

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

**Filtration Avoidance 6.1 Enforcement Actions  
For the period April 1, 2018 through September 30, 2018**

**October 2018**

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



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## Table of Contents, Part 6.1.2

|   |    |
|---|----|
| 1. Introduction .....   | 1  |
| 2. Enforcement Responsibilities.....  | 1  |
| 2.1. The Regulatory & Engineering Programs Division.....                          | 2  |
| 2.2. DEP Police .....   | 3  |
| 2.3. DEP’s Office of the General Counsel .....                                    | 4  |
| 2.4. New York City Law Department.....  | 4  |
| 3. Specific Enforcement Actions.....  | 5  |
| 3.1. Subsurface Treatment Systems and Stormwater.....                             | 5  |
| Summary Chart - Catskill District .....   | 5  |
| Summary Chart - Delaware District .....   | 5  |
| Summary Chart - West Branch, Boyd Corners, Croton Falls, Cross River Basins ..... | 6  |
| Summary Chart - Kensico Basin.....  | 6  |
| 3.1.1. Catskill District .....  | 7  |
| 3.1.2. Delaware District .....  | 19 |
| 3.1.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins.....           | 32 |
| 3.1.4. Kensico Basin .....  | 33 |
| 3.2. DEP Police Actions.....  | 33 |
| 3.2.1. Catskill District.....   | 33 |
| 3.2.2. Delaware District .....  | 37 |
| 3.2.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins .....          | 42 |
| 3.2.4. Kensico Basin .....  | 42 |

## 1. Introduction

Encompassing eight counties and 71 towns and villages, the New York City watershed is a politically, economically and geographically diverse landscape, covering nearly 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, inspectors, police and attorneys responsible for the protection of the watershed are detailed in the following report.

This semi-annual report on enforcement actions for the period April 1, 2018 through September 30, 2018 has been submitted as required by the 2017 FAD and provides valuable information about the 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 report first presents is an overview of the responsibilities of the Regulatory and Engineering Programs Section (REP) which administers Bureau enforcement activities and the associated City entities that assist in those efforts. Next, the report addresses new enforcement actions that have been undertaken during the above-mentioned reporting period and includes updates to ongoing violations.

The report is divided into sections relative to applicable FAD watershed areas. The **West of Hudson** (WOH) area is comprised of the following reservoir 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 which is comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.<sup>1</sup> Within each of these sections of the report, enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), or in connection with subsurface sewage treatment systems (SSTSs) and active construction sites, as well as with other regulated activities, such as solid waste management facilities. In addition, individual actions of the DEP police are included.

## 2. Enforcement Responsibilities

The Bureau is charged with implementation of the Watershed Regulations which 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

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<sup>1</sup> As used in this report, the term East of Hudson (EOH) refers only to projects, permits or approvals for activities located in the West Branch, Boyd Corners, Croton Falls, Cross River or Kensico basins, the reservoir basins relevant to the 2017 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 New Croton water supply system.

require such review and approval are the construction of new or the alteration of existing WWTPs, new or altered SSTSs, construction activities that require stormwater pollution prevention plans (SWPPPs) and the construction of impervious surfaces within certain limiting distances to surface water features.

Following the approval of planned regulated activities, those activities are monitored to assure compliance with the conditions of the approval, the Watershed Regulations and any applicable state or federal standards. The Bureau also conducts inspections throughout the watershed to ensure that any violations of the Watershed Regulations or of local, state or federal law are identified and reported; citizen complaints are also routinely investigated. When an enforcement action is commenced, the Bureau works with DEP's Bureau of Legal Affairs and the New York City Law Department to resolve the identified violations. The Bureau will monitor the activity for compliance with the terms of any consent order or other enforcement document such as a Notice of Violation (NOVs).

The first portion of this report provides an overview of the responsibilities of REP and the duties specific to the identified groups within REP. In addition to the REP groups mentioned, the Bureau's Water Quality (WQ) Directorate supports enforcement efforts by monitoring water quality throughout the watershed and alerting other Directorates of any adverse water quality conditions. Also, the Bureau coordinates with various other agencies on violations and enforcement actions; including the New York State Department of Health (DOH), the New York State Department of Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), the office of the Watershed Inspector General (WIG), as well as county and municipal regulatory entities.

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

REP is divided into two (2) sections: Wastewater and Stormwater Programs.

### **2.1.1. Wastewater Programs**

The Wastewater Programs section reviews and approves sewer systems, WWTPs and SSTSs in accordance with the Watershed Regulations and applicable New York State standards. Engineering reports and facility plans are reviewed and technical standards are applied to all new and/or modified facilities prior to approval. Wastewater Programs staff are also responsible for the investigation of WWTP non-compliance events, sewer system overflows, and residential and commercial SSTS failures. Upon determination of an SSTS failure, as an example, a formal NOV procedure is initiated which includes review by DEP's Bureau of Legal Affairs and the New York City Law Department who remain involved should further legal steps become necessary.

There are several programs sponsored by DEP that fund the remediation of SSTSs that are documented to be in failure within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds design and construction of such remedial actions. CWC solicits property owners within eligible areas, inspects the site and ensures the necessary SSTS improvements are completed as designed. The review and approval of these repairs is performed and tracked by DEP. Program details and progress are reported in the FAD Report 3.1 "Septic Rehabilitation and Replacement Program."

DEP, thru the NYS Environmental Facilities Corporation, sponsors a similar SSTS repair program in the watershed areas of the East of Hudson FAD reservoirs.

As the above programs are voluntary, DEP does not pursue enforcement actions on failing SSTSs where the owners are eligible for funding under in order to encourage property owners to participate and to self-report failing systems. DEP believes that pursuing enforcement actions in such cases would reduce the overall number of failing SSTSs being detected or repaired and thus minimize water quality benefits and reduce the overall effectiveness of these programs. DEP will issue an NOV and pursue appropriate enforcement on a case by case basis where significant progress within these program has not been made.

### **2.1.2. Stormwater Programs**

The Stormwater Programs section reviews and approves Stormwater Pollution Prevention Plans (SWPPPs); Individual Residential Stormwater Permits; Crossing, Piping or Diversion Permits and the construction of impervious surfaces within certain limiting distances. For all regulated construction activities, Stormwater Programs reviews engineering reports, drainage calculations and site plan drawings in accordance with DEP and NYS technical stormwater standards prior to approval.

Stormwater Programs staff conduct weekly inspections of all approved active construction sites from commencement of construction through final stabilization and file written reports of findings. Stormwater Programs staff are also responsible for investigating possible violations of water quality standards including turbid discharges, illicit solid waste disposal, and discharges from improperly stored winter highway maintenance materials (road salt). Upon determination of non-compliance at any DEP permitted SWPPP or other stormwater-related site or confirmation of other sources of contamination to the Water Supply, a formal NOV procedure is initiated which includes review by DEP's Bureau of Legal Affairs and the New York City Law Department who remain involved should further legal steps become necessary.

### **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 Environmental Enforcement Division, is responsible for all patrol operations, protective functions and short-term investigations relating to environmental and criminal complaints. Additionally, the Detective Bureau and Intelligence Division is responsible for all long-term investigations relating to pollution, crime and terrorism.

Where necessary, close coordination between REP and these DEP Environmental Police divisions is crucial to ensuring that swift, proper and appropriate actions are taken when

violations of environmental laws or regulations are discovered.

### **2.3. DEP's Bureau of Legal Affairs**

The Bureau of Legal Affairs (BLA) provides legal support for enforcement of the Watershed Regulations. As noted previously, , BLA reviews all NOV's in advance to ensure that all pertinent issues have been addressed and fully documented and proper steps have been taken.

### **2.4. New York City Law Department**

The New York City Law Department, in conjunction with BLA, 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; and, the federal Clean Water Act, to bring SPDES violators into compliance. The New York City Law Department also defends, where necessary, regulatory decisions rendered by REP and renders legal opinions, interpretations and advice on enforcement matters, as necessary.

### 3. Specific Enforcement Actions

#### 3.1. Subsurface Treatment Systems and Stormwater

The following tables were established as a summary of the 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                                  |                                      | 34                        | 1                          |
| CONESVILLE       | 13                             |                                | 10                                  |                                      | 10                        |                            |
| GILBOA           | 19                             |                                | 15                                  |                                      | 17                        |                            |
| HUNTER           | 117                            |                                | 88                                  | 1                                    | 96                        | 1                          |
| HUNTER (V)       | 17                             |                                | 9                                   |                                      | 10                        |                            |
| HURLEY           | 49                             |                                | 48                                  |                                      | 47                        |                            |
| JEWETT           | 51                             |                                | 47                                  |                                      | 51                        | 2                          |
| LEXINGTON        | 48                             |                                | 45                                  |                                      | 46                        |                            |
| OLIVE            | 196                            |                                | 166                                 |                                      | 172                       |                            |
| PRATTSVILLE      | 32                             |                                | 24                                  |                                      | 32                        | 1                          |
| ROXBURY          | 31                             |                                | 23                                  |                                      | 27                        |                            |
| SHANDAKEN        | 145                            |                                | 132                                 |                                      | 140                       |                            |
| TANNERSVILLE (V) | 7                              |                                | 2                                   |                                      | 7                         |                            |
| WINDHAM          | 83                             |                                | 66                                  |                                      | 81                        |                            |
| WOODSTOCK        | 61                             |                                | 53                                  |                                      | 51                        |                            |
| <b>Total</b>     | <b>907</b>                     | <b>0</b>                       | <b>760</b>                          | <b>1</b>                             | <b>822</b>                | <b>5</b>                   |

#### Delaware District

| TOWN              | CUMULATIVE VIOLATIONS REPORTED | TOTAL # VIOLATIONS THIS PERIOD | TOTAL # CUMULATIVE DESIGNS APPROVED | TOTAL # DESIGNS APPROVED THIS PERIOD | TOTAL # CUMULATIVE CLOSED | TOTAL # CLOSED THIS PERIOD |
|-------------------|--------------------------------|--------------------------------|-------------------------------------|--------------------------------------|---------------------------|----------------------------|
| ANDES             | 83                             |                                | 75                                  |                                      | 74                        |                            |
| ANDES (V)         | 4                              |                                | 2                                   |                                      | 2                         |                            |
| BOVINA            | 36                             |                                | 33                                  |                                      | 34                        | 1                          |
| COLCHESTER        | 5                              | 1                              | 5                                   |                                      | 7                         |                            |
| DELHI             | 71                             |                                | 65                                  |                                      | 74                        |                            |
| 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            | 33                             |                                | 29                                  |                                      | 29                        |                            |
| HARDENBURGH       | 12                             |                                | 10                                  |                                      | 12                        |                            |
| HARPERSFIELD      | 8                              |                                | 6                                   |                                      | 6                         |                            |
| JEFFERSON         | 6                              |                                | 6                                   |                                      | 6                         |                            |
| KORTRIGHT         | 64                             |                                | 54                                  |                                      | 61                        |                            |

|              |            |          |          |          |            |          |
|--------------|------------|----------|----------|----------|------------|----------|
| LIBERTY      | 1          |          | 1        |          | 1          |          |
| MASONVILLE   | 13         |          | 11       | 1        | 10         |          |
| MEREDITH     | 22         |          | 20       |          | 19         |          |
| MIDDLETOWN   | 119        |          | 106      | 1        | 110        |          |
| NEVERSINK    | 223        |          | 188      |          | 202        |          |
| ROCHESTER    | 1          |          | 1        |          | 1          |          |
| ROXBURY      | 34         |          | 29       |          | 37         |          |
| STAMFORD     | 36         |          | 34       |          | 36         |          |
| TOMPKINS     | 42         |          | 37       |          | 40         |          |
| WALTON       | 93         |          | 86       |          | 84         |          |
| WALTON (V)   | 1          |          | 1        |          | 1          |          |
| WAWARSING    | 35         |          | 32       |          | 31         |          |
| <b>Total</b> | <b>999</b> | <b>1</b> | <b>2</b> | <b>2</b> | <b>927</b> | <b>1</b> |

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

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

**Kensico Basin**

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

### 3.1.1. Catskill District

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

A meeting was held with the project engineers on 6/3/16 and DEP sent an e-mail to the engineers on this same date regarding outstanding issues with the SWPPP. DEP exchanged e-mails with the engineer on 7/6/16 regarding the lack of progress on the SWPPP design. DEP sent an e-mail to the engineer on 7/26/16 regarding the status of the revised SWPPP. DEP received an e-mail from the engineer on 8/1/16 stating that he is working on the SWPPP. DEP received a response to the NOICA from the engineer on 8/5/16; revised plans were included. The project was sent to DEP's Bureau of Legal Affairs on 8/8/16 for assistance. DEP received an e-mail from the engineer on 8/8/16 regarding coordination between DEP's counsel and the applicant's attorney for development of SWPPP conservation areas. DEP issued a NOICA to the engineer on 8/11/16 requesting additional information. DEP sent an e-mail to the engineer on 8/17/16 regarding the Declaration for Stormwater Maintenance. DEP performed a site visit on 4/13/18; there were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 4/26/18 with DEP Closure letter dated 4/26/18. DEP has resolved the Enforcement Action on 4/26/18.

