

New York State Department of Environmental Conservation

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

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Joe Martens
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7012 3050 0000 4246 3979

January 28, 2014

Erik T. Deyoe, P.E.
Commissioner of Public Works
Town of Bethlehem
Department of Public Works
445 Delaware Avenue
Delmar, NY 12054

Re: Modification of Order on Consent
Town of Bethlehem
R4-2011-1109-143M

Dear Mr. Deyoe:

Enclosed please find a copy of the fully executed Modification of Order on Consent referenced above.

Sincerely,

Richard Ostrov
Regional Attorney
Region 4

Enclosure

cc: C. Buetow

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the Violations of
Article 17 of the Environmental Conservation
Law and Title 6 of the Official Compilation
of Codes, Rules and Regulations of the
State of New York (6 NYCRR)

MODIFICATION OF
ORDER ON CONSENT
("MODIFICATION")

DEC Case
R4-2011-1109-143

- by -

TOWN OF BETHLEHEM
445 Delaware Ave
Delmar, NY 12054

Respondent

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WHEREAS:

1. The New York State Department of Environmental Conservation ("Department") is and has been a Department of the State of New York charged with administration of the State Pollutant Discharge Elimination System ("SPDES"), pursuant to Article 17, Title 8 of the Environmental Conservation Law ("ECL") Parts 750-757, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR").

2. The Respondent, Town of Bethlehem, pursuant to Town Law Sections 202 and 202-a, owns and operates the South Albany Sewer District ("District") located on Scott Boulevard in the Town of Bethlehem, N.Y.

3. By letter dated, December 10, 2013, Respondent requested that the Department consent to a modification to Order on Consent, R4-2011-1109-143 ("Order"), that would extend the compliance date in Paragraph 1 of its Schedule of Compliance from December 31, 2013 to June 1, 2014 based on technical reasons associated with the start up of the new equipment under cold weather conditions.

4. The Department finds good cause for consenting to this extension and agrees to extend the compliance date in Paragraph 1 of the Order's Schedule of Compliance from December 31, 2013 to June 1, 2014 based on technical reasons associated with the start up of the new equipment under cold weather conditions.

5. Respondent has affirmatively waived its right to a hearing as provided by law and has consented to the issuing of this Modification and has agreed to be bound by the provisions, terms and the conditions of this Modification.

NOW THEREFORE, having considered this matter and having been duly advised, IT IS ORDERED THAT:

I. All terms, conditions, and provisions of the Order shall remain in force and effect and be enforceable under this Modification except as expressly modified herein.

II. The Order's Schedule of Compliance is superseded by the following Modification's Schedule of Compliance:

1. Respondent shall complete and operate all equipment identified in Respondent's Department approved engineering plan and comply with its SPDES permit limits by no later than June 1, 2014. The Respondent's Department approved engineering plan and requirements are enforceable under this Modification.

2. The following interim effluent limits (determined using the 99th percentile of the Settleable Solids sampling results and 95th percentile of the BOD₅ sampling results Since the WWTP began normal operation) shall apply to each sample collected beginning on the effective date of this Modification until June 1, 2014. All other SPDES permit effluent limits shall remain enforceable during the term of this Modification.

	Interim Limits*
BOD ₅	13.7 mg/L
BOD ₅	0.97 lbs/d
Solids, Settleable	7.9 mL/L

*BOD₅ loading shall be calculated using the total flow from the day the sample is collected

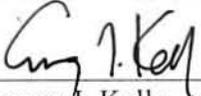
III. The effective date of this Modification is the date it is signed by the Commissioner or his designee.

IV. The Modification shall terminate upon the Department's determination that Respondent has complied with all the terms, conditions and requirements of the Modification's Schedule of Compliance.

DATED: ^{Jan. 27, 2014}~~December~~, 2013
Rotterdam, New York

BY:

Joseph Martens
Commissioner
New York State Department of
Environmental Conservation



Eugene J. Kelly
Regional Director

TOWN OF BETHLEHEM
RESPONDENT
MODIFICATION - R4-2011-1109-143

Respondent hereby consents to the issuance and entry of the foregoing Modification, waives its rights to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: 
TITLE: JOHN CLARKSON
SUPERVISOR, TOWN OF BETHLEHEM
DATE: 1/23/14

MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK)
) SS:
COUNTY OF Albany)

On the 23 day of January in the year 2014 before me personally came to me known, who, being duly sworn did depose and say that (s)he resides in: Slingerlands Ny that (s)he is the Supervisor of the Town of Bethlehem, a municipality in the State of New York, the municipality described in and which executed the above instrument; and that (s)he signed his/her name thereto as authorized by said municipality.

Julie S. Sagendorph
Notary Public
Qualified in the County of: Albany
My Commission Expires: July 2 2015

JULIE S. SAGENDORPH
Notary Public, State of New York
Qualified in Albany County
No. 01MC6060863
My Commission Expires July 2, 2015
