TOWN OF FALLSBURG, NY

FALLSBURG CONSOLIDATED SEWER DISTRICT

MAP, PLAN, AND REPORT

Prepared for:

Town of Fallsburg, NY
19 Railroad Plaza
South Fallsburg, NY 12779

January 8, 2025

Prepared By:

DELAWARE ENGINEERING, D.P.C.
CIVIL & ENVIRONMENTAL ENGINEERING
ALBANY – ONEONTA, NEW YORK

Town of Fallsburg, NY
Fallsburg Consolidated Sewer District
Map, Plan & Report

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1.0 Introduction

Under New York State Town Law 202b, whenever a town resolves to undertake a project to improve or reconstruct existing facilities on behalf of a sewer district, it must prepare a Map, Plan and Report (MPR) to assist local officials and the community members in evaluating the public benefit of the proposed upgrade project. This MPR provides necessary background information on the sewer district and the existing treatment facilities and justifies the need for the project. It also includes a description of the proposed upgrade and expansion, an engineer's estimate of probable cost, projections on consumer rate impacts, and a plan of finance.

The Town of Fallsburg owns and operates the sanitary sewer collection and treatment system on behalf of the Fallsburg Consolidated Sewer District. The system includes three treatment works, 27 pump stations, and over 36 miles of sewer main.

In 2020, the Town commissioned an evaluation of the wastewater treatment plant (WWTP) serving the hamlets of South Fallsburg, **W**oodbourne, **H**urleyville, and **O**ld Falls, commonly referred to as the WHO-WWTP. The evaluation and resulting engineering report serve as the basis for this Map, Plan and Report (MPR).

Much of the facility's structures, tankage and equipment have been in service for 40 years or longer and the plant is rapidly approaching the end of its useful life. In addition, the Town population has significantly increased over the past 40 years and the existing plant is too small to meet current demands. Consequently, the facility frequently struggles to maintain permit compliance and has been cited for permit exceedances and violations of the *Clean Water Act*. To address these issues, the Town has identified a project that will upgrade the existing plant and expand plant capacity from the current 3.3 million gallons per day (MGD) up to 4.5 MGD.

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1.1 **Background**

The Town of Fallsburg is located in eastern Sullivan County, approximately 100 miles northwest of New York City, and shares an eastern border with Ulster County. The Town, comprised of 8 hamlets, the Village of Woodridge and a portion of the newly formed Village of Ateres, has long been a popular summer tourist destination hosting numerous resort hotels, bungalow colonies and summer homes. According to the 2020 census, the Town has a year-round population of 14,204 and a median household income (MHI) of $63,438.

The Town owns and operates the wastewater treatment plant (WWTP), located at 5410 Route 42, serving the hamlets of South Fallsburg, Woodbourne, Hurleyville, and Old Falls (aka the WHO WWTP). The facility provides primary and secondary treatment of primarily domestic sanitary wastewater (i.e., typical of residential, light commercial, institutional and recreational uses). There is one industrial user in the WHO WWTP service area, a chicken processing plant.

The facility is regulated by the New York State Department of Environmental Conservation (NYSDEC) under the State Pollutant Discharge Elimination System (SPDES) Permit program, operating under SPDES Permit No. NY 0024520. The permit regulates the volume (plant capacity) and quality (pollutant load) of the water permitted to be discharged from the facility, and details the daily and monthly water quality monitoring requirements.

The WHO WWTP SPDES permit allows for the plant to discharge up to 3.3 million gallons per day (MGD) to the Neversink River. A copy of the SPDES permit is included as Appendix A. A project location map is included as Figure 1.

1.2 Reasons for the Project

1) The 3.3 million gallons per day (MGD) WWTP has been in service for over 40 years and, while the equipment, systems and processes have been maintained and periodically upgraded to meet more stringent permit limits, the plant has exceeded its typical design life expectancy of 35-40 years.

2) The facility employs older technologies that are less effective at adapting to the variable flow conditions typical of a tourist community (i.e., significant volume increases during summer months). Consequently, the plant struggles to maintain permit compliance particularly during the summer tourist season when flow and loads are at their peak. In 2022, the plant was cited for permit exceedances (i.e., excess pollutants in the wastewater) for nitrogen, total residual chlorine, pH, and coliform. At this time, no monetary penalties have been assessed, however, continued permit violations may result in fines of up to $37,000 per day.

3) In November 2022, a joint inspection by the NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) identified multiple violations of the plant SPDES permit and the *Clean Water Act*. The Town was issued an Administrative Compliance Order from the EPA and a Notice of Violation from the DEC. Inspection reports and violation notices are included in this MPR as Appendix B. The plant is currently in compliance with both Orders, but without a comprehensive plant upgrade the facility will remain at risk of future permit violations.

4) Over the last 75 years, the Town has experienced a pattern of consistent population growth (125%) which is projected to continue into the coming decades. While the WWTP is able to maintain permit compliance for average monthly flows, daily flows occasionally

exceed the 3.3 MGD capacity. Current and proposed development will further strain the system. For this reason, the Town will be seeking a SPDES permit modification to increase the permitted flow capacity from its current 3.3 MGD up to 4.5 MGD.

5) The SPDES permit modification request has been initiated and preliminary limits have been provided by the regulatory authority. A copy of the preliminary limits is included as Appendix C. The modified permit significantly reduces the allowable pollutant concentrations and includes an additional mandate for nutrient removal (nitrogen and phosphorus). The current treatment plant does not provide the secondary and tertiary treatment necessary to meet these new nitrogen and phosphorus limits. To increase the plant's permitted capacity, a more robust treatment system will be required.

To address these conditions, the Town is proposing to undertake a comprehensive WWTP upgrade and expansion project with an estimated capital cost of **$101 million.** The proposed project will upgrade the existing plant for estimated loading conditions up to 4.5 MGD, employing advanced wastewater treatment technology to reduce total pollutant loads discharged to the Neversink River. The project will ensure that the local utility infrastructure is available to support future growth and allow for the Town to continue attracting new residents, summer tourists and entrepreneurs.

2.0 District Boundary Description

The Fallsburg Consolidated Sewer District was formed in 1989 when the Town merged three separate districts (Loch Sheldrake, Woodbourne-Hurleyville-Old Falls, Mountaindale) into one consolidated district. A map of the Fallsburg Consolidated Sewer District is included as Figure 2.

The Fallsburg Consolidated Sewer District will not be expanding under this proposed upgrade project and the present boundaries defining the district will remain unchanged.

3.0 Description of Existing WWTP Facilities

The W.H.O. treatment plant is a 3.3 MGD (design capacity) secondary treatment facility. Preliminary treatment consists of screens, flow through grit vortex, and primary settling tanks. Secondary (biological) treatment begins in the trickling filters and flows to an intermediate pump station that directs flow to rotating biological contactors (RBCs). From the RBCs, effluent flows to the final settling tanks prior to disinfection in the chlorination/dechlorination tanks and discharge to the Neversink River (Outfall 1).

The sludge handling system includes a gravity thickener and two anaerobic digesters. Digested sludge is dewatered by belt filter press utilizing a polymer system. The dried solids are hauled to an approved landfill. A process flow diagram for the existing facility is included in the SPDES permit (ref. Appendix A.).

4.0 General Plan of Improvements

The comprehensive facility upgrades and improvements will encompass plant buildings, equipment, systems, and general site conditions. The upgrade will mostly occur within the current property limits and within previously disturbed areas. An existing driveway partially encroaches on a neighboring property, and a minor property line adjustment will be required to accommodate a proposed Verizon easement. The total area of disturbance will exceed 1 acre.

Significant improvements include the addition of a Membrane Bioreactor (MBR) technology. MBRs are activated sludge biological treatment systems that use barrier filtration, replacing conventional secondary treatment provided by trickling filters and RBCs. MBRs provide the enhanced nutrient (nitrogen/phosphorus) removal necessary to meet the modified permit limits.

Due to site constraints, the existing trickling filters will first need to be decommissioned and removed in order to construct the new MBR facilities. Consequently, until the new facilities are operational, biological treatment will be provided solely by the RBCs, temporarily increasing the risk of permit non-compliance. The NYSDEC has been apprised of the situation and is working with the Town to minimize potential impacts.

The following is a summary of the principal proposed upgrades and improvements necessary to adequately treat current demands, provide for future needs, and maintain long-term SPDES permit compliance. The proposed layout of these facilities is shown on the site plan (ref. Figure 3 – Upgrade Site Plan - Revised).

- New Screenings & Equipment
- New Flow Equalization Tanks
- New Fine Screening Building
- New Primary Clarifiers
- New Non-Potable Water (NPW) System
- New Membrane Bioreactor (MBR) System

- New UV Disinfection
- New Chemical Storage Facility
- New Gravity Thickener & Rehab Existing Gravity Thickener
- General Building Upgrades
- Conversion of Existing Chlorine Contact Tanks to Post-Aeration Tanks
- Site Improvements
- New Stormwater Control Systems
- Sludge Storage Upgrades
- Demolition of Abandoned Tanks/Equipment
- Upgrades to Electrical Service & Distribution
- New Outfall Piping
- SCADA Improvements
- Instrumentation Improvements

A comprehensive review of the existing plant conditions and proposed upgrades can be found in the South Fallsburg WWTP Upgrade Engineering Report (rev June 14, 2024) prepared by Delaware Engineering, D.P.C.

5.0 Proposed District Operations

Day-to-day operations and maintenance of the sanitary sewer collection and treatment system is provided by the Town sewer department which maintains a staff of ±14 personnel. Management and supervision treatment plants is provided under contract by H2O Innovation, a water technologies and services company. Personnel at the WHO WWTP includes the Chief Operator (4A license), the Lab Director (Class 3A), one Class 2 operator and three plant attendants. Administrative support is provided by the Town's utility billing department.

It is anticipated that additional personnel will not be required to operate or maintain the upgraded facilities and staffing is anticipated to remain at current levels.

6.0 Statement of Regulatory Review & Approvals Required Prior to Construction

Because this action will require the discretionary approval of multiple governmental and quasi-governmental agencies, NYS requires the completion of a State Environmental Quality Review (SEQR) coordinated with all involved and potentially involved agencies. The SEQR process was initiated at the March 22, 2022 meeting of the Fallsburg Town Board, at which time the Board declared their intent to serve as lead agency for the Type 1 action. The coordinated review determined that the project would not result in any adverse environmental impacts and a negative declaration was subsequently issued for the project on May 23, 2022. A copy of the negative declaration is included as Appendix D.

Regulatory review and approval of design plans and specifications will be conducted by the NYS Department of Environmental Conservation (DEC), the principal regulatory authority. Because more than 1 acre of land will be disturbed, the project will also require a NYSDEC General Permit for the design and installation of stormwater control facilities.

Design documents will also require the review and approval of the NYS Environmental Facilities Corporation (EFC), the principal funding agency. The June 2024 Engineering Report was submitted to the EFC to allow for the project to be scored and listed on EFC's FFY2025 *Intended Use Plan* (IUP) *Annual List*. The IUP is a priority list of projects eligible for financial assistance through the State Revolving Fund (SRF) program. The project received a score of 59 pts and is eligible for Hardship (zero-interest) financing for the first $25M, and subsidized financing (50% market rate), for up to $64.5M. Above that, market rate interest rates would apply. Excerpts from the IUP detailing the award and financing terms are included as Appendix E.

Plans will also be submitted for review and approval to the Delaware River Basin Commission (DRBC), a regional water resource management consortium made up of four states and the US Army Corps of Engineers. The DRBC coordinates with states and local governments on water and wastewater projects throughout the Delaware River Basin region. The WHO WWTP is located in an area identified as "special protection waters" and DRBC review is required for any new

treatment facility or expansion of an existing facility that has an average daily discharge rate of 10,000 gallons a day or more.

Finally, due to the amount of debt planned to be issued for the project, the approval of the NYS Office of the Comptroller may also be required. Article VIII, Section 4 of the New York State Constitution limits the amount of indebtedness which may be contracted by local governments to 7% of the total assessed property valuation averaged over the previous five year period. It appears that this $101M project may exceed the Town's 7% debt limit. However, the State Comptroller is authorized to grant exclusions from such limitation for the construction or reconstruction of facilities for the conveyance, treatment, and disposal of sewage. A formal application will need to be made to the Comptroller to secure the exclusion.

7.0 Maximum Amount to be Expended

The maximum amount to be expended is **$100,993,421.** A breakdown of costs is provided below. A detailed cost estimate is included as Table 1.

Task	Cost	Percentage of Total
Construction	$72,048,821	71%
Non-construction (Engineering, Legal, Fiscal Services)	$5,403,662	6%
Contingency	$10,807,323	15% (construction costs only)
Bond Issuance Costs*	$1,623,980	2%
Inflation Cost Escalator**	$11,109,635	6%
Total	**$100,993,421**	

*Since the Town has been advised by the EFC that this project qualifies for Hardship (zero-interest) financing, this cost will ultimately be reduced to 0.8% of the project cost.
** Assumes bidding in 2027

The costs include anticipated construction costs, as well as related engineering, construction inspection, legal, administrative, fiscal assistance, and other related project expenses. It also includes short-term loan financing costs and loan issuance costs. Further, the estimated construction costs assume Federal and State Prevailing Wages will apply, and that Federal, State, and local procurement standards will also apply.

8.0 Cost of Hook-Up Fees Charged by District, If any

The Town intends to continue with its current policy regarding hook-up fees as outlined in the local sewer code, and reserves the right to modify this in the future.

9.0 Detailed Explanation of Costs (How Costs are Computed)

Debt service for the capital project proposed in this report will be the responsibility of all property owners located in the sewer district, including owners of vacant/unimproved land. The *Schedule of Rates for Local Assessment* are detailed in the local code (Article VIII of Chapter 230 **Sewers)** and is intended "*to establish an equitable schedule of rates to be used in determining the annual charge that each lot or parcel of land benefitted shall be required to pay in order to recover the capital costs and improvements in accordance with the provisions of §202 and §202-a (3) of Town Law."*

The Article establishes a unit count, based on use, for each residential, commercial, institutional and industrial user. Unit counts for vacant land are assessed at either a rate based on road frontage (1 unit for each 25 ft.) or, for larger lots, total acreage. In addition to the unit charges based on property use, all improved property is also assessed based on road frontage at the same rate as vacant land. Article VIII of the local sewer code is included as Appendix F of this report.

Under the Schedule of Rates, the typical single-family home with 25 ft. of road frontage is charged for 13 units, 12 units for the use and 1 unit for road frontage. The number of units increases to 15 for single-family homes with road frontage between 25 ft. and 50 ft. For the purposes of this Map, Plan and Report, it is assumed that the typical single-family home is charged for 15 units.

9.1 Operations and Maintenance (O&M)

For 2025, the Town has appropriated $5.2M for sewer district administration, operations and payment on the existing debt service for the Consolidated Sewer District budget.

Costs for O&M and administration, budgeted at $4.2M, are paid from user fees at rates established by the Town Board and authorized under Article X – *Sewer District Rents* of the local code, as amended by *Resolution 82 of 2024*. Article X and the amending resolution are included in Appendix F of this report. A portion of the costs is covered by quarterly fees paid by users based on 80% of metered water usage. For 2024, users paid the following rates.

Sewer Rents - 2025	
0 to 15,000 gallons	$97.00
15,000 to 2,000,000 gallons	$3.10/1,000 gallons
2,000,000 gallons and over	$0.67/1,000 gallons
One industrial user pays a special rate negotiated with the Town: $1.61/1,000 gallons	

The typical residential user likely uses less than 15,000 gal/quarter and therefore, would only be charged the base rate of $97/qtr, or $388 annually. In 2023, sewer rents accounted for just over half (52%) of the sewer district revenue for the year.

The remaining O&M and debt service costs are paid through an additional property tax assessed to system users based on the number of units assigned to the property (ref Section 9.0). For 2025, the Town is assessing properties at a rate of $17.45 per unit. A typical single-family home assessed for 15 units will pay an additional $262/yr for sewer service. Therefore, the total estimated annual cost to the typical single-family home in the Fallsburg Sewer District is approximately $650/yr.

It is anticipated that this project will result in increased O&M costs for the WHO WWTP, primarily due to four factors; increased energy usage associated with MBR systems, increased chemical costs, periodic replacement of membrane units (short term asset replacement every 10 years), and increased operator costs due to the higher level of certification that will be required. Some savings in energy costs will be realized through the use of variable frequency drive motors which are considerably more efficient than the older motors currently employed at the plant, and other energy efficiency upgrades to the building envelopes and systems. O&M costs for the WHO WWTP are expected to rise approximately 17% as a result of this project.

9.2 Debt Service

Payment on debt associated with capital projects is paid by all property owners in the sewer district, including those with vacant/unimproved properties. In the 2025 adopted budget, the Town has appropriated $999,905 toward payment on existing debt service. Approximately 20% of the $17.45/unit charge is appropriated for debt service payments and is included in the $650 annual sewer service charge.

10.0 Cost to a Typical Single-Family Home

The current annual cost to users for O&M, administration, and debt service is estimated at $650. This represents 1% of the area median household income (MHI), which is below the 1.5% generally regarded as affordable by funding agencies.

An engineer's estimate of probable cost for the recommended upgrade and expansion project is **$100,993,421.** The Town was recently notified that the project was awarded a $10M water quality improvement grant (WQIP), reducing the estimated debt service to **$90,993,421**. A copy of the notice of award is included with this MPR as Appendix G.

Under the conditions outlined in the IUP, if the project receives zero-interest on the first $25M, 2.5% interest (subsidized rate) on the next $64.5M and 5% interest (market rate) on the remaining $1.5M for a term of 30 years, the annual cost to the Sewer District for payment on the debt service is estimated at **$4,012,805**. Divided by the District's 123,314 units, yields a cost of $32.54/unit. The typical single-family home assessed for 15 units would see an additional charge of $488/yr.

Estimates for the annual cost to the typical single-family homeowner, the first year following project completion is provided in the Table below.

Annual Sewer Cost to the Typical Single-Family Home (15 Units)				
	O&M	Debt	Total	Percentage of MHI**
Current (2025) Costs	$528	$122	$650	1.0%
Estimated Annual Cost 1st Year after Project Completion	$618*	$610	**$1,228**	1.9%

*Assumes 17% increase in O&M costs
** Town MHI $63,438

The above costs and rate impacts are based on the current number and type of district users, 2025 Sewer Rates and the anticipated terms of finance provided in the EFC *Intended Use Plan*. The costs will be reduced once the existing debt is retired. Future development will further reduce the cost as the user base expands. A detailed rate impact analysis is included as Table 2.

11.0 Method of Finance

The project is currently included on the NYS Environmental Facilities Corporation (EFC) 2024-25 *Intended Use Plan* (IUP) Annual List with a score of 59 points. The project meets the qualifying criteria for interest-free (Hardship) financing through the Clean Water State Revolving Fund (CWSRF) loan program however, program terms limit hardship financing the first $25M of eligible project costs. Subsidized financing (50% of fed rate at the time of execution of the finance agreement) is available for up to $64.5M. Market rate interest (5% est) will be charged on the $11.5M balance of project costs. The loan typically has a term of 30 years, which may be extended to 40 years at the discretion of the lender.

Since the publishing of the FFY2025 IUP, the Town has petitioned EFC and provided substantiating information that may qualify the project for additional points and possible principal forgiveness under the Bipartisan Infrastructure Law (BIL). The Town is awaiting a response to the petition.

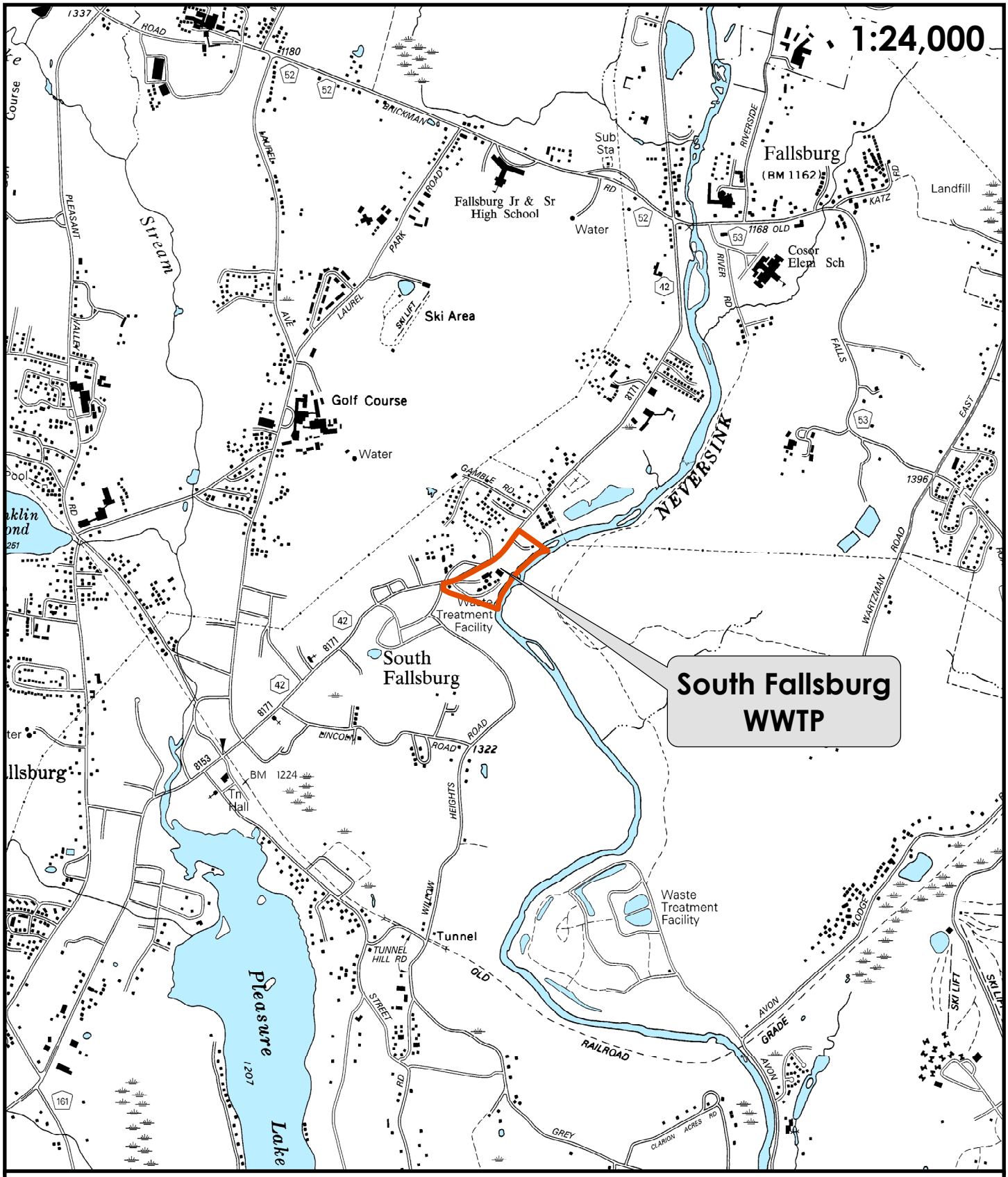
The Town also plans to apply for additional funding through the Water Infrastructure Improvement program (WIIA) which provides grants for up to 25% of the total eligible project costs up to a maximum of $25M. The Town intends to aggressively pursue all available grant opportunities and is committed to reducing the project's impact on system user rates.