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

#### Overview and Action:

DEP performed a site visit on 2/24/16; septic failure was not observed; there is no sign of the trailer being used. DEP performed a site visit on 9/9/16; septic failure was not observed and there is no sign that the trailer is being used; the lawn is unkempt and there are no tracks in the field. DEP performed a site visit on 3/8/17; septic failure was not observed and there was no sign of inhabitation. DEP performed a site visit on 9/6/17; septic failure was not observed. There was no sign of anyone using the dwelling. DEP emailed Schoharie County Health Department (SCHD) on 12/19/17 with a summary of this project to date, and an inquiry how they would handle the site if it was inhabited year-round vs. seasonal. DEP has resolved the Enforcement Action on 12/19/17 per enforcement meeting same day. DEP exchanged emails with SCHD regarding enforcement history of this site. DEP field staff will be checking on the status of the Certificate of Occupancy (CO) with the town, then DEP will update SCHD. DEP acquired a copy of the CO issued by the town on 11/26/17 for the trailer used for living quarters. DEP issued an email to SCDOH on 1/17/18 including copy of CO and DEP's Approval of the SCHD SSTS design.

DEP performed a site visit on 3/12/18; septic failure was not observed. The driveway was plowed and there was no visible effluent. DEP performed a site visit on 4/9/18; septic failure was not observed. There was no visible effluent or signs of pumping or of recent use. DEP performed a site visit on 5/1/18. There was no sign of recent inhabitation and the skirting has not been repaired. DEP performed a site visit on 5/15/18. There was some indication that the property was visited recently. The trailer skirting has been repaired and there were vehicle tracks in the access to the property. DEP performed a site visit on 9/6/18. The trailer appears to be used periodically. The grass was mowed at least once this summer. The septic tank has not been exposed.

Project Name: Windy Ridge Rd (2016-SC-0250)  
Town: Hunter  
Basin: Schoharie  
Type of Use: Stormwater (SP)  
Type of Violation: OT.2: DEP NOV for a new impervious surface; also DEC NOV.  
Discovery Date: 7/8/16  
Status: Approved

Overview and Action:

DEP initiated an Enforcement Action on 7/8/16. DEP issued an NOV to four owners on 7/8/16 for a new impervious surface violation. DEP received a phone call from an owner responding to the NOV on 7/11/16. DEP returned the call to an owner on 7/13/16 to discuss the NOV. DEP received a request for a pre-application meeting from the engineer on 7/17/16. A meeting was held with the project applicant and engineer on 7/27/16. DEP performed a site visit on 8/18/16; there were no deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal; the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP received a call from the engineer on 12/14/16 regarding the offset distance between the new building and the existing watercourse; the engineer stated that the new building is over 100 feet from the watercourse and therefore is not subject to an individual NOV. DEP informed the engineer that because the building is within the disturbance envelope of the rest of the site, it is required to be included in the SWPPP. DEP received a survey from the engineer on 1/12/17. DEP called the engineer on 3/7/17; a meeting is scheduled on 3/15/17 to discuss the proposed SWPPP. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 regarding setting up a meeting at the gravel pit site on 4/10/17. A meeting was held with the project applicant and engineer on 4/10/17. 6/17/17 This NOV is satisfied and will not be closed until the others NOVs on the parcel are closed. This was based on a survey from the Engineer showing adequate setback greater than 100 feet to creek for the new impervious surface. DEP issued a comment letter on 4/6/18 to the engineer requesting copies of the final report and drawings for Approval. DEP received a letter and revised plans from the engineer on 4/25/18 to DEP's letter 4/6/18. DEP issued an Approval Determination letter on 5/1/18. DEP was informed on 6/8/18 that construction will start on 6/11/18. DEP sent an e-mail to the owner on 8/9/18 asking for a time frame for completing the stormwater controls at the site. DEP met with the applicant and engineer on the site for a pre-construction meeting on 9/14/18.

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

Overview and Action:

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

on 9/22/17. The applicant indicated the application to the Town will be withdrawn and a new submission presented to include lot #2 with the rest of the subdivision. DEP performed site visits on 10/12 and 10/13/17; there were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant, landscaper and general contractor on 10/20/17 to discuss the bio-retention cell. DEP received a response to the NOICA from the engineer on 10/24/17. A meeting was held with the project applicant on 10/27/17 to walk the site. DEP issued a NOICA to the applicant on 11/1/17 requesting additional information. DEP Stormwater group issued a letter to SCS on 11/02/17 regarding comments to the EAF. DEP sent an e-mail to the engineer on 11/16/17. The proposed culverts and swales are not all called out on the plans so it is difficult to correlate the HydroCAD report with the plans. DEP received an e-mail to the engineer from DEC on 12/01/17 stating that the project does not meet the eligibility criteria for coverage under the General Permit and will require an individual SPDES Stormwater Permit. DEP received an e-mail from the engineer on 12/18/17 regarding temporary shutdown. DEP received a copy of DEC's letter "Request for additional information letter", on 1/10/18. DEP received a call from the engineer on 2/22/18 regarding the status of the project. They are still waiting for SEQRA Determination and will be presenting comments to the Planning Board that night. DEP Stormwater Staff inspected the site 6/4/18 a the remaining item to be installed, the slot drain had been installed. This can be closed. The violation was resolved and the case was closed on 7/10/18 with DEP Closure letter dated 7/10/18. DEP has resolved the Enforcement Action on 7/10/18.

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

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

SWPPP is approvable however the DEP is still waiting for copies to stamp. A meeting was held with the project applicant on 6/6/18 to discuss the status of the IRSP by the Engineer. DEP exchanged emails with the engineer on 6/15/18 regarding the approved plans; waiting for owner to send to DEP. DEP received an e-mail from the owner on 6/28/18 asking how many plans to send and the address. He also asked about the Stormwater re-imburement process. DEP replied to the owners e-mail on 6/28/18. DEP sent an e-mail to the owner on 8/7/18 again requesting the final SWPPP be sent to DEP so that construction can be completed this year. DEP received the signed plans from the engineer on 8/24/18. DEP sent an e-mail to the owner on 9/20/18 regarding a timeframe for completing the work.

Type of Use: Intermediate Repair (CR)  
Type of Violation: CR.2 (2016): 3 unit apartment discharging to an unknown destination;  
DEP NOV for an alteration/modification of the SSTS.  
Discovery Date: 8/23/16  
Status: Closed

Overview and Action:

DEP issued an NOV to the owner on 1/11/17. DEP received a call from the engineer on 1/12/17 to schedule a site visit at the property. He received a copy of the NOV, and we scheduled a site visit for 1/17/17. DEP met with the owner's engineer on site on 1/17/17. The recently installed sewage pipe is directed from the 3 unit apartment building to a cesspool that reportedly served a dilapidated 3 bedroom cabin to the north. DEP spoke to the DOH on 1/17/17 regarding the NOV DEP issued for the site. DOH asked to be informed of what is found at the site visit. DEP left a voice mail for the CEO on 1/19/17, asking for any information regarding occupancy of the dilapidated cabin that, according to the engineer's conversation, is a 3 bedroom that was lived in 3 years ago. DEP met with the current CEO on 1/26/17 to review the files. DEP received a call from the engineer on 1/27/17 regarding the project. DEP drove by the site on 2/3/17, There doesn't appear to be any change since the last site visit. DEP spoke to the engineer about the perceived non-use of the shack cesspool. He will submit a letter from the manager regarding the intermittent use of the cesspool, thus regarding it as an NCRA. DEP received an e-mail from the engineer on 2/10/17 with a copy of the FOIL request he submitted. On 4/27/17, DEP drove by the property on 4/27/17. The waste pipe from the front apartment building is still visible from the road, it looks like it was recently covered with fresh mulch. A FOIL request #160525 was received by DEP on 4/28/17 and was satisfied by DEP on 5/4/17. DEP left a voice message for the engineer on 5/25/17 regarding the fulfillment of his FOIL request, and asked to discuss and move forward with the project. The owner is away until 6/5/17 and the engineer will discuss options with him after that date and contact DEP with a proposal. DEP issued a letter to the applicant on 7/6/17 regarding no action being taken to resolve the NOV and a plan needs to be submitted within 45 days. DEP received a letter from the engineer on 7/24/17. DEP issued a letter on 10/2/17 advising the owner that the sewer pipe must be removed. DEP returned a call to the owner's representative on 10/12/17. The owner is making arrangements to have the pipe removed and will call DEP once a date is set. DEP called the owner's representative on 11/6/17 regarding their schedule for removing the unauthorized piping work. DEP called owner's representative on 11/17/17 and left a message requesting the schedule to remove the piping. On 12/7/17, DEP did a drive by at the facility. The driveway gates were locked and DEP did not enter. From the road, one car was visible in the parking area and there were no indications of recent work in the SSTS area. DEP called the owner's representative on 12/27/17 and 1/26/18

and left a voice mail requesting a status update on removing the piping. DEP called the owners representative on 2/26/18 and left a message requesting a schedule for the work. DEP received an e-mail from the engineer on 3/5/18 advising that the work will be postponed due to the deep snow cover. On 4/19/18, DEP witnessed the removal of the sewer line from the four unit structure to the cesspool. The violation was resolved and the case was closed on 4/20/18 with DEP Closure letter dated 4/20/18. DEP has resolved the Enforcement Action on 4/20/18.

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

Overview and Action:

A meeting was held with the camp representatives on 1/4/17; DEP staff received numerous photos and video of the recent installation of dosing flouts and discussed the need for dosing counters, which the camp will install in 2017. DEP issued an end-of-the-season letter to the Scout Executive on 3/28/17 detailing 2016 observations of the SSTS status and 2017 goals for completing the upgrade. DEP received an e-mail from the director on 4/13/17 regarding DEP's end of season letter. DEP called DOH on 4/19/17 regarding the status of the SSTS. DOH suggested that DEP and DOH coordinate the pre-operational inspection this spring. DEP received a call from the director on 4/27/17 regarding the proposed seasonal inspections and work to be conducted. DEP called and left a message for DOH on 5/31/17 regarding upcoming inspections. DEP sent an e-mail to DOH on 6/8/17 advising that an inspection is scheduled for next week and requesting a status check on the permits. DOH responded advising that they cannot accompany DEP on the inspection and will not be issuing permits until the camp opens in July 2017. DEP performed a site visit on 6/22/17; the staff is trickling in now as the camp will be open by next week. DEP performed a scheduled inspection on 6/29/17. DEP performed a scheduled site inspection on 7/13/17. There were no major issues noted with the exception of the pump station alarm still not functioning in the audible mode. DEP sent an e-mail to DOH on 7/14/17 advising of DEP's SSTS observations including a water main break that occurred at the camp. DEP also requested copies of DOH issued permits. DEP performed a site visit on 7/27/17 while the camp was in session. Pump #1 is still not working on auto and the pump alarm still only lights up but doesn't sound. On 8/10/17, DEP conducted an inspection of the SSTS. There was no evidence of sewage failing to the surface of the ground. DEP sent an e-mail to the FLOUT dosing technician on 8/11/17 regarding the malfunctioning alternating FLOUT observed. Based on the observations, the FLOUT is believed to be leaking which would disrupt to the alternating cycle. DEP sent an e-mail to camp director on 8/25/17 inquiring about the status of the malfunctioning FLOUT. DEP issued a letter to the Scout Executive on 1/31/18 outlining DEP's expectations for closing out the NOV for the upcoming season. DEP sent an e-mail to the scout executive on 3/21/18 inquiring whether DEP's letter was received. DEP called DOH on 4/4/18 to discuss SSTS expectations for this season as outlined in DEP's 1/31/18 letter. DOH will encourage BSA to follow through with the work at the upcoming pre-operation

inspection scheduled for 5/23/18, but emphasized that they were shorthanded this season and won't have the time for extra meetings. DEP called Boy Scouts of America (BSA) on 4/5/18 regarding the expectations for closing the NOV. BSA was agreeable to all requirements except installing dosing counters on the FLOUTS. BSA is going to discuss that requirement with their engineer. DEP advised BSA that inspections would cease as soon as all requirements were satisfied. DEP sent an e-mail to the Scout Executive on 6/1/18 requesting confirmation of the 2018 inspection schedule. On 6/14/18 DEP arrived at the site for a pre-scheduled appointment. No BSA staff was present to do an inspection. On 6/21/18 DEP performed a pre-scheduled routine inspection of the SSTS. Grading around the septic tanks was enhanced, pump panel and pump were replaced, dosing counters installed on FLOUTS and new D-box covers were installed. No signs of the SSTS failing were observed. DEP received As-Built plans and an engineer's certification letter from the engineer on 6/21/18. DEP called engineer on 6/21/18 to discuss the method used for testing the FLOUTs. Engineer described thoroughly testing the FLOUTS last week with the assistance of a water truck from Windham. DEP issued a letter of Construction Compliance on 7/10/18. The violation was resolved and the case was closed on 7/10/18 with DEP Closure letter dated 7/10/18. DEP has resolved the Enforcement Action on 7/10/18.

