

**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 0640 0000 4616 5713

September 11, 2017

Mayor Matthew Avitable  
Village of Middleburgh  
P.O. Box 789  
Middleburgh, NY 12122

Re: Letter Agreement  
Order on Consent  
R4-2016-0617-116M2

Dear Mr. Avitable:

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

Sincerely,

*Dusty Renee Tinsley/ jv*

Dusty Renee Tinsley  
Regional Attorney  
Region 4

Enclosure

ec: R. Mitchell



Department of  
Environmental  
Conservation

**Letter Agreement to Order on Consent**  
**R4-2016-0617-116(M2)**

1. By this agreement, the following “Action to be Taken” is deleted from the Schedule of Compliance contained in the Order on Consent (R4-2016-0617-116):

“Respondent shall arrange for a representative of its contract laboratory to be present at the Facility each month to collect the SPDES compliance samples for biochemical oxygen demand (BOD5), total suspended solids (TSS), and fecal coliform. Laboratory reports and chains of custody shall be submitted for these samples with the corresponding monthly discharge monitoring reports” with a deadline of “Effective immediately and continuing for six months after the effective date of this Order.”


2. The effective date of this Letter Agreement is the date it is signed by the Regional Director.

3. All terms, conditions, and provisions in the Order on Consent (R4-2016-0617-116), effective December 5, 2016, and any plans approved thereunder, remain in full force and effect except as changed by the Letter Agreement to the Order on Consent R4-2016-0617-116(M), effective February 3, 2017, and by this Letter Agreement R4-2016-0617-116(M2).

DATED: September 11, 2017  
Rotterdam, New York

Basil Seggos  
Commissioner  
New York State Department of  
Environmental Conservation

BY:



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Keith Goertz  
Regional Director  
Region IV

**CONSENT BY RESPONDENT**

Respondent Village of Middleburgh hereby consents to the issuing and entering of this Order, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

Signature: \_\_\_\_\_ Mayor Avitable

Position: Mayor \_\_\_\_\_

Dated: 8/30/17 \_\_\_\_\_

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

On this 30 day of August, 2017, before me personally came Matthew Avitable to me known, who being by me duly sworn did depose and say that he resides in Middleburgh, that he is the Mayor of the municipality described in and which executed the foregoing instrument, and that he signed his name as authorized by said municipality.

Melanie Laraway  
Notary Public, State of New York

**Melanie Laraway**  
**Notary Public State of New York**  
**No. 01LA6156786**  
**Qualified in Schoharie County**  
**Commission Expires Dec. 4, 2018**

RECEIVED

SEP 8 2017

CLERK OF COUNTY CLERK