12.0 Statement as to Benefit Assessment

The costs associated with the debt service on the financing bond and associated increases in O&M costs will be charged on a benefit basis. Each holder of real property within the sewer district that will benefit from the project, as well as any out of district users, will be levied a share of those costs in accordance with the current Town Code and/or sewer use agreements/contracts. The full cost of the improvements will be assessed against those properties benefitted by the project. All property upon which the assessments are imposed will be benefited by the project, and no properties that are benefited by the project will be excluded.

Figures

Figure 1 – Project Location Map
Figure 2 – Fallsburg Consolidated Sewer District Map
Figure 3 – Upgrade Site Plan



South Fallsburg WWTP Location Map

Town of Fallsburg

Sullivan County, New York

N

0 1,000 2,000 4,000 Feet

Prepared by: Delaware Engineering DPC
Date: July 2023
Sources: NYS DOT Digital Raster Quad AA41, AA42

Fallsburg Consolidated Sewer Districts

Town of Fallsburg, Sullivan County, NY

Fallsburg Sewer District Parcels

Consolidated Fallsburg Sewer District

0 0.25 0.5 1 1.5 2 Miles

Prepared by: Delaware Engineering, DPC
Date: February 2023
Source: Sullivan County RPS Digital Tax Parcels 2021,
Town of Fallsburg Sanitary Sewer System Data

Town of Wawarsing

Town of Fallsburg

Town of Liberty

Town of Fallsburg

Town of Thompson

Town of Fallsburg

Woodbourne

Divine Corners

Loch Sheldrake

Fallsburg

Woodridge

Mountain Dale

Hurleyville

South Fallsburg

Glen Wild

Thompsonville

Kiamesha Lake

Bridgeville

Bushville

COLUMBIA HILL

East Pond

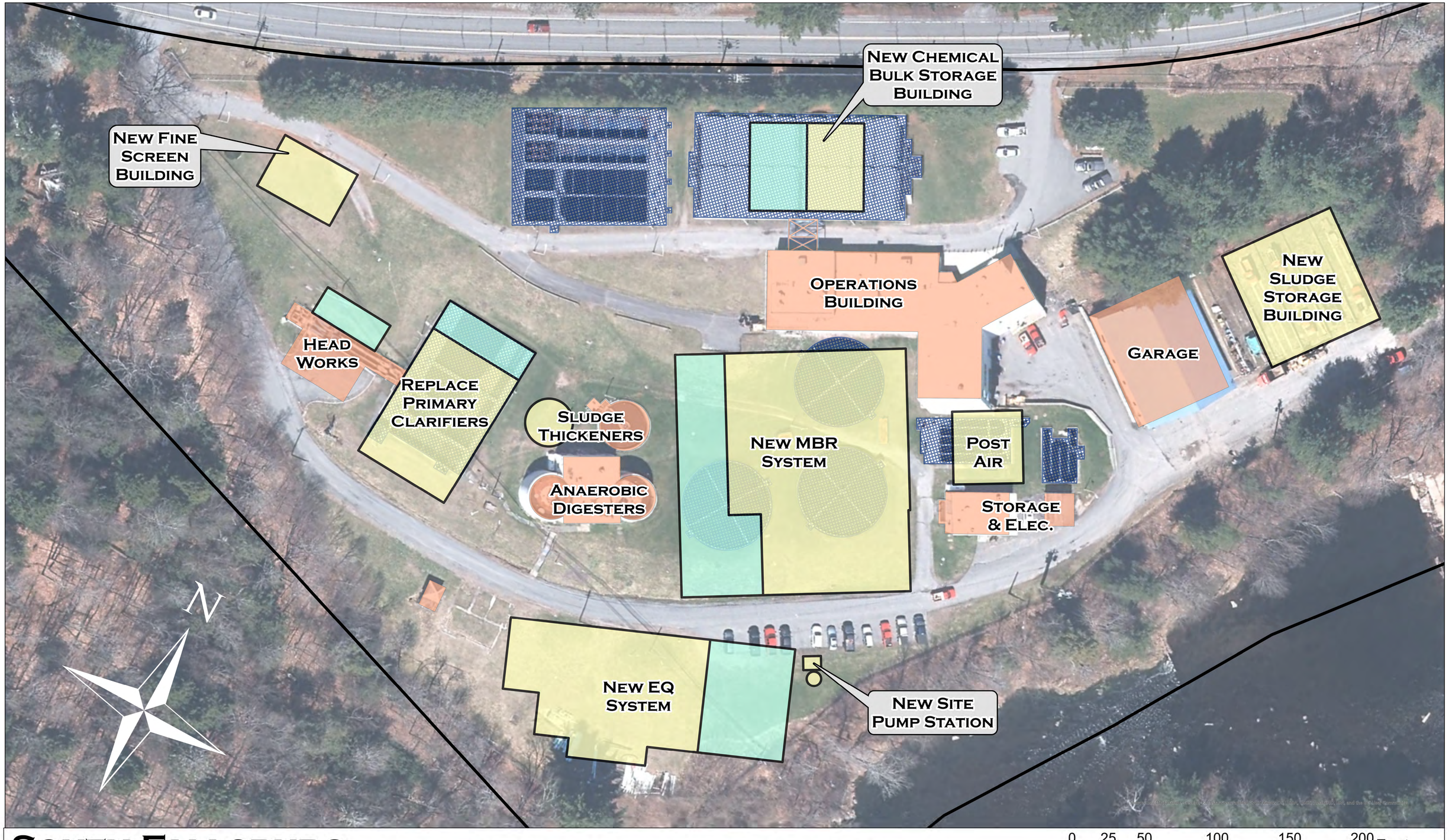
Silver Lake

Luzon Lake

Pleasure Lake

Shadduck Pond

Won Lake



South Fallsburg WWTP Upgrade

Sullivan County, NY

Existing Building
To Be Demolished
New Building
Future Expansion

0 25 50 100 150 200 Feet

Prepared By: Delaware Engineering, DPC
Date: October 2021
Source: Sullivan County, Town of Fallsburg, ESRI

Tables

Table 1 – Detailed Cost Estimate
Table 2 – Rate Impact Analysis

Table 1 - South Fallsburg WWTP MBR Project Cost Estimate
(cost projection based on 2027 bid cycle and 15% contingency)

Screenings and Grit Removal Building	**Quantity**	**Units**	**Price / Unit**	**Total Price**
New Mechanical Screen and Press	1	EA	$578,760.00	$578,760.00
Miscellanous Mechanical Work	1	LS	$50,000.00	$50,000.00
Screening and Grit Removal Building Total				**$628,760.00**

Flow Equalization Basins	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	1,354	CY	$3,156.19	$4,273,484.51
Architectural	2,091	FT^2	$375.00	$784,142.29
Equalization Blowers (equipment cost included in MBR scope)	2	EA	$0.00	$0.00
Diffusers / Mixing Mechanical Systems	1	LS	$110,664.00	$110,664.00
Flow EQ Pumps	4	EA	$126,584.03	$506,336.14
Valve/Fittings/Installation	1	LS	$2,175,115.75	$2,175,115.75
Flow Equalization Tank Total				**$7,849,742.68**

Fine Screening Building	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	130	CY	$3,156.19	$410,305.01
Architectural	1,066	FT^2	$375.00	$399,699.90
Fine Screen and Press	2	EA	$461,100.00	$922,200.00
Fine Screen Building Total				**$1,732,204.91**

Primary Clarifiers	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	699	CY	$3,156.19	$2,206,178.49
Chain and Flight	3	EA	$159,000.00	$477,000.00
Scum Trough	3	EA	$42,400.00	$127,200.00
Effluent Weirs	3	EA	$75,000.00	$225,000.00
Sludge Piping / Valves	1	:LS	$346,750.00	$346,750.00
Primary Clarifier Total				**$3,382,128.49**

NPW System	**Quantity**	**Units**	**Price / Unit**	**Total Price**
NPW Skid System	1	EA	$100,000.00	$100,000.00
Piping / Valves	1	LS	$34,675.00	$34,675.00
NPW System Total				**$134,675.00**

MBR System / UV Disinfection System	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	2,935	CY	$3,156.19	$9,263,424.69
Architectural	13,741	FT^2	$375.00	$5,152,875.00
MBR Equipment Supply & Installation - includes chemical feed, CIP feed,	1	LS	$6,741,600.00	$6,741,600.00
UV Disinfection System	2	EA	$505,620.00	$1,011,240.00
Chemical Bulk Storage Tanks	1	LS	$898,796.47	$898,796.47
Chemical Transfer Pumps	1	LS	$128,762.02	$128,762.02
Mechanical - Piping, Valves etc,	1	LS	$7,800,000.00	$7,800,000.00
MBR System Total				**$30,996,698.18**

Post-Aeration Tanks	**Quantity**	**Units**	**Price / Unit**	**Total Price**
New Wall	10	CY	$3,156.19	$31,561.92
Post-Aeration Blowers (equipment cost included in MBR scope)	2	EA	$0.00	$0.00
Valve/Fittings	1	LS	$100,000.00	$100,000.00
Diffusers / Mixing Mechanical Systems	1	LS	$75,000.00	$75,000.00
Post-Aeration Tank Total				**$206,561.92**

Gravity Sludge Thickeners	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	190	CY	$3,156.19	$599,676.56
Sludge Collection Equipment	2	EA	$236,910.00	$473,820.00
Weirs and Sludge Piping / Valves	2	EA	$75,000.00	$150,000.00
Gravity Sludge Thickener Total				**$1,223,496.56**

On-Site Pump Station	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Precast Wetwell / Valve Pit	1	LS	$200,000.00	$200,000.00
Pumps	2	EA	$45,540.78	$91,081.56
PS Mechanicals - Furnish and Installed	1	LS	$82,000.00	$82,000.00
On-Site Pump Station Total				**$373,081.56**

Sludge Storage Building	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Foundation/Structural Concrete	110	CY	$3,345.56	$368,012.03
Architectural	1	LS	$45,792.00	$45,792.00
Sludge Storage Building Total				**$413,804.03**

Sludge Cross Collectors and Dumpster Scale	**Quantity**	**Units**	**Price / Unit**	**Total Price**
Sludge Collection Equipment	1	EA	$108,120.00	$108,120.00
Sludge Dumpster Scale	1	EA	$68,688.00	$68,688.00
Misc. Installation / Concrete Repair	1	LS	$50,000.00	$50,000.00
Cross Collection and Dumpster Scale Total				**$226,808.00**

Temporary Bypass Piping / Construction Sequencing	1	LS	$175,275.00	**$175,275.00**
SWPPP	1	LS	$162,200.00	**$162,200.00**
Stormwater Sytems	1	LS	$250,585.00	**$250,585.00**
Demolition	1	LS	$1,150,000.00	**$1,150,000.00**
Grating/Railing/Stairs	1	LS	$1,150,000.00	**$1,150,000.00**
Dewatering	1	LS	$57,500.00	**$57,500.00**
Site Piping	1	LS	$4,707,442.50	**$4,707,442.50**
Miscellanous Site Work, Bollards, Utility Markout, etc.	1	LS	$105,000.00	**$105,000.00**
Clearing & Grubbing	1	LS	$15,000.00	**$15,000.00**
Rock Excavation	5,200	CY	$150.00	**$780,000.00**
Exploratory Excavation	25	EA	$1,500.00	**$37,500.00**
Cut and Fill	4,500	CY	$62.00	**$279,000.00**
Concrete Retaining Walls	66	CY	$3,250.00	**$214,500.00**
Chemical Containment Pad	1	LS	$30,700.00	**$30,700.00**
Type 2 Subbase for Asphalt	2,631	CY	$48.00	**$126,288.00**
Asphalt (Binder and Top)	2,171	TN	$125.00	**$271,375.00**
Fencing	1	LS	$150,000.00	**$150,000.00**
Restoration	1	LS	$18,000.00	**$18,000.00**
MCCs/VFDs	1	LS	$1,380,000.00	**$1,380,000.00**
SCADA	1	LS	$450,000.00	**$450,000.00**
Existing Building Roof Replacement	9,200	FT^2	$57.50	**$529,000.00**
Silo Area Roof Repair	1	LS	$57,500.00	**$57,500.00**
Administration Building - Miscellanous Architectural Improvements	1	LS	$200,000.00	**$200,000.00**
Administration Building Window Replacement	1,200	SF	$201.25	**$241,500.00**
Electrical	1	LS	$7,894,097.49	**$7,894,097.49**
HVAC - New Buildings	1	LS	$500,000.00	**$500,000.00**
HVAC - Existing Buildings	1	LS	$460,000.00	**$460,000.00**
Plumbing	1	LS	$57,500.00	**$57,500.00**

General Construction Subtotal			**NA**	**$68,617,924.33**
Mobilization/General Conditions (5%)	1	5%	**NA**	**$3,430,896.22**

	Total	**15% Cont.**	**Total with Cont.**
MBR Process - Construction Total	**$72,048,820.54**	**$10,807,323**	**$82,856,143.63**

Engineering/Legal (7.5%)	**$5,403,661.54**
Insuance Costs(1.84%)	**$1,623,980.42**
2025 PROJECT TOTAL	**$89,883,785.58**
2027 PROJECT TOTAL (ASSUMES 6% INFLATION)	**$100,993,421.48**

TABLE 2 - Rate Impact Analysis

South Fallsburg WWTP Upgrade - Preliminary Rate Impact Analysis (30 year term)

A	Median Household Income (MHI)	$63,438
B	Engineer's Estimate of Probable Cost	$100,993,421
C	WQIP Grant Award	$10,000,000
D	Amount to be Financed	$90,993,421
E	Total Number of Units in Sewer District	123314
F	Total Hardship Loan	$25,000,000
G	Interest	0%
H	Term	30
I	Hardship Annual Payment	$833,333
J	Hardship Charge per Unit (I/E)	$6.76
K	Total Subsidized Loan	$64,461,500
L	Interest	2.5%
M	Term	30
N	Subsidized Annual Payment	$3,079,818
O	Charge per UNIT (N/E)	$24.98
P	Total Market Rate Loan (D - F - K)	$1,531,921
Q	Interest	5%
R	Term	30
S	Market Annual Payment	$99,654
T	Charge per UNIT (S/E)	$0.81
U	Total Additional Charge per Unit (J+O+T)	$32.54
V	Single Family Home = 15 Units	15
W	Current SFH Annual O&M Payment + Debt Service	$650
X	Estimtated Increase in O&M Cost (17%)	$90
Y	Total Additional Debt Payment for SFH (U x V)	$488
Z	Total New Payment for SFH (W+X+Y)	$1,228
AA	**% of MHI (Z/A)**	**1.9%**

Appendices

Appendix A – SPDES Permit
Appendix B – USEPA/NYSDEC Violation Orders & Inspection Reports
Appendix C – Preliminary SPDES Permit Limits
Appendix D – SEQR Negative Declaration Resolution
Appendix E – 2024-25 IUP Excerpts
Appendix F – Town of Fallsburg Sewer Code: Article VIII & X
Appendix G – Notice of WQIP Award

Appendix A

SPDES Permit

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

Industrial Code:	**4952**	SPDES Number:	**N□0024520**
Discharge Class (CL):	**05**	DEC Number:	**3-4828-00079□00001**
Toxic Class (TX):	**T**	Effective Date (EDP):	**07□01□2018**
Major Drainage Basin:	**14 (Delaware)**	Expiration Date (ExDP):	**06□30□2023**
Sub Drainage Basin:	**02 (Neversink River)**	Modification Dates: (EDPM)	
□ ater Index Number:	**D-1**		
Compact Area:	**DR□C**		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean □ ater Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS					
Name:	Town of Fallsburg	Attention:	Town Supervisor		
Street:	1□Railroad Plaza, PO Box 201□				
City:	South Fallsburg	State:	NY	□ip Code:	1277□

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS															
Name:	South Fallsburg □ astewater Treatment Plant														
Location (C,T,V):	Fallsburg (T)								County:	Sullivan					
Facility Address:	5410 Route 42														
City:	South Fallsburg				State:				NY	□ip Code:	1277□				
From Outfall No.:	001	at Latitude:	41	□	42	□	56	□□	□ Longitude:	74	□	36	□	51	□□
into receiving waters known as:	Neversink River								Class:	B(T)					

and (list other Outfalls, Receiving □ aters □ □ ater Classifications)

□**utfall 002** - Stormwater Lat. 41° 42' 57" Long. 74° 36' 52" **to Neversink River, Class □(T)**
□**utfall 003** - Stormwater Lat. 41° 42' 55" Long. 74° 36' 53" **to Neversink River, Class □(T)**

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS					
Mailing Name:	Town of Fallsburg				
Street:	PO Box 201□				
City:	South Fallsburg	State:	NY	□ip Code:	1277□
Responsible Official or Agent:	Dennis Freiermuth		Phone:	(845) 434-6320	

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO B□ P - Permit Coordinator
R□ E
RPA
USEPA Region 2
NYSEFC
DRBC
NYSDOH District Office

Deputy Chief Permit Administrator: □ent P. Sanders

Address: Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750

Signature: Kent P. Sanders

Date: 05/24/2018

PERMIT LIMITS, LE□ELS AND M□NIT□RING DEFINITI□NS

OUTFALL	□ ASTE□ ATER TYPE	RECEIVING □ ATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FRE□.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, □F, mg/l, etc.	See below	See below

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL	COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FRE□UENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean □ ater Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This P□L can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, which trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, temperature, or concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Notes:

1. EFFLUENT LIMIT TYPES:
   a. DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
   b. DAILY MAX.: The highest allowable daily discharge. DAILY MIN.: The lowest allowable daily discharge.
   c. MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
   d. 7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.
   e. 30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
   f. 7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.
   g. RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

2. ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

PERMIT LIMITS, LE□ELS AND M□NIT□RING

OUTFALL	LIMITATIONS APPLY:	RECEIVING □ ATER	EFFECTIVE	EXPIRING
001	All year unless otherwise noted	Neversink River	07/01/2018	06/30/2023

PARAMETER	EFFLUENT LIMIT					MONITORING RE□UIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	3.3	MGD			Continuous	Recorder	X		
Flow	Daily Maximum	Monitor	MGD			Continuous	Recorder	X		(10)
UOD	7-Day Average	Monitor	mg/L	810	lbs/day	1/week	24-hr. Comp.		X	(□)
$CBOD_5$	Monthly Average	25	mg/L	6□0	lbs/day	1/week	24-hr. Comp.	X	X	(1)
$CBOD_5$	7-Day Average	38	mg/L	1000	lbs/day	1/week	24-hr. Comp		X	(8)
Solids, Total Suspended	Monthly Average	25	mg/L	6□0	lbs/day	1/week	24-hr. Comp.	X	X	(1)(8)(□)
Solids, Total Suspended	7-Day Average	38	mg/L	1000	lbs/day	1/week	24-hr. Comp.		X	(8)
Solids, Settleable	Daily Maximum	0.3	mL/L			2/day	Grab		X	(8)
Solids, Total Dissolved	Daily Maximum	Monitor	mg/L			1/quarter	24-hr. Comp.		X	(8)
pH	Range	6.0-□0	SU			2/day	Grab		X	
Nitrogen, T□N (as N) from □une 1 – Oct. 31	Daily Maximum	17	mg/L			1/week	24-hr. Comp.	X	X	
Nitrogen, T□N (as N) from Nov. 1 – May 31	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Nitrogen, T□N (as N)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	(8)
Nitrogen, Ammonia (as N) from □une 1 – Oct. 31	Monthly Average	□0	mg/L			1/week	24-hr. Comp.	X	X	
Nitrogen, Ammonia (as N) from Nov. 1 – May 31	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Nitrogen, Ammonia (as N)	Daily Maximum	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Nitrogen, Ammonia (as N)	Monthly Average	4.0	mg/L			1/week	24-hr. Comp.	X	X	(8)
Nitrogen, Nitrate (as N)	Daily Maximum	Monitor	mg/L			1/month	24-hr. Comp.		X	(8)
Nitrogen, Nitrite (as N)	Daily Maximum	Monitor	mg/L			1/month	24-hr. Comp.		X	(8)
Phosphorus (as P)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.		X	
Dissolved Oxygen	Daily Minimum	4.0	mg/L			1/week	Grab		X	
Effluent Disinfection required		□ □All Year		□X□Seasonal from May 1 to Oct. 31						
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 ml			1/week	Grab		X	(2)
Coliform, Fecal	7 Day Geometric Mean	400	No./ 100 ml			1/week	Grab		X	(2)
Chlorine, Total Residual	Daily Maximum	0.05	mg/l			2/day	Grab		X	(2)(3)

F□ □TN□TES □N PAGE 5 AND 6

PERMIT LIMITS, LE□ELS AND M□NIT□RING (continued)

OUTFALL	LIMITATIONS APPLY:	RECEIVING □ ATER	EFFECTIVE	EXPIRING
001	All year unless otherwise noted	Neversink River	07/01/2018	06/30/2023

PARAMETER	EFFLUENT LIMIT					MONITORING RE□UIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Copper, Total	Daily Maximum	Monitor	mg/L	1.6	lbs/day	2/month	24-hr. Comp.		X	
Mercury, Total	Daily Maximum	50	ng/L			1/quarter	Grab		X	
□inc, Total	Daily Maximum	Monitor	mg/L	3.3	lbs/day	2/month	24-hr. Comp.		X	
		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf	Eff	FN
Temperature	Daily Maximum			70	Deg F	2/day	Grab		X	(4)
□ hole Effluent Toxicity (□ ET) Testing										
□ ET - Acute Invertebrate	See footnote	1.6	TUa			□uarterly	See footnote		X	(5)
□ ET - Acute Vertebrate	See footnote	1.6	TUa			□uarterly	See footnote		X	(5)
□ ET - Chronic Invertebrate	See footnote			□.□	TUc	□uarterly	See footnote		X	(5)
□ ET - Chronic Vertebrate	See footnote			□.□	TUc	□uarterly	See footnote		X	(5)

OUTFALL	LIMITATIONS APPLY:	RECEIVING □ ATER	EFFECTIVE	EXPIRING
002 □ 003	□X□ All year	Neversink River	07/01/2018	06/30/2023

PARAMETER	EFFLUENT LIMIT					MONITORING RE□UIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	Monitor	GPD			1/year	Estimated		X	(6)(7)
COD	Daily Maximum	Monitor	mg/L			1/year	Grab		X	(6)(7)

F□□TN□TES □N PAGE 5 AND 6

F□ □TN□TES:

(1) Effluent shall not exceed 15 % and 15 % of influent concentration values for $CBOD_5$ □ TSS respectively.

(2) Monitoring of this parameter is only required during the period when disinfection is required.

(3) Applicable only when chlorine is used for disinfection.

(4) If the discharge temperature exceeds the Action Level of 70 degrees Fahrenheit the permittee shall undertake the following one day monitoring program within one week of an action level exceedance:

Monitoring Program – On one day, within one week following the Action Level exceedance, grab samples shall be collected twice per day, one during the A.M. time period and one during the P.M. time period and analyzed for temperature. This sampling shall be performed at each of the following locations: wastewater treatment plant influent; final effluent as close as practical to the outfall without influence from the receiving water; receiving water between 750 and 1,000 feet downstream from the outfall; and receiving water between 10 and 20 feet upstream of the outfall. The initial receiving water sampling locations shall be documented by the permittee and used for all subsequent monitoring unless a different location is approved by the Department. Each sampling event (i.e., one round of influent, effluent, upstream, and downstream samples) shall be completed within one hour.

Should the discharge temperature exceed the Action Level of 70 degrees following the one week monitoring program, the permittee shall re-sample in accordance with the monitoring program requirements within the following week.