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

Overview and Action:

DEP issued an NOV to the owner on 12/7/16; DEP also left a voicemail for the owner on this same date to notify him of the NOV and to request a call back, as detailed in the NOV. DEP performed a site visit on 12/14/16; septic failure was observed; the cesspool was still exposed on one side and was leaching out into the ditch; the ditch was still open and there was a large pool of effluent in it; a very strong odor was present. DEP called the owner on 12/16/16; he received a foreclosure notice from Ulster County; he also cannot currently pay for a repair due to more pressing financial obligations; he cannot submit a bid to CWC until he pays his engineer for the design, which expires in July 2017. DEP received a call from the engineer on 12/27/16; he has not heard from the owner. DEP updated the engineer on the conversation DEP had with the owner on 12/16/16. DEP performed a site visit on 3/9/17; septic failure was observed; the septic tank was collapsed and the cesspool and drywell were in poor condition; sewage was observed in the ditch. DEP sent an e-mail to the owner on 3/17/17 and stated that the enforcement status may be elevated if he does not make a commitment or respond. DEP received an e-mail from the owner on 3/20/17 stating that he will pay the engineer by end of March 2017. DEP sent the owner an e-mail on 3/22/17 and requested that the plans be renewed and that an update be provided by 4/7/17. DEP sent an email to the owner on 4/14/17 requesting an update on the status of the SSTS. DEP received an email on 4/17/17 from the owner stating that he is waiting for a response from his engineer. DEP sent an email to the owner on 5/17/17, requesting update on when project will move forward. DEP reminded him that his approval will expire in July

2017. DEP sent the owner an email on 6/19/17 stating that if significant progress is not achieved, then the project may be referred to DEP Legal or NYC Law Dept. DEP received a call from the engineer on 6/20/17 stating that the owner called him and wants to move forward. The engineer stated that the owner wants the force main to be four feet deep, so there may be an addendum to the approved plan. DEP emailed the owner on 6/20/17 requesting his commitment to the milestone completion dates. On 6/22/17, septic failure was observed in a ditch. DEP received copies of the Site Layout & Details plans from the engineer on 7/12/17 solely to include force main specific information on the Sewer Line Trench Detail. DEP issued a Modified Approval Determination letter on 7/24/17 to the engineer along with the approved plans. DEP called CWC on 8/11/17 for the project status. They are waiting for bids to be submitted by the contractor, and are awaiting a copy of approved plan from the engineer. DEP redirected an email from the owner requesting reimbursement for engineering fees. A pre-construction meeting is scheduled for 8/29/17. DEP performed a site visit on 8/29/17; septic failure was observed. Sewage was still spilling into a dug ditch from the cesspool. DEP sent an email to the owner on 9/20/17 requesting construction schedule status and status of bid approval with CWC. DEP sent the owner an email on 10/12/17 requesting updates on construction schedule, bid approval status and farming operation description/plan. DEP performed a site visit on 10/17/17; septic failure was observed. DEP REP sent DEP Legal a request to contact the owner on 10/20/17, to help him move forward with construction, as he has not responded to recent emails from REP. REP also sent email the same day to DEP Farm Program to see if property is in their program. They responded that it is not in the Farm Program. DEP Legal called the owner on 10/20/17 and left a message to call back either legal or REP. DEP emailed the owner on 11/20/17 requesting a reply to work out an acceptable schedule before further referral to DEP Legal. The owner responded stating that the project is in the hands of the engineer. DEP called the engineer on 11/21/17, there is nothing they are aware of stopping this project from moving forward. The owner did ask for convenience toilet in garage. DEP mentioned that this should be on revised plans, and if a new septic tank is necessary, that also needs to be on revised plans. The owner also asked for updated trench detail on the plans to include non septic related items. The engineer stated that they needed some elevation information to finish some of their planning, but again indicated that the SSTS could be installed as per the approved design at any time. The engineer also stated that the owner plans to do the work himself. They are concerned because he doesn't have all the right equipment. DEP emailed the owner on 11/21/17, requesting when his start date of construction will be. DEP emailed the owner on 12/15/17 regarding project schedule and the need to resubmit plans for the convenience toilet in the garage. DEP sent email to the owner on 1/16/18, stating that DEP Legal will contact him in the near future, as he has not communicated with DEP in two months. DEP called the engineer on 1/16/18 for status update. They recently sent the owner a copy of the plans including trenchwork unrelated to SSTS design, but on the same drawing. DEP exchanged emails with the owner on 1/22/18 and requested a date when the plans would be submitted to DEP for review/approval and if he can start construction as soon as weather permits. DEP called the engineer on 2/28/18. The engineer stated that the owner emailed the comments on preliminary plans and said he'd mail them marked up drawings. DEP sent the owner an email on 3/15/18 requesting an update on when the plans will be submitted and when construction will commence (after the approval). DEP performed a site visit on 3/16/18; septic failure was not observed. The owner sent DEP an email on 3/19/18 stating he hired an engineer to handle the project. DEP sent an email to the owner on 3/20/18, again, requesting plan submission, construction, and contractor information. The owner replied the same day with no additional

information, he's putting all of the schedule in the engineer's hands. DEP called the engineer on 4/25/18 who stated that she needs to meet with her boss to discuss, and then send revisions to the owner for his approval. Engineer stated that she will update DEP when revised plans have been sent to the owner. DEP called the engineer on 6/19/18 who reported that a design was agreed upon, and they need to submit plans after getting surveyor on the property. DEP sent the owner an email on 7/16/18 requesting a date when plans will be submitted, and when construction will be ready to start. DEP performed a site visit on 7/18/18. Septic failure was observed. Collapsed/poor condition septic tank, cesspool, drywell. Cesspool exposed on one side to relieve itself into a ditch dug by the owner/caretaker. Level in ditch is letting higher with what appears to be solids. Nothing appears to be leaving the ditch or getting into a watercourse at this time. DEP called the engineer on 8/17/18 and left message with receptionist. DEP received a return phone call from the engineer on 8/20/18. Engineer left message that the water/sewer design for the outbuilding on the property is holding up the design. They are trying to complete the design and satisfy the owner's desires.

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

Overview and Action:

The owner is currently away for a few months, so he did not leave the tanks accessible, nor did he have the failing drywell pumped out, as he wants to do that the same day it is decommissioned. DEP left a voicemail for the engineer on 1/19/17 regarding the need to move forward on the project. DEP performed a site visit on 3/30/17; septic failure was not observed and it appears that someone is staying there. On 5/9/17, DEP met at the site with the owner. He is waiting for the engineer to finish the soils investigation and submit a proposal to DEP. DEP called the engineer on 10/23/17 requesting a status check on the repair. On 12/7/17, DEP inspected the SSTS areas. No evidence of earthwork or SSTS malfunction were noted. The upstairs apartment was occupied. The downstairs apartment was vacant. DEP called and left a message for the engineer on 12/27/17 requesting a status update. DEP sent an e-mail to the engineer on 1/26/18 requesting a status update. DEP called the engineer on 2/23/18 requesting a schedule. The engineer plans to do soil testing in early March 2018. DEP inspected the property on 03/22/18. The down stairs apartment seems to be used for storage. No one was home in the upper apartments. No sign of the SSTS failing. DEP called the engineer on 4/11/18 regarding resolving the NOV. Engineer to contact the owner and arrange a site visit. DEP called the engineer on 5/2/18 regarding field work. On 6/26/18, DEP inspected the property for evidence of the SSTS failing. No signs of the SSTS failing were observed. DEP called the engineer on 6/27/18 regarding setting a date to do the field work. On 8/15/18, DEP inspected the site. No evidence of the SSTSs failing were noted. DEP performed a site visit on 8/28/18; there was not a discharge; the site was stable; the site was occupied.

Project Name: Schrader Rd (2010-SC-0611)  
Town: Prattsville  
Basin: Schoharie  
Type of Use: Stormwater (SP)  
Type of Violation: SP.1: DEP NOV and DEC NOV. Land clearing, grading, and grubbing on slopes over 15% resulting in greater than 5 acres of disturbance. RE.1: 1500 gallon tank to replace the existing 1250 gallon tank. SS.1: New SSTS.  
Discovery Date: 10/2/15  
Status: Closed

Overview and Action:

DEP issued an Approval Determination letter on 10/12/16. DEP performed a site visit on 10/20/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 11/3/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the contractor on 11/7/16 regarding extreme tracking at the site, which must be swept immediately. DEP performed a site visit on 11/10/16; there were deficiencies; there was no discharge; the site was occupied; the bioretention cell in the driveway near the house has been split in two. DEP performed site visits on 12/1, 12/2, 12/8, and 12/14/16; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 12/23/16, and on 1/5 and 1/18/17; there were deficiencies; there was no discharge; the site was vacant. DEP performed site visits on 2/2 and 2/15/17; there were no deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 3/1/17; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 3/17 and 3/30/17; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 4/14, 4/28, 5/11, 5/18 and 5/31/17; there were deficiencies, there was no discharge and the site was vacant. The driveway should have water bars installed or be resurfaced with stone. In addition, the swale and check dams along the driveway should be improved. DEP sent an e-mail to the contractor on 6/8/17 asking when the bioretention cells will be planted. Also the driveway needs repair and additional water bars and the swale needs reshaping and check dams. DEP performed site visits on 6/12, 6/26, 7/20, 8/18, 8/25, 9/7 and 9/22/17; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 10/12/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the contractor on 10/13/17 regarding the deficiencies at the 10/12/17 site visit. The engineer replied the same day. DEP sent an e-mail to the engineer on 10/17/17 regarding the capacity above the media needs to be maintained. DEP performed a site visit on 10/20/17; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the project applicant, landscaper and general contractor on 10/20/17 to discuss the bioretention cell. The landscaper will lower the elevation of the mulch and level off the base of the cell. When the driveway is built up it will provide the ponding capacity. DEP performed site visits on 10/26, 11/8, 11/21/17 and 2/27/18. There were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 5/1 and 5/25/18. There were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 5/30/18 regarding the owners contact. Questioned why there are police signs at the site. DEP performed a site visit on 6/15/18. There were no deficiencies, there was no discharge and the site was vacant. The site has not been accessible for the entire year. Attempts to contact

the contractor and applicant have been unsuccessful. DEP performed a site visit on 6/29/18. There were no deficiencies, there was no discharge and the site was vacant. The site has not been accessible all season. DEP issued a letter to the owner on 7/10/18 regarding scheduling a site visit. DEP would like to close out the NOV, however a site visit must be conducted in order to do so. DEP exchanged emails with the owner from 7/20 - 7/26/18 regarding scheduling a site visit. The owner released the combo to the chain. DEP performed a site visit on 8/7/18. There were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 9/6/18 with DEP Closure letter dated 9/6/18. DEP has resolved the Enforcement Action on 9/6/18.

