

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

**MODIFICATION OF
ORDER ON CONSENT**
("Modification")

- by -

File No. R4-2008-0421-50

Widewaters Greenport Company, LLC
5786 Widewaters Group
P.O. Box 3
DeWitt, NY 13214-0003

Respondent

WHEREAS:

1. Respondent, Widewaters Greenport Company, LLC, is the developer of the Widewaters Commons-Greenport Retail located on Route 9 in Greenport, New York. ("site"). The site is adjacent to the Claverack Creek, a Class C water body.
2. Respondent, Widewaters Greenport Company, LLC, submitted a Notice of Intent ("NOI") to be covered by the General Permit for Stormwater Discharges from Construction Activity, GP-02-01 for the site and was issued a permit (Permit # NYR10M035) ("permit").
3. Respondent entered into an Order on Consent (R4-2008-0421-50) effective date April 30, 2008 ("Order") for permit violations.
4. The Order contains a schedule of compliance with specific requirements and prohibitions.
5. Respondent violated Paragraph C of the Order's Schedule of Compliance and the permit by failing to timely provide qualified inspector and weekly inspection reports to the Department, respectively. Respondent has provided the Department with all past due reports.
6. Respondent has failed to provide the Department with copies of written statements to be provided to all contractors requiring compliance with the approved amended SWPPP which is a violation of Paragraph B of the Order's Schedule of Compliance.

Waiver of Hearing

7. Respondent has affirmatively waived their right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Modification and agrees to be bound by the terms, provisions and conditions contained herein.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. In respect to the aforesaid violations, a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) shall be assessed. The civil penalty is due upon the return of a signed and notarized copy of this Modification to the Department. The civil penalty shall be paid by certified, attorney or bank check made payable to the NYS DEC.

II. All provisions, terms and conditions of the Order (including but not limited to the Schedule of Compliance) shall remain in full force and effect except as expressly modified in this Modification.

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

DATED: _____, 2008
Rotterdam, New York

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

BY:

Eugene J. Kelly
Regional Director
Region 4

On the ____ day of _____ in the year 2008, before me, the undersigned,
personally appeared _____
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at

(Full mailing address)

and that he/she/they is (are) the

_____ of the
(President or other officer or director or attorney in fact duly appointed)

(Full legal name of corporation)

the corporation described in and which executed the above instrument; and that he/she/they
signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Notary Public, State of New York