Reporting - Results shall be appended to the corresponding Discharge Monitoring Report (DMR).

The permittee is not authorized to discharge wastewater at temperature which may cause or contribute to a violation of water quality standards. If the Action Level is routinely or excessively exceeded, the permit may be subject to modification to incorporate additional monitoring requirements and/or effluent limits. This requirement supersedes the Action Level requirements on the Permit Limits, Levels and Monitoring Definitions page for temperature.

(5) □ hole Effluent Toxicity (□ ET) Testing:
Testing Requirements - □ ET testing shall consist of **"Chronic only"** testing. □ ET testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be *Ceriodaphnia dubia* (water flea - invertebrate) and *Pimephales promelas* (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24 hr composite samples with one renewal for Acute tests and three 24 hr composite samples with two renewals for Chronic tests). The appropriate dilution series bracketing the I□ C and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is required. □ ET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for □ ET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 4.4:1 for acute, and 8.□1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to □ ET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - □ ET testing shall be performed at the specified sample frequency during calendar years ending in **1** and **6**.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa □(100)/(48 hr LC50) or (100)/(48 hr EC50) (note that Acute data is generated by both Acute and Chronic testing) and TUc □(100)/(NOEC) when Chronic testing has been performed or TUc □(TUa) x (10) when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC50 or 48 hr EC50 and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TUc. Report a TUa of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.

The complete test report including all corresponding results, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period to the Toxicity Testing Unit. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48 hr LC50 or 48 hr EC50 for Acute tests and/or TUc, NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

F□ □TN□TES (continued):

□ ET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional □ ET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional □ ater Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

(6) Stormwater samples shall be collected as a grab sample during the first 30 minutes of a storm event of at least 0.1 inches of precipitation where the last measurable storm event occurred at least 72 hours ago.

(7) Stormwater sample may be collected from the discharge outfall or the most downstream stormwater catch basins prior to the discharge.

(8) Special Drought □ Drought □ arning Condition: When the Neversink Reservoir capacity is reduced to a "drought" or "drought warning" condition, as defined by the capacity curves contained in 6 NYCRR Part 671, the NYCDEP has the authority to reduce the augmented conservation flow to the basic conservation release flow. These limits are applicable only during periods of reduced release flow conditions.

(□) The limit for UOD is only applicable during periods of "Special Drought & Drought Warning" (refer to footnote 8). The effluent limit shall not exceed **15%** of the influent concentration values for TSS. Ultimate Oxygen Demand shall be computed as follows: UOD □1.5 X $CBOD_5$ □4.5 X T□N (Total □jeldahl Nitrogen). Samples for $CBOD_5$ and T□N are to be collected at the same time to calculate UOD.

(10) Monitoring of daily maximum flow is not required during periods of "Special Drought & Drought Warning".

DISC□ARGE N□TIFICATI□N REQUIREMENTS

(a) Except as provided in (c) and (g) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. Such signs shall be installed before initiation of any discharge.

(b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

(c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address :

NYSDEC Division of Water Regional Phone: ( ) - ### -####

(e) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **REC□RDING, REP□RTING AND ADDITI□NAL M□NIT□RING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **REC□RDING, REP□RTING AND ADDITI□NAL M□NIT□RING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of five years

(f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

DISC□ARGE N□TIFICATI□N REQUIREMENTS (continued)

(g) All requirements of the Discharge Notification Act, including public repository requirements, are waived for any outfall meeting any of the following circumstances, provided Department notification is made in accordance with (h) below:

(i) such sign would be inconsistent with any other state or federal statute;

(ii) the Discharge Notification Requirements contained herein would require that such sign could only be located in an area that is damaged by ice or flooding due to a one-year storm or storms of less severity;

(iii) instances in which the outfall to the receiving water is located on private or government property which is restricted to the public through fencing, patrolling, or other control mechanisms. Property which is posted only, without additional control mechanisms, does not qualify for this provision;

(iv) instances where the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water; or

(v) instances in which the discharge from the outfall is located in the receiving water, two-hundred or more feet from the shoreline of the receiving water.

(h) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the waiver criteria listed in (g) above, notification (form enclosed) must be made to the Department's Bureau of Water Permits, Central Office, of such fact, and, provided there is no objection by the Department, a sign and DMR repository for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and associated regulations are complied with.

MERCUR MINIMI ATI N PR GRAM – igh Priority P T s

1. **General** - The permittee shall develop, implement, and maintain a Mercury Minimization Program (MMP). The MMP is required because the permit limit exceeds the statewide water quality based effluent limit (BEL) of 0.70 nanograms/liter (ng/L) for Total Mercury. The goal of the MMP will be to reduce mercury effluent levels in pursuit of the BEL. Note – The mercury-related requirements in this permit conform to the mercury Multiple Discharge Variance specified in NYSDEC policy *DOW 1.3.10*.

2. **MMP Elements** - The MMP shall be documented in narrative form and shall include any necessary drawings or maps. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. As a minimum, the MMP shall include an on-going program consisting of: periodic monitoring designed to quantify and, over time, track the reduction of mercury; an acceptable control strategy for reducing mercury discharges via cost-effective measures, which may include more stringent control of tributary waste streams; and submission of periodic status reports.

A. Monitoring - The permittee shall conduct periodic monitoring designed to quantify and, over time, track the reduction of mercury. All permit-related wastewater and stormwater mercury compliance point (outfall) monitoring shall be performed using EPA Method 1631. Use of EPA Method 166 during sample collection is recommended. Unless otherwise specified, all samples shall be grabs. Monitoring at influent and other locations tributary to compliance points may be performed using either EPA Methods 1631 or 245.7. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring shall be coordinated so that the results can be effectively compared between internal locations and final outfalls. Minimum required monitoring is as follows:

i. Sewage Treatment Plant Influent Effluent, and Type II SSO Outfalls - Samples at each of these locations shall be collected in accordance with the minimum frequency specified on the mercury permit limits page.
ii. ey Locations in the Collection System and Potential Significant Mercury Sources - The minimum monitoring frequency at these locations shall be semi-annual. Monitoring of properly treated dental facility discharges is not required.
iii. Hauled astes - Hauled wastes which may contain significant mercury levels shall be periodically tested prior to acceptance to ensure compliance with pretreatment/local limits requirements and/or determine mercury load.
iv. Additional monitoring shall be completed as may be required elsewhere in this permit or upon Department request.

B. Control Strategy - An acceptable control strategy is required for reducing mercury discharges via cost-effective measures, including but not limited to more stringent control of industrial users and hauled wastes. The control strategy will become enforceable under this permit and shall contain the following minimum elements:

i. Pretreatment/Local Limits - The permittee shall evaluate and revise current requirements in pursuit of the goal.
ii. Periodic Inspection - The permittee shall inspect users as necessary to support the MMP. Each dental facility shall be inspected at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6NYCRR Part 374.4. Other mercury sources shall also be inspected once every five years. Alternatively, the permittee may develop an outreach program which informs these users of their responsibilities once every five years and is supported by a subset of site inspections. Monitoring shall be performed as above.
iii. Systems with CSO Type II SSO Outfalls - Priority shall be given to controlling mercury sources upstream of CSOs and Type II SSOs through mercury reduction activities and/or controlled-release discharge. Effective control is necessary to avoid the need for the Department to establish mercury permit limits at these outfalls.
iv. Equipment and Materials – Equipment and materials which may contain mercury shall be evaluated by the permittee and replaced with mercury-free alternatives where environmentally preferable.
v. Bulk Chemical Evaluation - For chemicals used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee shall obtain a manufacturer s certificate of analysis and/or a notarized affidavit which describes the substances mercury concentration and the detection limit achieved. The permittee shall only use bulk chemicals which contain 10 ppb mercury, if available.

C. Annual Status Report - An annual status report shall be submitted to the Regional ater Engineer and to the Bureau of ater Permits, 625 Broadway, Albany, N.Y. 12233-3505, summarizing: (a) all MMP monitoring results for the previous year; (b) a list of known and potential mercury sources; (c) all action undertaken pursuant to the strategy during the previous year; (d) actions planned for the upcoming year; and, (e) progress toward the goal. The first annual status report is due one year after the permit is modified to include the MMP requirement and follow-up status reports are due annually thereafter. A file shall be maintained containing all MMP documentation, including the dental forms required by 6NYCRR Part 374.4, which shall be available for review by NYSDEC representatives. Copies shall be provided upon request.

MINI PRETREATMENT PR□GRAM

The permittee previously performed the actions described in 1-4 below in order to develop a mini pretreatment program:

1. Industrial Survey
   The permittee submitted the results of an industrial survey.

2. Develop Procedures
   The permittee submitted documentation of procedures for obtaining and ensuring compliance with applicable standards. Such procedures include requirements and schedules for discharge permits, industrial self-monitoring, compliance monitoring of industries by the permittee, on-going POT□ monitoring, and an enforcement program. Such procedures are equivalent to procedures described or referenced in the document entitled Introduction to the National Pretreatment Program, USEPA, February, 1□□□. (www.epa.gov/npdes/pubs/final□□pdf)

3. Treatment Plant/Industry Monitoring
   The permittee submitted the results of industrial and POT□ monitoring and a completed Fast Report On Significant Industries forms (FROSIs) for all significant industrial users (SIUs).

4. Local Sewer Use Law
   The permittee submitted a draft local sewer use law equivalent to the DEC Model Sewer Use Law, NYSDEC, 1□□4. Local limits for substance capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options were included in the local law. Such limits were developed in accordance with document entitled Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program USEPA November, 1□87. After approval by the Department, the permittee submitted a copy of the enacted Law accompanied by proof of enactment.

Therefore, the permittee shall continue to implement the procedures developed in accordance with 2. above and approved by the Department. At a minimum, the following activities shall continue to be undertaken by the permittee:

1. Issue permits including limitations, monitoring requirements, and reporting requirements to its significant industrial users.
2. Enforce the local limits set forth in the POT□ local sewer use law.
3. Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
4. Undertake enforcement actions in accordance with Department approved procedures.

On □**uly 28th** of each year, the permittee shall submit completed Fast Report On Significant Industries forms (FROSIs) for each SIU to the Department. Every third year, the permittee shall submit Industrial Chemical Survey forms completed by all SIUs to the Department. At the same time the permittee shall notify the Department of any proposed significant changes to its implementing procedures or local sewer use law.

All pretreatment reports shall be submitted to the Regional □ ater Engineer.

ST□RM □ ATER P□LLUTI□N PRE□ENTI□N PLAN F□R P□T□ s □ IT□ ST□RM□ ATER □UTFALLS

1. General - The Department has determined that stormwater discharges from POT□ s with design flows at or above 1 mgd shall be covered under the SPDES permit. If the permittee has already submitted a Notice of Intent to the Department for coverage under the General Storm □ ater permit, the permittee shall submit a Notice of Termination to the Department upon receipt of this final SPDES permit containing the requirement to develop a S□ PPP.

The permittee is required to develop, maintain, and implement a Storm □ ater Pollutant Prevention Plan (S□ PPP) to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and other stormwater discharges including, but not limited to, drainage from raw material storage.

The S□ PPP shall be documented in narrative form and shall include the 13 minimum elements below and plot plans, drawings, or maps necessary to clearly delineate the direction of stormwater flow and identify the conveyance, such as ditch, swale, storm sewer or sheet flow, and receiving water body. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the S□ PPP and may be incorporated by reference. A copy of the current S□ PPP shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. Compliance Deadlines - The Permittee has developed and implemented a S□ PPP. The S□ PPP shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the S□ PPP is inadequate, or (c) a letter from the Department identifies inadequacies in the S□ PPP. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All S□ PPP revisions (with the exception of minimum elements - see item (4.B.) below) must be submitted to the Regional □ ater Engineer within 30 days. Note that the permittee is not required to obtain Department approval of the S□ PPP (or of any minimum elements) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. Facility Review - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at *http://www.dec.state.ny.us/website/dcs/permits/olpermits/form2c.pdf*) as well as those that are required to be monitored by the SPDES permit.

4. A. 13 Minimum elements - □ henever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices (BMPs) that have been established to prevent or minimize such potential releases. □ here BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of minimum elements of the S□ PPP and BMPs is available in *Developing Your Stormwater Pollution Prevention Plan – A Guide for Industrial Operators,* February 200□, EPA 833-B-0□-002. At a minimum, the plan shall include the following elements:

1. Pollution Prevention Team
2. Reporting of BMP Incidents
3. Risk Identification □ Assessment
4. Employee Training
5. Inspections and Records
6. Security
7. Preventive Maintenance
8. Good Housekeeping
9. □ Materials/□ aste Handling, Storage, □ Compatibility
10. Spill Prevention □ Response
11. Erosion □ Sediment Control
12. Management of Runoff
13. Street Sweeping

ST□RM □ ATER P□LLUTI□N PRE□ENTI□N PLAN F□R P□T□ s □ IT□ ST□RM□ ATER □UTFALLS (continued)

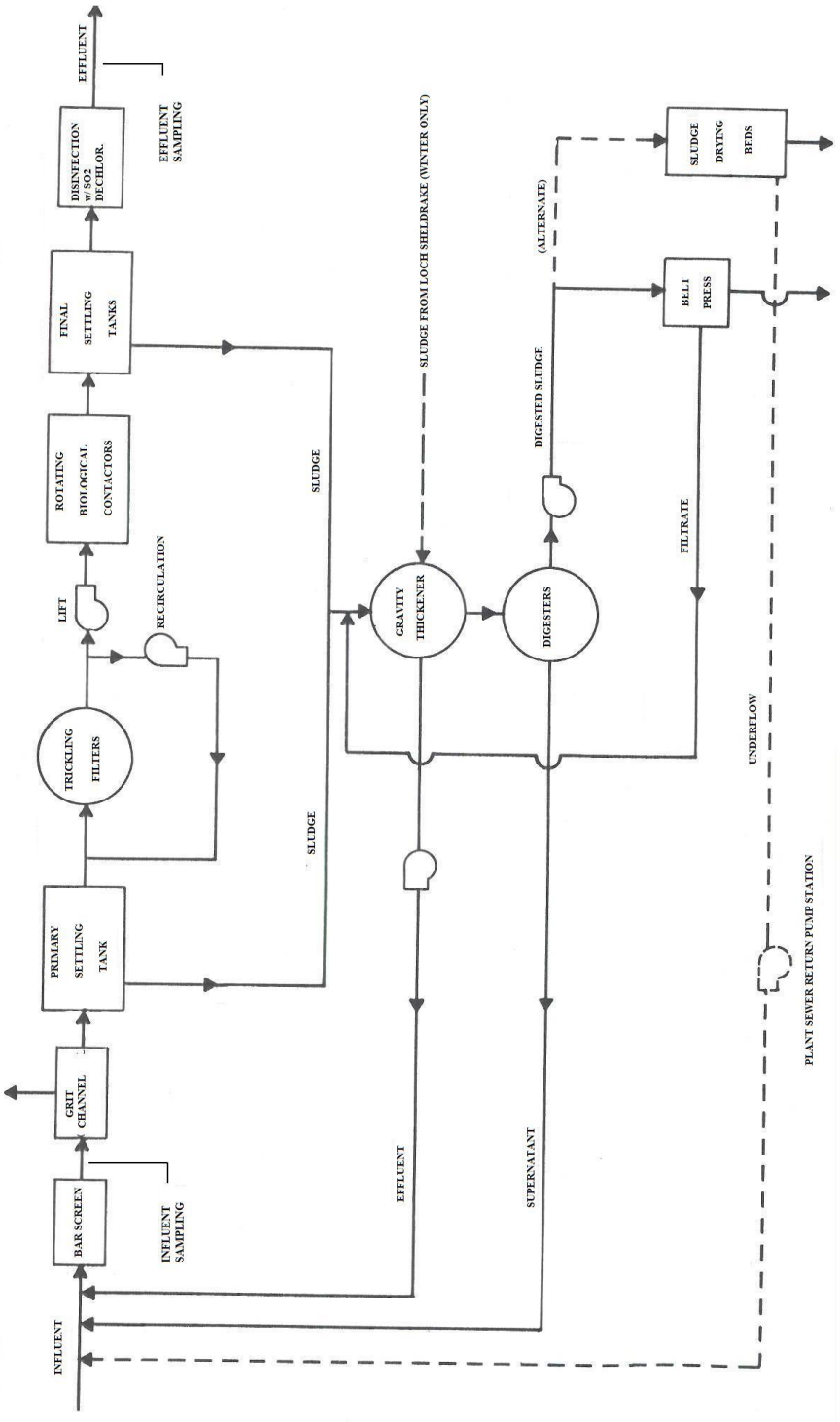
Note that for some facilities, especially those with few employees, some of the above may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the SWPPP that do not apply to your facility, along with an explanation, for instance if street sweeping did not apply because no streets exist at the facility.

B. Stormwater Pollution Prevention Plans (S□ PPPs) Required for Discharges of Stormwater From Construction Activity to Surface □ aters - As part of the erosion of and sediment control element, a S□ PPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional □ ater Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. S□ PPPs are not required for discharges of stormwater from construction activity to groundwaters.

The S□ PPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional □ ater Engineer, and to any local requirements. The permittee shall submit a copy of the S□ PPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity at least 30 days prior to soil disturbance. The S□ PPP shall also be submitted to the Regional □ ater Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the S□ PPP shall be submitted to the Department only upon request. □ hen a S□ PPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at *www.dec.state.ny.us/website/dow/toolbox/swforms.html*) prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. S□ PPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each S□ PPP is properly implemented.

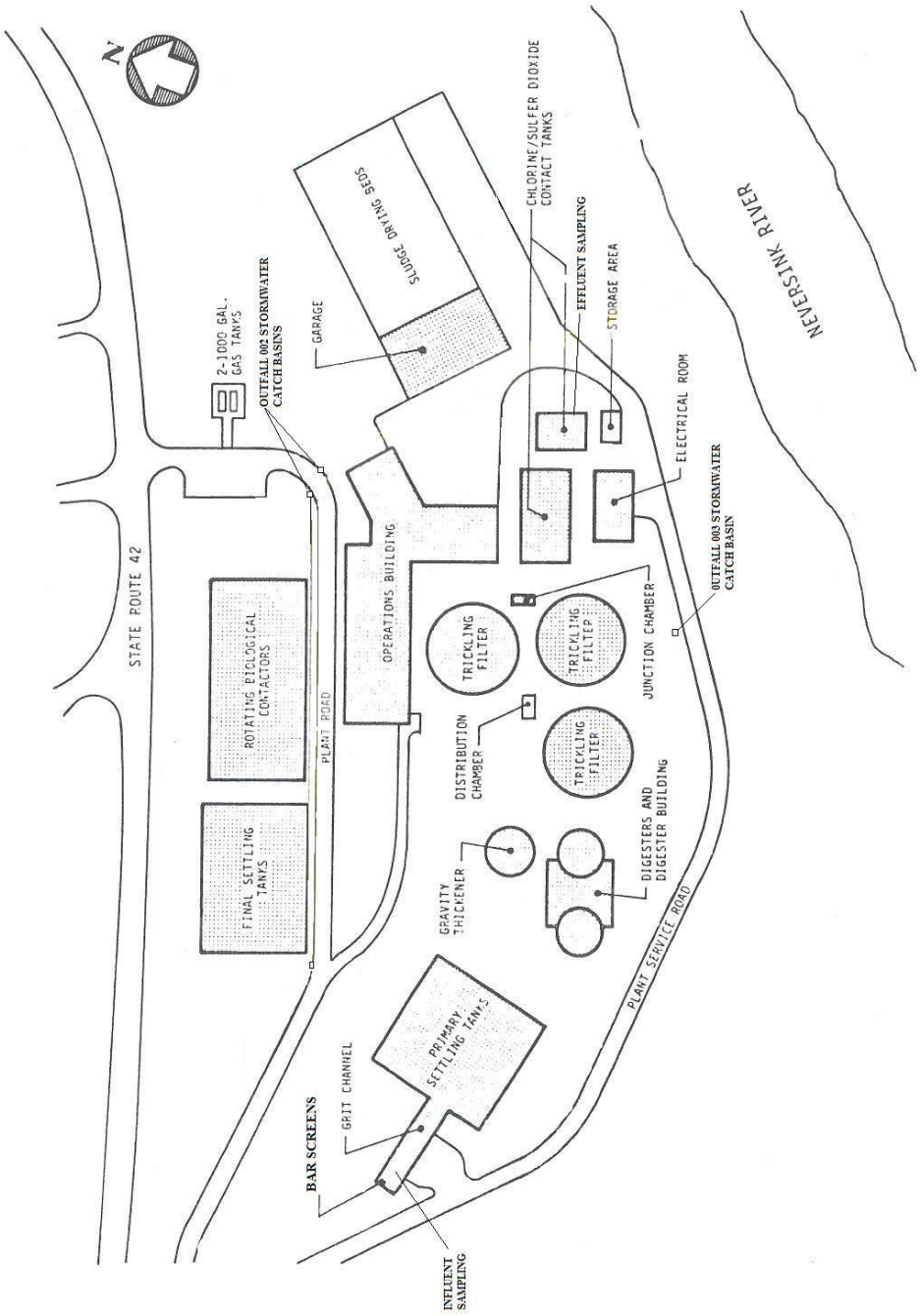
M□NIT□RING L□CATI□NS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



M□NIT□RING L□CATI□NS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through as follows:.

B. General Conditions

1.	Duty to comply	6 NYCRR Part 750-2.1(e) 2.4
2.	Duty to reapply	6 NYCRR Part 750-1.16(a)
3.	Need to halt or reduce activity not a defense	6 NYCRR Part 750-2.1(g)
4.	Duty to mitigate	6 NYCRR Part 750-2.7(f)
5.	Permit actions	6 NYCRR Part 750-1.1(c), 1.18, 1.20 2.1(h)
6.	Property rights	6 NYCRR Part 750-2.2(b)
7.	Duty to provide information	6 NYCRR Part 750-2.1(i)
8.	Inspection and entry	6 NYCRR Part 750-2.1(a) 2.3

C. Operation and Maintenance

1.	Proper Operation Maintenance	6 NYCRR Part 750-2.8
2.	Bypass	6 NYCRR Part 750-1.2(a)(17), 2.8(b) 2.7
3.	Upset	6 NYCRR Part 750-1.2(a)(4) 2.8(c)

D. Monitoring and Records

1.	Monitoring and records	6 NYCRR Part 750-2.5(a)(2), 2.5(c)(1), 2.5(c)(2), 2.5(d) 2.5(a)(6)
2.	Signatory requirements	6 NYCRR Part 750-1.8 2.5(b)

E. Reporting Requirements

1.	Reporting requirements	6 NYCRR Part 750-2.5, 2.6, 2.7 1.17
2.	Anticipated noncompliance	6 NYCRR Part 750-2.7(a)
3.	Transfers	6 NYCRR Part 750-1.17
4.	Monitoring reports	6 NYCRR Part 750-2.5(e)
5.	Compliance schedules	6 NYCRR Part 750-1.14(d)
6.	24-hour reporting	6 NYCRR Part 750-2.7(c) (d)
7.	Other noncompliance	6 NYCRR Part 750-2.7(e)
8.	Other information	6 NYCRR Part 750-2.1(f)
	Additional conditions applicable to a POT	6 NYCRR Part 750-2.
10.	Special reporting requirements for discharges that are not POT s	6 NYCRR Part 750-2.6

F. Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

   a. The alteration or addition to the permitted facility may meet of the criteria for determining whether facility is a new source in 40 CFR §122.2 (b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   In addition to the Department, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean ater Regulatory Branch, 2 0 Broadway, 24th Floor, New York, NY 10007-1866.