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

Overview and Action:

DEP performed site visits on 12/27/16 and 1/3/17; septic failure was not observed; the house remains vacant and appears to be abandoned, as of the latter date. DEP performed a site visit on 7/12/17; septic failure was not observed. There was no sign that the house is being used. DEP has put the Enforcement Status on hold as of 9/22/17 due to the property not being inhabited. Project will be monitored by tasks every six months for re-inhabitation and will deal with possible loss of NCRA status and compliance with regulations time of re-inhabitation. DEP is monitoring this project site for inhabitation/failure. DEP performed a site visit on 1/11/18. The house is abandoned and boarded. DEP performed a site visit on 7/10/18. Septic failure was not observed. It appears that the residence has not been accessed and the house is in disrepair.

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

Overview and Action:

DEP received a notice issued by DEC to the owner on 2/13/17 stating that the owner is in violation of the Order on Consent. DEC requested that the owner respond within ten days of receiving the notice; financial penalties are also possible. DEP exchanged e-mails with the owner on 3/7/17; it appears that site conditions have improved; DEP would like to meet with the owner on 3/10/17 to discuss items which still must be addressed. DEP exchanged e-mails with the owner on 3/13/17 regarding the site meeting; a new date/time was agreed upon on 3/16/17. DEP performed site visits on 3/16 and 3/30/17; there were no deficiencies; there was no discharge; the site was vacant. DEP exchanged e-mails with the applicant on 4/5/17 regarding hiring an Erosion

and Sediment Control (E&SC) inspector and putting up document storage boxes at the site for the SWPPP and inspection reports. DEP performed a site visit on 4/12/17; there were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/26, 5/11, 5/18 and 5/31/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owners on 6/8/17 with a list of expectations to be met and requested that the issues be addressed. DEP performed a site visit on 7/7/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the representatives on 7/7/17 regarding DEP's email of 6/8/17 and the lack of response to it. DEP received a response from the owner on 7/7/17 regarding the need to change their inspecting engineer. DEP assessed the site and the site condition has not changed. DEP performed site visits on 7/27 and 8/11/17; there were deficiencies, there was no discharge and the site was vacant. A tentative site meeting is set for 9/7/17 with the applicant, contractor and engineer. A meeting was held with the project applicant and new engineer on 9/7/17. DEP received an e-mail from the applicant on 9/21/17 indicating the construction stake-out will proceed next week. DEP performed a site visit on 9/28/17; there were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the engineer on 10/4/17 regarding the stakeouts. DEP performed a site visit on 10/6/17. There were deficiencies, there was no discharge and the site was vacant. DEP observed construction stake-out has been performed at the site. DEP observed on 10/13/17 that construction has begun. DEP performed a site visit on 10/23/17. There were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 10/24/17 regarding the site visit of the previous day and the lack of silt fence below the fill. DEP performed a site visit on 10/25/17. There were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner on 10/25/17 regarding the need for E&S inspections. DEP received an e-mail from the owner on 10/26/17 stating that the engineer is putting in silt fence as per the plan. DEP performed a site visit on 11/2/17. There were no deficiencies, there was no discharge and the site was occupied. DEP received a call from the applicant on 11/15/17 regarding the construction of the stormwater controls. The applicant stated they would keep working to get the practices installed. DEP received an e-mail from the owner on 11/20/17 regarding the site. He stated that the machine is back on site and he has retained a contractor to assist in the completion of the stormwater installation. DEP performed site visits on 11/22 and 11/30/17. There were no deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner and CWC on 12/08/17 regarding the re-design. CWC stated that they will not pay for a re-design as it isn't being requested by DEP. DEP performed a site visit on 12/13/17. There were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant on 12/22/17 to discuss the next steps in preparation for spring. DEP received an e-mail from the owner on 1/8/18 regarding his schedule as to how he will complete the SWPPP. No construction materials were observed on site. DEP sent an e-mail to the owner on 3/6/18 regarding an on-site meeting with DEP to discuss how the stockpile materials are being prepared. DEP assessed the site and no construction materials for the stormwater controls were observed. DEP received a response e-mail from the owner on 3/9/18 stating that he will transfer the materials and requested a meeting be set for March. DEP sent emails to the owner on 3/9, 3/15 and 4/6/18 regarding setting up a meeting. DEP sent an e-mail to the owner on 4/25/18 regarding the need for a site meeting to discuss the next steps in building the stormwater controls as DEP Legal is advising further action. DEP performed a site visit on 5/3/18. There were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with DEC on 5/8/18 regarding spills at the site. DEP performed

site visits on 5/10 and 5/25/18. There were deficiencies, there was no discharge and the site was vacant. DEP's Bureau of Legal Affairs (BLA) issued a letter to the applicant/owner on 5/29/18 regarding the NOV and the outstanding issues at the site. They stated that several actions are required, including the cessation of all activities, immediate stabilization of disturbed soils, and the submittal of a proposed SWPPP within 30 days. DEP performed site visits on 6/6, 6/15 and 6/19/18. There were deficiencies, there was no discharge and the site was vacant. DEP Attorney, BLA, called the owner and left a message on 6/27/18 requesting status of the project. DEP performed a site visit on 6/29, 7/6 and 7/10/18. There were deficiencies, there was no discharge and the site was vacant. DEP BLA Attorney called the owner on 7/10/18 regarding lack of follow up to the NOV. The owner said he wants to set up an on-site meeting with DEP Stormwater staff and the new owner of site, who the current owner claims is going to do less with the site. DEP performed a site visit on 8/2/18. There were deficiencies, there was no discharge and the site was vacant. DEP received a call from the owner on 8/2/18 regarding scheduling a time to visit the site. A meeting is schedule at the site on 8/16 with the DEP, DEC, the current owner and perspective buyer. DEP performed a site visit on 8/16/18. There were deficiencies, there was no discharge and the site was occupied. A meeting to discuss what is reimbursable was held with the project applicant, CWC and DEP on 8/17/18. DEP performed a site visit on 8/29/18. There were deficiencies, there was no discharge and the site was occupied. A meeting was held with the new project applicant on 8/29/18. DEP performed site visits on 9/4 and 9/19/18. There were deficiencies, there was no discharge and the site was vacant.

### **3.1.2. Delaware District**

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

#### **Overview and Action:**

DEP Legal issued a Notice of Intent to Revoke Approval letter to the owners on 11/28/16 via certified/return receipt mail; if plans showing the required information are not received by 12/9/16, DEP intends to revoke the 3/16/16 design approval. DEP performed a site visit on 1/11/17; septic failure was not observed and the site was uninhabited. On 2/13/17, NYC Law notified DEP that the 11/28/16 legal letter was re-sent to the owner at two different addresses via return receipt mail. On 2/12/17, one of the receipts was returned from one address, without a signature, but the letter was not returned. DEP Legal issued another Notice of Intent to Revoke Approval letter to the owners on 3/24/17; DEP intends to revoke the 3/16/16 design approval on 5/8/17, unless certain written statements are provided within 15 calendar days of the date the owners receive the letter. Affidavit of service was completed for Notice of Intent to Revoke Approval on 4/6/17. DEP performed a site visit on 4/7/17. Paperwork on the door indicates that the property may have fallen into a foreclosure status. The date could not be made out during the site visit. DEP issued a Revocation of the Approval letter to the applicant on 6/19/17 effective 5/8/17 the date specified in the Notice of Intent dated 3/24/17. DEP performed site visits on

10/13/17 and 1/29/18; septic failure was not observed. DEP called the owner on 3/16/18 and spoke with the secretary. DEP requested that the owner call back for an update on the property status, plans, and ownership change, if applicable. DEP performed site visits on 4/26 and 7/11/18; Septic failure was not observed.

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

Overview and Action:

DEP initiated an Enforcement Action on 5/23/17. DEP issued an NOV to the owner on 5/23/17. DEP received a call from the owner of the property on 5/30/17 regarding the NOV received. The owner will contact an engineer and pursue a variance. DEP received an e-mail from the owner on 6/5/17 regarding hiring an engineer and moving forward with design. DEP received a call from the engineer on 6/7/17 regarding the project. DEP told the engineer that a meeting was scheduled for 6/9/17 to discuss the level of detail needed for the stormwater treatment design submission. DEP told the engineer that this should not delay scheduling the soil testing or collecting site information to develop a base map of the site. DEP called the engineer on 6/12/17 notifying him that the meeting was postponed and that he should continue with scheduling the soil testing. A soil/site evaluation was performed on 6/20/17 with the engineer and CWC. DEP sent an e-mail to the engineer on 6/22/17 regarding mitigation options based on the soil testing results and required information for the variance submission. DEP exchanged e-mails with the applicant on 6/27/17 regarding the status of the project. DEP sent an e-mail to the engineer on 7/7/17 requesting an update on the project. DEP sent an e-mail to the engineer on 7/17/17 requesting an update on the project. DEP received a call from the engineer on 7/18/17 regarding the preliminary design. The engineer is planning to send the preliminary design (sketch and Hydro CAD) in on 7/19/17. DEP received an e-mail from the engineer on 7/18/17 regarding preliminary design. The email included a site plan sketch and the Hydro CAD per and post calculations. DEP sent an e-mail to the engineer on 7/21/17 regarding the preliminary calculations and design. DEP notified the engineer that the preliminary information looks good and to keep moving forward with the design. DEP called the engineer on 7/21/17 regarding a small change to the drainage area delineation map. DEP received an Application for a Variance that coincides with the SWPPP on 8/9/17 from the engineer. DEP issued a NOCA on 8/21/17. DEP issued an Approval Determination letter on 9/19/17. DEP received the signed Variance Determination from the owner on 9/25/17. DEP met with the contractor, engineer and the applicant's representative on the site for a pre-construction meeting on 9/27/17. DEP sent an e-mail to CWC on 9/27/17 with a copy of the variance determination. DEP received notice on 10/1/17 that construction will begin on 10/2/17. DEP performed a site visit on 10/2/17. There were no deficiencies, there was no discharge and the site was occupied. DEP issued a letter rescinding the technical approval issued in 9/19/17. A technical determination was not required since there was no regulatory review and approval required for construction of an impervious surface within 100 feet of a watercourse. Rather, a variance to the prohibition of it was required

and remains valid. DEP performed site visits on 10/13, 10/19 and 11/3/17. There were no deficiencies, there was no discharge and the site was vacant. DEP is waiting for the Engineer's certification to close this project. DEP performed site visits on 5/14 and 7/20/18. There were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 7/27/18 regarding as-built drawing and a construction sign off letter. DEP received an e-mail from the engineer on 8/16/18 with a copy of the construction certification. DEP issued a letter of Construction Compliance on 8/30/18. The violation was resolved and the case was closed on 8/30/18 with DEP Closure letter dated 8/30/18. DEP has resolved the Enforcement Action on 8/30/18.

