

Flow - monthly average, 0.03 mgd
1/2008 through 11/2008 0.15 mgd

5. Respondent has requested further changes to the Order's Schedule of Compliance. The Department finds good cause for granting Respondent's request.

6. Respondent has affirmatively waived their right to a hearing in the manner provided by law and has consented to the issuing of this 2nd Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. In respect of the aforesaid violation, a civil penalty in the amount of THREE THOUSAND EIGHT HUNDRED DOLLARS (\$3,800) is hereby assessed against the Respondent. ONE THOUSAND NINE HUNDRED DOLLARS (\$1,900) of the civil penalty is due upon the return of a signed and notarized copy of this Order to the Department. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.

The balance of the penalty, ONE THOUSAND NINE HUNDRED DOLLARS (\$1,900), is suspended and shall not be payable, provided that Respondent fully complies with the requirements of this Order in a timely fashion. In the event that Respondent fails to comply with the requirements of this Order the entire suspended portion of the penalty shall become due and payable upon written notice to Respondent without prejudicing the Department from seeking further appropriate penalties for violations of this Order by Respondent.

II. Respondent shall comply with the Schedule of Compliance set forth in this 2nd Modification, which is incorporated and made part of the terms, provisions, and conditions of this 2nd Modification and which supercedes any Schedule of Compliance set forth in the Order or the 1st Modification.

III. The effective date of this 2nd Modification shall be the date it is signed by the Department.

IV. All terms, provisions, and conditions of the Order and the 1st Modification remain in effect unless expressly modified in this 2nd Modification.

DATED: _____, 2009
Rotterdam, New York

Alexander B. Grannis
Commissioner
New York State Department of
Environmental Conservation

BY:

Eugene J. Kelly
Regional Director
Region 4

CONSENT BY RESPONDENT
Village of Coxsackie

Respondent hereby consents to the issuing and entering of this Order, waives their right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: _____

TITLE: _____

DATE: _____

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ___ day of _____ in the year ____ before me, the undersigned, a Notary Public in and for the State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
Qualified in the County of:
My Commission Expires:

SCHEDULE OF COMPLIANCE

1. By April 30, 2009, Respondent shall submit to the Department an approvable engineering plans and report for the upgrade of the wastewater treatment system and permit modification application if appropriate.
2. By December 31, 2010, the water filtration plant and associated wastewater treatment system must be fully operational.
3. For the period of time that this Order is effective and Respondent is in compliance with its terms, the following interim limits will apply:

Flow, monthly average	Monitor only
Total Suspended Solids, daily maximum	30 mg/l
Total Suspended Solids, monthly average	30 mg/l
Settleable Solids, daily maximum	0.5 ml/l
Aluminum, daily maximum	4.0 mg/l
Aluminum, monthly average	4.0 mg/l
pH	6.0-9.0
Chlorine residual	0.5 mg/l