

APPENDIX G

Water and Sewer Information

Appendix G1

NYSDEC Water Supply Permits

DEC PERMIT NUMBER <b>3-3340-00177-00001</b>
FACILITY/PROGRAM NUMBER(s) <b>WSA# 10000</b>



**PERMIT**  
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE <b>September 21, 2000</b>
EXPIRATION DATE <b>None</b> (except see General Condition #11 on Page 3)

TYPE OF PERMIT (Check All Applicable Boxes)

New    
  Renewal    
  Modification    
  Permit to Construct    
  Permit to Operate

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9: 6NYCRR 373: Hazardous Waste Management
<input checked="" type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO <b>Village of Kiryas Joel</b>		TELEPHONE NUMBER <b>(845) 783-8300</b>	
ADDRESS OF PERMITTEE <b>51 Forest Road, PO Box 566, Monroe, NY 10950</b>			
CONTACT PERSON FOR PERMITTED WORK <b>Mayor Abraham Weider or Village Clerk Gedalye Szegedin,</b>		TELEPHONE NUMBER <b>(845) 783-8300</b>	
NAME AND ADDRESS OF PROJECT/FACILITY <b>Various wells located within and outside the Village's boundaries.</b>			
LOCATION OF PROJECT/FACILITY			
COUNTY <b>Orange</b>	TOWN <b>Monroe</b>	WATERCOURSE/WETLAND NO. <b>N.A.</b>	NYTM COORDINATES E:     N: <b>4</b>
DESCRIPTION OF AUTHORIZED ACTIVITY  This permit: a) authorizes the Village of Kiryas Joel to take up a supply of water from replacement Well No. 14A for use in the Village's existing water supply system; b) ratifies the Village's past acts in connecting Wells No. 1 and No. 9B to the system and authorizes their continued use as sources of supply; c) and reduces the maximum authorized rates of withdrawal for previously approved Wells No. 5, No. 8A, and No. 13B, all as specified in detail by Special Conditions No. 1 and 2, of this permit. This permit also revises the maximum daily withdrawal for the nine approved wells located within the Village boundaries to 1,268,640 gallons per day, to correlate with the total of the maximum daily withdrawals approved for each individual well. The average daily withdrawal is limited to 1,000,000 gallons per day based on a calendar month average.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (See Page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR <b>Michael D. Merriman</b>	ADDRESS <b>21 South Putt Corners Rd., New Paltz NY 12561</b>	MDM
AUTHORIZED SIGNATURE <i>Michael D. Merriman</i>	Date <i>September 21, 2000</i>	Page 1 of 5

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

**Item B: Permittee to Require it's Contractors to Comply with Permit**

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

--The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

--The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

--A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3  
21 South Putt corners Road, New Paltz, NY 12651, Telephone: 914-256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 15, TITLE 15 (Water Supply)**

9. Prior to starting work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.  
**NOTE:** Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Department of Health.
10. Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.
11. The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by December 31, 2002.

**SPECIAL CONDITIONS**

1. Only the following ten wells may be used to supply the permittee's system:  
 Wells No. 1, 5, 6, 8A, 9B, 13B, 14A, 17, 21B, and 22. The table appended as ATTACHMENT "A" (3 pages) to this permit summarizes the status of these approved wells and all other existing wells owned by the permittee. No well indicated in the table as abandoned and/or not in service may be used in the permittee's system without a further permit from the Department.

2. Water withdrawals from the ten approved wells may not exceed the following limits:  
 a. For the individual wells:

<u>Well No.</u>	<u>Maximum rate of withdrawal</u>	<u>Maximum Daily Withdrawal</u>
1	76 gallons per minute	109,440 gallons
5	39 gallons per minute	56,160 gallons
6	60 gallons per minute	86,400 gallons
8A	111 gallons per minute	159,840 gallons
9B	109 gallons per minute	156,960 gallons
13B	96 gallons per minute	138,240 gallons
14A	50 gallons per minute	72,000 gallons
17	200 gallons per minute	288,000 gallons
21B*	25 gallons per minute	27,000 gallons
22	140 gallons per minute	201,600 gallons

\* This well is permitted to operate only 18 hours per day.

- b. For the total combined withdrawal from the nine approved wells located within the Village of Kiryas Joel, that is Wells No. 1, 5, 6, 8A, 9B, 13B, 14A, 17, & 22:
- The average daily withdrawal, based on a calendar-month average, may not exceed 1,000,000 gallons per day.
  - The maximum daily withdrawal may not exceed 1,268,640 gallons, to correlate with the total of the maximum daily withdrawals approved for the individual wells, provided such withdrawals do not exceed the average daily withdrawal limit in subparagraph 2(b)(i) above.
- c. The average and maximum daily withdrawals in Special Condition 2(b) above do not include Well No. 21-B at the Brenner Property Well site that is located in a different source of water outside the Village's boundaries. Future wells located outside the Village's boundary may also be excluded from these limits.

DEC PERMIT NUMBER

3-3340-00177-00001

PROGRAM NUMBER

WSA No. 10000

Page 3 of 5



## SPECIAL CONDITIONS

For Article 15 Title 15 (Water Supply, 6NYCRR Part 601)

3. All land around Well No. 14-A owned by the Village of Kiryas Joel shall be protected and controlled in order to prevent pollution of the ground or groundwater by direct ownership of the land or by the acquisition of protective easements or other appropriate measures as depicted on the plans sheet prepared by AFR Engineering Group, entitled "Well Development Plan for Well 14-A" dated May 10, 2000 and last revised on July 17, 2000.
4. Before any water from Well 14-A may be used for any purpose, after prolonged pumping test, the applicant shall have caused a sample of the water from each to be collected and analyzed, shall have submitted the results of such analyses to the New York State Department of Health in Albany and shall have been advised by that Department either that the water is of a satisfactory sanitary quality or that certain specified treatment or purification thereof is necessary. In this last case such water shall be used only after full compliance with all of the requirements of that Department.
5. Nothing contained herein shall be held to authorize the permittee to distribute water to any other district or service area which has not already been approved by the Department or its predecessors without having received a further permit from the Department.
6. Provisions shall be made to provide an adequate supply of water to those residents whose private well water systems are diminished or rendered non-productive by the use of the wells developed by the Permittee.
7. Upon completion of the construction authorized by this permit, and the commencement of taking of supplies of water from the source so authorized, all existing facilities indicated in this application as unnecessary to the future operation of the system shall be permanently disconnected therefrom, the piping plugged, and any wells so disconnected capped and sealed, all in a manner satisfactory to the New York State Department of Health. The facilities thus abandoned shall not again be used for public water supply purposes without a further Permit from the Department of Environmental Conservation.

### WATER CONSERVATION CONDITIONS:

8. The permittee shall continue implementation of the Meter Replacement Program.
9. The permittee shall implement continuous Leak Detection Program by January 31, 2001.
10. The permittee shall complete the distribution of Water Conservation Kits by January 31, 2001.
11. The permittee must maintain records of annual metered water production and consumption. The data in these records must be tabulated according to a system that can be used to identify the water demand by consumption category. Consumption categories include residential, commercial, industrial, public/governmental and institutional accounts. The records must be maintained for at least ten years.
12. Prior to water service for a newly constructed building, the permittee must obtain proof that only approved plumbing fixtures, defined in ECL 15-0314, were used. Such proof must be in the form of a building inspector report.
13. The permittee must provide the Department with any records required by this permit within two weeks of a written request for such records by this Department.



## **SPECIAL CONDITIONS**

For Article 15 Title 15 (Water Supply, 6NYCRR Part 601)

### **STATE ENVIRONMENTAL QUALITY REVIEW**

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with the Village of Kiryas Joel designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

Distribution w/Attachment "A" (3 pages):

- M. Moran, RD
- C. Manfredi, DOW, Tarrytown
- J. Marcogliese/D. Iyekekpolor, DOW, Tarrytown
- G. Behn, DOW, Albany (3504)
- M. Montysko, NYS DOH, Troy
- Orange County DOH, Goshen
- D. Nichol, Esq., Jacobowitz & Gubits, PC
- L. Toro, PE, AFR Engineering, Monroe
- T. Cusack, Leggette Brashears & Graham

**VILLAGE OF KIRYAS JOEL: STATUS OF PUBLIC WATER SUPPLY WELLS**

Well No.	Originally approved by DEC for			First Approved by DEC for Kiryas Joel (V)			Approval status as of permit for WSA No. 10,000
	Name of Permittee		Capacity	WSA No.	Date	Capacity	
	WSA No.	Date					
1	Monwood Realty Corp.			10,000		76 gpm	Not included in original village approval <b>Ratified by WSA No. 10,000</b>
	5739	07/25/69	125 gpm				
2	Monwood Realty Corp.			Not approved for village use			Reported abandoned in WSA #6910 <b>NOT IN SERVICE</b>
	5739	07/25/69	125 gpm				
3	Well never approved by DEC			Not approved for village use			Reported abandoned in WSA #6910 <b>NOT IN SERVICE</b>
4	Monfield Homes, Inc.			7473	03/15/85	75 gpm	<b>NOT IN SERVICE</b>
	6910	11/27/78					
5	Monfield Homes, Inc.			7473	03/15/85	125 gpm	In service & approved but <b>Capacity reduced to 39 gpm</b>
	6910	11/27/78					
6	Not approved for predecessors			9644	08/16/99	60 gpm	In service as originally approved
7	Monfield Homes, Inc.			7473	03/15/85	125 gpm	<b>NOT IN SERVICE</b>
	6910	11/27/78					



VILLAGE OF KIRYAS JOEL: STATUS OF PUBLIC WATER SUPPLY WELLS									
Well No.	Originally approved by DEC for			First Approved by DEC for Kiryas Joel (V)			Approval status as of permit for WSA No. 10,000		
	WSA No.	Date	Capacity	WSA No.	Date	Capacity			
8				7473	03/15/85	225 gpm	Replaced by Well No. 8A <b>NOT IN SERVICE</b>		
8A				7473 Modified	09/17/85	225 gpm	In service & approved but <b>Capacity reduced to 111 gpm</b>		
9				7473	03/15/85	225 gpm	Replaced by Well No. 9A <b>NOT IN SERVICE</b>		
9A				7473 Modified	09/17/85	225 gpm	<b>NOT IN SERVICE</b>		
9B				10,000		109 gpm	Not previously approved for village use <b>Rated by WSA No. 10,000</b>		
10							<b>NOT IN SERVICE</b>		
11							<b>NOT IN SERVICE</b>		
12							<b>NOT IN SERVICE</b>		
13							<b>NOT IN SERVICE</b>		
13A				9644	08/16/99	208 gpm	<b>NOT IN SERVICE</b>		
13B				9644	08/16/99	208 gpm	In service & approved BUT <b>Capacity reduced to 96 gpm</b>		

**VILLAGE OF KIRYAS JOEL: STATUS OF PUBLIC WATER SUPPLY WELLS**

Well No.	Originally approved by DEC for		First Approved by DEC for Kiryas Joel (V)			Approval status as of permit for WSA No. 10,000
	Name of Permittee		WSA No.	Date	Capacity	
	WSA No.	Date				
14			7473	03/15/85	125 gpm	Abandoned & replaced by Well No. 14A <b>NOT IN SERVICE</b>
14A			10,000		50 gpm	About to be placed into service <b>First approved by WSA No. 10,000</b>
15				Not approved for village use		<b>NOT IN SERVICE</b>
16				Not approved for village use		<b>NOT IN SERVICE</b>
17			9644	08/16/99	200 gpm	In service but must be reduced to approved capacity of 200 gpm
18				Not approved for village use		<b>NOT IN SERVICE</b>
19				Not approved for village use		<b>NOT IN SERVICE</b>
20				Not approved for village use		<b>NOT IN SERVICE</b>
21A				Not approved for village use		<b>NOT IN SERVICE</b>
21B			9803	08/16/99	25 gpm	About to be placed into service as originally approved
22			9803	08/16/99	140 gpm	In service as originally approved

DEC PERMIT NUMBER <b>3-3340-00141/00008</b>
FACILITY/PROGRAM NUMBER(S) WSA# 10,611 FWW# MO-14 (Class II)



**PERMIT**  
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE March 9, 2005
EXPIRATION DATE FW & WQ: 12/31/07 WS: <u>None</u> (Except see General Condition "D" on page 4)