Project Name: Miller Hollow Road (2018-PE-0180)  
Town: Colchester  
Basin: Pepacton  
Type of Use: Intermediate Repair (CR)  
Type of Violation: Campground; failing SSTS; DEP NOV for a discharge from a septic tank surfacing on the ground. Eight unapproved sewer connections to campers and mobile homes, and eleven greywater discharges from seasonal campers.  
Discovery Date: 5/4/18  
Status: New

Overview and Action:

On 5/2/18 DEP met with the engineer and applicant for a pre-application meeting. During an inspection of the site, several violations were observed. The existing SSTS is failing and surfacing to the ground. DEP performed a watercourse determination on 5/2/18. DEP initiated an Enforcement Action on 5/4/18. DEP issued an NOV to the owner on 5/4/18. DEP sent DOH an e-mail with a copy of the NOV attached on 5/4/18. DEP called DOH on 5/4/18 regarding the sewage facilities and DEP's draft NOV. DOH confirmed that they closed the bathrooms and the camp sites that discharged to the septic tanks. DOH will do a follow up inspection next week, send us a copy of their inspection report and copy us on the AT10. DOH also had no objection to the requirements listed in DEP's NOV. DEP received a copy of DOH's inspection report of 5/2/18 on 5/7/18. DEP exchanged e-mails with the owner on 5/9/18 regarding the status of the tank pump out and disconnecting the greywater discharges. DEP will inspect the site on 5/11/18. On 5/11/18 DEP performed an inspection of the property. The bathrooms and laundry had been closed. All but two greywater discharges were disconnected. Septic tank had not been pumped and sewage was still surfacing on the ground. DEP advised owners to have tank pumped. DEP sent an e-mail to DOH on 5/16/18 regarding status of campground enforcement. DEP sent an e-mail to the owner on 5/16/18 regarding the status of the pump out of the septic tank. Owner stated that the tank has not been pumped out. Pump out is now scheduled for 5/22/18. DEP performed a watercourse determination on 5/17/18. DEP called DOH on 5/18/18 and left a message for a call back regarding the email sent to DOH on 5/16/18. The failure is on-going. Raw sewage continues to flow in the ditch from the septic tank. On 5/30/18 DEP performed a site visit. Sewage is still surfacing on the ground from the septic tank. A septic hauler was onsite pumping out campers. DEP called and left a message for DOH on 6/4/18 regarding past emails and phone calls to DOH which have gone unanswered. The failure at the campground is on-going, sewage continues to flow in the ditch below the septic tank. The owner is trying her best to stop the flow. She has ensured all campers are disconnected and pump out as needed. She

minimizes water use in her home and has closed the public restrooms and put in a port of jon. DEP received an e-mail from DOH on 6/12/18 regarding a phone call that they received from the owner that the tank was pumped again. DEP was asked to contact DOH after their onsite meeting and discuss the failure as DOH will be unable to meet at the site. On 6/13/18, DEP inspected the site. Access covers to the septic tank have been exposed. The tank had been pumped and the sewage was below the outlet. Sewage from the tank was no longer surfacing on the ground. DEP exchanged e-mails with DOH on 6/13/18 regarding plans for the SSTS. DOH forwarded DEP a copy of record plans. DEP exchanged e-mails with the owner on 6/25/18 regarding site inspection of the system. Owner stated an engineer had told them the existing SSTS was unusable. DEP provided the owner with plans from DOH. DEP received a call from an engineer working on a proposal for the potential buyers on 6/27/18. DEP explained the history of the NOV to the engineer. The engineer inquired if repair would fall under new CWC program for commercial properties. DEP advised the engineer to speak to CWC. DEP also advised the engineer to speak to DOH regarding how many campsites the current property is permitted for. DEP received a call from an engineer for the potential buyers on 7/19/18 regarding the NOV. Engineer had not been hired yet and wanted to know if a temporary repair could be made in the interim while a permanent repair is designed and constructed. DEP sent an e-mail to the engineer on 7/19/18 regarding a temporary repair for the SSTS. DEP indicated a temporary repair cannot be approved for the SSTS. On 7/20/18 DEP performed a site visit. Septic tank covers were accessible for inspection. Tank level was below the outlet. Some sewage was observed in portions of the hand dug trench. DEP received a call from the owner on 8/3/18 regarding the sale of the property. Owner said the buyers wanted to have solutions for the SSTS before moving forward with purchase of property. On 8/30/18 DEP conducted a site visit. Septic tanks were accessible and inspected. Liquid levels were slightly below outlet inverts. Some sewage was observed ponded in the hand dug trench. DEP called DOH on 9/4/18 regarding the SSTS. DOH advised that an AT10 would be issued soon for the failing SSTS. They also advised that the DOH campground permit expires mid-October. DEP called DOH on 9/25/18 regarding a status update. DEP requested whether the AT 10 has been issued. District Director was not in, DEP left a message.

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

Overview and Action:

DEP sent an e-mail to the engineer on 1/5/17 stating that the engineer's proposed modifications are unacceptable; the engineer must either reinstall the gutters to ensure proper drainage to comply with the SWPPP or modify the SWPPP to provide stormwater treatment for the runoff. DEP received an e-mail from the engineer on 1/5/17 regarding the parking lot layout. DEP performed a site visit on 1/6/17; there were deficiencies; there was no discharge; the site was occupied. DEP issued a letter to the Village of Fleischmanns Planning Board Chairperson (PB Chair) on 1/12/17 regarding issues with the amended site plan dated 3/23/16, and options for

resolution. DEP exchanged e-mails with the engineer on 1/12/17; the engineer stated that the owner has decided to reset the gutters and discharge roof rainwater into the rain garden; a soil analysis will be provided of the material used. DEP advised to wait until the spring of 2017 to complete the rain garden. DEP exchanged e-mails with the PB Chair on 1/12/17 regarding the large parking lot; the PB Chair provided a master plan and documents received from the engineer and DEP provided a copy of the SWPPP Approval for reference. DEP performed site visits on 1/20 and 3/2/17; there were deficiencies; there was no discharge; the site was occupied on 1/20 and vacant on 3/2/17. DEP sent an e-mail to the engineer on 3/3/17 regarding the gutter alignment, seeding and mulching, and bioretention completion. DEP performed a site visit on 4/20/17; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 4/20/17 regarding the need to finish realigning the gutters and construct the bioretention cell. DEP questioned his plan to finish. DEP received a call from the engineer on 4/28/17 regarding work to be done. DEP performed site visits on 5/3 and 5/8/17; there were deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the engineer on 5/11/17 regarding confirmation of who will be providing the planting media and who will be building the bio retention cell. DEP received an e-mail from the engineer on 5/11/17 stating that a rain garden will not be required. DEP performed site visits on 5/15 and 5/26/17; there were no deficiencies, there was no discharge and the site was occupied. DEP received a copy of the project review notes that the engineer sent to the V/Fleischmanns Planning Board on 5/30/17. DEP sent an e-mail to the engineer on 6/1/17 regarding road and parking lot reconstruction requires a permit as it is considered disturbance per the DEC website. DEP performed site visits on 6/8, 6/13 and 6/15/17; there were no deficiencies, there was no discharge and the site was occupied. DEP exchanged emails with the engineer on 6/15/17 regarding the weir not being necessary as well as additional stone. DEP performed site visits on 6/19, 6/22, 6/27 and 7/3/17; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 7/6/17 regarding items discussed that need to be addressed. DEP performed a site visit on 7/11/17; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 8/3/17 regarding when the bioretention cell will be scarified and planted. DEP performed site visits on 8/25 and 9/21/17; there were deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the engineer on 9/28/17 regarding 9/14/17 site inspection and the observation that the bioretention cell is still not completed, does not drain adequately and the area around the cell is not stabilized. DEP received a call from the applicant' son on 10/4/17 regarding the 9/28/17 letter from DEP. DEP returned the call and there was no answer. DEP exchanged e-mails with the engineer on 1/9/18 regarding the gravel being considered a disturbance. DEP responded that it does not. DEP used the opportunity to address the completion of the bioretention cell and requested a letter of intent. DEP received an e-mail from the engineer on 1/19/18 regarding finishing the rain garden. DEP sent an e-mail to the owner and engineer on 3/26/18 requesting the status of the plans. DEP received an e-mail from the engineer on 4/24/18 stating that they are procuring plants and will contact DEP for a meeting when they come in. DEP sent an e-mail to the engineer on 5/24/18 stating that the threat of frost has past so the bio-retention cell must be completed as soon as possible. DEP requested to be informed when the planting will be done. DEP received an e-mail from the engineer on 5/25/18 stating that the nursery where they ordered the plants does not have them and requested assistance in obtaining a number for a nursery that is familiar with planting a rain garden. DEP responded to the engineer on 5/30/18 regarding finding nurseries for rain garden plants. DEP performed site visits on 6/21 and 7/2/18. There were no deficiencies, there

was no discharge and the site was vacant. DEP has still not heard back in regards to finishing the bioretention cell from the applicant or the engineer. DEP performed site visits on 7/19, 7/26, 8/22 and 9/11/18. There were no deficiencies, there was no discharge and the site was vacant.

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

Overview and Action:

The owner stopped into the field office with regards to his septic system. He complained that the system is in failure. He stated that he cleans the effluent filter every year. DEP performed a site visit on 5/4/17; septic failure was observed. Absorption field, surfacing of sewage on ground. DEP talked to the owner who said that there is eight or nine people living at the house. The owner and his wife, his daughter and mother, his son and his wife and two kids. The house has five bedrooms and four bathrooms. Effluent is surfacing with septic odor but seems to return into the ground. DEP initiated an Enforcement Action on 5/4/17. DEP attempted to call the Code Enforcement Officer (CEO) on 5/10/17 regarding the increase in bedroom count. DEP called the CEO again on 5/17/17 regarding the number of bedrooms reported by the owner. The CEO stated that they had applied for the following building permits: a permit to construct a septic system in 9/2011; a permit to construct an addition to the existing house, living room/dining room with a foundation underneath with no living space permitted under the living space in 5/2012; a permit to construct a detached garage in 10/2013. The CEO has no records indicating an increase in bedroom count. DEP received a call from the owner on 5/30/17 regarding changing the effluent housing from a 50 gallon plastic tank to a concrete tank. DEP called and left a message for the owner on 5/31/17 regarding the message that was left on 5/30/17. DEP received an internal e-mail on 6/5/17 regarding the owner stopping in at the field office to discuss his septic system issues. DEP issued an NOV to the owner on 6/6/17. DEP called and left a message for the owner on 6/7/17 asking for a call back. The owner stopped in at the field office looking for the DEP engineer who issued the NOV. DEP tried to explain that this individual does not work out of this office and pointed out his contact information in the letter. DEP showed the owners what they needed to do per the NOV; pump out and increase the tank and SSTS field for a five bedroom residence, to close out the NOV. They stated that what was installed was incorrect, that the effluent filter should have been inside the 1500 gallon tank. DEP tried to explain that the system was designed for a three bedroom residence, per the paperwork received from CWC and indicated on the engineer's plans that the owners had brought with them. The owners stated that the designer of the addition, the contractor, nor the CEO had told them that they needed to increase the size of the system because of the increase in the bedroom count. DEP received a phone call from the owner on 6/13/17. DEP explained that he has 2 more bedrooms than septic system was approved for and they have to hire an engineer to submit plans. DEP will contact the owner to meet onsite to discuss the review/approval process. DEP performed a site visit on 6/15/17; septic failure was observed. The owner will contact his new contractor to find a new engineer to complete the necessary work. DEP also advised the owner to

not park vehicles on the absorption area of the SSTS. DEP received a call from an engineer on 6/28/17 asking for a few details on the existing replacement system. The engineer met with the owner onsite to discuss the issues. The engineer thinks that the garage will need a new stand-alone system if the owner wishes to convert a portion of it to living space. Due to the failure of the replaced system, the engineer thinks that the bed may need to be completely replaced due to the parking situation, as well as a larger septic tank. DEP received a request for a pre-application meeting from the engineer on 7/19/17. A soil/site evaluation was performed on 8/8/17. DEP Section Chief received a call from the engineer on 8/4/17 regarding a design for the alt/mod. He was advised to submit a design and reach out to CWC for potential reimbursement in the new side agreement. DEP sent an e-mail to the engineer on 10/12/2017 regarding the project status. DEP received an Application for a conventional individual SSTS on 10/31/2017. This system may be an Alteration/Modification to an existing SSTS. DEP issued a NOCA on 11/09/2017. DEP performed a watercourse determination on 11/21/2017. DEP issued a comment letter on 11/28/2017 to the engineer requesting additional information. DEP issued a comment letter to the engineer on 4/25/18 regarding the NOV and the need for the Engineer to respond to DEP's letter of 11/28/17. On 4/26/18, DEP performed a site visit. There was no sign of failure. DEP called the Engineer on 6/28/18 regarding submission of the revised design. He is working on the redesign now and should be submitting in the near future. DEP received revised plans in response to the NOV/NOV comment letter on 8/8/18. DEP sent an e-mail to the Engineer on 8/9/18 requesting soils testing data for the proposed reserve area.

