



Department of Health

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Executive Deputy Commissioner

May 28, 2015

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD deliverables that were due April 30, 2015. Our comments are attached. We would appreciate if you could provide a reply to these comments by June 29, 2015. Please feel free to contact me if you have any questions.

Sincerely,

Pamela L. Young, Ph.D.
Chief, NYC Watershed Section
Bureau of Water Supply Protection

Att.

Cc (electronic):

R. Sokol
T. Boepple-Swider
P. Sweeney – USEPA
K. Kosinski – NYSDEC

NYSDOH/USEPA Comments on FAD Deliverables due April 30, 2015

3.3 Community Wastewater Management Program

The Revised 2007 FAD required DEP to execute contract changes with the Catskill Watershed Corporation (CWC) in support of the Community Wastewater Management Program that included providing sufficient funding to complete projects for Shandaken, West Conesville, Claryville, Halcottsville, and New Kingston. The due date for this activity was May 2015. DEP states that this contract was executed with CWC on January 13, 2014.

4.4 Watershed Agricultural Program

The Revised 2007 FAD required DEP to meet with NYSDOH/USEPA and NYSDEC by April 30, 2015, to discuss the program status and review the adequacy of current metrics. This meeting was held on April 27, 2015.

6.1 Watershed Rules and Regulations

The semiannual reports (*Project Activities and Enforcement Actions*) were submitted as required by the Revised 2007 FAD.

Project Review Activities. The report provides valuable information regarding the proposed and on-going development projects within the watershed. The content and quality of the report satisfies the requirement of the Revised 2007 FAD. We recommend the following enhancements:

- The reader would benefit from the inclusion of brief definitions for the SEQRA projects types (in Tables 3.2.1 and 3.2.2 “Type I” and “Unlisted”), or a link to those definitions (such as: <http://www.dec.ny.gov/permits/43711.html>).
- A brief description of the projects listed in Tables 3.4.1 and 3.4.2 would enhance the usefulness of the report.

Regulatory Enforcement Actions. The report is well-designed and presents concise information on the WR&R enforcement necessitated for the purpose of source water protection. The report would benefit from the inclusion of a list of the acronyms used in the report. NYSDOH requests the following clarifications:

- *Project Name: 465 Bull Hill Road, Log # 2003-SC-0917, Conesville (page 11).* DEP is commended for numerous site visits to address a failed onsite wastewater system on this property, which was originally discovered in 2005. An NOV was issued in 2013, and the DEP Law Department and DEP Police have been made aware of this case. More recently, effluent was discovered on the ground surface due to the owner apparently pumping the contents of the septic tank into the adjacent woods. Does DEP have sufficient evidence in this case to escalate its enforcement actions? What are DEP’s options for addressing this violation?

- *Project Name: 466-479 Oliverea Rd Log # 2014-AS-0719, Shandaken (pages 28-30).* Effluent was observed above the top of a cesspool on 12/29/14. This is a rental property with a low capacity cesspool with a thick sludge layer and a cave in the surrounding soils. The owner has commented that CWC cannot fund the SSTS replacement under existing rules. Though the owner has had the cesspool pumped, surfacing of effluent continues to occur. What are the next likely steps that will be taken regarding this property, in light of the open investigation (see page 62-63) by DEP Police?
- *Project Name: Lawrence, Peter D. Log # 2013-CN-0565, Cannonsville (pages 47-48).* An alleged illegal SSTS was installed on the property where a cabin was being constructed. DEP initiated an Enforcement Action on 10/25/13. On 5/23/14, the owner stated that he/she lost ownership of the property. A new owner was contacted by DEP on 11/14/14 and informed that the wastewater system must be pumped and decommissioned. As of 3/6/15, the engineer that is supposed to design a new SSTS has not been hired by the current owner. What are the next likely steps that will be taken regarding this property?
- *Site: 21521 State Hwy #30, CB-135-14, SJS 47586, Colchester (p.63-64).* This case refers to a diesel oil sheen discovered on Pepacton Reservoir in the vicinity of the East Delaware Intake Chamber. The text states: "Last year, investigation of a similar complaint in the same location resulted in the discovery and removal of a leaking, buried fuel tank." The report from October 2014 contains the same sentence. Briefly describe the actions DEP has taken at this location related to oil sheens. Clarify how many tanks have been removed from this location, as well as each assigned case number (if different), and whether this is related to the May 2012 sheen on Pepacton.
- *Site: 16 Samantha Lane, CCE-2355-14, SJS 51149, Carmel (p. 68).* The report states that no threat to the water supply was identified, but the list of the dumped items in close proximity to Croton Falls reservoir sounds alarming (i.e., paint cans, anti-freeze containers, self-contained fire suppression devices containing chemical material). Please clarify how the assessment of "no threat to the water supply" was conducted? Were any measures taken to prevent future dumping in this boating area (e.g., posting of "No Dumping" signage)?