## TYPE OF PERMIT (Check All Applicable Boxes)

New       Renewal       Modification

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input checked="" type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input checked="" type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO <b>The Village of Kiryas Joel - 7<sup>th</sup> Application</b>		TELEPHONE NUMBER
ADDRESS OF PERMITTEE <b>500 Forest Street, PO Box 566, Monroe, NY 10950</b>		
CONTACT PERSON FOR PERMITTED WORK <b>Mayor Abraham Weider</b>		TELEPHONE NUMBER
NAME AND ADDRESS OF PROJECT/FACILITY <b>Well #27 in Brenner Property Wellfield</b>		
LOCATION OF PROJECT/FACILITY <b>(same)</b>		
COUNTY <b>Orange</b>	TOWN <b>Monroe</b>	WATERCOURSE/WETLAND NO. <b>FWW# MO-14 (Class II)</b>
DESCRIPTION OF AUTHORIZED ACTIVITY		NYTM COORDINATES E: . N: 4 .
<p>The permittee is permitted to take an additional supply of water for use in the existing Village water supply system by the use of the Well #27 having a maximum pumping rate of 125 gallons per minute. This well, as with all of the existing Brenner Property wells, shall be pumped for no more than 18 hours per day for a total daily taking of 135,000 gallons per day. The total approved withdrawal from all six wells in the Brenner Property wellfield is now increased to 442, 800 gallons per day, in accordance with all the conditions of this permit, in particular Special Condition # 1.</p> <p>The permittee is also permitted excavate a trench and install a water line through the adjacent area of Freshwater Wetland #MO-14 (Class II) from Well #27 to the existing pump house, in accordance with the plans and reports referenced in Special Condition #1..</p>		

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (See Page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR <b>Michael D. Merriman</b>	ADDRESS <b>21 South Putt Corners Rd., New Paltz NY 12561</b>	MDM
AUTHORIZED SIGNATURE <i>Michael D. Merriman</i>	Date <i>March 9 2005</i>	Page 1 of 6

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

**Item B: Permittee to Require it's Contractors to Comply with Permit**

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

--The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

--The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

--A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3  
21 South Putt corners Road, New Paltz, NY 12651, Telephone: 845-256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24,25,34,36 AND 6NYCRR PART 608**

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
5. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized.
7. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
8. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
9. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by \_\_\_\_\_ on \_\_\_\_\_.

**SPECIAL CONDITIONS**

- ◆ The enclosed permit sign must be conspicuously posted in a publicly accessible location at the project site. It must be visible and protected from the elements at all times.
- ◆ The permittee shall require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads, understands and complies with this permit, including all special conditions to prevent environmental degradation.
- ◆ For Article 15, Protection of Waters and Article 24, Freshwater Wetlands permits, the permittee or an authorized representative shall notify the Department by mailing the attached form at least 48 hours prior to the commencement of any portion of the project authorized herein.

Continued on next page...

DEC PERMIT NUMBER 3-3340-00141/00008		PAGE 3 OF 6
PROGRAM/FACILITY NUMBER WSA# 10,611 & FWW #MO-14 (Class II)		

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 15, TITLE 15 (Water Supply)**

- A. The permittee must require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads, understands & agrees to comply with this permit and associated plan(s).
- B. Prior to starting work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter, such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.  
**NOTE:** Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Department of Health.
- C. Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.
- D. The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by                     3/1/07                    .

**SPECIAL CONDITIONS**

For Article 15, Title 15 (Water Supply)  
Articles 24 & 15 (Freshwater Wetland and 401 Water Quality Certification)

- 1. The table below shows previously permitted wells in the Brenner well field (WSA Nos. 9,803 and 10,166) and Well No. 27, their pumping capacities and production limits.

WSA No.	Well No.	Maximum pumping capacity, gpm	Maximum daily capacity (pumping restricted to 18 hours per day), gpd
9,803	21B	25	27,000
10,166	23	30	32,400
10,166	24	50	54,000
10,166	25	30	32,400
10,166	26	150	162,000
10,611	27	125	135,000
	TOTAL		442,800

- 2. A well monitoring program must be conducted at Well Nos. 23 and 24. Water levels will be measured using dedicated pressure transducers. The monitoring program will include at least one additional, nearby, offsite well installed in the same geologic formation. Well monitoring data and operation reports for wells 21B, 23, 24, 25, 26, and 27 will be submitted to the Region 3 Regional Water Engineer in the NYSDEC Tarrytown office on a monthly schedule.
- 3. The permittee shall prepare and submit to the NYSDEC Regional Water Engineer a report describing conditions at the Brenner well field on a semi-annual basis for the first year, and yearly thereafter for two additional years. Following completion of the three-year monitoring plan, the Permittee may request permission to terminate the monitoring program if the data collected indicates that no significant onsite/offsite water level interference was observed.
- 4. NYSDEC reserves the right to reduce the water taking from Well No. 27 if significant onsite/offsite water level interference is observed.
- 5. All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments, and the development of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.
- 6. The physical pumping facilities and controls at any well site approved herein shall be protected against damage or



## SPECIAL CONDITIONS

### For Article 15 Title 15 (Water Supply)

### Articles 24 & 15 (Freshwater Wetland and 401 Water Quality Certification)

tampering either by a fence or other suitable enclosure or by their manner of construction and installation.

7. Before any water from the source(s) approved herein may be used for any purpose, the permittee shall have caused a sample of the water from each to be collected and analyzed and shall have submitted the results of such analyses to the Department and to the New York State Department of Health (DOH). Should DOH find that the water from any source requires treatment to attain satisfactory sanitary quality, it will notify the Department of the specific treatment required for that source. The permittee shall use water from such source only after certifying to the Department that it has achieved full compliance with DOH's treatment requirements
8. Nothing contained in this permit and approval shall be held to authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water shall first have been treated in a manner satisfactory to the New York State Department of Health.
9. The Department reserves the right to require the taking of further sanitary precautions or the further treatment of the water from any source approved herein should future conditions cause the New York State Department of Health to specify such action.
10. The permittee shall make provisions to provide an adequate supply of water to those residents whose private well-water systems are diminished or rendered non-productive by the permittee's use of the sources of water approved by this permit.

### WATER CONSERVATION CONDITIONS:

11. The permittee must maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system.
12. At least once every 15-years, the permittee must have its small service connection meters (<1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of the meter.
13. The permittee must maintain records of annual metered water production & consumption, and at least annually, must conduct a system water audit utilizing metered production & consumption data to determine unaccounted-for water.
14. The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits shall show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.
15. The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.



## SPECIAL CONDITIONS

For Article 15 Title 15 (Water Supply)

Articles 24 & 15 (Freshwater Wetland and 401 Water Quality Certification)

### FRESHWATER WETLAND CONDITIONS:

16. **EROSION CONTROL:** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked hay bales along the limits-of-disturbance or as shown on the plans or drawings referenced in this permit. These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.
17. No disturbance to the wetland itself is authorized.
18. Excavated materials and/or fill materials shall be stockpiled more than 100 feet landward of the wetland or water body and shall be contained by hay bales or silt fencing to prevent erosion.
19. The permittee shall employ measures sufficient to prevent contamination of the freshwater wetland by sediment, fuels, concrete leachate or any other pollutants associated with construction or construction procedures.
20. All trenching activities shall take place within a temporary work corridor.
21. All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.
22. If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

### STATE ENVIRONMENTAL QUALITY REVIEW

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with the Village of Kiryas Joel designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

### Distribution:

M. George & L. Meyerson, DOW, Tarrytown  
M. Holt, DOW, Albany (3504)  
M. Montysko, NYS DOH, Troy  
D. Gaugler, BOH  
US ACE, NY District  
T. Schoettle, PE, of Camp Dresser & McKee, Edison NJ  
T. Cusack, CPG, of Leggette Brashears & Graham, Trumbull CT  
M. Schliefer & L. Bergus, PE, OCHD



New York State  
Department of Environmental Conservation



# NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Village of Kiryas Joel Permit No. 3-3340-00141-0000X  
Effective Date: March 9, 2005 (For F.W. & W.P.C. only) Expiration date: December 31, 2007

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.



**IMPORTANT NOTICE TO ALL PERMITTEES**

The permit you requested is enclosed. Please read it carefully and note the special conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state or local government which may be required.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1. If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate departmental office or delegated local health department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

**NOTE:** The DEC permit number & program ID number noted on the top of page 1 of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to this permit, and on any future applications for permits associated with this facility/project area.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

A handwritten signature in black ink that reads "Michael D. Minina".

Division of Environmental Permits, Region 3  
Telephone (845) 256-3165

Applicable Only if Checked

**STORMWATER SPDES INFORMATION:** We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file the enclosed Notice of Intent to obtain coverage under this General Permit.

This form can also be downloaded at: <http://www.dec.state.ny.us/website/dcs/spdes/>

Send the completed form to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway  
Albany NY 12233-3505

**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 • FAX: (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Acting Commissioner

July 12, 2005

GEDALYE SZEGEDIN, VILLAGE MANAGER  
VILLAGE OF KIRYAS JOEL  
51 FOREST ROAD  
MONROE, NY 10950

RE: Village of Kiryas Joel; Modify Well #27's 18-hr condition  
DEC #: 3-3340-00141/00008  
PROG# WSA #10,611  
LOC: T-Monroe, Orange County

Permit Modification

Dear Mr. Szegedin:

Thank you for the June 3, 2005, letter from Thomas Schoettle, PE, providing additional information about the basis for modifying the current pumping limit of eighteen (18) hours per day to a monthly average of 18 hours per day for the above referenced Well #27 permit and all the wells in the Brenner wellfield. I also discussed your requested modification with Jim Garry of our Division of Water in Albany who concurs with the analysis described below.

Facts & Analysis:

The Department staff has reviewed all the documents submitted and has considered the unique aspects of this wellfield, as well as the safeguards in the current Water Supply permit for these wells. Staff is aware that these deep bedrock wells have been pumptested at higher rates than assumed 24-hour per day use, thus demonstrating a safe yield of at least 25% more water than is permitted under this Water Supply permit. Secondly, the applicant's consultants indicate that the wellfield is unique in that when one or more wells are shut off it creates a significant turbidity problem requiring as much as two additional hours of pumping-to-waste in order to clear the wells. This additional burden on the water supply is not only expensive but also wasteful of a groundwater resource important to the community.

The DEC staff also considered the safeguards that are already in the Water Supply permit for Well #27, and the rest of this wellfield, including:

- long-term monitoring of the water levels in Well #23 and #24,
- long-term monitoring of at least one private well outside, but adjacent to this wellfield,
- NYSDEC's reservation of the right to reduce the water taking from Well No. 27 if significant onsite/offsite water level interference is observed.
- semi-annual reporting to NYSDEC describing conditions at the Brenner wells

Long-term monitoring such as this allows the Department staff to determine whether there are any adverse trends in the aquifer due to this pumping and to make corrections at some future date, if found necessary.

July 12, 2005

---

These unique concerns about how the wells function and how long-term monitoring of this wellfield provides reasonable NYSDEC oversight is a sufficient basis for allowing a monthly averaging of the 18-hour pumping rate for all six wells in this wellfield, including Well #27.

Modification: Therefore, the Department hereby modifies this permit to substitute the following sentence for the second sentence in the Water Supply permit description on page 1 of the March 9, 2005 permit:

Modified Project Description: "This well, as with all of the existing Brenner Property wells, shall be pumped for no more than 18 hours per day, on a monthly average, for total daily water taking off 135,000 gallons per day."  
[Modification underlined]

All other terms and conditions of your current Water Supply permit remain unchanged. Please attach a copy of this modification to your permit and keep them together at all times.

If you have any questions, please contact me in New Paltz at 845-256-3165.

