

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

7011 1570 0003 0363 3789

September 17, 2013

Stephen D. Flach, Supervisor
Town of Coeymans
18 Russell Avenue
Ravena, NY 12143

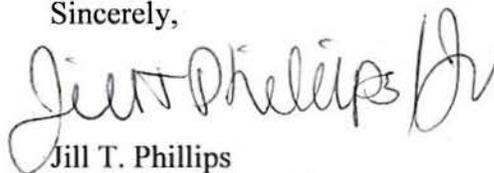
Re: Order on Consent
R4-2011-1208-155M1

Dear Mr. Flach:

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

This will also acknowledge receipt of \$1000 the civil penalty pursuant to Paragraph I.

Sincerely,



Jill T. Phillips
Assistant Regional Attorney
Region 4

Enclosure

cc: C. Buetow
A. Dzierwa

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations
of the Environmental Conservation
Law Article 17

MODIFICATION OF
ORDER ON CONSENT

-By-

File No.
R4-2011-1208-155M1

Town of Coeymans

RESPONDENT

WHEREAS:

1. New York State and the Department of Environmental Conservation (the “Department”) have jurisdiction to protect the waters of the State pursuant to Environmental Conservation Law (“ECL”) Article 17 and the State Pollutant Discharge Elimination System (“SPDES”) permit program and applicable regulations.
2. Respondent, Town of Coeymans, is subject to Order on Consent 2011-1208-155 (effective on January 31, 2012) (“Order”). The Order contained a Schedule of Compliance which required Respondent to address problems in its sanitary sewer collection system.
3. By correspondence dated July 17, 2012, Respondent has requested an extension to the time frames set forth in the Order’s Schedule of Compliance. The Department finds good cause for granting Respondent’s request.
4. A review of Respondent’s DMRs by Department staff revealed the following SPDES permit effluent limit violations for 2011 – July 2013:

PERMIT LIMITS:

BOD₅ 5 day 20 deg. C = 30 mg/L
 BOD₅ Percent Removal = 85% (monthly average)
 Total Suspended Solids (TSS) Percent Removal = 85% (monthly average)
 Fecal Coliform = 200 no./100 ml (30 day geometric mean)
 Fecal Coliform = 400 no./100 ml (7 day geometric mean)
 Flow = 0.82 MGD (monthly average)
 Settleable Solids = 0.3 ml/L (daily maximum)

Date	Permit Parameter	Permit Limit Violations
06/30/2011	BOD, 5-day, 20 deg. C	145.
03/31/2011	BOD, 5-day, percent removal	73.6
09/30/2011	Coliform, fecal general	760.
06/30/2012	Coliform, fecal general	28.3
06/30/2012	Coliform, fecal general	400.
09/30/2012	Coliform, fecal general	400.
03/31/2011	Flow, in conduit or thru treatment plant	1.24
04/30/2011	Flow, in conduit or thru treatment plant	.92
05/31/2011	Flow, in conduit or thru treatment plant	.83
09/30/2011	Flow, in conduit or thru treatment plant	.89
10/31/2011	Flow, in conduit or thru treatment plant	.84
02/28/2013	Flow, in conduit or thru treatment plant	.86
03/31/2013	Flow, in conduit or thru treatment plant	.86

06/30/2013	Flow, in conduit or thru treatment plant	.94
03/31/2011	Solids, settleable	1.
04/30/2011	Solids, settleable	10.
10/31/2011	Solids, settleable	.5
04/30/2012	Solids, settleable	.6
07/31/2012	Solids, settleable	30.
08/31/2012	Solids, settleable	.7
09/30/2012	Solids, settleable	3.
10/31/2012	Solids, settleable	.5
01/31/2013	Solids, settleable	.5
06/30/2013	Solids, settleable	2
03/31/2011	Solids, suspended percent removal	77.7

5. Respondent has affirmatively waived its right to a hearing in the manner provided by law and has consented to the issuing of this 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 violations, a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000) is hereby assessed against the Respondent. ONE THOUSAND DOLLARS (\$1,000) 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, FOUR THOUSAND DOLLARS (\$4,000), 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 this Modification's Schedule of Compliance which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supersedes the Schedule of Compliance contained in the Order.

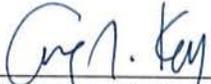
III. The effective date of this Modification shall be the date it is signed by the Department.

