

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2048 | F: (518) 357-2087
www.dec.ny.gov

CERTIFIED – RETURN RECEIPT REQUESTED
7016 0340 0000 4616 7595

November 28, 2017

Terresa M. Bakner
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Re: Modification of Order on Consent
R4-2016-0822-143M2

Dear Ms. Bakner:

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

Sincerely,

Dusty Renee Tinsley / jv

Dusty Renee Tinsley
Assistant Regional Attorney

Enclosure

ec: D. Thorsland
J. Malcolm



Department of
Environmental
Conservation

Second Modification of Order on Consent
R4-2016-0822-143M2
Town of Duanesburg

1. Respondent shall have implemented, by November 30, 2017, all short-term improvements required by the Engineering Report.
2. Respondent shall, by January 31, 2018, have in place the insulated cover.
3. Respondent may allow properties to be connected to the Sewer District No. 3 system after October 31, 2017, even if the insulated cover is not in place, if and only if:
 - a. the properties have septic systems that have been documented by the Department of Health ("DOH") or the Town of Duanesburg ("Town") prior to September 30, 2017 as failing;
 - b. or properties that have septic systems that become documented by the DOH as failing.
4. All properties excluding those meeting the requirements of Paragraph 2 above may be connected to the Sewer District No. 3 system only once the insulated cover is in place.
5. A list of properties with documented failing septic systems must be made available to Department staff prior to allowing connection to the Sewer District No. 3 system. The documentation that established any septic system as failing shall be made available to Department staff within five calendar days of a request to produce such documentation.
6. All terms, conditions, and provisions of the Order on Consent R4-2016-0822-143 and any plans approved thereunder remain in full force and effect except as changed by this Modification or the Modification of Order on Consent R4-2016-0822-143M1.

DATED: November 27, 2017
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation


BY:



Keith Goertz
Regional Director
Region 4

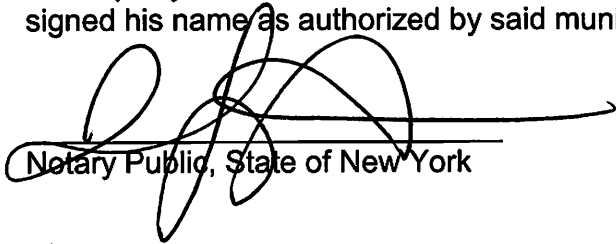
CONSENT BY RESPONDENT

Respondent Town of Duanesburg hereby consents to the issuance and entry of the foregoing Second 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: Supervisor Tidball
DATE: November 14, 2017

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

On this 14th day of November, 2017, before me personally came Roger Tidball to me known, who being by me duly sworn did depose and say that he resides in 280 Brown Corners Rd, Esperance, NY, that he is the Town Supervisor of the municipality described in and which executed the foregoing instrument, and that he signed his name as authorized by said municipality.



Notary Public, State of New York

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HO6351801
Qualified In Schenectady County
My Commission Expires 12-12-2020