Sincerely,



Michael D. Merriman  
Deputy Regional Permit Administrator

File Name: V-KJWell#27Modmonthlyaverage.wpd

cc: M. Montysko, NYS DOH, Troy  
M. Schleifer & L. Bergus, PE, OCHD  
T. Schoettle, PE, Camp Dresser & McKee  
D. Nichol, Esq., Jacobowitz & Gubits  
M. George, Tarrytown  
M. Holt, Albany (3505)  
Mayor, Village of Harriman

gwcc: M. Moran; V. Altieri; M. Duke; W. Rosenbach; L. Meyerson, Tarrytown; J. Garry

DEC PERMIT NUMBER 3-3340-00141/00009
FACILITY/PROGRAM NUMBER(S) WSA # 10,612 8 <sup>th</sup> Application



## PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE August 17, 2005
EXPIRATION DATE None (Except see General Condition "D" on page 3)

TYPE OF PERMIT (Check All Applicable Boxes)

New     
  Renewal     
  Modification     
  Permit to Construct     
  Permit to Operate

<input checked="" type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input checked="" type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input checked="" type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO The Village of Kiryas Joel		TELEPHONE NUMBER (845) 783-8300	
ADDRESS OF PERMITTEE 500 Forest Street, PO Box 566, Monroe, NY 10950			
CONTACT PERSON FOR PERMITTED WORK Mayor Abraham Weider		TELEPHONE NUMBER	
NAME AND ADDRESS OF PROJECT/FACILITY Well #28 adjacent to the Ramapo River			
LOCATION OF PROJECT/FACILITY (same)			
COUNTY Orange	TOWN Monroe	WATERCOURSE/WETLAND NO.	NY TM COORDINATES E: 569.6    N: 4574.8
DESCRIPTION OF AUTHORIZED ACTIVITY <p>Take an additional supply of water for use in the Village's existing water supply and distribution system by the installation of Well #28, having a maximum pumping capacity of 450 gallons per minute. This 45-foot deep sand and gravel aquifer well shall be pumped at no more than 75% of capacity, averaged monthly, resulting in an average daily maximum taking of 486,000 gallons per day.</p> <p>The permittee is also authorized to disturb the adjacent area of state regulated Freshwater Wetland MO-1 (Class II) and to disturb federal wetlands in order to construct a 6-inch diameter water transmission line back to its treatment and distribution system in accordance with Special Condition #1 of this permit.</p>			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (See Page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR Michael D. Merriman	ADDRESS 21 South Putt Corners Rd., New Paltz NY 12561	MDM
AUTHORIZED SIGNATURE <i>Michael D. Merriman</i>	Date August 17, 2005	Page 1 of 4

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

**Item B: Permittee to Require it's Contractors to Comply with Permit**

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

--The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

--The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

--A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3  
21 South Putt corners Road, New Paltz, NY 12651, Telephone: 845-256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

- A. The permittee must require that any contractor, project engineer, or other person responsible for the overall supervision of this project has read, understands and agrees to comply with this permit and associated plan(s).
- B. Prior to starting work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter, such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.  
**NOTE:** Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Department of Health.
- C. Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.
- D. The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by December 31, 2008.

**SPECIAL CONDITIONS**

For Article 15, Title 15 (Water Supply)

1. The permittee shall construct a water transmission line in accordance with Figure No. 3 "Proposed Conveyance and Treatment Facilities" by Thomas Schoettle, PE. of Camp Dresser & McKee, received May 18, 2004.
2. All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. This area shall further be protected from surface water pollution by construction of suitable diversion ditches or embankments, and the development of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.
3. Before any water from the source(s) approved herein may be used for any purpose, the permittee shall have caused a sample of the water from each to be collected and analyzed and shall have submitted the results of such analyses to the Department and to the New York State Department of Health (DOH). Should DOH find that the water from any source requires treatment to attain satisfactory sanitary quality, it will notify the Department of the specific treatment required for that source. The permittee shall use water from such sources only after certifying to the Department that it has achieved full compliance with DOH's treatment requirements
4. Nothing contained in this permit and approval shall be held to authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water shall first have been treated in a manner satisfactory to the New York State Department of Health.
5. The Department reserves the right to require the taking of further sanitary precautions or the further treatment of the water from any source approved herein should future conditions cause the New York State Department of Health to specify such action.
6. The permittee shall make provisions to provide an adequate supply of water to those residents whose private well-water systems are diminished or rendered non-productive by the permittee's use of the sources of water supply approved by this permit.
7. During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.
8. For the first 12 months of Well No. 28 operation, the permittee shall submit a monthly report of pumping and draw down to Region 3 Regional Water Engineer in the Department's Tarrytown office. Monthly reports will



## SPECIAL CONDITIONS

### For Article 15 Title 15 (Water Supply)

include water levels in the Ramapo River collected on at least a daily basis, obtained via use of two staff gauges installed in the river. One gauge shall be immediately downstream of Well #28. The other shall be installed at an appropriate, nearby upstream location outside of any possible area of influence of Well #28. If pumping at the well results in a lowering of Ramapo River levels, NYSDEC reserves the right to re-open this permit.

#### **WATER CONSERVATION CONDITIONS:**

9. The permittee must maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system.
10. At least once every fifteen years, the permittee must have all of its small service connection meters (less than 1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of meter used.
11. The permittee must maintain records of annual metered water production and consumption, and, at least once annually, must conduct a system water audit that utilizes metered production and consumption data to determine unaccounted-for water.
12. The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits shall show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.
13. The permittee must retain records of production & consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, as might be requested in writing by the Department within one month of receiving such a request.

#### **STATE ENVIRONMENTAL QUALITY REVIEW**

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with the Village of Kirvas Joel designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

#### **Distribution:**

M. Moran & M. Duke  
M. George & L. Meyerson, DOW, Tarrytown  
M. Holt, DOW, Albany (3504)  
L. Bergus & M. Schliefer, Orange County Health Department  
M. Montysko, NYS DOH, Troy  
D. Gaugler, NPO  
T. Schoettle, PE of Camp Dresser & Mckee  
T. Cusack, Leggette Brashears & Graham  
R. Raczko, PE, United Water New York  
T. Montagnino, Homeowners Assoc. of Old Country Road  
R. Fromaget



New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 3  
21 South Putt Corners Road, New Paltz, New York 12561-1620  
Phone: (845) 256-3054 FAX: (845) 255-3042  
Website: www.dec.state.ny.us



**IMPORTANT NOTICE TO ALL PERMITTEES**

The permit you requested is enclosed. Please read it carefully and note the special conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state or local government which may be required.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1. If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate departmental office or delegated local health department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

**NOTE:** The DEC permit number & program ID number noted on the top of page 1 of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to this permit, and on any future applications for permits associated with this facility/project area.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

A handwritten signature in black ink that reads "Michael D. Merwin".

Division of Environmental Permits, Region 3  
Telephone (845) 256-3165

Applicable Only if Checked

**STORMWATER SPDES INFORMATION:** We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file the enclosed Notice of Intent to obtain coverage under this General Permit.

This form can also be downloaded at: <http://www.dec.state.ny.us/website/dcs/spdes/>

Send the completed form to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway  
Albany NY 12233-3505



1/23/13

**PERMIT**  
Under the Environmental Conservation Law (ECL)

DEC PERMIT NUMBER 3-3340-00284/00001
FACILITY/PROGRAM NUMBER(s) WSA No. 11,609

EFFECTIVE DATE
EXPIRATION DATE None (Except see Condition "D" on page 2)

TYPE OF PERMIT (Check All Applicable Boxes)

New    
  Renewal    
  Modification    
  Permit to Construct    
  Permit to Operate

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input checked="" type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO Village of Kiryas Joel – 9 <sup>th</sup> Application	TELEPHONE NUMBER (845) 783-8300
--	------------------------------------

ADDRESS OF PERMITTEE P.O Box 566, Monroe, NY 10949
---

CONTACT PERSON FOR PERMITTED WORK Gedalye Szegedin – Village Administrator	TELEPHONE NUMBER (845) 783-8300
---	------------------------------------

NAME AND ADDRESS OF PROJECT/FACILITY (New) Mountainville Well Field, Route 32, Cornwall, NY; (Existing) Village of Kiryas Joel, 51 Forest Road, Monroe, NY; (Existing) Brenner Property Well Field, Larkin Dr., Monroe, NY
--

LOCATION OF PROJECT/FACILITY Route 32, Cornwall, Orange County NY. See also above locations.
---

COUNTY Orange	TOWN Cornwall, Monroe	WATERCOURSE/WETLAND NO.	NYTM COORDINATES Mountainville Well No.1: E: 576.082 N: 4582.56
------------------	--------------------------	-------------------------	--

DESCRIPTION OF AUTHORIZED ACTIVITY This permit is a consolidation of all prior WSAs and the following new authorization:  <b>For Mountainville Well Field, Well No. 1:</b> Take a supply of water with in an amount not exceed a maximum capacity of 425 gallons per minute (gpm) for use in the existing system.  <b>For Village Well No.13 A:</b> Take a supply of water with in an amount not exceed a maximum capacity of 106 gpm for use in the existing system.  <b>For Village Well No. 6 and Well No.8A:</b> Take increased supplies of water for use in existing Well No. 6 and Well No. 8A with maximum capacity of 250 gpm and 160 gpm respectively.  Take a supply of water up to 1,928,800 gallons per day (gpd) from all wells in the Village system in accordance with Special Condition No. 1. The Village is authorized to temporarily take 2.54 MGD as per Special Condition No. 1.B.
--

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (See Page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR	ADDRESS 21 South Putt Corners Rd., New Paltz NY 12561
AUTHORIZED SIGNATURE	Date

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

[Stamp] 1/23/13

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomsoever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

**Item B: Permittee to Require it's Contractors to Comply with Permit**

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS**

**General Condition 1: Facility Inspection by the Department**

- The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).
- The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.
- A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3  
21 South Putt corners Road, New Paltz, NY 12651, Telephone: 845-256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 15, TITLE 15 (Water Supply)**

- A. The permittee must require that any contractor, project engineer, or other person responsible for the overall supervision of this project has read, understands and agrees to comply with this permit and associated plan(s).
- B. Prior to starting work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter, such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.  
**NOTE:** Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Dept of Health.
- C. Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.
- D. The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by January 31, 2015.

**SPECIAL CONDITIONS**  
For Article 15 Title 15 (Water Supply)

1/23/13

1. The table below lists all current approved sources of water:

<b>Village of Kiryas Joel Permitted Well Capacities</b>				
Well No.	WSA	Permitted Capacity as per WSA 11,344 (GPM)	Well Field Capacity (GPD)	Comments
<b>Village Well Field:</b>				
1	10,000	76 <sup>(1)</sup>	1,612,800 instantaneous  1,000,000 monthly	(1) Combined taking from all wells within Village property is limited to a maximum of 1 MGD based on a calendar month average.  (2) 13A & B cannot be pumped simultaneously therefore Well 13A is excluded from total.  (3) Capacities shown for Wells 6, 8A, 13A are newly increased by this permit.
5	10,000	39 <sup>(1)</sup>		
6	11,344	250 <sup>(1,3)</sup>		
8A	11,344	160 <sup>(1,3)</sup>		
9B	10,000	109 <sup>(1)</sup>		
13A	11,344	106 <sup>(1,2,3)</sup>		
13B	10,000	96 <sup>(1,2)</sup>		
14A	10,000	50 <sup>(1)</sup>		
17	10,000	200 <sup>(1)</sup>		
22	10,000	140 <sup>(1)</sup>		
<b>Brenner Well Field:</b>				
		<b>Well Capacity</b>	<b>Permitted Capacity at 18 hr/day (GPM)</b>	
21B	10,611	25 <sup>(4)</sup>	18.75	928,800  (4) Wells in the Brenner Wellfield are limited to a maximum 18-hour per day pumping cycle at the rates indicated; capacities shown in the second column are the actual permitted rates.  (5) No. 28 is adjacent to the Ramapo River.
23	10,611	30 <sup>(4)</sup>	41.25	
24	10,611	50 <sup>(4)</sup>	37.5	
25	10,611	30 <sup>(4)</sup>	41.25	
26	10,611	150 <sup>(4)</sup>	112.5	
27	10,611	125 <sup>(4)</sup>	93.75	
28	10,612	450 <sup>(4,5)</sup>	337.5	
<b>Mountainville Well Field:</b>				
1	11,344	425 <sup>(6)</sup>	612,000	(6) Mountainville Well No. 1 is the largest well in the Village system, thus in order to meet redundancy requirements its contribution is not counted toward total system capacity. See Special Condition 2.
<b>Village TOTAL</b>			<b>Total Permitted Withdrawal 1,928,800</b>	Total Well Field Capacity is 2,540,000 gpd. Permitted withdrawal is 1,928,000 gpd which is based on Redundancy Requirement. See Special Condition 1A and 1B.



