on Highway/Adjacent Lands. DEP Police involved.

Name: 740 State Route 55 **CG-110-16, SJS 58561**
Location: Wawarsing
Type of Use: Residential
Type of Violation: Stream Violation
Date Discovered: 3/7/16
Status: Closed

Overview and Action:

DEP Police observed construction involving the removal and moving of dirt at a single family home located approximately 75 feet from the Rondout Creek. Further inspection revealed 2 hay bales had been placed for turbidity remediation but officer observed turbid pools upstream from the bales and along the driveway. Homeowner stated that he is attempting to solve an ongoing water table issue in which ground water percolates up from the ground and washes out his driveway. Subject's plans include digging a drainage channel and using perforated pipe and crushed stone to create a channel for the water to drain along State Route 55, then under State Route 55 and into the Rondout Creek. Subject was advised that silt fencing and many more hay

bales would be needed to avoid a turbidity event. Photos taken for documentation. Complaint turned over to DEC Region 3. DEP Police and DEC involved.

Name: Diamond Road **CG-131-16, SJS 58728**
Location: Wawarsing
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/15/16
Status: Closed

Overview and Action:

DEP Police responded to the location of a dumping complaint received from DEP employee. DEP Police observed a couch; a couch / bed; several bags of household trash containing clothes, movie tapes, books and mail which did yield traceable evidence. Subject was shown a photo of the dumped articles and confirmed that they had come from his address and had been dumped by his nephew. Officer issued ticket for NYCRR Section 360-1.5 for Prohibited Disposal of Solid Waste. Subsequent inspection of dumping area determined that articles and trash had been removed. DEP Police and DEP Land Management involved.

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

Name: West Shore Drive, Boat Area 21 **CE-1417-15, SJS 56301**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered 10/14/15
Status: Closed

Overview and Action:

DEP Police was dispatched to dumping location and observed one queen size mattress, one split box spring and two lawn chairs. No traceable evidence at location, photos taken for file. DEP Field Maintenance notified for removal and proper disposal. DEP Police and DEP Field Maintenance involved.

Name: West Shore Drive, Boat Area 9 **CE-1571-15, SJS 56837**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 11/14/15
Status: Closed

Overview and Action:

DEP Police, on patrol, observed a dumping on city property consisting of one wooden desk, two wooden side tables and a decomposing deer carcass. No traceable evidence recovered, photos taken for file. DEP Field Maintenance notified for removal and proper disposal. DEP Police and DEP Field Maintenance involved.

Name: Washington Avenue, Boat Area 3 **CE-257-16, SJS 58549**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 3/7/16
Status: Closed

Overview and Action:

DEP Police met with DEP HazMat employee at location of dumping and observed 5 one gallon plastic jugs containing used motor oil that had been left on the side of the road in a cardboard box. Officer noticed that the box had a label on it with name and address initiating further investigation. When interviewed, subjects at the address determined that the party responsible for the dumping was their son. Subject was issued three tickets in violation of NYS ECL; Section 17-0501 General Prohibition against Pollution, Section 71-3501 Disposing Noisome / Unwholesome Substance On or Near Roadway / Waterway and Section 23-2308 Improper Disposal of Waste Oil. DEP Police involved.

3.3.4. Kensico Basin

Name: Lake Street, Boat Area 12 **CE-1751-15, SJS 57501**
Location: Harrison
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 12/26/15
Status: Closed

Overview and Action:

DEP Police, on patrol, observed a dumping at the Kensico Reservoir Boat Area consisting of an entire glass fireplace cover and one white bucket containing approximately 50 lbs of rock salt. No traceable evidence recovered, photos taken for file. DEP Land Management contacted for removal and disposal. DEP Police and DEP Land Management involved.