GENERAL REQUIREMENTS (continued)

G. Notification Requirement for POT□ s

1. All POT□ s shall provide adequate notice to the Department and the USEPA of the following:
   a. Any new introduction of pollutants into the POT□ from an indirect discharger which would be subject to section 301 or 306 of C□ A if it were directly discharging those pollutants; or
   b. Any substantial change in the volume or character of pollutants being introduced into that POT□ by a source introducing pollutants into the POT□ at the time of issuance of the permit.
   c. For the purposes of this paragraph, adequate notice shall include information on:
      i. the quality and quantity of effluent introduced into the POT□ , and
      ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POT□ .

POT□ s shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address: U.S. EPA Region 2, Clean □ ater Regulatory Branch, 2□0 Broadway, 24th Floor, New York, NY 10007-1866.

H. Sludge Management

The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.

I. SPDES Permit Program Fee

The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

□. □ ater Treatment Chemicals (□ TCs)

New or increased use and discharge of a □ TC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change □ TC use by submitting a completed *WTC Notification Form* for each proposed □ TC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether □ TC review and authorization may proceed outside of the formal permit administrative process. The majority of □ TC authorizations do not require SPDES permit modification. In any event, use and discharge of a □ TC shall not proceed without prior authorization from the Department. Examples of □ TCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. □ TC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
2. The permittee shall **maintain a logbook** of all □ TC use, noting for each □ TC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of □ TCs are not used.
3. The permittee shall **submit a completed *WTC Annual Report Form*** each year that they use and discharge □ TCs. This form shall be attached to either the December DMR or the annual monitoring report required below.

The *WTC Notification Form* and *WTC Annual Report Form* are available from the Department's website at http://www.dec.ny.gov/permits/□3245.html .

REC□RDING, REP□RTING AND ADDITI□NAL M□NIT□RING REQUIREMENTS

A. The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information re□uired by this permit shall be summari□ed and reported by submitting;**

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department□s Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[ ] (if box is checked) an annual report to the Regional □ ater Engineer at the address specified below. The annual report is due by February 1 each year and must summarize information for □anuary to December of the previous year in a format acceptable to the Department.

[X] (if box is checked) a monthly "□ astewater Facility Operation Report..." (form □2-15-7) to the:
[X] Regional □ ater Engineer and/or [ ] County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:
Department of Environmental Conservation
Division of □ ater, Bureau of □ ater Compliance
625 Broadway, Albany, New York 12233-3506
Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:
Department of Environmental Conservation
Regional □ ater Engineer, Region 3
21 South Putt Corners Road
New Paltz, NY 12561
Phone (845) 256-301□

Send an **additional copy** of each DMR page to:
Delaware River Basin Commission
25 State Police Drive, Box 7360
□ est Trento, N□ 08628

B. Monitoring and analysis shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

C. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.

D. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

E. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.

F. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

Appendix B

USEPA/NYSDEC Violation Orders & Inspection Reports

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 2, 2022

Via Email and UPS Mail

Kathleen Rappaport, Supervisor
Town of Fallsburg
19 Railroad Plaza, P.O. Box 2019
South Fallsburg, NY 12779
krappaport@fallsburgny.com

Re: **Administrative Compliance Order and Information Request**
Town of Fallsburg, New York, South Fallsburg WWTP
Docket No. CWA-02-2023-3006
NPDES Tracking No. NY0024520
EPA/NYSDEC Compliance Evaluation Inspection August 8, 2022

Dear Ms. Rappaport:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that South Fallsburg WWTP, ("Respondent") is in violation of the Clean Water Act (33 U.S.C. §1251 et seq.) ("CWA" or "Act") for non-compliance with its New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") Permit under SPDES ID NO. NY0024520.

Enclosed is the Information Request and Administrative Compliance Order (together the "Order"), Docket No. CWA-02-2023-3006, issued pursuant to Sections 308 and 309 of the CWA, which detail the findings.

Please acknowledge receipt of this Order by signing the acknowledgment page and returning the acknowledgment page electronically. Failure to comply with the enclosed Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the CWA and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Compliance Evaluation Inspection ("CEI" or "Inspection") Report based on the EPA/NYSDEC inspection on August 8, 2022, Inspection at the subject Facility.

If you have any questions regarding the enclosed Order, please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section via email Modigliani.Justine@epa.gov, or by Telephone at (212) 637-4268 or Mr. Murray Lantner, P.E., Environmental Engineer, Lantner.Murray@epa.gov or (212) 637-3976.

Sincerely,

Anderson,Kate
Digitally signed by Anderson,Kate
Date: 2022.11.02 13:50:01 -04'00'

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosures
Administrative Compliance Order CWA-02-2023-3006
Inspection Report from EPA's August 8, 2022, inspection

cc: Ed Hampston, P.E., Director, Bureau of Water Compliance, NYSDEC, Edward.hampston@dec.ny.gov
Cherian, Manju (DEC) manju.cherian@dec.ny.gov
Douglas J. Upright (NYSDEC Region 3), Douglas.Upright@dec.ny.gov
Michael Herbert, mherbert@fallsburgny.com, South Fallsburg WWTP, Plant Operator

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region 2

IN THE MATTER OF:

Town of Fallsburg
19 Railroad Plaza
P.O. Box 2019
South Fallsburg, NY 12779

South Fallsburg WWTP
SPDES No. NY0024520

RESPONDENT

Proceeding pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, 33 U.S.C. §§1318(a) and 1319(a)(3)

INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2023-3006

The following Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Enforcement and Compliance Assurance Division, Region 2, EPA.

A. STATUTORY AUTHORITY

1. Section 301(a) of the Act, 33 U.S.C. §1311(a), provides, in part, that the discharge of any pollutants by any person from a point source to a navigable water of the United States shall be unlawful except in accordance with the terms and conditions of a duly issued permit.

2. Section 402 of the CWA, 33 U.S.C. §1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402 of the CWA, 33 U.S.C. §1342. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA. Additionally, under the authority granted to the NYSDEC by the EPA under Section 402(b) of the CWA, 33 U.S.C. §1342(b), a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. §1362(5), to include an individual, corporation, partnership, association, or municipality.

4. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. §1362(12), to include any addition of any pollutant to navigable waters from any point source.

5. "Pollutant" is defined by Section 502(6) of the CWA, 33. U.S.C. §1362(6), to include, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged to water.

6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. §1362(14), to include any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

7. "Navigable waters" are defined by Section 502(7) of the CWA, 33 U.S.C. §1362(7), as "waters of the United States, including the territorial seas." "Waters of the United States" have been further defined to include, inter alia, waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce (hereinafter "traditional navigable waters") and tributaries of such waters. 40 C.F.R. §122.2.

8. "Owner or operator" is defined by 40 C.F.R. §122.2 as the owner or operator of any "facility or activity" subject to regulation under Section 402 of the CWA, 33 U.S.C. §1342(a).

9. Section 308(a) of the Act, 33 U.S.C. §1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: Maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. §1342.

10. Pursuant to 40 C.F.R. §403.5(c)(2): All other Publicly Owned Treatment Works ("POTW") shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

11. Pursuant to 40 C.F.R. §403.5(d): Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

12. The term "Permit," means the NYSDEC SPDES Permit (NY0024520) effective July 1, 2018, through June 30, 2023.

13. Pursuant to 40 C.F.R. §122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.

14. Section 309(a) of the CWA, 33 U.S.C. §1319(a), authorizes EPA to commence an administrative enforcement action for violations of "any condition or limitation which implements [among others, Section 301 or 402]" of the CWA, and to "issue an order requiring [compliance with the applicable] Section or requirement . . ."

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Town of Fallsburg ("Respondent") is a "person" pursuant to Section 502(5) of the CWA, 33 U.S.C. §1362(5).

2. The Respondent operates the South Fallsburg Wastewater Treatment Plant ("WWTP," "Site" or "Facility"), which is located at 5410 Route 42, South Fallsburg, New York 12779. Therefore, the Respondent is an owner or operator within the meaning of 40 C.F.R. §122.2.

3. Treated municipal wastewater from the WWTP is authorized by the Permit to discharge from Outfall 001. Stormwater discharges form the Facility are authorized under the Permit from Outfalls 002 and 003. The 3 outfalls discharge to the Neversink River which is tributary to the Delaware River, Delaware Bay, and the Atlantic Ocean, all traditionally navigable waters of the United States, as that term is defined in Section 502(7) of the CWA, 33 U.S.C. §1362(7) and 40 C.F.R. §122.2.

4. On August 8, 2022, representatives of EPA Region 2 and NYSDEC Region 3 conducted a Compliance Evaluation Inspection ("CEI" or "Inspection") at the Site (see attached inspection report). The attached inspection report documented the non-compliance with the Permit as described in the paragraphs below:

   a. The Permittee has exceeded the effluent limits contained in the Permit for Outfall 001 as described in the Table below, in violation of its Permit Limits.

Table 1 – Effluent Limit Exceedances Report, Outfall 001, NY0024520: SOUTH FALLSBURG (T) WWTP, Monitoring Period Date Range, 01/01/2019 to 08/31/2022

Monitoring Period Date	Parameter Description	Units	Limit Type	Permit Limit	Reported Value
April-20	Solids, suspended percent removal	%	MO AV MN	85	81
May-20	Chlorine, total residual	mg/L	DAILY MX	0.05	0.1
August-20	Chlorine, total residual	mg/L	DAILY MX	0.05	0.1
September-20	Chlorine, total residual	mg/L	DAILY MX	0.05	0.09
June-21	Nitrogen, Kjeldahl, total (as N)	mg/L	DAILY MX	17	17.5
July-21	Coliform, fecal general	#/100mL	30DA GEO	200	237.8
August-21	Nitrogen, ammonia total (as N)	mg/L	MO AVG	9	15.7
August-21	Nitrogen, Kjeldahl, total (as N)	mg/L	DAILY MX	17	20.2
May-22	pH	SU	MINIMUM	6	5.4
May-22	Chlorine, total residual	mg/L	DAILY MX	0.05	0.14
June-22	pH	SU	MINIMUM	6	5.8
June-22	Chlorine, total residual	mg/L	DAILY MX	0.05	1.81
July-22	Nitrogen, ammonia total (as N)	mg/L	MO AVG	9	14.1
July-22	Nitrogen, Kjeldahl, total (as N)	mg/L	DAILY MX	17	23.5
July-22	Chlorine, total residual	mg/L	DAILY MX	0.05	0.98
Aug-22	Nitrogen, ammonia total (as N)	mg/L	MO AVG	9	12.3
Aug-22	Nitrogen, Kjeldahl, total (as N)	mg/L	DAILY MX	17	21.1
Aug-22	Chlorine, total residual	mg/L	DAILY MX	0.05	1.43

b. The General Requirements of the Permit require periodic calibration of monitoring equipment in accordance with 6 NYCRR Part 750-2.5(a)(5) which, at a minimum, is an annual calibration. At the time of the CEI, the continuous flow meter at Outfall 001 was last calibrated on July 26, 2021, which was over one year before the date of the CEI. Therefore, the Facility failed to conduct periodic calibration of its flow meter, in violation of the Permit.

c. The Recording, Reporting, and Additional Monitoring Requirements on Page 17 of the Permit require that samples be collected and analyzed in accordance with 40 CFR Part 136. 40 CFR Part 136.3, Table 2 specifies an 8-hour holding time for fecal coliform. Based on EPA's review of laboratory reports, several fecal coliform analyses used for Discharge Monitoring Report ("DMR") reporting, were conducted outside of the 8-hour holding time including August 6, 2021, June 23, 2021, and June 8, 2022, in violation of Permit.

d. Footnote 4 to the Table of Permit Limits in the Permit requires that a one-day instream monitoring be conducted when temperature at the WWTP Outfall 001 exceeds a daily maximum action level of 70°F (within a week of the exceedance). DMR records indicate that there were temperature exceedances in June, July and August 2021, and July and August 2022. At that time of the CEI, Respondent could not produce any record of instream monitoring after these action level exceedances, in violation of Footnote 4 of the Permit.

e. The General Requirements of the Permit require Proper Operation and Maintenance of the Facility in accordance with 6 NYCRR Part 750-2.8. At the time of the CEI, EPA identified the following failures to conduct Proper Operation and Maintenance in violation of the Permit:

i. Rotating Biological Contactor No. 7A was out of service since December 2021;
ii. One of the two trickling filters had flow through only 2 of its 4 arms, even though the trickling filter bypass was active at this time;
iii. During an extremely high (dry weather) flow event, one of the WWTP's final clarifiers was taken out of service for routine cleaning, while the water levels in the primary clarifier effluent channels were above the clarifier weirs;
iv. There was flow underneath the weirs/concrete at Primary Clarifier No. 4;
v. There as a small hypochlorite leak in the chlorination feed line;
vi. The flow-paced bisulfite feed for dichlorination was not operating in flow-paced mode, but instead was being fed at a constant rate and manually adjusted. As shown in Table 1 above, there were several Total Residual Chlorine exceedances;
vii. The discharge from Outfall 001 during the Inspection was turbid and caused a visible contrast in water quality from the natural conditions in the Neversink River, which contravenes the NYS Water Quality Standards at 6 NYCRR Part 703.2; and
viii. The General Conditions of the Permit requires compliance with 6 NYCRR Part 750-2.7. Part 750-2.7(e) specifies that the Permittee shall report all instances of noncompliance with permit conditions not otherwise required to be reported under these regulations in accordance with 6 NYCRR Part 750-2.7(d). Section (d) specifies that "the written report shall be submitted on a form prescribed by the department and, at a minimum, shall contain a description of the discharge, bypass, upset, or other incident and its cause; the period of the discharge,

bypass, upset, or other incident, including exact dates and times, and if the discharge, bypass, upset, or other incident has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the discharge, bypass, upset, or other incident and its reoccurrence. Fallsburg's Report of Noncompliance Event Form for the TKN exceedance in June 2021 failed to provide steps to reduce, eliminate or prevent the non-compliance in violation of the Permit.

5. Based upon the findings cited above, the Facility failed to comply with its Permit and therefore EPA finds that Respondent is in violation of Sections 301, 308 and 402 of the CWA, 33 U.S.C. §§1311 and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a) of the Act, it is hereby ORDERED that:

1. **Immediately upon receipt of this Order (within 10 calendar days of receipt)**, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgment page to the Chief, Water Compliance Branch, Enforcement and Compliance Assurance Division by email to the address listed in paragraph E.3, below.

2. **Within 45 calendar days of receipt of this Order,** Respondent shall submit a **Short-Term Plan of Action ("Short Term POA")** that will be implemented within 210 days of receipt of this Order, along with an expeditious schedule to address the non-compliance identified in Paragraph B.4 of this Order (above). EPA and NYSDEC reserve the right to comment and request revisions to the proposed schedule.

3. **Certification – Within 210 calendar days of receipt of this Order**, submit written certification that Respondent has implemented all corrective actions specified in the Short Term POA above and is in full compliance with this Order, the Permit, and Sections 301 and 402 of the CWA. If compliance with paragraph C.2 above has not been achieved, submit a detailed report indicating the reason for noncompliance and the schedule for attaining compliance with this Order.

4. **Within 270 calendar days of receipt of this Order,** Respondent shall submit a **Long-Term Plan of Action ("Long Term POA")** along with an expeditious schedule with interim milestones, to complete the planned plant upgrades (planned installation of new treatment units) and achieve full compliance with the Permit. EPA and NYSDEC reserve the right to comment and request revisions to the proposed schedule.

5. **Certification – Within 30 days of completion of the expeditious schedule for the Long Term POA per paragraph C.4 above**, submit written certification that Respondent has implemented and commenced operation of all proposed units specified in the Long Term POA above, and is in full compliance with the Permit and Sections 301 and 402 of the CWA. If compliance with paragraph C.4 above has not been achieved, submit a detailed report indicating the reason for noncompliance and the schedule for attaining compliance with this Order.

D. INFORMATION REQUEST

Based upon the foregoing and pursuant to the authority of Section 308(a) of the CWA, it is hereby ORDERED that:

1. **Within forty-five (45) calendar days of receipt of this Information Request**, submit a written response with the actions (including a schedule) that are being taken or will be taken to address each of the Potential Non-Compliance items and Areas of Concern identified in the enclosed inspection report from the EPA/NYSDEC August 8, 2022 CEI (attached). (Note that the response to Order C.2 above, may be combined with the response required by this paragraph.

2. **Within thirty 30 days of the close of each Calendar Quarter** starting with the 4th quarter of 2022 and continuing until implementation/completion of the Long-Term POA, submit quarterly reports containing the status of Permit compliance and the implementation status of the Short Term and Long Term POAs required under paragraphs C.2 and C.4 above.

3. The Town of Fallsburg has issued an Industrial User ("IU") Permit to a Significant Industrial User ("SIU"), Murray's Chicken, which is a poultry processor. Murray's Chicken discharges its treated process wastewater to the South Fallsburg WWTP. As shown in tables 2.a, 2.b and 2.c of the attached inspection report from the joint EPA/NYSDEC inspection, Murray's Chicken exceeded its IU Permit limits for Carbonaceous Biochemical Oxygen Demand ("CBOD"), Total Suspended Solids ("TSS"), Total Kjeldahl Nitrogen ("TKN"), Oil and Grease, and Ultimate Oxygen Demand ("UOD") as summarized in Table 2 below:

Table 2: Murray's Chicken Summary of Monthly (Concentration Based mg/L) Industrial User Permit Exceedances January 2020 to July 2022*

Year	CBOD	TSS	TKN	Oil and Grease	UOD
2020*	2	4	6	0	1
2021	7	5	12	3	7
2022**	1	4	6	3	1
* Due to Covid no samples of the Murray's Chicken Industrial User Discharge were taken for 6 months from March through August 2020					
** 2022 data is from January to July					

Within 90 days of Receipt of this Order, in accordance with 40 C.F.R. § 403.5(c)(2) and 40 C.F.R. § 403.5(d), provide the technical basis/headworks analysis that was used in developing the IU Permit Limits in the Murray's Chicken IU Permit. Also include a plan to address the ammonia, TKN, pH and other exceedances at the South Fallsburg WWTP due to IUs and/or increased summer flows and loading due to the higher summer populations. This plan must consider additional flow equalization and storage at the IUs to reduce peak loadings or store wastewater during periods in which the South Fallsburg WWTP is experiencing high plant flows/loadings.

E. GENERAL PROVISIONS

1. All information required to be submitted in the above ORDERED PROVISIONS shall be sent **by email** to the following addresses:

Justine Modigliani, P.E., Chief, Compliance Section
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency – Region 2
Modigliani.Justine@epa.gov

Murray Lantner, P.E., Compliance Section
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency – Region 2
Lantner.Murray@epa.gov

Douglas Upright, P.E
New York State Department of Environmental Conservation, Region 3
Douglas.Upright@dec.ny.gov

2. Any documents to be submitted by Respondent as part of this Order shall be sent by **email,** signed by an authorized representative of the respective entity (see 40 C.F.R. §122.22), and include the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer, regarding the Ordered provisions, with the following designated Agency representative **via email only**:

Doughlas McKenna
Chief, Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway – 21st Floor
New York, New York 10007-1866
212-637-4244
Mckenna.Douglas@epa.gov

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§701-706. Section 706, which is set forth at http://uscode.house.gov/download/pls/05C7.txt, which provides the grounds for such review.

5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable

permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.

6. Notice is hereby given that should EPA commence an action in a United States District Court for a violation of any Ordered Provision of this Order Respondent may be subject to (1) civil penalties up to $54,833 per day for each day of violation, pursuant to Section 309(d) of the CWA, 33 U.S.C. §1319(d), and/or (2) injunctive relief, pursuant to Section 309(b) of the CWA, 33 U.S.C. §1319(b), as imposed by the Court.

7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.

8. This Order shall become effective upon the date of execution by the Director, Enforcement and Compliance Assurance Division.

Dated: 11/2/2022

Signed: Anderson,Kate Digitally signed by Anderson,Kate Date: 2022.11.02 13:50:35 -04'00'

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Town of Fallsburg
19 Railroad Plaza
P.O. Box 2019
South Fallsburg, NY, 12779

South Fallsburg WWTP
SPDES No. NY0024520

RESPONDENT

Proceeding pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, 33 U.S.C. §§1318(a) and 1319(a)(3)

INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2023-3006

ACKNOWLEDGMENT OF RECEIPT OF ADMINISTRATIVE COMPLIANCE ORDER

I, _____, an officer of the Town of Fallsburg

with the title of, _____, do hereby acknowledge the receipt of copy of the

INFORMATION REQUEST AND ADMINISTRATIVE ORDER, CWA-02-2023-3006.

DATE: _____ SIGNED: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, ECAD-WCB
290 Broadway, 21st Floor, New York, NY 10007

Program: Traditional NPDES	**Inspection Type:** Compliance Evaluation Inspection	
Permittee Name: Town of Fallsburg (South Fallsburg) WWTP	**NPDES/ICIS No.:** NY0024520	
Inspection Entry Date: August 8, 2022 **Inspection Entry Time:** 9:30 AM	**Inspection Exit Date:** August 8, 2022 **Inspection Exit Time:** 3:45 PM	
Facility Information: South Fallsburg WWTP, 5410 Route 42, P.O. Box 2019, South Fallsburg, NY 12779	**Lat, Long:** 41.715823°, -74.615088° SIC Code: 4952 Sewage Systems	
EPA Representative(s): Murray Lantner, P.E. Environmental Engineer, EPA Region 2, DECA-WCB. (212) 637-3976		
State Representative(s): Douglas J. Upright, P.E. NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561, Douglas.Upright@dec.ny.gov		
On-Site Facility Representative – Michael Herbert, Chief Operator, (845) 434-6398, herbert@fallsburgny.com, P.O. Box 2019, 5410 State Route 42, South Fallsburg, NY 12779		
Responsible Official: Michael Herbert, Michael Herbert mherbert@fallsburgny.com, Katherine Rappaport, Fallsburg Town Supervisor, (845) 434 8810 x 5 krappaport@fallsburgny.com, PO Box 2019, 19 Railroad Plaza South Fallsburg, New York 12779		
Name and Signature of Inspector Murray Lantner, P.E. Env. Eng. MURRAY LANTNER	**Agency/Office/Phone Number** ECAD-WCB (212) 637-3976 Digitally signed by MURRAY LANTNER Date: 2022.10.11 17:11:55 -04'00'	**Date**
Name and Signature of Management QA Reviewer Digitally signed by JUSTINE MODIGLIANI Date: 2022.10.12 14:46:12 -04'00' Justine Modigliani, P.E. Env. Eng.	**Agency/Office/Phone Number** ECAD-WCB (212) 637-4268	**Date**

I. INTRODUCTION

On August 8, 2022, representatives of the United States Environmental Protection Agency ("EPA") Region 2 and the New York State Department of Environmental Conservation ("NYSDEC") Region 3, conducted a Compliance Evaluation Inspection ("CEI" or "Inspection") at the South Fallsburg Wastewater Treatment Plant ("WWTP") in Fallsburg NY ("Facility"). The objective of this Inspection was to evaluate the compliance status with the Facility's New York State Department of Environmental Conservation's ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") Permit ("Permit") No. NY0024520 that became effective on July 1, 2018, and will expire on June 30, 2023.