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

DEP exchanged e-mails with the applicant on 2/8/17 regarding a new contractor to implement the approved SWPPP; the applicant has hired someone, but he or she is not available until after 3/17/17; DEP will follow-up to set up a site meeting. DEP sent an e-mail to the owner on 6/7/17 requesting the status of construction. Also requested a time to meet at the site with the contractor. The owner responded the same day that she will get in touch with her contractor to see when he can start the work. DEP exchanged emails with the owner and set up a time to meet at the site on 6/8/17. DEP received a call from the applicant on 6/28/17. The applicant is reworking the SWPPP with the engineer. DEP received a call from the engineer on 7/13/17 regarding the owner wanting to move the house another 500 feet from originally planned and wanted to touch base. DEP responded the same day stating that they will need to revise the SWPP indicating the new house location. DEP received a call from the applicant on 8/2/17 regarding the relocation of the house. DEP received a sketch plan of the house layout from the engineer on 8/8/17. DEP called the applicant on 8/22/17 regarding the relocation of the house. DEP discussed this site with the design engineer 11/16/17. The engineer indicated he would get back to working on the revised site plan. Since the proposed home location has been moved, the engineer will need to get additional topo. DEP received an e-mail from the engineer on 4/19/18 stating that they have provided a proposal on the project. DEP has exchanged multiple calls with

the applicant regarding the site. DEP received a call from the applicant on 7/10/18 regarding the stormwater controls. A meeting will be scheduled with the contractor to discuss the driveway grading and rain garden. A site meeting with the contractor to discuss the stormwater plan is scheduled for 7/17 at 10am. The contractor never showed to the meeting. A meeting was held with the project contractor on 7/26/18.

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: Approved

Overview and Action:

The owner is not on site and will not be there during the winter, as his water keeps freezing up; he usually returns to the site sometime in May. DEP left a voicemail for the owner on 12/19/16 and called on 2/17/17; he plans on requesting funding from CWC after his cabin is completed. DEP informed him that CWC has certain requirements for qualification in their program. The owner still plans on installing a composting toilet and asked about using an outhouse. The initial use of his property is seasonal, but he eventually plans for it to be year-round. The owner requested that DEP contact him in April 2017 to plan a meeting on-site to discuss all issues. A warning for the site was opened on 5/12/17. DEP staff should be accompanied by DEP Police when visiting this site until further notice. DEP called the owner on 5/17/17 to set up an appointment at the site. DEP contacted CWC on 6/7/17 regarding project eligibility for funding. CWC stated that the structure is new and therefore not eligible. DEP met on the owner on site on 6/13/17. DEP explained to the owner that he has two options. He can hire an engineer to design a compliant system following approval process by DEP. Or his second option is to install a holding tank and comply with DOH requirements. DEP will follow up on this meeting by sending the owner documents. DEP received a return call from DOH on 6/21/17, who stated they are unaware of any other funding source for SSTS construction other than CWC in the Watershed. Additional project information and history was sent from DEP to DOH via email in case this project is brought to their attention. DEP called the CEO on 6/22/17 regarding information on the property. DEP received a call from the CEO on 6/27/17 regarding the property. He stated that nothing was ever on file regarding a structure or septic system on the property. It has always been on file as rural vacant land. A building permit was issued for a structure with no running water. DEP issued a letter to the owner on 10/24/17 regarding their meeting of 6/12/17. DEP has given the owner the option of upgrading the SSTS that requires an Engineer and Approved SSTS or a hold and haul which will require the owner to contact DOH. DEP sent the owner a text message on 11/20, 12/18 and 1/16/18 inquiring if he had made any decisions on how to handle wastewater. DEP received a call from the engineer on 5/15/18 regarding being contacted by owner to set up soil tests. A soil/site evaluation was performed on 5/22/18. DEP received an Application for a conventional individual SSTS on 7/13/18. DEP issued a NOCA on 7/19/18. DEP issued an Approval Determination letter on 7/19/18. DEP was informed on 8/24/18 that construction will start on 8/28/18. DEP performed construction inspections on 8/28, 8/29, 8/30, 9/4 and completed construction inspections on 9/5/18.

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

Overview and Action:

DEP issued a warning letter to the owner on 6/1/17 regarding structures on the property and the lack of construction approval. DEP received a call from the owner on 09/05/2017 regarding the letter that he received. Owner informed DEP that he never installed the approved system. The property does have a well, barn and residence. Owner stated that he had installed a concrete septic tank, which is connected to a dry well. He reported that he has never had an issues with the dry well. This was installed because he lost his leg and did not have the money to install the designed system. He currently lives in the 18x24 cabin and has created a homestead. DEP issued an NOV to the owner on 10/11/17. DEP received a phone call from the owner on 10/26/17. He asked for DEP staff to meet with him onsite to discuss. DEP called the owner on 11/6/17 and scheduled site visit for 11/9/17. DEP met with the owner at the property on 11/9/17. The owner showed DEP surface failure of grey water above the drywell he installed. The owner is convinced the surface failure does not reach the pasture drainage ditch which was less than 10 feet away. Tall grass made it difficult to determine during this inspection if it reached the ditch. This ditch collects runoff from the field and discharges to an open flat area which may reach Elk Creek during storm events. DEP stated that the watercourse maybe marked out and measured for the 250 foot setback for a raised system. The owner asked if DEP could purchase easement rights on his property which may give him funds to build a compliant septic system. DEP stated that his contact information would be given to land acquisition programs and that regulatory programs could not discuss land acquisition with him any further. DEP asked if the owner wanted to get involved with the small farm program. He inquired previously and did not like the restrictions, and did not think it would give him any benefit. The owner awaits further contact from DEP regarding flagging of 250' setback and land acquisition's contact information. DEP called the owner on 11/22/17 to give him DEP's LAP phone number. The owner did not answer and there was no option to leave a message. DEP REP will review the 250' setback requirement for a raised system on this site. On 6/12/18, DEP staff met with the owner so that the DEP Supervisor could become familiar with the field aspects of the situation. Effluent continues to discharge to the ground surface. The owner was emphatic that he does not have the financial resources to construct the SSTS. The owner indicated that he is the only occupant and the dwelling has one bedroom (the SSTS design is for two bedrooms). The owner indicated that he considers visits by DEP personnel to be harassment and specifically requested that DEP staff do not come onto his property in the future. In order to generate additional income to potentially pay for the SSTS, the owner is considering creating a fenced pasture in the watercourse area for raising livestock such as hogs or goats. DEP Legal issued a comment letter to the applicant on 7/2/18 in follow up to the NOV due to lack of response.

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

Overview and Action:

DEP received a request for a pre-application meeting from the engineer on 11/16/17. A soil/site evaluation was performed on 11/21/17. DEP met with owner and contractor on 11/24/17. The contractor was trying to locate the septic tank. Algae and a septic odor were present along the stream in the area behind the house. The house has been vacated. The owner does not plan to re-occupy until the failure is addressed. DEP received an e-mail from the owner on 11/24/17 advising that the house is vacated and that they were unable to locate the septic tank. On 11/28/17 DEP performed a site visit. Additional soils testing was performed and the septic tank was located and uncovered. DEP advised the engineer to have tank pumped A soil/site evaluation was performed on 11/28/17. DEP initiated an Enforcement Action on 11/28/17. DEP performed a site visit on 12/4/17. Septic failure was observed. Septic was visibly entering the watercourse/wetland. On 12/04/17 DEP inspected the property. The septic tank had been pumped. The property appeared vacant at the time of the inspection. DEP issued an NOV to the owner on 12/12/17. DEP received an e-mail from the engineer on 2/20/18 advising that plans would be submitted in early March. On 03/22/17 DEP performed a site inspection. Contractors were present at the time of the inspection working on the interior of the house. The SSTS failure was still actively failing in to the watercourse. DEP inspected the inside of the septic tank. The tank was filled to the outlet. DEP informed the contractor's that the tank must be pumped. The house is currently uninhabited and does not have anyone living there however it appeared that the contractors have been occupying the house during the day. DEP received a list of pump out dates from the hauler on 3/23/18. DEP called the owner on 3/23/18 regarding the septic failure. The owner believes that ground or surface water filled the tank. The tank was pumped 3 weeks ago. Pumper to send pump-out receipts. DEP called the engineer on 3/23/18 regarding the status of plans for the repair. Engineer said plans were nearly complete. Estimated submitting to DEP by first week of April. DEP also told the engineer that the tank was full again and failure was still active. DEP stressed the importance of submitting plans soon for the NOV. DEP exchanged e-mails with the owner on 3/26/18 regarding pumping the septic tank. On 3/29/18, DEP inspected the septic tank. The tank had been pumped prior to DEP's arrival and was mostly empty however groundwater could be heard draining into the tank. Sewage was still surfacing on ground and entering watercourse in area of failures. On 4/6/18 DEP performed an inspection of the site. The septic tank was filled with groundwater. The SSTS was not failing at the time of the inspection and the house appeared vacant. DEP responded to an e-mail from the on 4/23/18 regarding the need to resume pump outs when the house is reoccupied. DEP received an e-mail from the owner on 4/26/18 advising DEP that the home would be occupied from 5/4/18 to 5/15/18. DEP received an e-mail from the owner on 5/4/18 confirming that the septic tank was

pumped. DEP received the SSTS Site Plan and Pump Specs from the engineer on 5/10/18. DEP issued a letter to the engineer on 5/18/18 with comments on the latest plan submission. DEP received an Application for a SSTS on 5/29/18 from the engineer with plans and a response letter to DEP's comments of 5/18/18. DEP issued a NOCA on 6/8/18. DEP issued an Approval Determination letter on 6/8/18. DEP exchanged e-mails with the engineer on 6/27/18 regarding the status of the repair. The engineer indicated that the applicant is waiting to receive approval for funding from CWC before starting. DEP was informed on 8/20/18 that construction will start on 9/4/18. DEP received an e-mail from the engineer on 9/4/18 regarding the septic tank for the project. Engineer wants to revise the tank from a single tank to two in series. DEP has no objection to the change. DEP observed that construction commenced on or before 9/5/18. On 9/5/18, DEP performed an inspection of the property. The contractor was onsite excavating the area for the absorption bed. On 9/6/18, DEP performed a construction inspection. Excavation for the absorption bed was in progress the contractor was not onsite. On 9/10/18, DEP performed a construction inspection. Contractor had placed crushed stone for absorption bed. On 9/13/18, DEP conducted a construction inspection. The contractor was onsite and was working on the absorption bed. Septic tank locations were discussed and reviewed with the contractor. DEP called the engineer on 9/13/18 regarding construction of the SSTS. DEP advised the engineer to verify the revised pump station tank has enough volume for one day of storage. Engineer said they would verify and provide cut sheets of the station to DEP for review. On 9/17/18, DEP inspected the installation of the septic tanks. Work appeared to be satisfactory. On 9/18/18, DEP witnessed the satisfactory vacuum testing of the two septic tanks and the pump tank. DEP received an e-mail from the contractor on 9/18/18 notifying DEP they will vacuum test the tanks this afternoon. DEP received an e-mail from the engineer on 9/18/18 regarding substitution of a 1,250 gallon tank for the pump station structure. DEP agreed substitution is acceptable. DEP inspected the SSTS construction on 9/19/18. The interconnection of the two tanks was completed, no other work advanced. On 9/21/18 DEP conducted a construction inspection. The force main was partially completed and pumps were installed in the pump station.