**SPECIAL CONDITIONS**  
For Article 15 Title 15 (Water Supply)

1/23/13

- 1.A. The permit limits approved in Special Condition No. 1 above are authorized only for operation of the well fields approved in this permit, specifically the Village Well Field, Brenner Well Field, and Mountainville Well Field. The permittee shall submit an annual report to the Department that verifies the amounts of water withdrawal and amounts of water consumed from the individual sources in the previous calendar year by February 1<sup>st</sup> of each year this permit remains in effect. The report shall provide monthly totals and include annual average and maximum day amounts.
- 1.B. The approved water supply sources cannot be shown to meet the Village of Kiryas Joel's current maximum day demand with the greatest capacity well (Mountainville Well No. 1) out of service. An application for an alternate water supply source to meet the maximum day demand and to meet the redundancy requirement must be filed with the Department no later than December 31, 2013. Prior to starting work on any construction, NYS Department of Health approvals must be in place and filed with the NYSDEC Regional office. The Village is hereby authorized to take up to 2.54 mgd until March 31, 2015.
2. By April 30, 2013, the permittee must submit to NYS Department of Health detailed engineering designs and specifications of the structures proposed to be built, including the transmission main that will connect the Mountainville well field to the Village's water supply system. Prior to starting work on any construction, the required NYSDOH approvals must be in place and filed with the NYSDEC for record. This connection shall be completed no later than December 31, 2014.
3. The permittee is hereby prohibited from developing new sources of water supply, replacement of existing water supply sources, or increasing the pumping rate from existing sources above the levels approved, without first obtaining Water Supply Permit from this Department.
4. The permittee shall continue to conduct a well monitoring program at the Brenner Property Well Field. The permittee shall continue to prepare and submit to the NYSDEC Regional Water Engineer and Division of Water Senior Engineering Geologist in Albany a monthly report describing the conditions at the Brenner Property Well Field and provide semi-annual reports detailing potential offsite impacts. By no later than July 31, 2013, the permittee must submit a mitigation plan to the Department to address offsite wells which have been adversely impacted by pumping on the Brenner Property. The Department reserves the right to reduce water taking from the Brenner Well Field if significant water level interference is observed.
5. The permittee must submit annual reports of actual water usage to the Department in accordance with ECL 15-1533: Water Withdrawal Reporting. These reports shall be made on the forms and within the time frames specified on the Department's webpage located at: <http://www.dec.ny.gov/lands/55509.html>
6. All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments, and the development of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.
7. The physical pumping facilities and controls at any well site approved herein shall be protected against damage or tampering either by a fence or other suitable enclosure or by their manner of construction and installation.
8. Before any water from the sources approved herein may be used for any purpose, the permittee shall collect and analyze a sample of the water from each source and shall submit the results of such



**SPECIAL CONDITIONS**  
For Article 15 Title 15 (Water Supply)

1/23/13

analyses to the NYS Department of Health (NYSDOH). NYSDOH will notify the Department of any specific treatment required for that source to attain satisfactory sanitary quality. The permittee shall use water from such source only after certifying to the Department that it has achieved full compliance with NYSDOH's treatment requirements.

9. Nothing contained in this permit shall authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).
10. The Department reserves the right to require the taking of further sanitary precautions or the further treatment of the water from any source approved herein should future conditions cause the NYS Department of Health (NYSDOH) to specify such action.
11. Nothing contained herein shall be held to authorize the permittee to distribute water to any other district or service area that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.
12. During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.
13. The permittee shall ensure that water used for disinfecting water mains, if discharged to area streams, has free chlorine residual not exceeding 0.05 milligrams-per-liter (mg/l) at the point of discharge.
14. The permittee shall make provisions to provide an adequate supply of water to those residents whose private well-water systems are diminished or rendered non-productive by the permittee's use of the sources of water supply approved by this permit.

**WATER CONSERVATION CONDITIONS:**

15. The permittee must maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system.
16. At least once every fifteen years, the permittee must have all of its small service connection meters (less than 1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of the meter used.
17. The permittee must maintain records of annual metered water production and consumption. The permittee must also, at least once annually, conduct a system water audit that utilizes metered production and consumption data to determine unaccounted-for water.
18. The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.
19. The permittee must retain records of production and consumption, reports of audit results, and



**SPECIAL CONDITIONS**  
For Article 15 Title 15 (Water Supply)

1/23/13

summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

Distribution:

- cc: A. Roy, DOW, WPO  
M. Montysko, NYS DOH, Troy
- ecc: M. George & S. Karimipour, DOW, WPO  
M. Holt, J. Garry, E. Schmitt, DOW, Albany

Appendix G2

Leggette, Brashears & Graham  
Water Supply Letter



# LEGGETTE, BRASHEARS & GRAHAM, INC.

## PROFESSIONAL GROUNDWATER AND ENVIRONMENTAL ENGINEERING SERVICES

4 RESEARCH DRIVE, SUITE 301  
SHELTON, CT 06484  
(203) 929-8555  
FAX (203) 926-9140  
[www.lbgweb.com](http://www.lbgweb.com)

April 26, 2013

Mr. R. Scott Ballard  
Environmental Analyst  
New York State Department  
of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561

RE: Village of Kiryas Joel  
Water-Supply Adequacy  
Forest Edge Subdivision

Dear Mr. Ballard:

Leggette, Brashears & Graham, Inc. (LBG) has reviewed and updated the water-supply adequacy for the Village of Kiryas Joel to determine the feasibility of providing water to the proposed Forest Edge Subdivision located in the Town of Monroe (figure 1). The proposed 55-lot subdivision has an estimated water demand of 57,200 gpd (gallons per day).

### WATER-SUPPLY ADEQUACY STUDY

#### Well Supply in Service

The Village of Kiryas Joel has 18 production wells which are included in the New York State Department of Environmental Conservation (NYSDEC) WSA NO. 11,609. Wells 1, 5, 6, 8A, 9B, 13A, 13B, 14A, 17 and 22 are located within the village boundary. Wells 21B, 23, 24, 25, 26, 27 and 28 are located at the Brenner Property Well Field in the Town of Monroe. Mountainville Well 1 is located on the Pump Station Well Field Parcel on Route 32 in the Town of Cornwall. The well yield capacities are presented on table 1.

At present, the combined yield capacity from the wells within the Village included under WSA No. 11,609 is 1,612,800 gpd. This total includes the yields from Wells 1, 5, 6, 8A, 9B, 13B, 17 and 22. Since Wells 13A and 13B cannot be pumped simultaneously, the yield from Well 13A has not been included in the total capacity. The average water-taking limit for the

wells within the Village under Permit No. 11,609 is 1.0 mgd (million gallons per day), however, this is defined as the monthly average in a calendar year, therefore, the wells within the Village may be pumped at combined yield capacity exceeding 1.0 mgd to meet peak water demand periods, as long as the monthly average does not exceed 1.0 mgd.

The permitted withdrawal under WSA No. 11,609 from the seven wells at the Brenner well field (Wells 21B, 23, 24, 25, 26, 27 and 28) is limited to a monthly average not to exceed 928,800 gpd. The permitted taking (928,800 gpd) was calculated based 75% of the combined maximum yield capacity of the wells on the Brenner Property of 1,238,400 gpd. The present combined yield capacity of the five wells in service at the Brenner well field is about 1.0 mgd.

Under permit WSA No. 11,609, the total average water taking permitted by the NYSDEC for the Village was increased to 1.93 mgd (1,928,800 gpd) and the total permit taking to meet the maximum peak water demand was increased to 2.54 mgd. The permit allows a taking of up to 1.61 mgd to meet maximum peak day water demands from the wells within the Village; however, the present yield capacity is 1.28 mgd.

#### **Village of Kiryas Joel – Water Demand Estimate**

At this time, the Village of Kiryas Joel water supply can meet the existing 2012 average daily water demand of 1.59 mgd and marginally meet the peak day water demand of about 2.19 (table 2).

The Village wells which are currently in service have a combined yield capacity of about 2.28 mgd (table 1), not including the yield from Mountainville Well 1. Considering the 2012 peak water demand of 2.19 mgd for the Village, there leaves an available surplus of water from the existing wells of 0.09 mgd.

Approval from the regulatory agencies to allow the Village to supply water to the Forest Edge project would require that the existing Village water-supply source meet the peak day water demand (2.19 mgd) of the Village plus the sum of twice the average water demand (114,400 gpd) of the Forest Edge Project; which is a sum of about 2.30 mgd. The table below shows a comparison of the water demand requirements for the Village and Forest Edge compared to the permitted water taking and current maximum combined well capacity for the Village:

	Permitted Average Water Demand (mgd)	Permitted Maximum Day Demand (mgd)	Current (2012) Maximum Well Capacity (mgd)
<b>WSA No. 11, 609</b>	<b>1.93</b>	<b>2.54*</b>	--
2012 Village Water Usage	1.59	2.19	2.28
Combined 2012 Village Water Usage plus Proposed Forest Edge Subdivision Water Demand	1.65	2.30	2.28

mgd million gallons per day

\* Total includes the yield from Mountainville Well 1

As shown on the above table, there is insufficient surplus capacity in the Village's water supply to meet the combined peak water demand requirements of the Village plus the proposed Forest Edge development without the inclusion of the yield from Mountainville Well 1. Therefore, approval of the Forest Edge connection to the Village of Kiryas Joel water supply will require issuance of the consolidated permit WSA #11,609 by the NYSDEC.

Should you have any questions, please do not hesitate to contact me.


Very truly yours,

LEGGETTE, BRASHEARS & GRAHAM, INC.



Stacy Stieber  
Senior Hydrogeologist

Reviewed by:



Thomas P. Cusack, CPG  
Principal

TPC:cmm

Enclosures

H:\KJOEL\Forest Edge Subdivision\Mar 2013 Water-Supply Adequacy.docx

**TABLES**

TABLE 1

VILLAGE OF KIRYAS JOEL  
FOREST EDGE PROJECT

Summary of Well Yield Capacities - 2012

Well Water District	WSA No. Permitted Yield (gpm)	Present Yield Capacity (gpm) (gpd)	Comments
1	11,609 76	30 43,200	
5	11,609 39	25 36,000	
6	11,609 250	250 360,000	
8A	11,609 160	160 230,400	
9B	11,609 109	100 144,000	
13A	11,609 106	25 36,000	Well 13A/13B cannot be pumped simultaneously
13B	11,609 96	25 36,000	
14A	11,609 50	0 0	
17	11,609 200	200 288,000	
21B	11,609 25	0 0	Brenner property well field
22	11,609 140	100 144,000	

TABLE 1  
(continued)

VILLAGE OF KIRYAS JOEL  
FOREST EDGE PROJECT

Summary of Well Yield Capacities - 2012

Well Water District	WSA No. Permitted Yield (gpm)	Present Yield Capacity (gpm) (gpd)	Comments
23	11,609 30	0 0	Brenner property well field
24	11,609 50	22.5* (30) 43,200	Brenner property well field
25	11,609 30	22.5* (30) 32,400	Brenner property well field
26	11,609 150	112.5* (150) 162,000	Brenner property well field
27	11,609 125	93.75* (100) 135,000	Brenner property well field
28	11,609 450	337.5* (390) 486,000	Brenner property well field
Mountainville Well 1	11,609 425	425 612,000	Mountainville proposed source
<b>TOTALS</b>	<b>(Total Average Permitted Yield)</b> 1,928,800** gpd	<b>(Total Present Yield Capacity)</b> 2.28 mgd***	

gpm = Gallons per minute      gpd = Gallons per day      WSA No. = Water Supply Application Number

\* Maximum yield capacity (assumes 18 hours per day pumping cycle).

\*\* Total permitted for the Village under WSA # 11,609 is 1,928,800 mgd (monthly average); maximum peak day is permitted up to 2.54 mgd (1,612,800 gpd from wells in Village; 928,000 gpd from Brenner well field). The yield from Mountainville Well 1 is excluded from the total yield calculation in order to meet well redundancy requirements.

\*\*\* Present yield capacity of 1.28 mgd from the wells in the Village and 1.0 mgd from the Brenner Property wells. The yield from Mountainville Well 1 has not been included in the total.

