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September 16, 2016

Pamela Young, Ph.D.  
New York State Department of Health  
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Albany, NY 12237

Katie Lynch  
United States Environmental Protection Agency - Region II  
290 Broadway - 24<sup>th</sup> Floor  
New York, NY 10007-1866

Dear Dr. Young and Ms. Lynch:

Enclosed is the DEP Response to the NYSDOH/USEPA Comments on Revised 2007 FAD Deliverables submitted through June 2016. We understand that NYSDOH will be providing comments on DEP's study on the potential need for a community wastewater system in Shokan under separate cover.

As always, if you have any questions about these comment responses or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. S. Warne', followed by a horizontal line extending to the right.

David S. Warne  
Assistant Commissioner

**DEP Response to NYSDOH/USEPA Comments on the FAD Deliverable Reports**  
**Submitted June 30, 2016**  
**Response Date September 16, 2016**

**3.1 Septic and Sewer Program - Sewer Extension Program**

A status report was submitted on the implementation of the Sewer Extension Program from January 1, 2016 to June 30, 2016, as requested by NYSDOH/USEPA. Progress is noted on the projects in the Town of Shandaken (Pine Hill WWTP) and the Village of Margaretville/Town of Middletown (Margaretville WWTP). NYSDOH/USEPA note the delays beyond DEP's control related to a fire at the contractor's storage facility.

**DEP Response:**

**Comment noted.**

**3.3 Community Wastewater Management Program**

As requested by NYSDOH/USEPA, a status report was submitted on the construction of projects at South Kortright and Lexington, and on the design of projects for Shandaken and West Conesville.

Documents for Functional Completion Acceptance of the Lexington project were submitted to DEP for review in June 2016. Lateral installations for the new system will commence following DEP review of the documents. DEP expects the project to be completed by fall 2016.

**DEP Response:**

**Comment noted.**

For the South Kortright project, DEP issued Functional Completion Acceptance in June 2016, and lateral installations by the town commenced. DEP expects the project to be completed by summer/early fall 2016.

**DEP Response:**

**Comment noted.**

In March 2016, DEP met with the Catskill Watershed Corporation (CWC) and Lamont Engineers to discuss the Draft Preliminary Engineering Reports and the proposed projects for Shandaken and West Conesville.

Regarding Shandaken, CWC has responded to the recommendations and discussion from the March 2016 meeting in a letter dated July 7, 2016. CWC has determined that it is not reasonable for their consultant to gain access to, and determine the status of, all septic systems in the proposed septic maintenance district, and that the engineering cost estimates provided are fair and reasonable. A request was made by CWC for DEP make its determination under Section 2.01(F) of the CWMP III Agreement using the existing information as soon as possible in order to avoid further delays. Please describe DEP's progress on this matter.

**DEP Response:**

DEP received a Draft Preliminary Engineering Report (Draft PER) from CWC's consulting engineer (Lamont) that recommended a hybrid septic maintenance district (SMD). The project includes some individually owned infrastructure and some community infrastructure. This proposed approach is the first of its kind under the NIP/CWMP and raised both programmatic and regulatory questions (e.g., ownership of individual fields, sizing, site restrictions, access for future repairs). Additionally, the cost of the proposed SMD is approximately three times the cost of a similarly-sized SMD that was completed in Delancey. While inflation may justify a part of the increased cost, questions of how to account for the significant cost increase remain.

DEP and CWC held a productive meeting with Lamont to discuss these issues in March 2016. DEP's understanding from that meeting was that Lamont was working to provide the information requested and update the Draft PER accordingly. Subsequent CWC Committee meetings also suggested that Lamont was working to update the report accordingly.

While DEP does not object to the unorthodox approach that was identified in the Draft PER or the significantly higher cost estimate, we do not have the information about the proposed project that is necessary in order to issue the requested block grant. DEP will continue to work with CWC and Lamont to clarify the information necessary in order for DEP to approve a block grant amount.

**4.9 East of Hudson NPS Program**

As requested by NYSDOH/USEPA, a status report was submitted on the stormwater remediation projects at Maple Avenue (Town of Bedford, Westchester County) and at Drewville Road (Town of Carmel, Putnam County).

The Maple Avenue project is ready to be bid, and will be bid along with the Drewville Road project. Designs for Drewville Road have been approved by the Public Design Commission. In May 2016, DEP received approval from NYSDEC on the Joint Permit Application and the application for stormwater discharges from construction activities under the SPDES General Permit.

**DEP Response:**

**Comment noted.**