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

DATED: 9/17, 2013
Rotterdam, New York

Joseph Martens
Commissioner
New York State Department of
Environmental Conservation

BY:



Eugene J. Kelly
Regional Director
Region 4

CONSENT BY RESPONDENT
Town of Coeymans

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

BY: Stephen D. Flach
TITLE: Supervisor
DATE: 9-10-13

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

On the 10th day of September in the year 2013 before me, the undersigned, a Notary Public in and for the State, personally appeared Stephen D. Flach, 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.

Lisa M Cirillo
Notary Public



Schedule of Compliance

1. Within 30 days of the effective date of this Order, Respondent shall submit to the Department documentation showing that Respondent and the Village of Ravenna have formed a joint committee for the purpose of conducting a joint municipal study (“Study”) on Respondent’s and the Village of Ravenna’s sanitary sewer systems. The study shall be performed by a Professional Engineer licensed in the State of New York. The study shall address at a minimum the evaluation of the future use of the Van Hoesen Overflow Retention Facility (ORF). The study shall determine if the ORF should: continue to be used as designed; be used to provide flow equalization with no discharge; or be completely eliminated. The study shall also determine the effects of the change in the use of the ORF on the downstream sewer system and what changes will be necessary to convey sewage and not cause sanitary sewer overflows. The study shall be completed by October 1, 2013. A report prepared by a Professional Engineer licensed in the State of New York on the Study’s findings and recommendations for improvements to the sanitary sewer system shall be submitted to the Department for review and approval within 30 days of the completion of the study. All improvements to the sanitary sewer system shall be completed by October 1, 2016.

2. Within 120 days of the effective date of this modification, Respondent shall submit to the Department for review and approval an SSO Abatement and Elimination Plan prepared by professional engineer, licensed in and by the State of New York. The plan must, at a minimum, consider modifications to the sanitary sewer system (improvements to Division Street pump station, installation of an interceptor line in the Hamlet), removal of I/I to the maximum extent practicable, and the upgrade or expansion of the Town’s WWTP (head works modifications to decrease overflows from line to WWTP, the need for equalization at the WWTP, increase solids handling capacity, making the old secondary clarifiers fully operational) to allow for sustained SPDES permit compliance and elimination of sanitary sewer over flows.

The plan must include a schedule for further evaluation, design and construction of all collection and treatment system improvements. The schedule shall become an enforceable part of this Order upon Department approval. Additional elements that should be considered in the plan can be found in the Department’s Guidelines for Sanitary Sewer Overflow Abatement Analysis, dated April 24, 2009 (see ATTACHMENT 1). The plan shall be implemented upon Department approval.

3. No sewer connections, sewer extensions, or increases in flow shall be made to the Town’s sanitary sewer collection system until satisfactory completion of this Schedule of Compliance, except as follows:

- a. Interim Relief Based on Prior I/I Work [Prior to Department approval issued under paragraph 3.]: Prior to obtaining Department approval of an SSO Abatement and Elimination Plan, the Department will only allow sewer connections and sewer extensions to be completed that have been determined acceptable, prior to January 17, 2012, based on prior I/I removal or hardship conditions. This includes lots 43, 47, 49 and 60 on Martins Hill Road.
- b. Continued Relief Based on I/I Work [After Department approval issued under paragraph 3.]: Upon Department approval of an SSO Abatement and Elimination Plan, sewer connections, sewer extensions, or increases in flow may be considered based on I/I reduction projects. Application in writing for such relief shall be made to the Regional Water Engineer. Approvals under this subparagraph will only be considered if progress on the approved SSO Abatement and Elimination Plan is meeting all approved schedules pursuant to this Schedule of Compliance, paragraph 2. above. Such application shall include, at a minimum, (I) a description of the quantity and type of wastewater to be introduced (estimates of new wastewater quantity shall be based on the expected hydraulic loading rates provided in the DEC Design Standards for

Wastewater Treatment Works, 1988); (II) an assessment of the capacity of the existing system to accept the additional flow without overloading the WWTP or collection system; (III) an assessment of the I/I removed by the projects completed under this Schedule of Compliance, paragraph 3.; and (IV) an assessment of the criteria in 6 NYCRR Part 750-2.9 (c) (1), (2), and (3) using data from the previous 12-months.

- c. Sewer connections, sewer extensions, or increases in flow not covered by subparagraph a. or b. above, to eliminate existing potential public health nuisances or hazards will be allowed. Application in writing for such relief shall be made to the Regional Water Engineer and must include written concurrence in regard to the existing potential public health nuisance or hazard from the County Health Department.
4. Compliance with the terms and conditions of this Schedule of Compliance shall not be a defense to subsequent violations of the SPDES permit.