**TABLE 2**

**VILLAGE OF KIRYAS JOEL  
FOREST EDGE PROJECT**

**Monthly Water Product - 2012**

	<b>Monthly Total (gallons)</b>	<b>Monthly Average Average (gpd)</b>	<b>Maximum Peak Day Water Demand (gpd)</b>
<b>January</b>	46,996,000	1,516,000	1,711,000
<b>February</b>	43,615,100	1,494,443	1,696,600
<b>March</b>	48,472,300	1,563,623	1,784,300
<b>April</b>	44,308,600	1,429,310	1,816,900
<b>May</b>	49,272,600	1,589,439	1,811,300
<b>June</b>	42,504,000	1,416,800	1,895,700
<b>July</b>	50,821,300	1,639,397	2,140,100
<b>August</b>	52,663,100	1,698,810	2,191,500*
<b>September</b>	52,136,900	1,737,897	1,879,600
<b>October</b>	49,101,400	1,636,713	2,097,400
<b>November</b>	50,667,200	1,688,907	1,836,100
<b>December</b>	51,506,500	1,661,500	1,849,800
<b>Total Withdrawal</b>	582,065,000	--	--
<b>Monthly Average</b>	1,590,342	--	--

\* Maximum peak day water demand.  
gpd gallons per day

## Village of Kiryas Joel 2014 Water Usage

	Monthly Total	Monthly average	Max Day
Jan	46,522,000	1,500,710	1,844,000
Feb	42,523,000	1,518,679	1,838,500
Mar	47,946,700	1,546,668	1,891,000
Apr	47,554,400	1,585,147	2,124,900
May	48,182,700	1,554,281	1,738,700
Jun	49,830,800	1,661,027	2,034,500
July	53,478,800	1,725,123	2,215,700
Aug	52,138,100	1,681,874	1,928,600
Sept	51,233,600	1,707,787	1,930,800
Oct	47,477,500	1,531,532	1,924,700
Nov	48,678,600	1,622,620	1,778,600
Dec	50,276,900	1,621,835	1,748,300
Yearly 2014 withdrawal	585,843,100		2,215,700

Source: Leggette, Brashears & Graham, Inc., 2015 (2014 Water Withdrawal Reporting Form to NYSDEC).



Appendix G3

Amended Findings for the Catskill  
Aqueduct Connection

**SEQRA**  
**Resolution Adopting Amended Findings Statement**

Project # DWSRF 16906

Date: March 31, 2009

**BE IT RESOLVED** by the Board of Trustees of the Village of Kiryas Joel, as lead agency, in compliance with the applicable laws, rules and regulations, including the October 9, 2007 Decision and Order of the Appellate Division, Second Department, that an Amended Findings Statement as hereinafter set forth be and hereby is adopted.

On a motion by Mayor Wieder, seconded by Trustee LANDAU, this resolution is adopted on a vote of 5 Ayes, 0 Nays, 0 Abs.

**NAME OF ACTION:** Catskill Aqueduct Connection

**SEQR STATUS:** Type 1   X   Positive Declaration – August 6, 2002  
DEIS Complete - October 7, 2003  
SEQRA Hearing - November 14, 2003  
FEIS Complete - May 4, 2004  
Findings Statement – July 8, 2004  
Amended FEIS Complete - March 3, 2009

**DESCRIPTION OF ACTION:** Construction of a tap of the Catskill Aqueduct and a transmission main to transport water supply to the Village of Kiryas Joel. The project will include a water treatment plant and pumping station.

**LOCATION OF ACTION:** The water supply pipeline will extend from the NYC Catskill Aqueduct connection in New Windsor, NY along Riley Rd, continuing east on NYS Route 94 to Vails Gate; then south along NYS Route 32 and west on County Route 44, terminating at a new water treatment facility in the Village of Kiryas Joel, Orange County, NY.

**FOR FURTHER INFORMATION:**

**CONTACT PERSON:** Hon. Gedalye Szegedin, Village Administrator

**ADDRESS:** PO Box 566, Monroe, NY 10950

**TELEPHONE NUMBER:** (845) 783-8300

**State Environmental Quality Review Act (“SEQRA”)**  
**Amended Statement of Findings**  
**Village of Kiryas Joel**  
**Connection to the New York City Catskill Aqueduct**

**I. Introduction**

On October 9, 2007, the Supreme Court of the State of New York, Appellate Division, Second Judicial Department (“Appellate Division”), affirmed, in part, a lower court decision that annulled the original Final Environmental Impact Statement (“FEIS”) and Findings Statement issued by the Board of Trustees of the Village of Kiryas Joel (“Village”). In its Decision and Order, the Appellate Division remitted the matter to the Village “for the preparation and circulation of an amended final environmental impact statement ... which analyzes the impact of the project on wetlands, sewage facilities, and the discharge of wastewater and treated effluent into surface and ground waters, includes a phase I-B archaeological study and review, analyzes the growth-inducing effects of the project, and analyzes those alternative to the project which were identified in the final environmental impact statement with respect to these impacts.”

With respect to wetlands, the Appellate Division found that the Village needed to more fully identify the “nature and extent of all of the wetlands that would be disturbed or affected by the construction of the proposed water pipeline, how those wetlands would be disturbed, and how each disturbance, if any, would affect the salutary flood control, pollution absorption, groundwater recharge, and habitat functions of those wetlands.”

Additionally, the Court directed the Village to identify “the location, nature, or extent of the bodies of surface water in which wastewater from the proposed treatment plant would be discharged, and which State classes and standards of quality and purity apply to those water bodies” and “how much effluent would be discharged into those bodies of water over what periods of time, what the nature of the effluent might be, and what the effect upon those bodies of water are likely to be.”

With respect to historical and archaeological resources, the Court directed the Village to prepare “a site-specific and design-specific phase I-B archaeological study.” Finally, the Court directed the Village to conduct a “demographic analysis or projections with respect to the effect of the availability of a steady and stable supply of potable water on population movement into or out of the Village” to support the prior conclusions that “the Village birth rate would continue to grow at a steady rate of 6% per year.”

As directed by the Appellate Division, the Village retained additional consultants to expand on its original environmental impact analysis and to prepare an Amended FEIS. On March 3, 2009, after substantial review and study, the Village accepted the Amended

public health and the environment that might arise from the proposed Project and to implement any necessary mitigation.

## **II. Proposed Action**

### **A. Public Need.**

The Village is an incorporated village in the Town of Monroe, Orange County, New York, approximately 45 miles north of New York City. The Village depends on groundwater wells for its entire supply of potable water—to its residents. While average per-capita consumption of water in Kiryas Joel is substantially lower than in Orange County and New York State as a whole, the Village has had difficulty providing a sufficient and reliable volume of groundwater for its residents. This is due, in part, to internal growth of the Village population, as well as increased regional pressure on limited groundwater resources.

Since the completion of the original FEIS, due to the delay in constructing the Project, the Village was compelled to increase its available water supply and reliance on groundwater wells through the expansion of its Brenner well-field by an additional 621,000 gpd, enabling the Village to draw in excess of 1.9 mgd, depending on environmental conditions.

As the rate of groundwater withdrawal in the vicinity of Kiryas Joel increases in comparison to the groundwater recharge rate, it will become increasingly difficult for a groundwater-dependent system to maintain an adequate and reliable water supply for a growing community. To increase the reliability of its potable water supply, without adversely affecting its neighbors who also draw on the same groundwater resource, the Village needs access to an alternative source of potable water. Based, in part, on the conclusions supported by this environmental impact analysis, connecting to the NYC Catskill Aqueduct (“Aqueduct”) is the most viable source of such water. Accordingly, satisfying the public’s need for a more reliable, safe and adequate source of drinking water remains a priority and obligation of the Village.

### **B. The Project.**

The Village proposes to connect to the Aqueduct near Riley Road in the Vails Gate section of the Town of New Windsor. The Vails Gate location is preferred to other locations because it is just upstream of the point where the Aqueduct descends more than 1,000 feet to cross under the Hudson River and it provides for the most efficient and direct choice of routes to the Village for installation of the transmission pipeline.

Water will be withdrawn from the Catskill Aqueduct using a vacuum priming system, and the water will be conveyed to a pump station. The untreated water will be pumped through a 12-13-mile pipeline that would follow one of two proposed alternative routes. Alternative Route A would run east from Riley Road along NYS Route 94 to Vails Gate; then south along NYS Route 32 and West on County Route 44, terminating at a new water treatment facility on an undeveloped lot in the Village of Kiryas Joel south of

FEIS as complete. The notice of completion and Amended FEIS were subsequently distributed to all required agencies and others. Notice of completion was also published in the Environmental Notice Bulletin on March 11, 2009.

This document serves as the Amended SEQRA Findings Statement and decision by the Village as lead agency to undertake a water supply connection to the New York City Catskill Aqueduct (the "Project" or "Action"). It was prepared in compliance with Article 8 of the Environmental Conservation Law and its implementing regulations in 6 NYCRR Part 617. This Amended Findings Statement includes a description of the proposed Action, a summary of SEQRA procedural compliance, an identification of potentially significant adverse and beneficial environmental impacts anticipated as a result of the action, and a reasoned elaboration of how the Village, as Project sponsor and lead agency, will minimize or avoid potential adverse effects to the greatest extent practicable, in light of social, economic, and other essential considerations. It incorporates the Village's original Findings Statement and expands upon it as a result of the additional analysis undertaken at the direction of the Appellate Division.

SEQRA was designed to foster a careful review by all interested parties of any potentially significant environmental impacts at the earliest possible time, when discussion of such impacts has the most meaning. This review is conducted when the Project is still in its conceptual and formative stages, prior to any agency decisions. Notably, here, the City of New York has issued only conceptual approval for the planning of the Project. More detailed plans for the connection to the Aqueduct, the final pipeline route and the treatment facility still need to be developed. The Project is currently on the NYS Drinking Water State Revolving Loan Fund Readiness List for 2008-2009. Compliance with SEQRA is required before any funds may be released by the NYS Environmental Facilities Corporation. It is this initial agency action that has triggered the need to complete the SEQRA review.

This environmental review, including the additional areas of analysis directed by the Appellate Division, has afforded the Village an even clearer understanding of the potential adverse environmental impacts that might arise from the actual construction and operation of the Project. The Village has carefully and thoroughly reviewed the information contained in the Amended FEIS, together with the original Draft and Final Environmental Impact Statements and associated appendices, as well as oral and written comments thereon received from the general public and government agencies. The Village found it to be a complete and adequate examination of all important potential impacts which may result from the Project and responsive to the Appellate Division's direction.

On balance, and after careful consideration of all relevant documentation and comments, the Village believes it has more than adequate information to evaluate all of the benefits and potential adverse environmental impacts of the Project.

The Village will continue to work closely with the City of New York and other involved agencies to ensure that all appropriate steps are taken to avoid or minimize any risk to

Seven Springs Road (CR 44) and west of Bakertown Road. Alternative Route C also continues along NYS Route 94 to County Route 27 to NYS Route 208 to County Route 17 to Shunnemunk Road in the Village of Kiryas Joel, terminating at a new water treatment facility at the site of the existing water treatment facility on Berdichev Road in the Village. After treatment, the Aqueduct water would be fed into the Village's existing water distribution system. The Project does not involve the expansion of the Village's distribution system into previously undeveloped or subserved areas but will allow the existing Village to be served with a new source of water supply.

In September 2000, the Village of Kiryas Joel filed an official request with the New York City Department of Environmental Protection ("NYCDEP") for conceptual approval to establish a connection to the Aqueduct that would be designed to withdraw up to 2.0 mgd of water. As set forth in the NYC Administrative Code, the volume of water the Village is entitled to withdraw is calculated by multiplying the Village population - - as reported in the most recent Census - - by the per capita consumption of NYC residents. On November 27, 2000, NYCDEP conceptually approved the Village's request. Final approval of the proposed connection to the Aqueduct must still be obtained from the City of New York. As an involved agency, NYCDEP provided comments on the DEIS which were carefully reviewed by the Village and responded to in the FEIS and considered in preparing this Amended Findings Statement.

### **III. SEQRA Procedural Compliance**

Project planning began with the examination of alternative potential technologies, pipeline routes, water treatment plant and pump station locations, pipeline sizes and the preparation of a series of environmental documents in compliance with SEQRA procedures.

As the agency directly undertaking the Project, the Village determined that the Project was a Type I action subject to SEQRA. On or about July 2, 2002, the Village commenced the SEQRA coordinated review process by preparing and distributing Part I of the full Environmental Assessment Form ("EAF") to all other involved and interested agencies that it was able to identify, notifying them of its desire to serve as lead agency. All involved agencies assented to the Village serving as lead agency and, on or about August 6, 2002, the Village formally assumed the lead agency role for the coordinated review. Based on the EAF, and other Project information, the Village prepared, filed and published a Positive Declaration indicating its intention to prepare a Draft Environmental Impact Statement ("DEIS"). On April 2, 2003, the Village issued a Draft Scoping Document for the DEIS followed by a 23-day comment period. Written comments were accepted and the Final Scoping Document was issued by the Village on June 3, 2003. On October 7, 2003, the DEIS was accepted as complete and made available for agency and public review. Notice was provided to all involved and interested agencies and persons and published in the Environmental Notice Bulletin ("ENB") on October 15, 2003. A properly noticed public hearing was held at the Ezras Choilim Health Center in the Village of Kiryas Joel on November 14, 2003. Written comments were received until the end of the DEIS comment period on November 24, 2003.