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

Overview and Action:

DEP received an e-mail from the DEP Police on 5/5/17 regarding a complaint of a septic failure. DEP called the tenant on 5/5/17 regarding the complaint that was received and requested a call back. DEP sent a reply back to the DEP Police on 5/5/17 once it was determined that more information was needed to follow up on the complaint. DEP received an e-mail from the DEP Police on 5/6/17 regarding the additional information requested. A full address of the property with photos of the failure were provided. DEP initiated an Enforcement Action on 5/8/17. DEP reporting officer stopped in the field office to discuss the project. The officer stated that the failure is located in an enclosed area, a four foot high chain link fence topped with barbed wire. The tenant told the officer that they had dogs, but the officer did not see any dogs at the time of the visit. The officer attempted to reach out to the tenant again, but was unsuccessful. DEP called

the tenant on 5/8/17 regarding the complaint and left a message asking for a call back. The tenant called back the same day: The sewage is backing up around a white pipe that was sticking up out of the ground and has completely covered the pipe. They had made the owner aware of the situation. The tenant is willing to show DEP the failure and explain everything while on site. The tenant provided the name and cell phone number for the owner of the property. DEP called the tenant on 5/11/17 to set up a site visit with a DEP inspector. DEP called and left a message for the tenant on 5/24/17 letting them know that DEP was going to inspect the property mid to late morning on 5/25/17. DEP performed a site visit on 5/25/17; obvious failure; sewage/effluent at surface under large bush, odors, etc. Appears to be contained in the area of vegetation. DEP received a request for a pre-application meeting from the applicant on 5/25/17. DEP observed and prepared a violation report on 5/25/17. DEP issued an NOV to the owner on 6/6/17. DEP called and left a message for the owner on 6/7 and again on 6/12/17 regarding the property. A Notice of Violation has been issued due to a septic failure found at this property. DEP asked for a call back to discuss this issue. DEP re-issued the NOV to the applicant on 8/4/17 via return receipt. DEP called the tenant on 9/21/17 regarding the mailing address for the owner. The tenant does not have any other address; the address provided is what was listed on the lease agreement. DEP performed a site visit on 9/25/17; surfacing effluent was unchanged from prior site visit. DEP Legal called the owner on 9/29/17 and discussed the NOV, which the owner never received. The owner stated that the home is going to foreclosure. DEP asked the owner to provide foreclosure party information so they can be contacted with status of SSTS. DEP performed site visits on 10/26, 12/4/17, 1/29 and 3/12/18. Septic failure was observed in the absorption field. The property is currently inhabited, full time use. DEP re-sent the NOV to owner on 10/30/17 (regular mail). DEP called the owner on 12/15/17. She confirmed that she is letting the house go into foreclosure. She believes it will go to auction in July 2018. However, she offered to bring the NOV to the Sherriff's office and ask for assistance evicting the tenant who has no right to be there. DEP contacted the owner on 3/16/18 who confirmed the house in going up for tax auction in July of this year. She supplied DEP with the name of her plumber and proposed septic hauler who she has given permission to pump out the septic tank. She does not live there and the tenants are still not paying rent. DEP received a call from the owner's representative who is overseeing the situation for the owner regarding the status. He stated that the tenants have vacated the property and assured there will be no further inhabitation. DEP performed site visits on 4/26 and 7/20/18. Septic failure was not observed. Property is up for auction.

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

Overview and Action:

DEP issued an NOV to the owner on 6/19/17. DEP received a call from the owner on 6/30/17. He is planning on pumping out the septic tank on 7/7/17. Then he will start working on repairing other 3 laterals by adding crushed stone around them. DEP to contact owner on 7/5/17 to confirm

septic tank pump out schedule and attend if possible. The owner was informed that continued failure will elevate enforcement actions, and recommended he communicate regularly with DEP regarding his efforts. DEP called the owner and left a message on 7/5/17 regarding the date and time of the pump out that he wishes to do. DEP received a call from the owner on 7/10/17 regarding the date and time of the pump out. The tank will be pumped on 7/12/17. DEP performed a site visit on 7/12/17; septic failure was observed. The owner was having the tank pumped out. The tank looked good after the pump out. There were no sounds of water flow coming into the tank after the pump out was completed. DEP performed a site visit on 10/26/17. Septic failure was not observed. The laterals were open for gravel placement. In the area of the previous failure, additional topsoil was added. The failure seems to be abated with the additional topsoil. Effluent was visible with four laterals open for gravel placement. The owner is trying to keep the water usage down to help mitigate the failure. DEP performed a site visit on 1/8/18. Septic failure was not observed. The area of failure was covered in approximately two inches of snow. The owner stated that the work that was started prior to winter has been completed. DEP called the Owner on 9/17/18 and left a message requesting an appointment to review the situation in the field. DEP performed a site visit on 9/17/18. There was a minor discharge; the site was stable; the site was occupied.

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

Overview and Action:

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

unused. No signs of the SSTS failing were observed. On 6/26/18, DEP inspected the SSTS and holding tanks, no problems were observed. On 8/28/18 DEP inspected the site. The holding tank was found in the alarm state, but was not close to over flowing. The pumper was called and scheduled for a pump out. DEP returned a call to the owner on 9/19/18. The owner advised DEP that he sold the property. The closing was on 9/17/18. He is no longer involved with the property in anyway.

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

Overview and Action:

DEP received an update from DEP Legal and NYC Law on 9/29/16; there has been no change in foreclosure status. DEP received an e-mail from DEP Legal on 11/23/16 stating that per NYC Law, a trial date has not yet been set for the foreclosure. It was also confirmed that the owner is still in a nursing home. DEP drove by the site on 4/4/17. The house looks vacant and the property looks un-kept. Three horses were in the field to the rear of the property by the red barn. DEP drove by the site on 6/28/17. The grass has been recently cut, and a small maroon SUV was parked in the driveway. Nothing else has appeared to change. DEP legal received an update from NYC Law on 10/27/17 regarding the proceedings. The judge is considering a request for an adjournment. NYC law will seek an update in two weeks. DEP drove by the residence on 1/2/18. The house appears to still be occupied. DEP received an e-mail from NYC Law on 4/4/18 regarding the foreclosure proceedings being rescheduled to July 2018. On 6/26/18, DEP drove by the site and noted that it was still occupied. On 8/28/18, DEP did a windshield survey of the property. Despite the looming foreclosure, the home appears to be occupied.

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

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

Overview and Action:

DEP performed a site visit on 4/11, 5/2, 5/24 and 6/12/17. Erosion controls have completely deteriorated and are not functional. Silt fence must be replaced and stock pile must be stabilized. DEP performed a site visit on 7/3/17. The site is undisturbed and erosion controls have not been maintained. DEP performed a site visit on 7/17/17. No stabilization work has been done on site

but the majority of site is now covered with vegetation. DEP performed a site visit on 8/8, 8/25, 9/20 and 9/27/17. No work is in progress and the site is vegetated. DEP performed site visits on 10/25, 11/13 and 12/5/17; the site is closed and stable and no work is in progress. DEP performed site visits on 1/2, 2/12 and 3/14/18; the site remains undisturbed. The area is snow covered and is stable but temporary erosion controls have disintegrated and must be maintained when weather permits. DEP performed a site visit on 4/11/18. Discussions occurred between DEP Legal and DEC via email on 5/10/18 regarding the project site. DEP performed a site visit on 5/21 and 6/20, 8/16 and 9/13/18. Temporary erosion controls have disintegrated but site is vegetated. No work in progress.

### **3.1.4. Kensico Basin**

**No enforcement actions to report during this time frame.**

## **3.2. DEP Police Actions**

### **3.2.1. Catskill District**

Name: County Route 39, Gate 12 Schoharie Reservoir **SJS 73260**  
Location: Conesville  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 4/6/18  
Status: Closed

Overview and Action: DEP Police on patrol observed a dumping inside Gate 12 of the Schoharie Reservoir. Further investigation determined dumping consisted of two empty five gallon pails of tractor hydraulic fluid and other household recyclables. No traceable evidence found. Gilboa Operations notified for cleanup. DEP Police and DEP operations involved.

Name: County Route 39 **SJS 75936**  
Location: Conesville  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 8/9/18  
Status: OPEN

Overview and Action: DEP Police on patrol of Schoharie Reservoir found three large garbage bags thrown over an embankment onto city property. Bags contained mostly household garbage and product packaging but school composition notebook with name on it was also recovered. Investigation ongoing to determine ownership and party responsible for dumping. Gilboa Operations notified for removal. DEP Police and DEP Operations involved.

Name: Charcoal Road & State Route 23 **SJS 74056**  
Location: Gilboa  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 5/22/18

Status: Closed

Overview and Action: DEP Police on sector patrol observed one large garbage of household refuse on the edge of the road on city property. The bag contained empty paint cans, painting materials, gloves, drop cloths and other assorted household refuse with no traceable evidence present. Gilboa Operations notified for removal. DEP Police and DEP Operations involved.

Name: South Gilboa Road SJS 75079

Location: Gilboa

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 7/4/18

Status: Closed

Overview and Action: DEP Police on patrol observed four large garbage bags deposited in the roadside pull-off on city property. Further investigation determined bags contained only household refuse with no traceable evidence present. Gilboa Operations notified for removal. DEP Police and DEP Operations involved.

Name: State Route 28A SJS 75674

Location: Hurley

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 7/29/18

Status: Closed

Overview and Action: DEP Police observed a large garbage bag deposited on the road shoulder which contained household refuse along with a NY State Police Appearance ticket indicating a possible responsible subject. Initial attempt to locate subject met with negative results. Subject subsequently agreed to meet with officer at Police Precinct and was issued ticket for Throwing Refuse on Highway and Adjacent Lands (NYS VTL). DEP Police involved.

Name: Deming Road, Schoharie Creek SJS 75333

Location: Jewett

Type of Use: Commercial

Type of Violation: Stream Violation

Date Discovered: 7/14/18

Status: OPEN

Overview and Action: DEP Police observed a large turbidity plume in the Schoharie Creek in a location adjacent to the Hunter Mountain Ski Center west slope expansion. Officer investigating further on foot patrol found recent excavation work on an existing tributary with no turbidity controls in place. The entire tributary from the work site to the Schoharie Creek is silted in with various thickness up to approximately eight inches in depth. Previous site inspection confirmed permits issued from NYS Department of Conservation (NYS DEC), U.S. Army Corps of Engineers (USACE) and DEP were present and ongoing work was in compliance. When officer conducted initial follow-up on site with contractor all BMP's were in place. A second incident of heavy turbidity in the same west slope expansion area was observed several days later and investigating officer discovered a second tributary upstream from the original plume site within the construction zone was now also pluming turbidity into the Schoharie Creek. Project

manager, interviewed at site stated the work project was challenging as it involved the two tributary streams and two USACE designated wetlands but regular engineering inspections were taking place and BMP's implemented when necessary. Manager further stated that in addition to proper turbidity controls, an approved plan is in place for remediation of the stream bed to ensure that the sediment currently caught in the stream bed will not be released into the Schoharie Creek during future rain events. DEP Police, DEC and USACE involved.

Name: 1194 State Route 23A **SJS 76188**  
Location: Lexington  
Type of Use: Residential  
Type of Violation: Stream Violation  
Date Discovered: 8/21/18  
Status: Closed

Overview and Action: DEP Police on patrol observed a bulldozer and fresh excavation work at the residence address above. Foot patrol of work site determined that top soil and bushes had been removed and pushed to the side of the property where a stream which is a direct tributary to the Schoharie Creek is located. Officer observed no BMP's in place to prevent the loose materials from entering the stream. Homeowner stated excavation is part of a septic repair plan approved by Catskill Watershed Corporation (CWC) and being completed by local excavation company. When interviewed, excavation contractor was advised of the BMP's required at site and issued ticket for Placing Loose Soil / Debris on the Banks of a Tributary to a Trout Stream (NYS ECL). DEP Police and CWC involved.

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

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

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

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

issuance. Follow-up investigation failed to determine responsible party. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: 4259 State Route 28A SJS 75991  
Location: Olive  
Type of Use: Residential  
Type of Violation: Haz Mat Spill  
Date Discovered: 8/10/18  
Status: OPEN

Overview and Action: DEP Police responded to a haz mat spill which resulted from a loose filter connection on a boiler being serviced at the time. Company on scene installed a new filter and secured all fittings. It was estimated that 30-40 gallons of fuel oil had leaked into a discharge pipe in the basement where it flowed down the front sloped yard toward Route 28A into a drainage ditch then to a storm drain which releases onto DEP property. Officer walked 200-250 yards into the property to determine spill impact and observed only minimal spots of oil sheen present. Clean-up crew on scene as well as DEP Haz Mat personnel whom confirmed officer's earlier assessment of spill i.e. no impact to the water supply. DEP Police and DEP Haz Mat involved.

Name: 45 Parker Lane SJS 76008  
Location: Olive  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 8/12/18  
Status: OPEN

Overview and Action: DEP Police responded to a failed septic complaint at the above address. Homeowner stated that DEP was aware of the problem and he is currently working with the Catskill Watershed Corporation (CWC) and DEP to have the system pumped regularly until it can be replaced. Officer contacted Upstate BWS DEP employee and confirmed that due to the condition of tank, it should be pumped every two weeks until replacement. DEP Police, DEP BWS and CWC involved.