The Permit authorizes the discharge of treated wastewater from the WWTP/Publicly Owned Treatment Works ("POTW") via Outfall 001. And stormwater associated with industrial activity (POTW) from stormwater outfalls 002 and 003 to the Neversink River. The Neversink River is a tributary of the Delaware River which discharges to the Delaware Bay/Atlantic Ocean. The POTW also accepts treated process wastewater from Industrial Users such as Murray's Chicken – a poultry processor.

The Wastewater Treatment Plant consists of a bar screen, Grit Channel, Primary Settling Tanks, Trickling Filters, Rotating Biological Contactors, Final Settling Tanks, and chlorination/dechlorination. Sludge is run through gravity thickeners, anaerobic digesters and belt pressing. Filtrate off the belt press is returned back to the gravity thickeners. Sludge is landfilled in Bethlehem Pennsylvania. Sludge is hauled off-site by Luzon Environmental Services.

The anaerobic digesters are heated using oil and not with digester gas.

Composite samples are started on Wednesdays and collected and sent out for analysis on Thursdays.

The plant has an emergency generator that is tested once per month and runs the generators once per year under load.

Upon entering the site, Murray Lantner of EPA and Douglas Upright of NYSDEC presented their credentials to the Facility representatives. The NYSDEC and EPA representatives held an opening conference and explained the scope of the inspection. Following the opening conference, the EPA representatives, along with the site representatives, conducted an inspection of the Facility.

Following the inspection the NYSDEC issued a Notice of Violation dated September 8, 2022 (Attachment 4), for some of the same issues identified below.

II. FINDINGS & OBSERVATIONS

A. Potential Noncompliance Items

1. Based upon a review of the EPA's Enforcement and Compliance History Online (ECHO) database for the period January 2019 to July 2022 the following Permit exceedances listed in Table 1 were reported.

   Murray's Chicken, an Industrial User ("IU") of the South Fallsburg WWTP, is a poultry processor that was exceeding its IU Permit limits for TKN, Total Suspended Solids ("TSS"), Carbonaceous Biochemical Oxygen Demand ("CBOD") and Oil Grease ("O&G") on several instances during the period from January 2020 to July 2022 as described in Table 2 below. Of

particular note is that in June 2021, August 2021 and July 2022, there were Total Kjelhdal Nitrogen ("TKN") exceedances at South Fallsburg's Outfall 001 and also exceedances of the IU Permit at Murray's Chicken for TKN and CBOD in June 2021; TKN, TSS, CBOD, O&G in August 2021; TSS, TKN and O&G in July 2022. The exceedances of the South Fallsburg SPDES Permit in the same period as the same or related parameters of Murray's Chicken's IU Permit point to potential pass thru/interference by Murray's Chicken which is prohibited by the regulations in 40 CFR 403 and Section 307 of the Clean Water Act.

Table 1 – Effluent Limit Exceedances Report, Outfall 001, NY0024520: SOUTH FALLSBURG (T) WWTP, Monitoring Period Date Range, 01/01/2019 to 08/31/2022

Monitoring Period Date	Parameter Description	Units	Limit Type	Permit Limit	Reported Value
April-20	Solids, suspended percent removal	%	MO AV MN	85	81
May-20	Chlorine, total residual	mg/L	DAILY MX	0.05	0.1
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Aug-22	Nitrogen, Kjeldahl, total (as N)	mg/L	DAILY MX	17	21.1
Aug-22	Chlorine, total residual	mg/L	DAILY MX	0.05	1.43

2. Fallsburg's SPDES Permit contains requirements for a Mini Pretreatment Program. The second paragraphs 3 and 4 of the Mini Pretreatment Program requires that South Fallsburg issue IU Permits, conduct inspections and monitoring and undertake enforcement actions in accordance with Fallsburg's NYSDEC approved procedures. EPA reviewed sample results for Murray's Chicken, a Significant Industrial User ("SIU") of the South Fallsburg WWTP, and identified that Murray's Chicken exceeded its IU Permit Limits (issued by Fallsburg) for TKN, CBOD, TSS, O&G, and Ultimate Oxygen Demand ("UOD") in the period from January 2020 through at least July 2022, as described in Tables 2.a, 2.b, and 2.c below. At the time of the inspection Fallsburg had not issued any notices of violation or any enforcement actions against Murray's Chicken for the exceedances of its IU Permit as required by Fallsburg's SPDES Permit. Following the inspection on or about August 24, 2022, Fallsburg did issue a Notice of Violation to Murray's Chicken.

Table 2 – Murray's Chicken 2020, 2021, 2022 IU Permit Exceedances

Parameter	1. Table 2.a Murray's Chicken 2020 Sampling Results (mg/L) Provided in Fast Report on paper and rewritten below													
	Monthly Averages for Period Beginning									Jan-20				
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Local Limit	Units
C.B.O.D.	253	506	No Samples Taken Due to Covid Pandemic						177	135	78.2	657	400	mg/L
													834	Lb/Day
T.S.S.	160	380							45	910	374	382	300	mg/L
													625	Lb/Day
T.K.N.	75.7	101							64.8	68.4	110	117	60	mg/L
													125	Lb/Day
N.H.3.	7.5	7.6							12.7	12.7	12.7	8.05		
Oil & Grease	5	7.9							5.7	3.2	24.2	23.2	50	mg/L
													104	Lb/Day
UOD	455.2	860							330.3	270.9	227.3	1102.5	870	mg/L
													1813	Lb/Day

Table 2.b 2021 Murray's Chicken Industrial User Monitoring

FAST Report On Significant Inustries

Permitee:	MB Consultants		SPDES Number:	NY0024830	
1. Industry Name and Address	2. Detailed Process Description	3. Primary Raw Materials	4. Production	5. Flows (GPD)	
MB Consultants 334 Main Street South Fallsburg, NY 12779	Chicken Eviscerating Plant	170,000 Live Chickens/Week	Monday - Friday Occasionally Saturdays	Process	250,000
				Cooling	n/a
				Sanitary	8000

7. Write N/A where not applicable or none where the list action has not been taken.

A	B	C	D	E	F	G	H		I	J
Dedicated Monitoring Station?	Has A Permit Been Issued? Date?	Compliance Schedule? Date Issued	Compliance Schedule? Last Date	Date BMR Submitted	Date 90 Day Comp Report Submitted	Date Notice of Violation	Fine (Amount and Date)		Surcharge (Amount and Date)	Hearing (Date and Results)
Yes	11/30/2018	N/A	N/A	N/A	N/A	N/A	N/A		N/A	N/A

Sampling Results (mg/L)

Parameter	Monthly Averages for Period Beginning									Jan-21				Local Limit		EPA Limit	Permitee Sampling Results	Comments
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual % Ave					
C.B.O.D.	285	1840	769	660	329	774	341	728	537	281	268	664	623.0	400 834	mg/L Lb/day			
T.S.S.	236	1598	692	276	150	68	151	568	393	173	80	630	417.9	300 625	mg/L Lb/day			
T.K.N.	130	163	89	97.2	76.5	85.9	64	125	92.1	64.6	68.7	103	96.6	60 125	mg/L Lb/day			
N.H.3.	28	19.3	9.83	12.4	16.9	18.7	13.3	16.2	12.9	10.5	13.6	9.72	15.1					
Oil & Grease	3.9	609	85.6	12.7	4.4	3.8	10.2	67.2	22.7	5.9	13.4	19	71.5	50 104	mg/L Lb/day			
UOD	867.5	2923	1242.5	1087.2	570	1246.9	575.5	1217	897.6	486.1	470.7	1099	1031.1	870 1813	mg/L Lb/day			
		1.5 CBOD+TKN - UOD Calculated																
	609																	
	2923	exceeds Permit Limit. We did not have IU Flow data to be able to available to assess compliance with Lb/Day limit.																

Sheet1

Table 2.c. 2022 Murray's Chicken Industrial User Monitoring

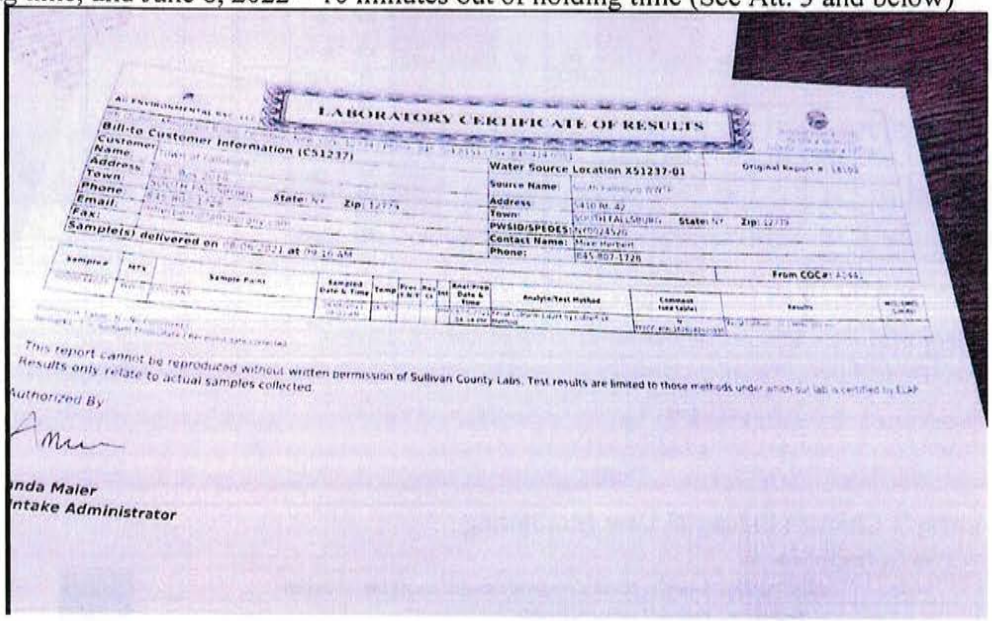
2022 Lab Reports from AG Environmental

Parameter	Sampling Results (mg/L) from Lab Reports obtained during the inspection													
	Monthly Averages for Period Beginning									Jan-22				
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Local Limit	Units
C.B.O.D.		270	383	297	301	551	373						400 834	mg/L Lb/day
T.S.S.		270	702	604	110	440	792						300 625	mg/L Lb/day
T.K.N.		68.8	152	138	75.6	94.8	108						60 125	mg/L Lb/day
N.H.3.		11.7	17.7	11.1	9.5	10.6	11.2							
Oil & Grease		23.5	19.3	73.8	11.8	50.7	110						50 104	mg/L Lb/day
UOD	0	473.8	726.5	583.5	527.1	921.3	667.5	0	0	0	0	0	870 1813	mg/L Lb/day

3. The General Requirements of the Permit requires periodic calibration of monitoring equipment in accordance with 6 NYCRR Part 750-2.5(a)(5) which at a minimum is an annual calibration. The

Permit requires continuous flow monitoring at outfall 001. The sticker on the flow meter at Outfall 001 indicated that the flow meter was last calibrated on July 26, 2021, and therefore did not conduct flow meter calibration annually as required. There are load limitations at outfall 001 that rely on the accuracy of the flow monitoring. Plant representatives stated that they were working to get the calibration contractor to come to the Facility, but were experiencing delays.

4. The Permit (Page 17 of 17) requires that samples be collected and analyzed in accordance with 40 CFR Part 136. 40 CFR Part 136.3, Table 2 specifies an 8-hour holding time for fecal coliform. Based on review of laboratory reports several fecal coliform analyses were done outside of the 8-hour holding time including: August 6, 2021, which was analyzed/prepped 34 minutes after the holding time; June 23, 2021, fecal coliform analyzed/prepped over an hour out of the 8-hour holding time, and June 8, 2022 – 10 minutes out of holding time (See Att. 3 and below)


LABORATORY CERTIFICATE OF RESULTS

Bill-to Customer Information (C51237)

Customer Name:
Address:
Town:
Phone:
Email:
Fax:
Sample(s) delivered on

Water Source Location X51237-01

Source Name:
Address:
Town:
PWSID/SPEDES:
Contact Name:
Phone:

From COC#:

This report cannot be reproduced without written permission of Sullivan County Labs. Test results are limited to those methods under which our lab is certified by ELAP. Results only relate to actual samples collected.

Authorized By

nda Maier
ntake Administrator

5. Footnote 4 to the Table of Permit Limits in the Permit requires that a one-day instream monitoring be conducted when temperature at the WWTP Outfall 001 exceeds a daily maximum of 70°F (within a week of the exceedance). DMR records indicate that there were temperature exceedances in June, July and August 2021, and July and August 2022, but there was no record of instream monitoring required by Footnote 4 of the Permit. Additionally, the Report of Non-Compliance Event form submitted for the June 2021 temperature exceedances on or about July 28, 2021 (Att. 3) did not contain any information on the required instream temperature monitoring that was to be conducted.

6. The General Requirements of the Permit requires Proper Operation and Maintenance in accordance with 6 NYCRR Part 750-2.8:
   a. The plant has 16 Rotating Biological Contactors ("RBC"). RBC No. 7A has not been operating since December 2021 due to problems with the shaft;
   b. As shown in photo 1677 (Att.1) one of the two trickling filters only had flow through 2 of the 4 distribution arms at the same time that the level in the trickling filter bypass chamber was

elevated so a portion of the flow was bypassing the trickling filters (See Photo 1678). The WWTP plant was also receiving high flows at this time as well.

c. As shown in Photo 1664 one of the final clarifiers was being drained/cleaned for routine cleaning/maintenance at the same time that the plant was experiencing extremely high flows (10 MGD range) associated with the end of the Tisha B'Av/ 9 days holiday. Routine tank cleaning must be conducted at periods of low flow and not during periods of high flows into the WWTP. Additionally, during the inspection the primary clarifier effluent channels were flooded out. Wastewater from the primary clarifier discharge channel was flowing back over primary clarifier weirs and back into the clarifier;
d. As shown in photo 671 and 672 (Att. 1) There was flow from underneath the weirs from Primary Clarifier No. 4. Flow from clarifiers is supposed to flow over the weirs and not through cracks in the concrete or weir plates;
e. As shown in photo 683 Att. 1, there was a small hypochlorite leak in the hypo feed line tubing used for chlorination/disinfection.
f. As shown in photos 1666 to 1670 (Att.1) there is floating scum in the primary clarifiers that has made it past the scum trough and to the effluent weirs of the primary clarifiers. Note that scum from the primary clarifiers is collected in a tank (Att 1. 1666) and pumped back to the head of the plant before the bar screens. Given the amount of scum in the primary clarifier, it may be necessary to modify operations and waste the scum, instead of pumping it back to the head of the plant.
g. As shown in Photos 684 and 685, Att. 1, there was foam floating in the chlorine contact tank.
h. Bisulfite is added, following chlorination, for removal of residual chlorine. Chlorine addition was said to be flow paced, but bisulfite addition is not flow paced and is instead fed at a constant rate that can be manually adjusted. The pumps were said to be designed for flow pacing, but that feature was not operating. As shown in the Table of Effluent Exceedances (Table 1 above) there were total residual chlorine exceedances in May, June and July of 2022 and in May, August and September 2020.

7. As shown in photos 691 to 703, (Att. 1), the discharge from the Facility's outfall was turbid such that it was causing a visible contrast in water quality from the natural conditions in the Neversink River. The Narrative Water Quality Standards in 6 NYRCRR Part 703.2 specifies that there shall be no increase that will cause a substantial visible contrast to natural conditions. Please submit any records of submittals to NYSDEC regarding this incident per the General Conditions of the Permit/6 NYCRR Part 750-2.7.

8. The General Conditions of the Permit requires compliance with 6 NYCRR Part 750-2.7. Part 750-2.7(e) specifies that, the Permittee shall report all instances of noncompliance with permit conditions not otherwise required to be reported under these regulations in accordance with 6 NYCRR Part 750-2.7(d). Section (d) specifies that "the written report shall be submitted on a form prescribed by the department and, at a minimum, shall contain a description of the discharge, bypass, upset, or other incident and its cause; the period of the discharge, bypass, upset, or other incident, including exact dates and times, and if the discharge, bypass, upset, or other incident has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the discharge, bypass, upset, or other incident and its reoccurrence. Fallsburg's Report of Noncompliance Event Form for the TKN exceedance in June 2021 (Att. 2) failed to provide steps to reduce, eliminate or prevent the non-compliance and stated, "no immediate corrective actions applicable" and provided no long-term

corrective actions. However, in June 2021 and other months where Fallsburg had exceedances, Murray's Chicken exceeded its IU Permit limits for TKN, CBOD, and UOD. Ensuring compliance by Murray's Chicken with the IU Permit was something that should have been described in the Report of Noncompliance. As described in this paragraph, Fallsburg failed to adequately complete and comply with the reporting requirements of its Permit.

9. Review of laboratory reports and the Discharge Monitoring Reports for June 2021 and June 2022 identified the following:

   a. The Permit requires that fecal coliform weekly and monthly averages be reported as a geometric mean, not an arithmetic mean. For June 2021, the Permittee reported the arithmetic mean of 20.06 (From Data Points 21.3, 2, 1, 26.5, 49.5) on the DMR and not the monthly average fecal coliform geometric mean of 8.9 No./100 ML. Review of the Monthly Report from June 2022 also identified that DMR contained the 30-day arithmetic mean, not the 30-day geometric mean as required. Additionally, in June 2021 and June 2022 the DMR contained the same arithmetic mean for both the 7-day and 30-day geometric mean. Because the Facility is taking only 1 fecal coliform per week the June 2022 DMR should have contained the highest weekly sample result (63.8 col/100 ml, and not 29) and the June 2021DMR should have contained 49.5 col./100 ml instead of 20.06 for the 7-day geometric mean.

   b. In June 2021, the daily maximum copper and zinc concentration and loads reported on the discharge monitoring report ("DMR") were 10 times less than what was reported by the contract lab. For copper the laboratory reported 34.7 ug/L (0.0347 mg/L) for, but the value reported in the DMR was 0.00347 mg/L. The corresponding loading value for copper should have been recorded as 0.46 lbs/day, but was reported as 0.046 lbs/day. The Zinc concentration recorded in the laboratory report was 30.1 ug/L (0.0301 mg/L) was reported as 0.00301 on the DMR. Similarly the loading should have been reported as 0.399 lbs/day but was reported on the DMR as 0.0399 lbs/day. The flow rate on June 9, 2021, was 1.589 MGD. In June 2022, copper and zinc results were reported properly.

B. Areas of Concern

1. Based upon discussions with laboratory personnel the Dissolved Oxygen meter is not calibrated. The Permit, General Requirements, cites 6 NYCRR Part 750-2.5(a)(5) which requires proper calibration and maintenance of the monitoring equipment. EPA recommends calibration in accordance with the manufacturer's specifications and periodic verification of the accuracy of the D.O. meter utilizing the Winkler Method per 40 CFR Part 136 (e.g. method - Standard Method 4500-O (B-F)-2016);

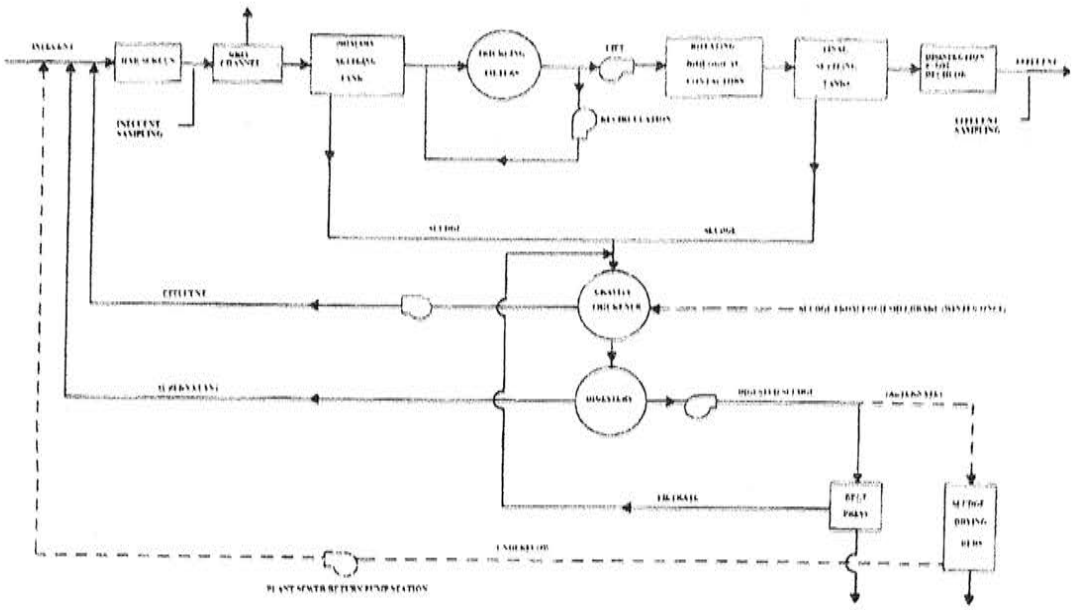
2. As shown in photos 680 to 682 (Att. 1) there was a buildup of sludge on the floating roof of digester No. 1.

3. A Report of Noncompliance for June 2022 (Attachment 2) stated that the pH minimum limit was exceeded 3 times in June and that the plant called up Murray's Chicken to have them increase caustic addition to raise the pH. As shown in Table 1 above there was a low pH

Permit Minimum Limit non-compliance in May of 2022 as well. Murray's Chicken's IU Permit does not contain a pH limit. EPA recommends revising the Murray's Chicken IU Permit to include continuous pH measurement and limits to protect the South Fallsburg WWTP and prevent pass through and interference required by 40 CFR Part §403.

4. As shown in photos 675 and 676, Att. 1, there is ponding in the center of one of the trickling filters with water exiting from the center shaft. The Operator indicated that there may be mercury filled bearings in the trickling filter and was concerned that repairing the bearings/center leaks could cause a release of mercury.

5. The permit requires at least 85% removal of CBOD and TSS. 40 CFR Part 133.101(j) defines percent removal as, "[a] percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period." Based on discussions with the Facility representative and the WWTP flow diagram in the Permit (seen below), return flows from the belt press (which flows to the gravity thickener), gravity thickener effluent, anaerobic digester supernatant, scum from the primary clarifiers are all returned to plant headworks upstream of the influent monitoring point. Therefore, percent removals are not based on the raw wastewater influent as required by 40 CFR Part 133.101(j).



6. Analytical test methods used for CBOD, TSS, TKN, Ammonia, Phosphorus, Fecal Coliform, listed in the laboratory reports from June 2021 were the 40 CFR part 136 approved methods. However, the analytical methods for copper and zinc were not listed in the laboratory report from June 9, 2021. Please provide the analytical methods used for copper and zinc.

7. The Stormwater Pollution Prevention Plan ("SWPPP") required by the Section of the Permit entitled SWPPP for POTWs with Stormwater Outfalls, requires that the SWPPP shall be reviewed annually, and that the permittee certify in writing as an attachment to the December DMR, that the annual review has been completed. The SWPPP was not available during the inspection, but it was provided to EPA following the inspection, and it was dated 2011. The SWPPP is in need of updating of sections including, but not limited to:

   a. Section 2.3 of the 2011 SWPPP, non-stormwater discharges documentation does not indicate that there are consistent dry weather flows from Outfall 002. This dry weather flow was documented during the inspection and was said to be uncontaminated groundwater (and was clear and free of foams, sheens and turbidity). Chemical Oxygen Demand sample results at Outfall 002 did not show signs of sewage contamination and were 19 mg/L and 30.2 mg/L in Nov. 21 and March 2022 respectively;

   b. Section 1.3 the Stormwater Pollution Prevention Team is out of date and does not include the current Chief Plant Operator (Mike Herbert) and other Plant staff.