Public and agency comments on the DEIS were carefully reviewed and thoroughly considered and responses to all substantive comments received were incorporated into the original FEIS. The Village accepted the original FEIS as complete on May 4, 2004 and subsequently filed the FEIS with all involved and interested agencies on or about May 5 and 6, 2004. Notice of completeness of the FEIS was published in the ENB on May 12, 2004. The Village subsequently issued and distributed its original Findings Statement on or about July 9, 2004.

The original FEIS and Findings Statement were subsequently challenged by Orange County. On October 20, 2005, Supreme Court, Orange County, (Rossenwasser, J.), granted Orange County's petition and annulled the FEIS and Findings Statement. On October 9, 2007, the Appellate Division, Second Department, affirmed in part and remitted the matter to the Village for the preparation and circulation of an amended final environmental impact statement. The Village undertook the required studies and analysis as directed by the Appellate Division and caused its environmental consultants to prepare an Amended FEIS which was accepted as complete on March 3, 2009. Notice of completeness of the Amended FEIS was published in the ENB on March 11, 2009. While not expressly required by the Appellate Division Order, this Amended Findings Statement is intended to complete the Village's SEQRA review. In accordance with SEQRA, the Village's findings and decision-making are required to incorporate suitable consideration and balance to the protection and enhancement of the environment, human and community resources, social and economic factors.

#### **IV. Significant Beneficial and Adverse Impacts**

Sections 2 and 3 of the DEIS describe the existing conditions, potential impacts, mitigation measures and alternatives considered for the Project. It included analyses of groundwater and surface water resources; ecological resources; geologic and topographic resources; air quality; agricultural resources; historic and archaeological resources; socioeconomics; land use; transportation and traffic; noise; aesthetics; utilities; energy; solid waste management; hazardous materials; and cumulative impacts.

It is evident that the majority of potential adverse environmental impacts identified will be short-term in duration and related to construction. These include impacts related to noise, dust, traffic, soil erosion, wetlands and stream crossings. Potentially adverse long-term impacts are focused primarily on growth inducement, cultural resources, wastewater treatment and pipeline maintenance. In direct response to the Appellate Division Decision and Order, the Amended FEIS also included additional analyses of wetlands, archaeology, sewage treatment, and population growth with respect to the alternatives.

The following narrative identifies the considerations that the Village has weighed and the reasoning behind its decision to move forward with the Project. It identifies the potential environmental impacts of the Project and describes mitigation measures that will be incorporated into the final Project plans to avoid or minimize those impacts. This section

has been expanded to account for the additional analyses, field work and reports prepared by the Village at the direction of the Appellate Division.

**A. *Groundwater Resources.***

Under existing conditions and the no action alternative, the Village would continue to rely entirely on groundwater resources as its sole drinking water source. To accommodate the forecasted growth in the Village, the Village would be compelled to develop new and higher yielding wells which may not be viable and would place an increased burden on the limited resource and ultimately the surrounding communities that share this resource. Indeed, since the completion of the FEIS and original Findings Statement, due to the delay in the Project caused by the litigation brought by Orange County, the Village obtained approval from the New York State Department of Environmental Conservation (“NYSDEC”) for additional groundwater wells, increasing its available capacity to 1.9 mgd. Because the Project will provide the Village with a new primary surface water source of potable water, no adverse impacts on the groundwater resource are anticipated to result from the Project. Rather, after completion of the Aqueduct connection, the Village of Kiryas Joel’s dependence on groundwater would decrease, with the existing wells functioning entirely as a required backup system. The decrease in daily withdrawal would reduce stress on the aquifer and, therefore, provide a beneficial impact not only to the Village but the surrounding communities and the resource.

**B. *Surface Water Resources.***

Potential impacts on surface water resources identified in the DEIS and Amended FEIS include impacts from stream crossings and erosion caused by construction of the pipeline as well as the potential for increased generation of wastewater once operating.

**1. *Stream Crossings.***

There are a number of stream crossings along both alternative routes. The major streams crossed by the pipeline include Moodna Creek and Woodbury Creek, both NYSDEC Class C streams. As described in the DEIS and Amended FEIS, mitigation measures will be employed at these and other minor crossings to avoid potential adverse impacts to streams at these crossings. Where practical, the water main will be attached to the underside of the bridge crossing the stream. This will not affect the flow of water under the bridge. Where attaching the pipeline to the bridge is not practical, the water main will be jacked beneath the stream following standard engineering practices. Construction will be a minimum of 50 feet from the stream bank and the top of the water main will be at least 5 feet beneath the stream bottom to ensure that there is no permanent disturbance to the stream. Any affect on the flow or water quality of the streams at these locations would be temporary and construction-related. Mitigation measures including sediment traps, sediment barriers, erosion control blankets, rip-rapping, drainage diversions, vegetative restoration and minimizing land disturbance will be incorporated into the final construction plans. None of the streams that will be crossed are regulated by NYSDEC and, therefore, there is no requirement for a Protection of Waters permit from NYSDEC.



A NYSDEC SPDES General Permit for stormwater discharges associated with construction activities will be required. Compliance with the General Permit (GP-0-08-001), the technical standards for erosion and sediment control and the required stormwater pollution prevention plan will further protect surface water resources. Similar mitigation measures as those listed directly above will be incorporated into the Project.

## **2. WWTP Capacity and Potential for Water Quality Impacts**

The Village of Kiryas Joel is within Orange County Sewer District (“OCSD”) No.1 and is entitled to discharge its wastewater to the Harriman Wastewater Treatment Plant (“WWTP”). Expansion of the Harriman WWTP to 6.0 mgd has recently been completed and is now on line. This additional capacity is available for use by residents of municipalities served by OCSD No. 1. In August 2008, the Orange County Supreme Court, Environmental Claims Part, issued a Decision and Order enjoining the County from selling over 1.0 mgd of the newly created capacity to any communities outside of OCSD No.1 until such time as it was determined that there was adequate capacity first to accommodate the District, including the Village. It is, therefore, further evident that there is now an adequate, secure and dedicated capacity available to accommodate the potential increase in wastewater to be generated by the Project now and into the foreseeable future.

Even before the most recent Harriman WWTP expansion, it was evident that there was adequate capacity available to the Village between the Village WWTP and the Harriman WWTP to accommodate the potential increase in wastewater generated by the Project. On March 9, 2005, subsequent to the completion of the original FEIS and Findings Statement, NYSDEC approved a new groundwater well (Well #27) that increased the Village’s water supply (and corresponding wastewater production) by 135,000 gpd. In addition, on August 17, 2005, NYSDEC approved another new groundwater well for the Village (Well #28) with an output of 486,000 gallons per day. In total, both approvals by NYSDEC represented an addition of 621,000 gpd of new water supply to the Village. As a result, the Village now has approval to draw in excess of 1.9 mgd from its existing wells, with a corresponding potential volume of wastewater generated. In authorizing this significant increase in the Village’s water supply and corresponding wastewater generation potential, NYSDEC expressly determined that this expanded water supply would have no adverse impact on the Harriman WWTP or the Ramapo River. Significantly, in response to public comments regarding the potential impact of this additional water supply on growth, wastewater and the Ramapo River, NYSDEC stated:

*In regards to the concern about growth impacts, particularly upon the sewage treatment capacity in the Ramapo River Basin, this Department carefully reviewed its files in regards to the capacity of both the Village’s Sewage Treatment Plant and Orange County’s Harriman Sewage Treatment Plant to treat this additional wastewater. We determined that there is sufficient excess capacity to treat this additional water, without adverse impacts on the Ramapo River.*

Also since the time the DEIS and FEIS were completed in 2006, Orange County engaged CDM to complete the “Harriman Wastewater Treatment Facility Membrane Bioreactor Pilot Study” pursuant to a grant from the New York State Energy Research and Development Authority (“NYSERDA Study”). The NYSEDA Study assessed the feasibility, effectiveness, and cost of implementing a membrane bioreactor treatment system at the Harriman WWTP. The Study concluded that facility capacity could be cost effectively increased an additional 3.0 mgd, from 6.0 mgd to 9.0 mgd. Additionally, the Study’s results demonstrated that the anticipated discharge permit standards for such an increase are readily achievable and technologically feasible for the Harriman WWTP and will also actually increase the quality of the effluent discharged to the Ramapo River. The NYSEDA Study lends still further support for the conclusion that there is adequate treatment capacity to accommodate the Project and that there will be no adverse environmental impacts from the Project with regard to wastewater treatment capacity and no adverse environmental impact with regard to the receiving water body, the Ramapo River. As a result, all wastewater, including any wastewater from the water treatment plant, will be properly treated and not result in any adverse impacts to surface water resources.

Accordingly, considering the available 6.0 mgd capacity at the Harriman WWTP (including the recently constructed 2.0 mgd which remains exclusively available to OCS No. 1) and the Village’s own 0.97 mgd treatment plant, plus available technology for future expansion of the Harriman WWTP, sufficient wastewater treatment capacity is available to accommodate the gradual growth in wastewater generation in Kiryas Joel resulting from the proposed Aqueduct connection.

### **C. *Wetlands.***

The DEIS included a thorough desktop survey and field verification of federal and State wetlands in the vicinity of the alternative pipeline routes. As directed by the Appellate Division, State and federal wetlands were further delineated in the field. For the Amended FEIS, the Village’s consultants delineated those wetlands located within or immediately adjacent to the roadway right-of-way s(50 feet on either side) for both Alternative A and C. All areas beyond the right-of ways will be avoided for both pipeline construction and any equipment staging. This delineation demonstrated that there is sufficient room within the right-of-ways to complete construction of the proposed pipeline without direct impact or alteration of any of the identified wetlands. Nevertheless, protective mitigation measures will be implemented to avoid any indirect impacts to wetlands in these areas where the wetlands are located near to the right-of-way.

Along Alternative Route A, thirty-eight wetlands units were delineated. Fourteen of these units were associated with stream crossings. As noted, none of the stream crossings are regulated by NYSDEC. No other NYSDEC regulated wetlands or buffers were identified in the vicinity of the right-of-ways for this route. Fifty-one wetland units were identified along Alternative Route C. As with Route A, eight involved stream crossings, none of which would require permits from NYSDEC. A number of NYSDEC regulated wetlands

and adjacent buffer areas were identified along Route C. None were located directly in the right-of-way. No construction activity will occur directly within any of these NYSDEC regulated wetlands. However, where there is the potential for temporary disturbance of the wetland buffer, a letter of permission will be obtained from NYSDEC. Conditions under the letter of permission require that any construction related impacts in a wetland adjacent area be temporary and that the excavated area be restored to its pre-construction condition.

The majority of the wetland units delineated along both alternative routes are presumed to be federal wetlands regulated by the U.S. Army Corps of Engineers (“ACOE”), though some appear to be isolated and may, therefore, fall outside of ACOE regulation. None of these wetlands were located directly within the right-of-way; instead being located at or adjacent to the limits of the visible roadway right-of-way. Because the pipeline will be installed either within the roadway right-of-way or the roadway bed itself where the right-of-way is not accessible, no loss of federal wetlands is anticipated. In the event that final construction plans require any of these identified federal wetlands to be encroached, the construction would be regulated by ACOE Nationwide Permit # 12, Utility Line Activity. Moreover, as noted, all appropriate protection measures will be utilized in the field during construction as part of the compliance with the NYSDEC SPDES General Permit.

Because no direct or indirect impacts to wetlands along the water transmission main route are anticipated (as well as at the sites of the Aqueduct connection and water treatment plant), no effects on flood control, pollution absorption, groundwater recharge and habitat function of the wetland units will result from the construction of the Project.

#### **D. *Air Quality.***

The Project would generate minor, local, short-term increases in fugitive dust from exposed soil and use of operating machinery. Dust generation would be temporary and limited to areas of active construction. Standard dust suppression measures such as use of wind breaks, keeping areas wetted down, cleaning roadways, covering trucks, truck washing and reducing the size of disturbed areas will be employed to the greatest extent practical.