Name: 50 Ashokan Park Road SJS 76201  
Location: Olive  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 8/22/18  
Status: OPEN

Overview and Action: DEP Police received an anonymous complaint of a possible failed residential septic system and responded to investigate. On scene, homeowner readily admitted to septic system failure, evidence of which was clearly visible when officer visually surveyed rear yard of residence. Officer determined failure to be non-criminal in nature. Homeowner advised that case will be turned over to DEP Residential Engineering who in tandem with Catskill Watershed Corporation (CWC) will confirm septic failure with dye test and follow up with mitigation plan. DEP Upstate BWS employee notified of failure and investigation. DEP Police

and DEP BWS and CWC involved.

### 3.2.2. Delaware District

Name: 1777 Fall Clove Road SJS 73793  
Location: Andes  
Type of Use: Rural  
Type of Violation: Stream Violation  
Date Discovered: 5/8/18  
Status: Closed

Overview and Action: DEP Police while on patrol observed high turbidity level in Fall Clove Stream where it enters the Pepacton Reservoir then canvassing upstream found a logging landing to be at the source. Two loggers on site produced a NYS DEC permit for timber harvesting and officer found their operating procedures to be in full compliance with said permit (silt fencing, hay bales, BMPs). A recent 24 hour long rainfall had created the current muddy conditions which were being mitigated with additional hay bales. Follow-up by officer determined water quality issue resolved as clear water was observed with all management practices in place. DEP Police involved.

Name: State Route 30 SJS 75306  
Location: Andes  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 7/13/18  
Status: Closed

Overview and Action: DEP Police investigated a dumping complaint received from DEP Land Management in which a one gallon liquid filled jug (possible containing used motor oil) was discarded on the road side. Patrol responded to scene, removed the jug and determined its contents to be a carbonated soft drink type substance. Jug was put in a secondary container for proper disposal at Downsview Operations complex. DEP Police and DEP Land Management involved.

Name: Stoddard Hollow Road SJS 76228  
Location: Delhi  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 8/23/18  
Status: Closed

Overview and Action: DEP Police on sector patrol, observed a queen size mattress / box spring set discarded in a town turnaround with no traceable evidence present. Officer contacted Town of Delhi Highway Department for removal. Pick-up consisted of remaining mattress only as box spring had, by that time, been removed by some other party. DEP Police and Town of Delhi Highway Department involved.

Name: County Route 26 **SJS 75042**  
Location: Hamden  
Type of Use: Rural  
Type of Violation: Dumping  
Date Discovered: 7/3/18  
Status: Closed

Overview and Action: NYC DEP Police responded to the location of a dumping complaint which consisted of one large black garbage bag that contained two clear bags filled with household garbage and recyclables that had been dumped on top of an American flag which was laying on the ground covered with dirt and hundreds of ants. No traceable evidence found at scene. Officer took possession of flag for proper disposal. Further investigation yielded no leads as to person responsible and location was deemed unsuitable for camera placement / surveillance. DEP Police involved.

Name: Ed Wright Road **SJS 76248**  
Location: Hamden  
Type of Use: Rural  
Type of Violation: Stream Violation  
Date Discovered: 8/24/18  
Status: Closed

Overview and Action: DEP Police on sector patrol, observed three tires on the washed out bank of a stream, deposited after recent storm activity which caused extensive damage to the waterway's banks and rerouted the stream into the nearby farmer's fields. Officer met with two property caretakers whom new owners had tasked with "fixing the issues with the stream" but are awaiting NYS DEC permits to begin. When asked about the tires, subject explained that in the 1950's when the road was rerouted, a culvert pipe was installed and banks were created using pilings and tires that were covered with rock and fill. Officer documented condition of site with photographs for file. Subsequent contact with subject affirmed that permits to remediate the stream banks had been acquired and work will begin as soon as weather is suitable. DEP Police involved.

Name: Irish Hill Road **SJS 75305**  
Location: Meredith  
Type of Use: Residential  
Type of Violation: Stream Violation  
Date Discovered: 7/13/18  
Status: Closed

Overview and Action: DEP Police, accompanied by DEP BWS employee, investigated a possible stream violation complaint of installation of a driveway through a stream. Canvassing of the complaint area led to newly constructed driveway consisting of a both packed and loose gravel / dirt mixture with no precautionary measures (i.e. silt fencing) in place. Stream in question was completely dry though classified as a trout stream. When interviewed, landowner stated that he did have a permit for the construction through the Town of Meredith Highway Superintendent but was unable to produce any documentation. BWS employee stated he would relay all information to the US Army Corps of Engineers for further investigation as circumference of

incident area was less than ½ acre and area must measure 1 acre or more for DEP intervention. DEP Police and DEP BWS involved.

Name: 491 Red Kill Road **SJS 76589**  
Location: Middletown  
Type of Use: Residential  
Type of Violation: Sewage Discharge  
Date Discovered: 9/10/18  
Status: Closed

Overview and Action: DEP Police on sector patrol, observed a large mound of dirt adjacent to house where no one responded when officer knocked on residence door but further investigation determined that septic work was in progress as an open septic tank was observed. Homeowner randomly appeared on scene and during interview stated he was in contact with the CWC) and working with them to complete the project. Attempting to confirm subject's statements, officer contacted CWC, DEP Engineering Downsville and DEP Engineering Schoharie none of whom had any record of project on property or landowner. DEP Engineering Downsville clarified question of any violation stating that homeowner was well within his rights to professionally drain and replace the septic tank without DEP involvement, however, a full system replacement would require DEP permits and CWC involvement. Officer deemed owner was not in violation of any laws at this time. DEP Police, DEP Engineering Downsville / Schoharie and CWC involved.

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

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

Name: 8 Clark Road **SJS 73580**  
Location: Neversink  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 4/25/18  
Status: Closed

Overview and Action: DEP Police observed multiple shopping bags filled with kitty litter and animal feces deposited on property. Officer interviewed property renter whom stated that someone else was dumping the bags on the property at night. Subject stated she owns one dog and one cat; officer observed a 2 gallon kitty litter bin on front porch. When asked why she had not reported to law enforcement that someone was unlawfully entering the property and

dumping, subject was evasive and responded that she did not have a phone number to contact and report. Subject was issued ticket for Unlawful Disposal of Solid Waste (NYCRR) and advised to clean the dumping location. EP Police involved.

Name: State Route 55 **SJS 73983**  
Location: Neversink  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 5/19/18  
Status: Closed

Overview and Action: DEP Police patrolling State Route 55 westbound observed garbage strewn all over the eastbound lane which appeared to have fallen off of a truck bed. Nearby residents provided officer with a garbage bag and assisted in the clean-up which did not yield any traceable evidence to identify its source. DEP Police involved.

Name: 136 Smith Road **SJS 76330**  
Location: Neversink  
Type of Use: Residential  
Type of Violation: Dumping  
Date Discovered: 8/28/18  
Status: Closed

Overview and Action: DEP Police investigated a dumping of garbage on complainant's property by the campers from the summer camp (now closed) next door. Complainant asked camp staff several times to pick up the trash with no success. Officer responded to camp where caretaker provided phone number for camp director. When contacted, director stated he was unaware of dumping and would task caretaker with clean-up. Follow-up by officer several days later confirmed garbage had been removed as requested. DEP Police involved.

Name: 3440 Roses Brook Road **SJS 74286**  
Location: Stamford  
Type of Use: Rural  
Type of Violation: Stream Violation  
Date Discovered: 5/31/18  
Status: Closed

Overview and Action: DEP Police were notified of an anonymous complaint of animals and debris in a stream. On scene to investigate, officer found a working dairy farm at the location and interviewed subject whom stated farm is a Watershed Agriculture Council Program participant with approved BMP's in place. No debris was observed in the watercourse. DEP Police involved.

Name: State Route 10 **SJS 75328**  
Location: Tompkins  
Type of Use: Municipal  
Type of Violation: Dumping

Date Discovered: 7/14/18

Status: Closed

Overview and Action: DEP Police checking permits at the Dryden Brook Public Access Area discovered two tires that had been discarded just over the guard rail. Investigation revealed two truck/SUV tires, one still mounted on rim. No traceable evidence recovered; photo taken for documentation. DEP Land Management advised of location for removal and disposal. NYC DEP Police and DEP Land Management involved.

Name: Fish Brook Road

Location: Tompkins

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 8/5/18

Status: Closed

Overview and Action: DEP Police investigated a dumping complaint in which complainant reported seeing a white pick-up truck leaving the scene. On scene, traceable evidence was found that led to a residence where officer was met by homeowner / wife of white pick-up truck driver. Interview determined that box of garbage fell off the truck while rounding a curve as husband was transporting garbage to dumpster at their business location. Wife stated that garbage would be picked up by evening. DEP Police involved.

Name: State Route 268

**SJS 76764**

Location: Tompkins

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 9/19/18

Status: Closed

Overview and Action: DEP Police while walking the shoreline of the Apex Public Access Area discovered a dumping next to the boat launch area. The dumping consisted of two buckets, one vehicle tire and rim, a pair of boots as well as other general refuse items with no traceable evidence recovered. Photo taken for documentation and DEP Land Management notified of location for removal. DEP Police and DEP Land Management involved.

Name: 3316 Dunk Hill Road

**SJS 74937**

Location: Walton

Type of Use: Residential

Type of Violation: Stream Violation

Date Discovered: 6/29/18

Status: Closed

Overview and Action: DEP Police investigated a possible stream violation wherein landowner's estranged wife had given permission for a drilling company to conduct core testing for potential stone quarry location. Officer observed a hose in the (protected trout) stream connected to a generator used to pump water for the liquid contained drilling rig. Interview with drill operator revealed that there were no permits present at the work site and officer advised that operations must halt until it was determined that drilling company was not in violation of any laws. DEC notified of complaint. Investigation led to issuance of ticket for Contravention of Standards

(NYS ECL) and end of drilling at site. DEP Police and DEC involved.

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

Name: Reservoir Road **SJS 74713**  
Location: Southeast  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 06/18/18  
Status: Closed

Overview and Action: DEP Police observed a dumping in the vicinity of the Croton Falls Reservoir which consisted of one large blue colored residential garbage container with printed label reading "Property of the City of Waterbury Department of Public Works" and a number label on the outside of the bin. Photos taken for file and officer to make contact with City of Waterbury. Officer contacted Public Works Supervisor but even with photos of bin he was unable to assist with further identification or ownership. DEP Police involved.

### **3.2.4. Kensico Basin**

Name: 4 Birchbrook Drive **SJS 76733**  
Location: Mt. Pleasant  
Type of Use: Municipal  
Type of Violation: Stormwater Turbidity  
Date Discovered: 9/18/18  
Status: OPEN

Overview and Action: DEP Police investigated a complaint received from DEP Stormwater Compliance employee of possible gray soupy water in the N5 stream which leads into the Kensico Reservoir. Officer met with DEP Upstate BWS employee to canvass the area and identified a possible point source with active construction work at the above location. Officer determined that gray water flow was due to improper erosion control surrounding a catch basin located in the driveway of residence. Officer met to discuss with Mount Pleasant Town Engineer and homeowners; scene was photographed for case file. Site contractor on scene stated that situation would be properly remedied. DEP has had previous issues / complaints in the past regarding lack of silt fencing at this location, therefore, homeowner was issued ticket for Fail to Contain Solid Waste (Improper Silt Fencing). DEP Police, DEP Stormwater Compliance and DEP BWS involved.

Name: Route 120 **SJS 74315**  
Location: North Castle  
Type of Use: Municipal  
Type of Violation: Dumping  
Date Discovered: 6/1/18  
Status: Closed

Overview and Action: DEP Police observed a dumping across from the Kensico Reservoir Site Area #8. The dumping consisted of two large black colored music crates which were filled with numerous household items, shoes, clothing, hangers and personal paperwork alongside of a black garbage bag and a window screen. Traceable evidence was recovered and photos were taken for

file. DEP field crew notified for clean-up. Traceable evidence led to two subjects who were issued tickets for Littering of Waterways (NYS Navigation Law) and Unlawful Disposal of Noisome / Unwholesome Substance (NYS ECL). DEP Police and DEP Operations involved.