   The SWPPP must be revised and please provide the required SWPPP annual review for 2021 and 2022 (if available).

8. During an on-site review of the Mercury Minimization Plan ("MMP") required by the Permit, the NYSDEC representative indicated that a more robust MMP to meet permit requirements may be needed.

C. Other Observations

1. The pH meter is calibrated with 4,7, and 10 buffers and calibration records maintained.

2. Settleable solids is tested on-site using an Imhoff Cone.

3. Composite samples aliquots are taken based on time not on flow.

4. There was an annual report for the Mercury Minimization Plan for 2021 dated January 3, 2022.

III. CLOSING

At the close of the inspection, the EPA inspectors discussed most, but not all, of the Findings with the Facility Representatives outside.

ATTACHMENTS

Attachment 1 – Photographs
Attachment 2 - Reports of Non-Compliance (Temperature and TKN) June 2021 and pH and Chlorine June 2022.
Attachment 3 – Coliform laboratory reports 6/23/21 and 6/8/22 out of holding time
Attachment 4 - NYSDEC NOV after the EPA/NYSDEC inspection - issued 9/18/22

Appendix B

AH-1.2

SECTION 1

New York State Department of Environmental Conservation
Division of Water

Report of Noncompliance Event

To: DEC Water Contact Susan Cockburn **DEC Region:** 3

Report Type: ___ *5 Day* ✓ *Permit Violation* ___ *Order Violation* ___ *Anticipated Noncompliance* ___ *Bypass/Overflow* ___ *Other*

SECTION 2

SPDES #: NY- 0024520 **Facility:** South Fallsburg Wastewater Plant

Date of noncompliance: 06/30/2021 **Location (Outfall, Treatment Unit, or Pump Station):** Outfall

Description of noncompliance(s) and cause(s): TKN Limit Exceedance

Has event ceased? Yes **If so, when?** _____ **Was event due to plant upset?** No **SPDES limits violated?** Yes

Start date, time of event: _____, _____ am **End date, time of event:** _____ _____ am

Date, time oral notification made to DEC? _____, _____ am **DEC Official contacted:** _____

Immediate corrective actions: No Immediate corrective actions applicable

Preventive (long term) corrective actions: _____

SECTION 3

Complete this section if event was a bypass:

Bypass amount: _____ Was prior DEC authorization received for this event? No

DEC Official contacted: _____ Date of DEC approval: _____

Describe event in "Description of noncompliance and cause" area in Section 2. Detail the start and end dates and times in Section 2 also.

SECTION 4

Facility Representative: Michael Herbert **Title:** Chief Operator **Date:** 7/28/2021

Phone #: 845 807 1728 **Fax #:** (____) _____

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Michael Herbert Digitally signed by Michael Herbert Date: 2021.07.28 09:04:01 -04'00'

Signature of Principal Executive Officer or Authorized Agent

Appendix B

SECTION 1

New York State Department of Environmental Conservation
Division of Water

Report of Noncompliance Event

To: DEC Water Contact Susan Cockburn **DEC Region:** 3

Report Type: ___ *5 Day* ✓ *Permit Violation* ___ *Order Violation* ___ *Anticipated Noncompliance* ___ *Bypass/Overflow* ___ *Other*

SECTION 2

SPDES #: NY- 0024520 **Facility:** South Fallsburg Wastewater Plant

Date of noncompliance: 06/28/2021 **Location (Outfall, Treatment Unit, or Pump Station):** outfall

Description of noncompliance(s) and cause(s): Temperature Violation at the Outfall of the WWTP on 6/28,29,30/2021

Has event ceased? No **If so, when?** _____ **Was event due to plant upset?** No **SPDES limits violated?** Yes

Start date, time of event: _____, _____ am **End date, time of event:** _____ _____ am

Date, time oral notification made to DEC? _____, _____ am **DEC Official contacted:** _____

Immediate corrective actions: No immediate corrective action applicable

Preventive (long term) corrective actions: _____

SECTION 3

Complete this section if event was a bypass:

Bypass amount: _____ Was prior DEC authorization received for this event? No

DEC Official contacted: _____ Date of DEC approval: _____

Describe event in "Description of noncompliance and cause" area in Section 2. Detail the start and end dates and times in Section 2 also.

SECTION 4

Facility Representative: Michael Herbert **Title:** Chief Operator **Date:** 7/28/2021

Phone #: 845 807 1728 **Fax #:** (____) _____

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Michael Herbert Digitally signed by Michael Herbert Date: 2021.07.28 09:01:17 -04'00'

Signature of Principal Executive Officer or Authorized Agent

Appendix B

SECTION 1

New York State Department of Environmental Conservation
Division of Water

Report of Noncompliance Event

To: DEC Water Contact Susan Cockburn *DEC Region:* 3

Report Type: ___ *5 Day* ✓ *Permit Violation* ___ *Order Violation* ___ *Anticipated Noncompliance* ___ *Bypass/Overflow* ___ *Other*

SECTION 2

SPDES #: NY- 0024520 **Facility:** South Fallsburg Wastewater Plant

Date of noncompliance: 06/12/2022 **Location (Outfall, Treatment Unit, or Pump Station):** outfall

Description of noncompliance(s) and cause(s): pH minimum limit exceeded 3 times in the month of June

Has event ceased? Yes **If so, when?** 6/14/2022 **Was event due to plant upset?** No **SPDES limits violated?** Yes

Start date, time of event: _____, _____ am **End date, time of event:** _____ _____ am

Date, time oral notification made to DEC? _____, _____ am **DEC Official contacted:** _____

Immediate corrective actions: called Murrays Chicken to up their caustic addition and raise their pH

Preventive (long term) corrective actions: _____

SECTION 3

Complete this section if event was a bypass:

Bypass amount: _____ Was prior DEC authorization received for this event? No

DEC Official contacted: _____ Date of DEC approval: _____

Describe event in "Description of noncompliance and cause" area in Section 2. Detail the start and end dates and times in Section 2 also.

SECTION 4

Facility Representative: Michael A Herbert **Title:** Chief Operator **Date:** 7/18/2022

Phone #: (845) 807 1728 **Fax #:** ( ) _____

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Michael Herbert Digitally signed by Michael Herbert Date: 2022.07.18 09:20:28 -04'00'

Signature of Principal Executive Officer or Authorized Agent

Appendix B

SECTION 1

New York State Department of Environmental Conservation
Division of Water

Report of Noncompliance Event

To: DEC Water Contact Steven Monteverde **DEC Region:** 3

Report Type: ___ *5 Day* ✓ *Permit Violation* ___ *Order Violation* ___ *Anticipated Noncompliance* ___ *Bypass/Overflow* ___ *Other*

SECTION 2

SPDES #: NY- 0024520 **Facility:** South Fallsburg Wastewater Plant

Date of noncompliance: 06/01/2022 **Location (Outfall, Treatment Unit, or Pump Station):** Outfall

Description of noncompliance(s) and cause(s): Chlorine Limit exceeded 6 times in June 2022. Highest of 1.81 was due to our sodium bisulfate (cl2 neutralizer) line breaking. it was found and repaired same day. The remaining 5 violations are minimal exceddences which could have been caused by sudden flow change or testing equipment parameters

Has event ceased? Yes **If so, when?** 6/28/2022 **Was event due to plant upset?** No **SPDES limits violated?** Yes

Start date, time of event: _____, _____ am **End date, time of event:** _____ _____ am

Date, time oral notification made to DEC? _____, _____ am **DEC Official contacted:** _____

Immediate corrective actions: fixed chemical line

Preventive (long term) corrective actions: _____

SECTION 3

Complete this section if event was a bypass:

Bypass amount: _____ Was prior DEC authorization received for this event? No

DEC Official contacted: _____ Date of DEC approval: _____

Describe event in "Description of noncompliance and cause" area in Section 2. Detail the start and end dates and times in Section 2 also.

SECTION 4

Facility Representative: Michael A Herbert **Title:** Chief Operator **Date:** 7/18/2022

Phone #: (845) 807 1728 **Fax #:** ( )

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Michael Herbert Digitally signed by Michael Herbert Date: 2022.07.18 09:24:58 -04'00'

Signature of Principal Executive Officer or Authorized Agent

1443

AG ENVIRONMENTAL RSC, LLC

LABORATORY CERTIFICATE OF RESULTS

NYSDOH ELAP # 12081
PA DEP # 68-05705
FLORIDA (Legionella) # E871152

86 Queen Mountain Road, Ferndale, New York, 12734 / Phone: 845.704.8151 / Fax: 845.414.0051

Original Report #: 24053

Bill-to Customer Information (C51237)		**Water Source Location X51237-01**	
Customer Name:	Town of Fallsburg	**Source Name:**	South Fallsburg WWTP
Address:	P.O. Box 2019	**Address:**	5410 Rt. 42
Town:	SOUTH FALLSBURG **State:** NY **Zip:** 12779	**Town:**	SOUTH FALLSBURG **State:** NY **Zip:** 12779
Phone:	845-807-1728	**PWSID/SPDES:**	NY0024520
Email:	mherbert@fallsburgny.com	**Contact Name:**	Mike Herbert
Fax:		**Phone:**	845-807-1728

Sample(s) delivered on 06/01/2022 **at** 10:15 AM — **From COC#:** A1731

Sample#	MTX	Sample Point	Sampled Date & Time	Temp	Pres. Y/N/T	Res Cl	Int	Anal/Prep Date & Time	Analyte/Test Method	Comment (see table)	Results	MCL/SMCL (Limits)
S000055712	WW-G	SF EFF	06/01/2022 07:50 AM	16.7°C	T		CP	06/01/2022 04:47 PM	Fecal Coliform Count by Colilert-18 Method	N TFECC-WW-1654115238644	Fecal Coliform : < 1 MPN/ 100 mL	

Comment Table: N - No Comment |
Remarks: T = Sodium Thiosulfate | Amended to correct fecal sampling time

Authorized By:

K. Chilson

Krista Chilson
Lab Intake Specialist

Sample#	MTX	Sample Point	Sampled Date & Time	Temp	Pres. Y/N/T	Res Cl	Int	Anal/Prep Date & Time	Analyte/Test Method	Comment (see table)	Results	MCL/SMCL (Limits)
S000058826	WW-C	EFFLUENT	06/23/2021 07:30 AM	10.6°C	Y		MH	07/02/2021 07:57 AM	TKN by S4500NH3G-11 and Ammonia by ASTM D6919-09	Lab ID: 3184391009 ALS/ 3184391	Total Kjeldhal Nitrogen : 13.2 mg/L Ammonia : 11.4 mg/L	
S000040554	WW-G	EFFLUENT	06/23/2021 07:30 AM	10.6°C	T		MH	06/23/2021 04:37 PM	Fecal Coliform Count by Colilert-18 Method	N TFECC-WW-1624479391250	Fecal Coliform : 26.5 MPN/100 mL	

Comment Table: ALS - Sample Subcontracted to ALS environmental | N - No Comment |
Remarks: T = Sodium Thiosulfate |

Authorized By:

Amanda Maier
Lab Intake Specialist

BWC
(Revised – 04/2019)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
MUNICIPAL WASTEWATER TREATMENT FACILITY INSPECTION

NEW YORK STATE | Department of Environmental Conservation

Violations of 6 NYCRR Part 750 are subject to applicable civil, administrative, and criminal sanctions set forth in ECL Article 17 and as appropriate, the Clean Water Act.
This form is a record of conditions which are observed in the field at the time of inspection and documentation of compliance with Part 750.

Facility Name, Address, Phone Number(s): South Fallsburg WWTP, 5410 Route 42, South Fallsburg, NY 12779 845-434-6320				
Permittee Name, Address, Phone Number(s): Town of Fallsburg, 19 Railroad Plaza, South Fallsburg, NY 12779 845-434-6320				
Permittee/LRP E-mail: krappaport@fallsburgny.com	**Municipality (C/T/V):** Fallsburg	**County:** Sullivan	**SPDES Number: NY** 0024520	**DEC Region:** 03
Inspector's Name and Title: Douglas Upright, Professional Engineer I				**Date:** 8/8/2022
Facility Representative(s) and Company(ies): Mike Herbert, Town of Fallsburg				**Time:** 9:00 AM
Name and Class of Receiving Water: Neversink River, B(T)				**Weather:** Sunny
Inspection Type: COMPREHENSIVE		UNANNOUNCED	**Overall Inspection Rating:** UNSATISFACTORY	

CODES: **S** = Satisfactory **M** = Marginal **U** = Unsatisfactory **F** = Follow-up **NR**: Not Rated **NA**: Not Applicable **NI** = Not Inspected

A. Facility Description / General: ☐ NI ☐ NA

	Rating	Item:	Comments	Citation/ Reference	F
1.	S	A copy of SPDES permit available on-site?		Part 750-2.1	
	S	(a) Permit valid or expired (Date if expired)?		Part 750-2.1	
2.	S	Are all outfall discharge points permitted?		Part 750-1.12	
3.	NA	Notified DEC of new/modified discharges?		Part 750-1.12	
4.	S	Housekeeping (Office/grounds/lab)?		Part 750-2.8	
5.	U	Flow metering (Types/location/calibration)?	Calibrated July 2021, appointment scheduled for calibration	Part 750-2.5	✓
6.	S	Odor complaints/issue? (If any odor issues, dates/corrective actions)	None noted	Part 750-2.8	
7.	S	Noise complaints/issue? (If any noise issues, dates/corrective actions)	None noted	Part 750-2.8	
8.	S	WTCs used/records properly maintained?	Polymer for sludge conditioning, chlorine and Soduim bisulfate	Part 750-2.5	
9.	S	Nearby water supply(concerns)?	None noted	Part 750-2.8	
10.	NA	Other (Specify)?			

Click Left Button to Clear the Form

B. Collection System / Pump Station: ☐ NI ☐ NA

100 % Separate, % Combined. Population of collection system: Miles of Pipe:

Number of pump stations in system: Number pump stations inspected:

	Rating	Item:			F
1.	S	Sewer overflows upstream of the plant? If any CSO/SSO (List reason/location)	No overflows noted	Part 750-2.8	☐
2	S	Unpermitted overflows/bypasses inside the plant since last inspection? (If any, list date/corrective action)	None noted	Part 750-2.8	☐
3.	NA	Date when overflow/bypass channel used?		Part 750-2.8	☐
4.	NR	Any other in plant bypass designed for WWTP?	RBC's and secondary clarifiers can be bypassed following the Trickling filters	Part 750-2.8	☐
		(a) List bypass frequency (Times per year).		Part 750-2.8	☐
		(b) List average duration of bypass (Hours).		Part 750-2.8	☐
5.	NA	CSO/SSO reported via NY-Alert/corrective action?	None noted	Part 750-2.7	☐
6.	NA	CSO/SSO routinely inspected?		Part750-2.8	☐
7.	M	Infiltration/Inflow (I/I) (Present)?	I/I present but not noted to effect operations	Part 750-2.9	☐
8.	NR	I/I corrective actions? (TV/lining/sealing/replacement/inspections)		Part 750-2.9	☐
9.	U	Collection system inspection program?	No written inspection program available	Part 750-2.8	☐
	U	(a) Pump station inspection program?	No written inspection program available	Part 750-2.8	☐
10.	M	BMP/Wet Weather Plan (Date/reviewed)?	Should be updated to include NY alert procedures	Part 750-2.9	☐
11.	S	Sewer Use Ordinance (SUO) (Date/copy)?		Part 750-2.9	☐
12.	S	Are all pump stations operational? (Backup/SCADA/telemetry/monitoring)	Alarms present at pump stations.	Part 750-2.8	☐
		(a) No. pumps operational (Dry/wet weather)?		Part 750-2.8	☐
13.	S	Backup/spare pumps/parts available?		Part 750-2.8	☐
14.	NA	Other (Specify)?			☐

C. Industrial Waste/Pretreatment: ☐ NI ☐ NA

	Rating	Item:			F
1.	S	Mini program required by SPDES permit?	Murrays Chicken	Part 750-2.9	
2.	S	Industrial waste discharge permits issued?	Yes, violations of local limits noted	Part 750-2.9	
3.	S	Industrial waste accepted (Problems)?		Part 750-2.8	
4.	S	Outside septage accepted (Problems)?	yes	Part 750-2.8	
5.	S	Monitoring reqd./available for hauled waste?	yes	Part 750-2.5	
6.	NA	Other (Specify)?			

D. Preliminary/Primary Treatment: ☐ NI ☐ NA

	Rating	Item:			F
1.	NA	Influent pumps/wet wells/SCADA?		Part 750-2.8	
	NA	(a) Corrosion observed?		Part 750-2.8	
2.	S	Screens/Comminutor?	Bar screen	Part 750-2.8	
		(a) No./type/cleaning method (Auto/manual)?	mechanical with washer compactor	Part 750-2.8	
3.	S	Screenings/Grit removal (records)?	Grit chamber with classifier	Part 750-2.5	
4.	S	Flow equalization present/needed?		Part 750-2.8	
5.	U	Settling/Septic tanks?	Wier in tank 4 has failed	Part 750-2.8	
6.	NI	Sludge depth in primary clarifiers?		Part 750-2.8	
7.	U	Condition of primary clarifier effluent?	Grease reaching RBCs	Part 750-2.8	
8.	NR	Other (Specify)?	Weirs submerged by flow condition at time of inspection		

E. Secondary Biological Treatment: ☐ NI ☐ NA

	Rating	Item:			F
1.	U	Fixed film/Suspended growth? (Specify recycle rate)	Trickling filters, some arms not receiving flow despite hydraulic overload	Part 750-2.8	
2.	M	Rotating Biological Contactors? (Specify shaft weight/flow)	two trains of 8 units. 2nd stage in train A (unit 7a) offline due to failed shaft	Part 750-2.8	
3.	NA	Activated sludge/MBR/SBRs?		Part 750-2.8	

4.	NA	Foaming/filamentous issues?		Part 750-2.8	
5.	NA	Stabilization Ponds/Lagoons?		Part 750-2.8	
6.	NA	Sand filter (recycle rate) ?		Part 750-2.8	
7.	NA	Process control values?		Part 750-2.8	
8.	NA	Other(Specify)?			

F. Secondary Clarifier: ☐ NI ☐ NA

	Rating	Item:			F
1.	M	Foam/solids/grease present on surface?	Grease and solids reaching secondary	Part 750-2.8	
2.	S	Tank/weir cleaning date & weir level?	Each tank taken down weekly for cleaning	Part 750-2.8	
3.	M	Denitrification/gas bubbles on surface?	Some	Part 750-2.8	
4.	S	Sludge blanket depth & RAS/WAS rates?		Part 750-2.8	
5.	S	Scum arm condition?		Part 750-2.8	
6.	U	Secondary effluent quality?	Turbidity and foam noted at the chlorine contact tank	Part 750-2.8	
7.	S	Loss of solids reported/observed? Other		Part 750-2.8	
8.	NA	(Specify)?			

G. Tertiary Treatment: ☐ NI ☒ NA

	Rating	Item:			F
1.		Filtration (Specify type)?		Part 750-2.8	
2.		Microfiltration?		Part 750-2.8	
3.		Activated carbon adsorption?		Part 750-2.8	
4.		Nitrification?		Part 750-2.8	
5.		Denitrification?		Part 750-2.8	
6.		Post-aeration?		Part 750-2.8	
7.		Phosphorus removal?		Part 750-2.8	
8.		Other (i.e. Polishing ponds, Ammonia stripping, etc.) (Specify)?		Part 750-2.8	

H. Disinfection: ☐ NI ☐ NA

	Rating	Item:			F
1.	S	Chlorination/Dechlorination type (Gas/ Liquid/Solid)? (Dose/feed pump settings)	Sodium Hypochlorate and sodium bisulphate (liquid)	Part 750-2.8	
2.	NR	Chlorine monitoring (Level)?		Part 750-2.8	
3.	NA	Ultraviolet (UV) light (Setting)?		Part 750-2.8	
4.	U	Other (Specify)?	Pin hole in chlorine feed line, however was discharging to chlorine contact tank		

I. Final Effluent: ☐ NI ☐ NA

	Rating	Item:			F
1.	NA	Polishing pond (Odor/foam/solids/algae)?		Part 750-2.8	
2.	U	Effluent quality (Odor/turbidity/color)?	Turbid and white	Part 750-2.8	
3.	U	Receiving water condition(Up/downstream)	Visible contrast in water quality at outfall. Increased algae and vegetation in down stream area.	Part 750-2.8	
4.	S	Outfall sign at each discharge point?		Part 750-1.12	
5.	NA	Other (Specify)?			

J. Sludge Handling: ☐ NI ☐ NA

	Rating	Item:			F
1.	S	Sludge disposal? (List name and loc. of disposal sites/hauler)	Luzon Environmental (3A-005)	Part 750-2.8	
2.	M	Digestion (Functioning properly/type)?	anaerobic, Sludge on roof of digester from gas bubbles	Part 750-2.8	
3.	S	Sludge pumps?		Part 750-2.8	
4.	S	Sludge Dewatering (Type)?	Gravity thickner and belt press	Part 750-2.8	
5.	S	Maintenance of sludge pumps ?		Part 750-2.8	
6.	S	Records available for disposal practices?		Part 750-2.5	
7.	NA	Other (Specify)?			

K. Sampling Evaluation and Lab Information: ☐ NI ☐ NA

	Rating	Item:			F
1.	S	Written sampling plan? (Plan being followed)?	yes	Part 750-2.5	
2.	NA	Need to modify sampling frequency/types? (Explain)		Part 750-2.5	
3.	S	Samples collected at specified locations?		Part 750-2.5	
4.	S	Adequate for representative sample?		Part 750-2.5	
5.	S	Automatic sampler used? (Condition)	yes, temps correct in fridges. Some growth in containers	Part 750-2.5	
6.	S	Type of samples collected (Grab/composite)?	grabs and composites as required by permit	Part 750-2.5	
7.	S	If composite, minimum of 8 grab samples?	24 hour composites with 24 samples.	Part 750-2.5	
8.	NA	Permittee ELAP certified? (If yes, provide ELAP certificate #)	No longer ELAP certified	Part 750-2.5	
9.	S	Is the commercial laboratory ELAP certified? (List lab name, address and ELAP cert. #)	Sullivan county labs, Certificate #12081	Part 750-2.5	
10.	U	EPA-approved testing procedures followed?	Fecal Coliform samples overtime in June 2022, August 2021. CBOD hold time exceeded in June 2021.	Part 750-2.5	
	S	Testing done for all parameters as required?	yes	Part 750-2.5	
11.	S	WET (Whole Effluent Toxicity) testing?	yes, passed in 2021	Part 750-2.5	
12.	S	Instrumentation calibrated & maintained?	Yes	Part 750-2.5	
13.	S	Daily calibration, log books maintained?	Yes	Part 750-2.5	
14.	M	Lab supplies are not expired? (Date if expired)	pH 10 standard out of date, typically only 4 and 7 used for calibration	Part 750-2.5	
15.	S	Are lab records retained at facility?		Part 750-2.5	
16.	NA	Is process control testing performed? (Discuss target values)		Part 750-2.5	
17.	NA	MLSS for day/week/month?		Part 750-2.8	
18.	NA	SVI for day/week/month?		Part 750-2.5	
19.	NA	Microscopic analysis of MLSS?		Part 750-2.5	
20.	NA	5/30 minutes settleometer (Day/week/month)?		Part 750-2.5	
21.	S	Monitoring records kept minimum 5 years?		Part750-2.5	
22.	S	Flow records maintained (Influent/effluent)?		Part750-2.5	
23.	NA	Other (Specify)			

L. Operation and Maintenance (Additional Info.): ☐ NI ☐ NA

	Rating	Item:			F
1.	S	Preventive maintenance plan (Method)?		Part750-2.5	
2.	S	Records of maintenance/repair cost maintained (Method)?		Part750-2.5	
3.	M	Spare parts inventory?	No written inventory maintained	Part750-2.8	
4.	S	Current O&M manual?		Part750-2.8	
5.	S	O & M manual maintained?		Part750-2.5	
6.	S	Organizational chart for O &M staff?		Part750-2.5	
7.	S	Alarm systems (List)?	Dialers	Part750-2.8	
8.	S	Back-up power (Exercised)?	Exercised weekly, under load annually	Part750-2.8	
9.	NA	Unapproved bypass during power failure (If any, date/corrective action)		Part750-2.8	
10.	U	Written back-up power emergency plan?		Part750-2.8	
11.	S	All required treatment units in service during back-up power use?		Part750-2.8	
12.	U	Hydraulic/organic overloads?	7.7MGD instantaneous flow observed during section, hydraulic overload contributed to WQV	Part750-2.8	
13.	S	Schedule for removing critical equipment from service for routine maintenance?		Part750-2.8	
14.	U	Safety railings/gratings in place/good condition?	Several trip hazards present on RBCs	Part 750-2.8	
15.	S	Lights, ventilation operational (Wet wells)?		Part 750-2.8	
16.	S	As-built plans for collection system /WWTP?		Part750-2.5	
17.	NA	Other (Specify)?			