#### **E. *Induced Growth.***

SEQRA requires the lead agency to discuss the growth-inducing aspects of a proposed action “where applicable and significant.” When discussed, the EIS is required to describe the likelihood that the proposed action will cause significant increases in local population and trigger further development by increasing employment opportunities or providing public services or utilities that encourage people to move there. As noted, SEQRA requires this discussion where such growth impacts are a result of the proposed action and are significant.

In the DEIS, the Village considered its historic growth, future growth projections and remaining build-out potential. The Village also considered that: (i) the Project was not intended to provide water to areas outside the Village; (ii) the Project involves only a new water source tying directly into the existing distribution system; not creation or expansion of the distribution system; and (iii) the Project will not bring water to an undeveloped or unserved area. The DEIS also recognized that once constructed, the Project will create limited permanent employment opportunities and thus job creation will not induce people to move into the Village. Based on these considerations, the Village concluded the Project will not significantly induce new growth inside or outside of the Village.

This conclusion is now further supported by a supplemental growth study conducted by AKRF for the Amended FEIS. That study continues to project routine natural internal growth consistent with historic trends and the community's religious culture. Events over the Village's relatively short history support the conclusion that the Village's population is not significantly affected by outside forces such as availability or lack of new utilities. For example, from the mid-1980's through mid-1990's, NYSDEC had imposed a moratorium on new sewer connections to the Harriman WWTP. Notwithstanding the fact that the Village was subject to that moratorium, there was no significant or noticeable leveling off or decline in Village population during this time period. Likewise, once the moratorium was lifted, there was also no subsequent significant or noticeable spike in internal population growth or in-migration. Similarly, with respect to water supply, at the time of the DEIS, the Village was experiencing difficulty satisfying demand for water supply with its existing inventory of groundwater wells. During this time, Village population continued to grow at consistent rates as shown by the AKRF study. More recently, since the completion of the original FEIS, the Village has increased its available groundwater supply through the expansion of its Brenner well-field. As noted in the wastewater discussion, the Village expanded its well-water supply capacity by an additional 621,000 gpd to a total in excess of 1.9 mgd. When compared to existing water demand in the Village, the new well capacity has created an actual surplus of over .3 mgd above peak demand and approximately .5 mgd above average daily demand. Notwithstanding this significant increase in available water capacity, the Village population has not experienced a corresponding surge in growth or in-migration. Instead, the Village's growth has remained constant and the level of in-migration has still continued its downward trend.

Notwithstanding the Project, internal growth will undoubtedly continue. Any potential change in the rate of increase once the Project comes on-line is not anticipated to be so significant to be quantifiable. Rather than a growth inducement, the Project is a carefully considered and measured response to meet the internal needs for reliable services as forecasted in the manner required of any responsible municipality. Therefore, the projected growth of the Village, as set forth in the DEIS and FEIS and now the Amended FEIS, will not be quantifiably different as a result of the proposed Project as it would be under the no action alternative.

Good planning practices require the Village to provide for the basic needs of the projected population resulting from the maturing of young men and women starting their

own family units. Therefore, the Village is undertaking the Project to assure an adequate potable water supply to meet the anticipated needs of a growing population. The Project is in full accord of the Village's comprehensive plan. The Village uses smart growth principles which provide for growth in central locations where needs and services may be provided efficiently. Moreover, in addition to the Village's zoning code and comprehensive plan, other growth management factors include New York City's formulaic allotment of entitlement water based on the current census record, the availability of sewage treatment capacity, and the current amount of developable land within the Village (as outlined in the original FEIS). Therefore, based on all of these considerations, the Village has determined that the provision of basic human services to its existing and growing internal population outweighs any minor or insignificant additional growth that could result directly from the provision of Aqueduct water.

**F. *Historic and Archeological Resources.***

The final location and placement of the transmission pipeline has the potential to disturb historic and archeological resources. As noted in the original FEIS and Findings Statement, the Village adopted a mitigation protocol, approved by the New York State Office of Parks Recreation and Historic Preservation ("OPRHP") on or about March 16, 2004, that would avoid or minimize adverse impacts to such resources. The protocol, as set forth below, remains in place as a mitigation measure and condition to any future permit approval for the Project. The OPRHP-approved protocol is as follows:

1. The Stage 1-A investigation will be used to assess and identify general areas of potential archeological or historic sensitivity in the project corridor including alignment, staging areas, temporary access roads, etc. Maps of the preferred pipeline route shall also be assessed to confirm that construction will occur in areas of prior disturbance.
2. For the known archeological site locations and the areas of potential sensitivity identified in step 1, an evaluation based on construction drawings, USGS topographic maps, and observations made during a site visit will be completed to verify those areas that have been disturbed and can be eliminated from further consideration.
3. Stage 1B archeological testing, per Office of Parks, Recreation and Historic Preservation (OPRHP) guidelines, will be conducted at sites or areas of sensitivity within the preferred route that cannot be documented to have been disturbed. The archeological field-testing will be done sufficiently in advance of construction to allow appropriate consultation regarding potential impacts to archeological sites.
4. When Stage 1B evaluation results in the discovery of archeological materials, additional investigation will be carried out to determine the extent of archeological site integrity and significance. OPRHP shall be consulted and given the opportunity to review and approve avoidance or mitigation plans prior to the start of construction in the area.

5. The implementation of the work identified in steps 1-4 will be administered by an archeologist qualified pursuant to 35 CFR 61.

In its Decision and Order, the Appellate Division directed the Village to prepare a site-specific phase IB archaeology study. In response to that directive, the Village expanded on its phase 1A study undertaking steps 1-3 of the mitigation protocol along alternative Routes A and C. A site-specific phase IB study was conducted for alternative Route A in the right-of-way along Route 32 in Cornwall, NY, immediately north of the Cornwall-Woodbury boundary line. In accordance with the protocol, the specific site was determined based the expanded phase 1A findings that this was an area along the route that appears sensitive for archeological resources and was not determined to have been previously disturbed. OPRHP was consulted on the location of the phase IB. The fieldwork found no precontact material in any of the thirty separate shovel tests. Historical and modern material was limited to a small assortment of 19<sup>th</sup> and 20<sup>th</sup> century artifacts, most post-dating the construction of Route 32 in the 1930s. A limited amount of 19<sup>th</sup> century material was found along the east side of Route 32. A stone foundation was noted about twenty-four feet east of the right-of-way boundary. A review of historical maps and atlases show that in 1851 a Toll Gate stood to the east of Route 32 in the approximate vicinity of the positive shovel tests, and that to the south of this was the F. Smith farmhouse. However, the exact locations of these former structures are uncertain given the age of the historic maps and changes to the landscape. Artifacts from these shovel tests are potentially related to one of these structures.

In the event that the final pipeline route is located on the east side of Route 32 in the vicinity of this sensitive area, then additional archaeological investigations and documentary research, pursuant to the approved protocol and in consultation with OPRHP, would be conducted to determine the significance of the site and to more firmly associate artifacts with a specific source. However, the preferred option would be to preserve the potential resource in place. This can be accomplished by locating the pipeline on the west side of Route 32 or under the roadway itself in this area, which would appear to be far enough removed and separated by significant amount of disturbed area to avoid potential impacts to these resources. Rerouting and redesign of final construction plans will also avoid potential impacts to any other sensitive sites.

Along Route C, the site-specific area identified for a phase IB was located in the vicinity of a 19<sup>th</sup> century cemetery that was disturbed by the early 20<sup>th</sup> century rerouting of Route 208 directly across it. Although records indicate that graves were removed from the roadbed and reinterred when Route 208 was constructed, the archaeologist concluded that it is entirely possible that human remains that were not recovered at that time may still exist within the ROW. Due to the inherent difficulty and cost of conducting a phase IB study of an area that may disturb human remains, as well as the difficulty of completing construction and even avoiding such area, the decision was made to defer study of this area pending results from other areas and final determination that this route would continue to be the preferred route for the pipeline. In the event that this route remains as the preferred route, further IB study will need to be conducted unless the Project can be rerouted and redesigned to completely avoid this area.

### **G. *Economics.***

It is anticipated that the Project will generate several jobs during construction. The construction of the Project will also generate an increased demand for necessary construction materials and secondary services to support the construction. Once operating, it is anticipated that the Project would employ a limited number of additional persons to help operate the treatment facility and maintain the pipeline and other equipment.

The proposed Project may create temporary disturbances to retail businesses along the pipeline route during construction. The number of businesses involved is anticipated to be small and mitigation measures will be employed including strategic construction sequencing, pre-construction notices to the affected businesses and maintaining continuous access to businesses. There will be no impacts on such businesses from the operation of the pipeline.

Operation of the Project would increase the cost of water in Kiryas Joel, since the existing groundwater pumping system would be maintained as backup to the Aqueduct connection.

### **H. *Traffic.***

In each of the alternate routes, the pipeline would be installed either in the highway right-of-way outside of the limits of the roadway (preferred); in the shoulder of the roadway; in one or two of the travel lanes; or a combination of all three. Traffic impacts associated with construction of the pipeline, including delays and modified traffic patterns, would be concentrated along the pipeline corridor during construction and be temporary in duration. It is anticipated that less than 300 feet of roadway would be closed at any one time and in most locations would only involve partial lane closures. A minor unavoidable impact to residents, businesses, emergency vehicles, school buses and public transit is anticipated. Appropriate pre-construction safety design and planning, including pre-construction notice, signage, lighting, safety personnel and fencing will ensure that conditions during pipeline construction would not be hazardous to pipeline workers and the traveling public. Comparatively, the potential impacts along each of the alternative routes would be similar in scope and intensity. Specifically, the area along the Rt. 32 corridor (Alternative A) contains the most consistent shoulder and right-of-way enabling less disturbance of existing roadway and thus fewer delays. However, this route would also temporarily create a potentially more significant impact to the 5-point intersection (Rts. 94/32) in Vails Gate. This intersection includes NYS routes 94, 300, and 32.

The New York State Department of Transportation (“NYSDOT”) has jurisdiction for permitting any construction activity along its roadways. A NYSDOT Highway Work Permit will be obtained that will include traffic safety measures, a detailed work schedule and plans and profile of the water main to be installed.

In order to mitigate potential impacts to traffic safety, a number of mitigation measures will be employed, including among others, proper signage to alert motorist that construction activities are ahead, use of reflective barrels, flag persons to direct traffic as required, and reduction of speed through the construction zone. To mitigate disruption to traffic, contractors would be required to maintain one lane in operation at all times and, to the extent practical, two passable lanes would be provided at the end of each day. In order to avoid a major disruption in traffic at higher volume intersections, construction may be conducted in the overnight period. Similarly, construction will be sequenced so that the work for the day/night includes setting up the maintenance and protection of traffic devices, excavation, pipe installation, backfill excavated area, and the installation of temporary pavement or plates to enable continued traffic movement during non-construction periods of the day. To the extent practical, installation would be limited to only that length of pipe that could be installed and backfilled within the same day. This is typically 100-300 feet. Use of alternating one-way traffic in the vicinity of pipe installation is also anticipated. Additional strategic construction sequencing and timing (i.e., restrictions on construction activity during the morning and afternoon rush hours) will be employed where necessary. Access to residential and business driveways would be maintained at all times during construction. Regular contact with local governments, government agencies, emergency services, utility companies, television and radio to inform them of project status will also help to minimize impacts.

There will be no operational phase impacts on traffic.

#### **I. Noise.**

Noise generated by the Project would come primarily from the construction phase. Long-term operations noise would be limited to two sources: the pump station and the water treatment plant.

Construction noise impacts generally occur only during typical daytime working hours of 7:00 a.m. to 5:00 p.m., and would be highest during the clearing and trenching phases of construction. The noisiest equipment would likely be earthmoving equipment, such as dozers, graders, loaders and other heavy-duty diesel equipment. Proper maintenance and use of mufflers will help to reduce this noise. Noise levels decrease by 6 dBA for every doubling of distance from the source. It is anticipated that the daytime  $L_{max}$  noise levels will not exceed 80 dBA at 150 feet away and the daytime  $L_{eq}$  noise level would not exceed 75 dBA at 150 feet away.

Nighttime and weekend construction work does not appear to be generally necessary, and will be avoided to the maximum possible extent. Nighttime construction would be considered only if necessary to mitigate impacts to daytime traffic conditions. This will be evaluated further during final design; however, based on current traffic conditions, placing restrictions on construction during normal commuting hours is expected to sufficiently address daytime traffic control such that nighttime construction can be avoided.