M. Staffing / Personnel Information: ☐ NI ☐ NA

	Rating				F
1.	S	Staffing adequate?		Part 650	
2.	S	Certification/grade adequate?		Part 750-2.8 & Part 650	
3.	S	Plant score and grade?	83/Grade 4	Part 750-2.8	

4.	S	Chief operator name, Grade, Cert. #, Exp?	Michael Herbert, Grade 4, #14811, exp. 5/1/2024	& Part 650 Part 750-2.8 & Part 650
5.	S	Asst. operator Name, Grade, Cert. #, Exp.?	Chet Williams, Grade 3A, #8608, exp. 9/1/2024	Part 750-2.8 & Part 650
6.	NR	WWTP responsible for collection system?	DPW responsible for collection system	Part 650
7.	NR	Operators responsible for water supply?	Water Department responsible for water supply	Part 650
8.	S	Is Chief Operator present at the WWTP as per required guideline?		Part 650
9.	S	Is certified WWTP operator present at the plant as per required guideline?		Part 650

N. Fiscal: ☐ NI ☐ NA

How sewer rates are assessed (Flat vs metering)? Flat rate

How is the plant budget developed? Developed by Town Comptroller

Asset Management Plan (AMP)? no AMP Prepared/Date? Plans to update AMP?

Is AMP used to assess/prioritize critical system components?

Compliance Status (Orders, Schedules, etc.):

Comments:

Accompanied Murray Lantner, P.E. of USEPA for the inspection.

☒ **Photographs attached:** _____

☐ **Attachments (graphs, diagrams, etc.):** _____

☐ **DMR Issues:** _____

☐ **SPRTK Issues:** _____

☐ **NetDMR Issues:** _____

Douglas Upright, P.E. 9/9/22

Inspector's Signature / Date

Att. 4

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3000 I F: (845) 255-3414
www.dec.ny.gov

SENT VIA EMAIL ONLY: krappaport@fallsburgny.com

September 8, 2022

Kathleen Rappaport
Supervisor, Town of Fallsburg
PO Box 2019
South Fallsburg, NY 12779

Re: NOTICE OF VIOLATION
South Fallsburg WWTP
5410 Route 42
Town of Fallsburg, Sullivan County
SPDES No. NY0024520

Dear Supervisor Rappaport,
On August 8, 2022, the Department conducted an inspection of the above referenced facility to evaluate compliance with the State Pollutant Discharge Elimination System (SPDES) permit and Article 17 of the Environmental Conservation Law (ECL). Please refer to the attached copy of the inspection report for detailed information and note that the facility received an unsatisfactory rating.

During the Department's inspection the following violations were noted:

1. The discharge from the facilities outfall was turbid such that it was causing a visible contrast in water quality from the natural conditions in the Neversink Creek. This is a violation of 6 NYRCRR Part 703.2 and article 17 of the ECL.
2. The permittee shall at all times properly operate and maintain all disposal facilities which are installed to achieve compliance with the conditions of the permit. Failure to do so is a violation of 6 NYCRR 750-2.8 and Article 17 of the ECL. The following maintenance violations were noted:
    a. The effluent weir of primary clarifier #4 was undermined by corrosion and was contributing to insufficient primary treatment.
    b. Several of the trickling filter distribution arms were not receiving flow at the time of the inspection.
    c. A pin hole was noted in the chlorine feed line.
    d. The facility flow meter was overdue for calibration.
    e. RBC unit 7A was offline at the time of the inspection.
3. A review facility discharge monitoring data found exceedances of the facility total residual chlorine effluent limitation in May and June of 2022. These exceedances are violations of the facility SPDES permit and Article 17 of the ECL.

PLEASE TAKE FURTHER NOTICE THAT failure to comply with the SPDES permit and/or 6NYCRR Part 750 constitutes a violation of the NYS Environmental Conservation Law (ECL) and subjects the violator to penalties up to $37,500 per day per violation. The Department recognizes that an engineering study is underway regarding the expansion of the facility. The department will take this into consideration when determining appropriate enforcement actions. The hydraulic conditions noted during this inspection should be considered in planning for this upgrade.

During the inspection it was noted that the laboratory exceeded sample hold times on several occasions. The results of these analyses are invalid and the DMRs for August 2021 and June 2022 should be corrected by October 8, 2022.

Your cooperation in operating and maintaining this facility, complying with your SPDES permit, and the protection of New York's waters is anticipated. Should you have any questions, please contact me at (845) 255-3760 or via email at douglas.upright@dec.ny.gov.

Sincerely,

Douglas J. Upright, P.E.
Professional Engineer I

enc: Inspection Report
ecc: Manju Cherian, P.E., NYSDEC
Michael Herbert, Town of Fallsburg

Appendix C

Preliminary SPDES Permit Limits

SPDES Permit Preliminary Limit and Permit Comparison

Parameter	Current Discharge Limits		PER Proposed Discharge Limits		DEC Preliminary Discharge Limits with Avon Discharging		DEC Preliminary Discharge Limits without Avon Discharging		DEC Preliminary Discharge Limits with Mussels Present		*Specical Conditions
Flow	3.3 MGD	Monthly Average	4.5 MGD	Monthly Average	4.5 MGD	Monthly Average	4.5 MGD	Monthly Average	4.5 MGD	Monthly Average	None
$CBOD_5$	25 mg/l (690 lbs/day)	Monthly Average	18 mg/l (690 lbs/day)	Monthly Average	NA	NA	NA	NA	NA	NA	None
$CBOD_5$	*38 mg/l (1000 lbs/day)	7-Day Average	27 mg/l (1000 lbs/day)	7-Day Average	10 mg/l (375 lbs/day)	7-Day Average	15 mg/l (563 lbs/day)	7-Day Average	20 mg/l (751 lbs/day)	7-Day Average	Applies during drought conditions only
UOD	*Monitor (810 lbs/day)	7-Day Average	Monitor (810 lbs/day)	7-Day Average	NA	NA	NA	NA	NA	NA	Applies during drought conditions only
Solids, Total Suspended	25 mg/l (690 lbs/day)	Monthly Average	18 mg/l (690 lbs/day)	Monthly Average	22.57 mg/l (847.5 lbs/day)	Monthly Average	22.57 mg/l (847.5 lbs/day)	Monthly Average	22.57 mg/l (847.5 lbs/day)	Monthly Average	None
Solids, Total Suspended	*38 mg/l (1000 lbs/day)	7-Day Average	27 mg/l (1000 lbs/day)	7-Day Average	38 mg/l (1,426 lbs/day)	7-Day Average	38 mg/l (1,426 lbs/day)	7-Day Average	38 mg/l (1,426 lbs/day)	7-Day Average	Applies during drought conditions only
Solids, Settleable	*0.3 ml/l	Daily Maximum	0.3 ml/l	Daily Maximum	0.3 ml/l	Daily Maximum	0.3 ml/l	Daily Maximum	0.3 ml/l	Daily Maximum	Applies during drought conditions only
Solids, Total Dissolved	*Monitor	Daily Maximum	Monitor	Daily Maximum	1,000 mg/l	Daily Maximum	1,000 mg/l	Daily Maximum	1,000 mg/l	Daily Maximum	Applies during drought conditions only

Parameter	Current Discharge Limits		PER Proposed Discharge Limits		DEC Preliminary Discharge Limits with Avon Discharging		DEC Preliminary Discharge Limits without Avon Discharging		DEC Preliminary Discharge Limits with Mussels Present		*Specical Conditions
Dissolved Oxygen	4.0 mg/l	Daily Minimum	4.0 mg/l	Daily Minimum							None
pH	6.0-9.0		6.0-9.0		6.0-9.0		6.0-9.0		6.5-8.5		None
Nitrogen, TKN (as N) from June 1 – Oct. 31	17 mg/l	Daily Maximum	17 mg/l	Daily Maximum	NA	NA	NA	NA	NA	NA	None
Nitrogen, TKN (as N) from Nov. 1 – May 31	Monitor	Monthly Average	Monitor	Monthly Average	NA	NA	NA	NA	NA	NA	None
Nitrogen, TKN (as N)	NA	NA	NA	NA	2.15 mg/l (80.84 lbs/day)	Monthly Average	2.15 mg/l (80.84 lbs/day)	Monthly Average	2.15 mg/l (80.84 lbs/day)	Monthly Average	None
Nitrogen, Ammonia (as N) from June 1 – Oct. 31	9.0 mg/l	MonthlyAverage	9.0 mg/l	MonthlyAverage	NA	NA	NA	NA	0.9 mg/l (34 lbs./day)	Monthly Average	None
Nitrogen, Ammonia (as N) from Nov. 1 – May 31	Monitor	Monthly Average	Monitor	Monthly Average	NA	NA	NA	NA	1.8 mg/l (69 lbs./day)	Monthly Average	None
Nitrogen, Ammonia (as N)	NA	NA	NA	NA	2.14 mg/l (80.41 lbs/day)	Monthly Average	2.14 mg/l (80.41 lbs/day)	Monthly Average	NA	NA	None
Nitrogen, Ammonia (as N)	Monitor	Daily Maximum	Monitor	Daily Maximum	NA	NA	NA	NA	NA	NA	None
Nitrogen, Ammonia (as N)	*4.0 mg/l	Monthly Average	4.0 mg/l	Monthly Average	NA	NA	NA	NA	NA	NA	Applies during drought conditions only

Parameter	Current Discharge Limits		PER Proposed Discharge Limits		DEC Preliminary Discharge Limits with Avon Discharging		DEC Preliminary Discharge Limits without Avon Discharging		DEC Preliminary Discharge Limits with Mussels Present		*Specical Conditions
Nitrogen, Nitrate (as N)	*Monitor	Daily Maximum	Monitor	Daily Maximum	9.43 mg/l (354.24 lbs/day)	Monthly Average	9.43 mg/l (354.24 lbs/day)	Monthly Average	9.43 mg/l (354.24 lbs/day)	Monthly Average	Applies during drought conditions only
Nitrogen, Nitrite (as N)	*Monitor	Daily Maximum	Monitor	Daily Maximum	NA	NA	NA	NA	NA	NA	Applies during drought conditions only
Phosporous (as P)	Monitor	Monthly Average	Monitor	Monthly Average	2.0 mg/l (75.2 lbs/day)	Monthly Average	2.0 mg/l (75.2 lbs/day)	Monthly Average	2.0 mg/l (75.2 lbs/day)	Monthly Average	None
Dissolved Oxygen	4.0 mg/l	Daily Minimum	4.0 mg/l	Daily Minimum	6.0 mg/l	Daily Minimum	6.0 mg/l	Daily Minimum	7.0 mg/l	Daily Minimum	None
Chlorine, Total Residual (daily maximum)	0.05 mg/l	Daily Maximum	0.05 mg/l	Daily Maximum	0.03 mg/l	Daily Maximum	0.03 mg/l	Daily Maximum	0.03 mg/l	Daily Maximum	None
Coliform, Fecal	200 No./100 ml	30-Day Geometric Mean	200 No./100 ml	30-Day Geometric Mean	200 No./100 ml	30-Day Geometric Mean	200 No./100 ml	30-Day Geometric Mean	200 No./100 ml	30-Day Geometric Mean	None
Coliform, Fecal	400 No./100 ml	7-Day Geometric Mean	400 No./100 ml	7-Day Geometric Mean	400 No./100 ml	7-Day Geometric Mean	400 No./100 ml	7-Day Geometric Mean	400 No./100 ml	7-Day Geometric Mean	None
Copper, Total	1.6 lbs/day	Daily Maximum	1.6 lbs/day	Daily Maximum	1.31 µg/l (0.05 lbs/day)	Daily Maximum	1.31 µg/l (0.05 lbs/day)	Daily Maximum	1.31 µg/l (0.05 lbs/day)	Daily Maximum	None
Mercury, Total	50 ng/l	Daily Maximum	50 ng/l	Daily Maximum	50 ng/l	Daily Maximum	50 ng/l	Daily Maximum	50 ng/l	Daily Maximum	None
Zinc, Total	3.3 lbs/day	Daily Maximum	3.3 lbs/day	Daily Maximum	39.5 µg/l (1.48 lbs/day)	Daily Maximum	39.5 µg/l (1.48 lbs/day)	Daily Maximum	12.2 µg/l (0.46 lbs/day)	Daily Maximum	None

Parameter	Current Discharge Limits		PER Proposed Discharge Limits		DEC Preliminary Discharge Limits with Avon Discharging		DEC Preliminary Discharge Limits without Avon Discharging		DEC Preliminary Discharge Limits with Mussels Present		*Specical Conditions
Tempurature	70°F	Action Level	70°F	Action Level*	70°F	Action Level*	70°F	Action Level*	70°F	Action Level*	None
WET – Acute Invertebrate	1.6 TUa		NA	NA	0.3 TUa		0.3 TUa		0.3 TUa		None
WET – Acute Vertebrate	1.6 TUa		NA	NA	0.3 TUa		0.3 TUa		0.3 TUa		None
WET – Chronic Invertebrate (action level)	9.9 TUc		NA	NA	3.2 TUa		3.2 TUa		1.0 TUa		None
WET – Chronic Vertebrate (action level)	9.9 TUc		NA	NA	3.2 TUa		3.2 TUa		1.0 TUa		None
Cyanide	NA	NA	NA	NA	17 µg/l	Daily Maximum	17 µg/l	Daily Maximum	5.2 µg/l	Daily Maximum	None
Total Phenolic Compounds	NA	NA	NA	NA	16 µg/l	Daily Maximum	16 µg/l	Daily Maximum	5.0 µg/l	Daily Maximum	None

Appendix D

SEQR Negative Declaration Resolution

DONNA AKERLEY
Town Clerk, Registrar
Tax Collector
and Marriage Officer
www.townoffallsburg.com

TOWN CLERK'S OFFICE
TOWN OF FALLSBURG
P.O. Box 2019
19 Railroad Plaza
South Fallsburg, New York 12779
Phone: (845) 434-8810 Ext. 1
Fax: (845) 434-8809

RESOLUTION NO. 142 OF 2022
ADOPTED MAY 23, 2022
SOUTH FALLSBURG WASTEWATER TREATMENT PLANT UPGRADE
SEQRA NEGATIVE DECLARATION

WHEREAS, the Action includes on-site wastewater treatment plant process improvements and equipment replacement due to the lack of capacity to handle future growth and the aged/degraded physical condition of the current facility; and

WHEREAS, the Action includes an increase in treatment capacity from 3.25 MGD to 4.5 MGD, and the installation of a membrane bioreactor (MBR) to provide effluent quality with BOD and TSS of less than 5 mg/l which is capable of phosphorous and nitrogen removal without the need for effluent polishing filters; and

WHEREAS, the Action involves the physical disturbance of more than one acre on a 15-acre property; and

WHEREAS, the Town of Fallsburg Town Board declared its intent to act as State Environmental Quality Review Act (SEQRA) Lead Agency in a coordinated review; and

WHEREAS, a completed Part I of the Full Environmental Assessment Form (FEAF), pursuant to SEQRA was submitted to the Town of Fallsburg Town Board and the project is considered to be a Type I Action; and

WHEREAS, an alternatives analysis was conducted including N0-Action, a Sequencing Bioreactor (SBR), and hollow fiber MBR vs. a flat plate MBR, and the hollow fiber MBR system was determined to be the preferred alternative; and

WHEREAS, while the proposed action will increase the plant's treatment capacity, the increased capacity is not sufficient to induce new development.

WHEREAS, while the proposed action's construction will continue for more than one year, it is not anticipated to cause a significant potential impact to the land due to the site being previously disturbed and most of the upgrades being internal to the existing facility; and

WHEREAS, while wetlands are located along the Neversink River on the site of the proposed Action, no significant potential impact is anticipated from the upgrades to a site already in use as a wastewater treatment plant; and

WHEREAS, while the proposed action occurs on land within the 100-year flood plain, all development will be located above the flood elevations; and

WHEREAS, while the Brook Floater Mussels have been identified within the Neversink River, ongoing monitoring is already underway and these improvements are not anticipated to cause a significant potential impact to the threatened species; and

WHEREAS, while there may be an increase in noise, odor, and outdoor lighting, it shall be contained within the boundaries of the property and minimized to the greatest extent practicable;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town of Fallsburg Town Board shall be, and hereby confirms its designation as, SEQRA Lead Agency.

2. The Town of Fallsburg Town Board has reviewed Part I of the FEAF, has completed Part II and III of the FEAF, and after review finds it complete and accurate.

3. The Town of Fallsburg Town Board, as SEQRA Lead Agency, hereby determines that the proposed South Fallsburg Wastewater Treatment Plant Upgrade will not have a significant adverse environmental impact on the environment for the reasons set forth in the Negative Declaration attached hereto and made a part of this resolution and adopted on this date.

4. The Town Supervisor shall sign Part 3 of the FEAF indicating thereon that an Environmental Impact Statement will not be prepared and cause the Notice of Determination of Non-Significance attached to be filed as required by law.

A MOTION TO ADOPT THIS RESOLUTION WAS:

Offered by Deputy Supervisor Wall-Carty Seconded by Councilperson Levner

In Favor __5__, Opposed ____, Absent ____, Abstained ____.

ADOPTED: May 23, 2022

I, ELIZABETH MALAVE-SANTOS, Deputy Town Clerk of the Town of Fallsburg, do hereby certify that I have compared the foregoing copy of a Resolution with the original thereof now on file in my office, and that the same is correct therefore and the whole said original.

WITNESS, my hand and seal of said Board the 23rd day of May, 2022.

Elizabeth Malave-Santos

Elizabeth Malave-Santos, Town of Fallsburg Deputy Town Clerk Dated: May 23, 2022

(Town Seal)

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Town of Fallsburg Town Board, as lead agency, has determined that the proposed Action described below will not have a significant effect on the environment and that an Environmental Impact Statement will not be prepared.

DATE:	**May 23, 2022**
NAME OF ACTION:	**South Fallsburg Wastewater Treatment Plant Upgrade**
LOCATION:	**5410 NYS Route 42, South Fallsburg, NY**
SEQR STATUS:	**Type I Action**
LEAD AGENCY:	**Town of Fallsburg Town Board**
CONTACT PERSON:	**Katherine Rappaport, Supervisor** **Town of Fallsburg** **19 Railroad Plaza** **South Fallsburg, NY 12779**

DESCRIPTION OF ACTION:

The South Fallsburg WWTP treats wastewater from the Hamlet of Woodbourne and two adjacent state prison complexes (collectively the Woodbourne sewer service area) as well as the Hamlet of Fallsburg and South Fallsburg and other adjacent areas. The service area is continuing to grow and consistently receives flows of over 4 MGD during the months of June, July, and August. The need for on-site WWTP process improvements and equipment replacement is evident due to the lack of capacity to handle future growth and the aged/degraded physical condition of the current WWTP.

A membrane bioreactor (MBR) is proposed to be added to the system which will provide effluent quality with BOD and TSS of less than 5 mg/l and is capable of phosphorous and nitrogen removal without the need for effluent polishing filters. The WWTP discharges treated wastewater to the Neversink River, a NYSDEC Class B(T) stream. All construction work will take place on the existing WWTP site, most of which has been previously disturbed.

REASONS SUPPORTING THIS DETERMINATION:

The Town Board has reviewed the Full Environmental Assessment Form (FEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Action will not have a significant impact on the environment for the following reasons:

A. As required by §617.7(a)(2), the Town Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.

B. As required by §617.7(b), the Town Board has:

1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
2. Reviewed the FEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
4. Set forth herein its written Finding of No Significant Environmental Impact.

C. The Town Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:

5. Air quality, ground or surface water quality or quantity, traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems;
6. Removal or destruction of large quantities of vegetation or fauna, interference with migration fish or wildlife, impacts to special habitats, impacts to threatened or endangered species, or any other impacts to natural resources;
7. Impairment of Critical Environmental Areas;
8. Conflicts with currently adopted community plans and goals;
9. Impairment of important historical, archeological, or aesthetic resources or community character;
10. Major change in use or type of energy;
11. Creation of a human health hazard;
12. Substantial change in use or intensity of use of land including agricultural land, open space or recreational resources;
13. Encouraging a population increase;
14. Creation of a material demand for other actions resulting in above consequences;
15. Changes in two or more elements of the environment that combined have a substantial adverse impact on the environment;
16. Two or more related actions undertaken, funded or approved by an agency that combined have a significant effect on the environment.

D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent

reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.

E. 617.7(c)(3) – The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the Town of Fallsburg Town Board has determined that no significant adverse environmental impacts would result from this Action.

Appendix E

2024-25 IUP Excerpts

NEW YORK STATE | Environmental Facilities Corporation | Department of Environmental Conservation

FINAL
INTENDED USE PLAN
Clean Water State Revolving Fund
Federal Fiscal Year 2025

Effective October 1, 2024 - September 30, 2025

Kathy Hochul, Governor

President & CEO Maureen A. Coleman
Environmental Facilities Corporation
625 Broadway Albany, NY 12207-2997
www.efc.ny.gov

Interim Commissioner Sean Mahar
Department of Environmental Conservation
625 Broadway Albany, NY 12233-1011
www.dec.ny.gov

2025 CWSRF FINAL IUP ANNUAL LIST
Category D - All Projects
(sorted in Total Score order)
BIL*= See Subcategory D1 for Projects that Qualify to Apply for BIL General Supplemental Add Sub

Project No.	Applicant Name	IUP Description	Total Cost	IUP Amount	2025 Need	Base Hardship Financing	Base Subsidized Financing	Base Add Sub	Notes	Total Score
C6-6063-08-00	Ogdensburg, City of	Planning, design, and construction of pump station upgrades to protect water quality in the St. Lawrence River.	$2,315,000	$2,315,000	$2,315,000	$1,157,500	$0	-	BIL*	61
C7-6344-23-00	Oswego, City of	Planning, design, and construction of improvements at the Westside Wastewater Treatment Plant to protect water quality in Lake Ontario.	$10,600,000	$10,600,000	$7,950,000	$2,650,000	$0	-	BIL*	61
C6-6092-05-00	Pamelia, Town of	Planning, design, and construction of new collection sewers and improvements to existing sewers to protect water quality in the Black River.	$17,469,000	$17,469,000	$17,469,000	$17,469,000	$0	-	C	61
C3-5346-10-00	Fallsburg, Town of	Planning, design, and construction of sewage treatment plant upgrades and expansion at the South Fallsburg Sewage Treatment Plant to protect water quality in the Neversink River.	$89,461,500	$89,461,500	$89,461,500	$25,000,000	$64,461,500	-	-	59
C3-7341-05-00	Walden, Village of	Planning, design, and construction of pump station and sewage treatment plant upgrades to improve water quality in the Wallkill River.	$5,364,500	$4,114,500	$4,114,500	$2,057,250	$0	-	BIL*	59
C6-6070-13-00	Oneida County	Planning, design, and construction of ultraviolet disinfection at the wastewater treatment plant to protect water quality in the Mohawk River.	$6,000,000	$6,000,000	$6,000,000	$6,000,000	$0	-	C	58
C6-6092-06-00	Pamelia, Town of	Planning, design, and construction of an expansion to Sewer District 9 to protect groundwater quality.	$11,339,000	$11,339,000	$11,339,000	$11,339,000	$0	-	-	58
C3-5310-03-00	Peekskill, City of	Planning, design, and construction of improvements to sewer mains, manholes, and pump stations, including reduction of flood vulnerability to improve water quality in the Hudson River.	$10,400,000	$10,400,000	$9,325,000	$4,125,000	$0	-	BIL* C E	58
C8-6544-03-00	Springwater, Town of	Planning, design, and construction of upgrades to the wastewater treatment plant to improve water quality in Springwater Creek.	$2,340,430	$2,340,430	$2,340,430	$2,340,430	$0	-	-	58
C5-5568-04-00	Bellmont, Town of	Planning, design, and construction of an ultraviolet disinfection system to protect water quality in the Chateaugay River.	$725,000	$376,750	$376,750	$376,750	$0	-	-	54
C6-6062-03-00	Heuvelton, Village of	Planning, design, and construction of a new pump station and forcemain to replace the existing wastewater treatment plant and to protect water quality in the Oswegatchie River.	$14,400,000	$5,103,000	$5,103,000	$5,103,000	$0	-	-	54

C=Acceptable finance apps eligible for subsidized financing in FFY 2025
E=Subject to Equivalency Requirements
F=Financing anticipated in FFY 2024
Per muni hardship limit of $25 mill over a 5-year period

E. Financing Options

Short-term financing provides recipients with funding to plan, design, and construct CWSRF eligible projects. Recipients of short-term financing will typically issue a grid note to EFC as evidence of their obligation to repay their short-term financing. A grid note allows the recipient to borrow only what they need during the term of the short-term financing, up to a stated maximum principal amount. Debt is incurred by the recipient as disbursements are made under the grid note.

A short-term financing (note) will become due and payable upon 60 days' notice from EFC if the project is abandoned. Short-term financing cannot be used for the refunding of long-term debt (bonds).

The Recipient's note may be refinanced by EFC with a long-term financing or may be financed by the recipient with non-SRF funding. When final project costs are known and programmatic requirements are satisfied, a short-term financing may be refinanced by EFC as part of the next available leveraged financing or as a long-term direct financing.

Short-Term Financing

Short-Term Subsidized Financing

Rate	Interest-free for half of eligible project costs or half of the IUP Amount, whichever is less, and market-rate for the balance.
Amount	The lesser of eligible project costs or the IUP Amount.
Qualifications	Creditworthy, project priority score must be above 10 points.
Fees	None.
Notes	May not be used to pre-finance awarded grants.

Short-Term Market-Rate Financing (SMRF)

Rate	Municipal Market Data (MMD) AAA scale 1-year plus issuance costs.
Amount	The lesser of eligible project costs or the IUP Amount.
Qualifications	Creditworthy, project priority score must be above 10 points.
Fees	None.
Notes	Projects with a priority score below the Subsidy Line or costs otherwise not eligible for subsidized financing.

Short- and Long-Term Financing

Hardship Financing

Rate	Interest-free.
Amount	Up to $25 million of eligible project costs.
Qualifications	Creditworthy, applicants must qualify pursuant to the criteria set in the Hardship Policy. Project priority score must be above the subsidy line.
Fees	None.
Notes	Restrictions apply. See Hardship Policy

Long-Term Financing

Long-Term Subsidized Financing (Leveraged)

Rate	50% of market rate based on EFC's bond rating.
Amount	The lesser of eligible project costs or the IUP Amount.
Qualifications	Creditworthy, project priority score must be above the subsidy line.
Fees	One-time fee of 1% of the project costs supported by bonds for financings under $100 million. For financings over $100 million a one-time fee of 0.8% of project cost supported by bonds. State Bond Issuance Charge applies. Annual Administrative Fee of 0.25% calculated on outstanding balance.
Notes	EFC, at its discretion, may refund individual series of EFC bonds to generate a net savings that may be passed along to recipients with outstanding bonds in those series. A fee will apply to all refundings, calculated as 2.5% of refunding savings.

Long-Term Market-Rate Financing (Leveraged)

Rate	Market rate based on EFC's bond rating.
Amount	The lesser of eligible project costs or the IUP Amount.
Qualifications	Creditworthy, projects with a priority score below the subsidy line, projects not eligible for subsidy.
Fees	One-time fee of 1% for financings of under $100 million. For financings over $100 million a one-time fee of 0.8%. State Bond Issuance Charge applies.
Notes	EFC, at its discretion, may refund individual series of EFC bonds to generate a net savings that may be passed along to recipients with outstanding bonds in those series. A fee will apply to all refundings, calculated as 2.5% of refunding savings.

Long-Term Financing (Direct)

Rate	Market rate based on EFC's bond rating.
Amount	The lesser of eligible project costs or the IUP Amount.
Qualifications	Creditworthy.
Fees	Annual Administrative Fee of 0.25% calculated on outstanding balance.
Notes	None.

Other Financial Assistance Programs Provided with CWSRF Funds

GIGP

Rate	Not applicable – Grant.
Amount	50% to 90% of eligible planning, design, and construction costs.
Qualifications	Projects must meet EPA Green Project Reserve criteria.
Fees	None.
Notes	Applicants are required to follow all federal A/E procurement requirements.

Appendix F

Town of Fallsburg Sewer Code:
Article VIII & X
& Amending Resolution 82 of 2024

ARTICLE VIII
Schedule of Rates for Local Assessments
[Added 12-17-1985 by L.L. No. 5-1985]

§ 230-41. Schedule of rates.

The purpose of this article is to establish an equitable schedule of rates to be used in determining the annual charge that each lot or parcel of land benefited shall be required to pay in order to recover the capital costs and improvements in accordance with the provisions of §§ 202 and 202-a(3) of the Town Law.

§ 230-42. Reservation of right to change or establish other schedules or methods.

The Town of Fallsburg reserves the right to annually change the schedule of rates hereinafter established and to impose sewer rents in accordance with Article 14-F of the General Municipal Law.

§ 230-43. Legislative intent.

After reviewing the various methods of establishing equitable assessments to apportion and assess the costs of capital improvements of the various sewer districts of the Town of Fallsburg in just proportion to the amount of benefit which such improvements shall confer upon each of the several lots and parcels of land so benefited, the following schedule of rates is hereby established which, in the opinion of the Town Board, is the most just and equitable.

§ 230-44. Schedule of rates.

A. Apportionment of capital costs and improvements. The Town Board of the Town of Fallsburg hereby determines that the schedule of rates for capital improvements for properties included in each of the sewer sanitation districts and extensions thereof of the Town of Fallsburg is as follows: Each lot or parcel of land shall pay an annual charge computed as follows:

(1) Determination of units.

(a) Residential.

Single-family residence	12 units
Each separate apartment in a two-family, three-family, or multiple dwelling	12 units
Mobile home	12 units
Combination single-family residence with professional or business office	18 units
Combination apartment with store	24 units

(b) Commercial and industrial. **[Amended 9-6-1989 by L.L. No. 4-1989]**

Hotel, each four rooms or fraction thereof	12 units
Store, manufacturing plant and any other commercial or industrial use not otherwise provided for in this schedule, each five occupants or fraction thereof	12 units
Theatre, each 100 seats or fraction thereof	24 units
Bar and grill	18 units
Restaurant	
20 seats or less	18 units
21 to 75 seats	30 units
Over 75 seats	42 units
Service station	12 units
Car wash, per bay	12 units
Launderette, each two washing machines	12 units
Rooming house, each two rooms or fraction thereof	12 units
Professional or business office, each five occupants or fraction thereof	12 units

(c) Commercial (bungalow colony) seasonal use only.

Each rental unit	6 units
Mikvahs	6 units
Hotel, each four rooms or fraction thereof	6 units
Apartment, each	6 units
Casino	6 units
Dining hall	
20 seats or less	36 units
21 to 75 seats	48 units
Over 75 seats	60 units
Lavatory (pool)	6 units
Lavatory with showers	12 units

(d) Institutional.

School, each 50 pupils or fraction thereof	12 units
College	
Each 50 full-time students or fraction thereof	12 units
Each 75 part-time students or fraction thereof	12 units
Church/synagogue, each 100 seats or fraction thereof	12 units
Correctional facility (without meters), each room	16 units
Museum/social hall, each 100 seats or fraction of	12 units
Rehabilitation center, each room	16 units

(e) Vacant land.

Up to 25 feet road frontage	1 unit
Over 25 feet to 50 feet road frontage	3 units
Over 50 feet to 125 feet road frontage	4 units
Over 125 feet to 175 feet road frontage	5 units
Over 175 feet road frontage	6 units
Provided, however, if the lot or parcel of land exceeds one acre, the units shall be determined as follows:	
First acre	5 units
Every acre or fraction thereof thereafter	1 unit

(f) Area charge. All improved property shall be charged in addition to the unit charges per use, the same charge as provided above for vacant land.

(g) Inaccessible property. Notwithstanding any other provision in this subsection, inaccessible property shall be charged one unit. As used in this subsection, "inaccessible property" shall mean that connection to the sewer main cannot be made by a gravity flow sewer lateral; provided, however, if in fact any sewer lateral is connected to the sewer main, it shall not be deemed to qualify under this heading.

(2) The annual capital assessment for each lot or parcel of land shall be determined by the annual amount to be raised for each sewer district or extension thereof divided by the

total number of units in each sewer district or extension thereof times the number of units chargeable to each lot or parcel of land.

B. Exception. This section shall not be applicable to parcels or properties which, by agreement, have paid their proportionate share of capital costs.

C. Change of use. It shall be the responsibility of the property owner to notify the Town Assessor of any change of use within 30 days thereafter.

ARTICLE X
Town of Fallsburg Sewer District Rents

§ 230-51. Applicability. [Amended 1-22-1991 by L.L. No. 1-1991]

This article shall apply to the Fallsburg Consolidated Sewer District in the Town of Fallsburg.

§ 230-52. Sewer rents. [Amended 12-17-1985 by L.L. No. 4-1985]

The following categories of use classification are hereby fixed for the Town of Fallsburg:

A. Sewer rents shall be based upon 80% of water consumption. The Town Board shall fix a minimum gallon charge and bulk charge. **[Amended 3-27-1995 by L.L. No. 3-1995; 11-20-1995 by L.L. No. 5-1995; 11-4-1996 by L.L. No. 7-1996]**

   (1) All charges, including the foregoing, shall be fixed on or before the 20th day of November of each year.

   (2) The categories and rates are:[1]

      (a) Minimum rate, zero gallons to 24,000 gallons: as set from time to time by resolution of the Town Board.

      (b) Gallon rate, 24,000 gallons to 1,600,000 gallons: as set from time to time by resolution of the Town Board.

      (c) Bulk rate, 1,600,000 gallons and above: as set from time to time by resolution of the Town Board.

B. Industrial users. All industrial users, in addition to the charges specified in this article, shall pay a surcharge to be determined in accordance with § 230-34 of Part 1 of this chapter.

C. Change of use. It shall be the responsibility of the property owner to notify the Town Assessor within 30 days of any change of use.[2]

§ 230-53. Quarterly billing periods and late penalty. [Amended 1-22-1991 by L.L. No. 1-1991; 3-27-1995 by L.L. No. 3-1995]

Sewer rents shall become due and payable quarterly in the same manner and at the same time as the water bills and may be included in the same bills, if practicable. Sewer rents remaining unpaid 30 days after the billing date shall be subject to a penalty of 5%.

§ 230-54. New connections.

Any premises upon which a new building is constructed or being constructed and which is connected to the sewer system shall be liable for the sewer rent charge 120 days from the date of issuance of the building permit or the date of occupancy, whichever occurs first.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
2. **Editor's Note: Former § 47.23, Establishment of rates, which immediately followed this subsection, was repealed 3-27-1995 by L.L. No. 3-1995 by implication since it is inconsistent with § 230-52 above. For the complete text of former § 47.23, contact the Town Clerk's office.**

§ 230-55. Collection and enforcement of charges.

A. All unpaid delinquent sewer rent charges and penalties shall constitute a first lien on the real property served by the sewer system, and on the first day of November of each year, the Supervisor shall present to the Town Board a statement setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person in whose name the real property is assessed.

B. The Town Board shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as Town taxes and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be levied and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of Town taxes.

§ 230-56. Metering of private well systems. [Added 3-27-1995 by L.L. No. 3-1995]

All users who discharge water to the sewage system from a private water source are required to meter said water source water with a meter which meets Town specifications. The meter shall be accessible to Town staff. The meter must be installed within six months of the adoption of this section. Until such time as a meter is installed, the Town shall estimate the private water source of water discharged into the sewer system.

§ 230-57. Reservation of powers by Town.

The Town reserves the right to change the basis for determining sewer use charges and to establish any other charges or penalties that it deems appropriate.

§ 230-58. Use of revenues.

Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Fund" for each district. Moneys in such fund shall be used only in the manner and for the purposes specified and in the order required by the Sewer Rent Law of the State of New York.

9. **Resolution** authorizing adoption by the Town Board of the Town of Fallsburg, local law 4 of 2024 increases residential and commercial sewer rates. **#82 of 2024,** was made by Councilperson Nathan Steingart, seconded by Councilperson Jeff Wiener. Motion carried (4) Ayes, (0) Nayes, (1) Absent.

Paula Grogan
Town of Fallsburg
Town Clerk, Tax Collector, Registrar,
RMO, FOIL Officer & Notary Public
townclerk@fallsburgny.com

Town of Fallsburg
P.O. Box 2019, 19 Railroad Plaza
South Fallsburg, New York 12779
(P) (845) 434-8810 ext. 316
www.townoffallsburg.com

RESOLUTION 82 OF 2024
RESOLUTION OF THE TOWN OF FALLSBURG
RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FALLSBURG, LOCAL LAW 4 OF 2024 INCREASES RESIDENTIAL AND COMMERCIAL SEWER RATES,
"A LOCAL LAW TO REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-14 SEWER RATES AND ADOPTION OF RATE INCREASES"

WHEREAS, a Local Law entitled "A LOCAL LAW TO REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-14 SEWER RATES AND ADOPTION OF RATE INCREASES" was introduced before the Town Board of the Town of Fallsburg on October 15, 2024, and upon notice duly published and posted, a hearing was held on November 19, 2024 before the Town Board;

WHEREAS, a public hearing was duly held November 19, 2024, wherein all interested members of the public were heard; it is hereby

RESOLVED, that Local Law 4 of 2024, entitled, "A LOCAL LAW TO REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-13 WATER RATES AND ADOPTION OF RATE INCREASES, full text set forth below, be and hereby is enacted and the Town Clerk that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Fallsburg, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

LOCAL LAW 4 OF 2024

A LOCAL LAW TO REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-14 SEWER RATES AND ADOPTION OF RATE INCREASES BY RESOLUTION AFTER PUBLIC HEARING

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF FALLSBURG AS FOLLOWS:

Town Law Section 135-14, Sewer Rates, be and hereby is Repealed and Replaced, as follows:

Town of Fallsburg Section 135-14 Sewer Rates

1. Sewer rates for sewer usage in the Town of Fallsburg Municipal Sewer System shall be on a Quarterly basis, billed December, March, June, and September - as follows:

Sewer

0 to 30,000 gallons	$ 97.00
15,000 to 2,000,000 gallons	$ 3.10/1,000 gallons
2,000,000 gallons and over	$ 0.67/1,000 gallons
NYS Dept. of Corrections	$ 4.05/1,000 gallons

Industrial User:
Murray Bresky (MB Consultants) $ 1.61 /1,000 gallons.

2. Effective October 1 of each year, following adoption of this Section 135-14, all rates shall be increased by 2%, and 2% annually each year thereafter, until modified subject to, and upon, further resolution, of the Town Board of the Town of Fallsburg, to increase, decrease or eliminate such annual increase, subject to a Public Hearing on a minimum of five (5) days' notice. Current rates shall be posted on the Town of Fallsburg Website annually.

3. Sewer bills are due and payable 30 days after the billing date. Any sewer bill which remains unpaid shall incur a late charge of 5%, for each quarter in which water billed excluding any late charges remains due and payable for more than 30 days, applied first to late charges, then to any outstanding balance due for water.

4. Sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim, except the lien of an existing tax assessment or other lawful charge imposed by or for the State of New York or political subdivision or district thereof. All outstanding balance on an account on November 1st are subject to being levied on the following year's property tax bill with an additional $25.00 levy fee per account.

5. The water rates, billing dates, due dates and late charges imposed by this Section may be amended by resolution of the Town Board after a minimum of five (5) days public notice.

Section I. Commission Established.

§ 62-1Establishment; members; compensation.
The Town Board of the Town of Fallsburg hereby determines that a Police Commission consisting of five members is hereby established in order to promote the effective management of the Town Police Department. Such Police Commissioners shall be duly elected members of the Town of Fallsburg Town Board and be qualified electors in the Town and shall serve without compensation.

§ 62-2Appointment; powers.
All such Commissioners shall be the duly elected Town Board members then serving and shall exercise all powers relating to police matters as authorized under the Town Law of the State of New York

Section II. Authority.

This local law is enacted by the Town Board of Town of Fallsburg pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and municipal Home Rule Law Section 10.

Section III. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, and article or part thereof directly involved in the controversy

in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section IV. Effective Date.

This Local Law shall be effective upon duly filing the Local Law with the New York State Secretary of State as provided by the Municipal Home Rule Law and shall become operative upon such filing.

Section V. Supersession.

This law shall supersede all prior inconsistent laws or resolutions of the Town of Fallsburg.

MOVED BY: Councilperson Nathan Steingart
SECONDED BY: Councilperson Jeff Wiener

	Yea	Nay	Abstain	Absent
Supervisor Michael Bensimon	x			
Councilmember Nathan Steingart	x			
Councilmember Miranda Behan	x			
Councilmember Sean Wall Carty				x
Councilmember Jeff Wiener	x			

Adopted by the Town of Fallsburg Town Board on the 3rd day of December 2024
The Resolution was thereupon duly adopted.

CERTIFIED TRUE COPY
I, Paula Grogan, Town Clerk of the Town of Fallsburg hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on December 3, 2024, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: December 3, 2024

Paula Grogan

Paula Grogan, Town of Fallsburg Town Clerk
(Town Seal)

Sullivan County Democrat
5 Lower Main St., PO Box 308
Callicoon, NY 12723-0308
845-887-5200 Fax: 845-887-5386

Affidavit of Publicat

State of New York

SS:

County of Sullivan

Legal Notice

I, Fred W. Stabbert, III, being duly sworn, Depose and say: That I am the Publisher of Sullivan County Democrat, a twice weekly newspaper of general circulation published in Callicoon, County of Sullivan, State of New York; and that a notice, of which the annexed is a printed copy, was duly published in Sullivan County Democrat, 12/6/24

LEGAL NOTICE

NOTICE OF ADOPTION
TOWN OF FALLSBURG
LOCAL LAW NO. 4 OF 2024

"A LOCAL LAW TO REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-14 SEWER RATES AND ADOPTION OF RATE INCREASES"

PLEASE TAKE NOTICE that after a public hearing, the Town Board duly enacted, on November 19, 2024, Local Law No. 4 of 2024, titled "A LOCAL LAW REPEAL AND REPLACE TOWN OF FALLSBURG SECTION 135-14 SEWER RATES AND ADOPTION OF RATE INCREASES".

BY ORDER OF THE TOWN BOARD OF THE TOWN OF FALLSBURG
Dated: December 3, 2024

PAULA GROGAN
Town of Fallsburg
Town Clerk, Tax Collector
Registrar, RMO, FOIL Officer & Notary Public
P.O. Box 2019
19 Railroad Plaza
South Fallsburg, NY 12779
(845) 434-8810 Ext. 316 p
townclerk@fallsburgny.com
www.townoffallsburg

12865

Fred W. Stabbert, III

Sworn to before me this 6th day of December, 2024

Barbara A. Matos
Notary Public, State of New York
No. #01MA6172971
Qualified in Sullivan County
My commission expires on August 20, 2027

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10. Motion to approve termination of Hudson Valley Swim Program, was made by Councilperson Nathan Steingart, seconded by Councilperson Miranda Behan. Motion carried (4) Ayes, (0) Nayes, (1) Absent.

Appendix G

Notice of WQIP Award

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
625 Broadway, 14th Floor, Albany, New York 12233-1010
P: (518) 402-8545 I F: (518) 402-8541
www.dec.ny.gov

DEC 12 2024

Honorable Micheal Bensimon
Town Supervisor
Town of Fallsburg
19 Railroad Plaza
South Fallsburg, NY 12779-5720

Re: Water Quality Improvement Project Number 139374
South Fallsburg WWTP Update

Dear Supervisor Bensimon:

The New York State Department of Environmental Conservation (DEC) Water Quality Improvement Project (WQIP) program provides important support to communities to protect and restore water resources. DEC is proud to have made more than $222 million available in this year's Consolidated Funding Application (CFA) and we appreciate your application for this vital program.

We are pleased to inform you that the South Fallsburg WWTP Update project has been selected to receive up to $10,000,000 through the WQIP program. If you applied for funding from other programs or other State agencies, you will receive information from those programs/agencies separately.

The Office of State Comptroller (OSC) must approve DEC's documentation of the project solicitation and review process before we can begin the steps to execute a contract with you. When we receive OSC's approval, we will provide additional information to assist you in getting a contract in place. Upon receipt of this additional information, DEC and OSC expect that contracts will be executed within 90-120 days. Contracts for WQIP projects will be completed through the New York State Financial System (SFS). You will receive separate instructions on how to access this system and begin the contracting process.

The earliest contract start date for this round of WQIP projects (other than Land Acquisition for Source Water Protection projects) is May 13, 2024. For Land Acquisition for Source Water Protection projects, the earliest start date is August 1, 2022.

Please note that the work plan and budget for the contract must be consistent with your application. However, any costs/activities in your application that are ineligible (as listed by project type in the 2024 WQIP Program Overview) should not be included. Ineligible costs will not be reimbursed, which may impact your actual funding amount. The 2024 WQIP Program Overview can be viewed at: https://dec.ny.gov/sites/default/files/2024-05/wqiprfa2024.pdf.

We look forward to working with you on this important water quality project. If you have any questions about your award, please contact the WQIP program staff at user.water@dec.ny.gov.

Sincerely,

Sean Mahar
Interim Commissioner