The major long-term noise-generating piece of stationary equipment associated with the aqueduct connection component of the Project is the pumping station to be located on the west side of Riley Road at the New Windsor Water Treatment Plant. The maximum sound level from the pump station would be specified as 60 dBA at the property boundary (the nearest property boundary to the pump station is expected to be approximately 50 feet from the pump station). At the residence nearest the pump station, more than 300 feet from the site property line, the pumping station noise would be inaudible.

The nearest residential receptors to the proposed water treatment plant site on Berdichev Road are the boarding students at the UTA Mesivta rabbinical college, about 100 feet across Berdichev Road from the site property line. The nearest houses are on top of a hill overlooking the site, about 300 feet from the property line. At these distances, a minor to moderate increase in noise (3 to 6 dBA) is projected. The alternative water treatment plant site at the terminus of Alternative Route A is a 30-acre parcel located just off the intersection of Seven Springs Road and Bakertown Road. There is a single residence located across the street from the property. As noted in the DEIS, the treatment plant would be located well off of the road, out of site from this residence and there would be no increase in noise anticipated at this single nearby receptor during operations

State-of-the-art pumping station and water treatment plant equipment will be specified to keep noise generation as low as practical. Therefore, no significant permanent noise impact is anticipated.

#### **J. *Energy.***

Approximately 4,900 kWh of electrical energy per day would be required to pump 2 mgd of water out the top of the Aqueduct, over to the proposed pumping station in Vails Gate, and from the pumping station through the proposed 12-13 mile pipeline to Village. Although significant, this is a small amount of electrical power in comparison to the total amount consumed in the region. Adequate electricity is available to accommodate the Project.

A 24-inch pipeline diameter was originally proposed primarily because less electrical energy would be required to pump 2 mgd of water through a 24-inch pipeline than through a 12-inch or 18-inch pipeline. After consideration of comments on the DEIS, the Village has determined that an 18-inch diameter pipeline would still provide sufficient capacity for Village needs, while increasing energy consumption about 10%. Once operating, most routine pumping from the Village's groundwater wells would cease, thereby reducing associated energy consumption there. This will partially offset the energy consumed by the Project.

#### **K. *Other Issues***

Based on the environmental analyses of the Project described in the DEIS, no impacts are anticipated in the following areas:

### ***Land use***

Construction of the Aqueduct connection, pumping station and water treatment facility would be consistent with existing surrounding land uses. Improvement of the Village water supply infrastructure is consistent with the Orange County Comprehensive Plan.

### ***Agriculture***

No agricultural land would be affected at the sites of the proposed pumping station and water treatment facility. The pipeline would be constructed within the rights-of-way of existing roads, and thus no impact on agricultural resources would result.

### ***Aesthetics***

The pumping station and water treatment facility would be designed to be visually compatible with existing similar uses on the proposed sites. The pipeline would be underground in existing roads, except for bridge crossings. Very few trees would be removed for the pipeline construction.

### ***Ecology***

No regulated wetlands exist in the area of the proposed connection, pumping station and water treatment facility. As noted elsewhere, the pipeline will be designed to avoid to the extent practical placement in or adjacent to regulated wetland areas or associated buffers. No federal or State-listed or proposed endangered or threatened species are known to exist in the proposed area of construction.

### ***Geology/topography***

Geology and topography would be impacted only temporarily during project construction. No long-term changes to geologic features and topography would occur.

### ***Cumulative Impacts***

No projects similar to the proposed Aqueduct connection are planned within the area affected by the Project. The Village is not aware that Orange County and the NYS DOT have planned any major road and bridge improvement projects for the roads proposed for the pipeline during the time the pipeline would be constructed.

## **V. Alternatives Considered**

The DEIS explored and described a range of reasonable alternatives to the proposed action-including the following:

- 1. *No Action Alternative.*** Continuing reliance on groundwater and the drilling of additional groundwater wells would be required under this alternative. Given the limits on the groundwater resource, this alternative is not practical.
- 2. *Alternative Pipe Size.*** Trench size, construction duration and potential adverse environmental impacts would be the same for a 24-inch diameter pipeline as for any other size pipeline. As noted previously, consumption of electricity would be about 10% less for the 24 inch pipeline. On the other hand, a smaller pipe would provide less capacity for future demand. Nevertheless, due to concerns expressed by NYCDEP that the pipe is

oversized, a reduction in pipeline diameter to 18 inches would provide sufficient capacity to meet the Village's objectives.

**3. *Alternative Pipeline Route.*** The Village has considered three alternative routes for bringing the pipeline from the Aqueduct connection in New Windsor to the water treatment plant in the Village.

Alternative Route A: NYS Route 32/County Route 44.

The easternmost alternative is the shortest alternative with a 12-12.5 mile route beginning at the New Windsor Aqueduct connection on Riley Road and continuing east on NYS Route 94 to Vails Gate; then south along NYS Route 32 and west on County Route 44, terminating at a new water treatment facility in the Village of Kiryas Joel south of Seven Springs Road and west of Bakertown Road. The land use along this route is a mix of residential, rural and commercial development. This route maximizes the use of State highways versus County and local roads. The Route 32 corridor contains the most consistent shoulder and right-of-way providing for less disturbance of existing roadway and therefore less disruption to local traffic patterns. However, this route would also create a potentially more significant temporary impact to the 5-point intersection in Vails Gate. This intersection includes NYS routes 94, 300, and 32. Here, traffic mitigation measures as described in the traffic section would likely be required. This route contains no NYSDEC regulated stream crossings and no NYSDEC regulated wetlands or wetland buffers at or within the affected right-of-ways. Likewise, this route contains significantly less delineated federal wetlands at or within the right-of-ways than Alternative Route C. The expanded phase 1A archaeology study (refinement study) for the Amended FEIS found that Route A has less archaeologically sensitive areas than Route C. The most significant difference between the two routes is that much of Route A travels along a road that has far fewer areas of historical sensitivity since it was laid out through what appears to have been undeveloped farmland. The site-specific phase 1B study conducted along this route found no precontact materials and only a limited amount of 19<sup>th</sup> century material on the south side of Route 32 in the general vicinity of a former 1851 tollgate. The area on the north side of Route 32 did not disclose any similar materials, thereby making this side of the road the preferable path for the pipeline.

Alternative Route C: County Routes 94/27/208.

The westernmost alternative is a 13 mile route that also begins at the New Windsor Aqueduct connection on Riley Road and continues on NYS Route 94 to County Route 27 to NYS Route 208 to County Route 17 to Shunnemunk Road in the Village of Kiryas Joel, terminating at the site of the existing water treatment plant on Berdichev Road. Land use along this route is a mixture of residential and rural with discrete pockets of commercial development. This route relies more on County highways than Alternative A. The shoulders along this route appear to be adequate. Similar traffic mitigation measures would be required to avoid or minimize any traffic impacts along the route. This route also contains no NYSDEC regulated stream crossings, but does contain a couple of NYSDEC wetlands and buffer areas adjacent to the right-of-ways in the vicinity of NYS Route 94 (Cornwall) and County Route 27 (Blooming Grove). A letter of permission may be required from NYSDEC for work along this area. Likewise, this

route contains more delineated federal wetlands at or within the affected right-of-ways. A preconstruction notice may be required to apply a nationwide wetlands permit for installation of the pipeline in such areas. The expanded phase 1A archaeology study found that Route C has more archaeologically sensitive areas than Route A. A significant difference between the two routes is that Route C also passes through a 19<sup>th</sup> century cemetery that was disturbed by the early 20<sup>th</sup> century rerouting of Route 208 directly across it. Although records indicate that graves were removed from the roadbed and reinterred when Route 208 was constructed, it is possible that human remains that were not recovered at that time still exist within the right-of-way. Due to the inherent difficulty and cost of conducting a phase 1B study of an area that may disturb human remains, as well as the difficulty of completing construction in such an area, the decision was made to defer a phase 1B study of this area pending the final determination that this route would continue to be the preferred route for the pipeline.

#### Alternative Route B: NYS Routes 87/County Route 44

A third alternative was identified in the DEIS that followed NYS Routes 87 (NYS Thruway) and 32 and County Route 44. Due to the impracticability of obtaining approval for locating the pipeline along the NYS Thruway, this alternative is no longer considered reasonable or feasible, considering the objectives and capabilities of the Village.

Based, in part, on the results of the additional studies and analyses conducted for the Amended FEIS, the Village finds that Alternative Route A is the preferred route for the proposed pipeline corridor and the alternative that would present the least potential for significant adverse environmental impact while being feasible and considerate of the objectives and capabilities of the Village.

**4. *Alternative Location for Connection and Pump Station.*** Locating the pump station on New York City-owned land adjacent to the Aqueduct would not reduce environmental impacts or construction cost and would require approval by New York City.

**5. *Alternative Surface Water Sources.*** Evaluation of Hudson River water as an alternative surface water source found this alternative to be prohibitive because the brackish water would require costly treatment and would generate a large quantity of wastewater requiring treatment.

None of the other examined alternatives would perform as well as the proposed project in meeting the Village's objective: to provide its residents with a reliable, high-quality source of potable water while minimizing environmental impact and conflict with other communities.

The Town of Blooming Grove and the Village of Washingtonville originally requested in comments to the DEIS that they be allowed to tap the proposed pipeline as an emergency backup water supply. The Project as proposed does not contemplate any

interconnections. Providing emergency access to the Aqueduct water through a connection from the proposed Village pipeline would require preparation of an application to NYCDEP accompanied by an environmental assessment of the potential effects of such an action. This type of arrangement would work best if the water were treated at the existing Aqueduct tap rather than at a new plant in Kiryas Joel. Formal consideration of such an action by the Village and other potentially involved agencies must await preparation of plans by Blooming Grove and Washingtonville and is subject to environmental review and requisite governmental approvals, including NYCDEP. Since the time of the Town and Village comments, each has passed a resolution to oppose the Project, thereby implying that they are no longer interested in water from the Aqueduct.

The NYCDEP and the NYSDEC suggested in comments to the DEIS that the Village consider the benefits and impacts of sharing the Town of New Windsor tap and/or joint use of the New Windsor water filtration plant. These alternatives were not analyzed in the DEIS/FEIS because ownership of the tap and treatment facility rests entirely with the Town of New Windsor. Nevertheless, upon consideration of these comments, discussions have taken place between the two municipalities regarding the viability of sharing the New Windsor tap and/or joint use of the New Windsor treatment facilities. The Village continues to explore these options, recognizing that any such change to the proposed Project would require approval by New York City and analysis of the environmental impact significance under SEQRA.

## **VI. Mitigation Measures.**

In its preliminary plans for the Project, the Village identified a number of measures designed to mitigate or eliminate the potential for significant environmental impacts as a result of construction and operation of the Project. These mitigation measures, as well as mitigation measures identified in the public review process, are summarized below.

1. Soil erosion and sediment control measures such as sequencing of construction, limiting the extent of disturbance at any one time, the use of hay bales or silt fencing, and prompt re-vegetation and mulching will be implemented as necessary to prevent erosion and soil-laden runoff from exiting the site.
2. Soil stockpiles will be covered with tarps, straw or hay mulch when not in use to prevent erosion of the stockpiled materials. Should stockpiles remain in place over the winter, they will be seeded with an annual rye grass or winter wheat mixture to stabilize the soil. Removal and proper disposal of excess fill will be carried out.
3. Erosion control measures will be checked regularly for proper functioning during construction and maintained as needed.
4. To minimize impacts due to dust generation, natural vegetation at the limit of clearing will remain intact to serve as wind breaks. Cleared areas of the site will be

watered as necessary to reduce on-site dust. Trucks and offsite roadways will be cleaned as necessary.

5. Disturbed site areas will be re-vegetated. Existing trees and vegetative habitats will be protected in all areas beyond the limits of proposed construction.

6. A NYSDEC SPDES general permit for stormwater discharge associated with construction activity (GP-0-08-001) will be applied to the Project and required erosion and sediment controls will be employed as well as a stormwater pollution prevention plan.

7. During the operational phase of the Project the building architecture and planting will reflect existing site aesthetics and neighborhood character.

8. The contractor hired to construct the Project will be an experienced construction management firm.

9. Performance requirements on equipment noise output can be integrated in construction contracts to minimize community noise impacts. The maximum sound level for the pump station will be 60 dBA at the property boundary.

10. The Village has reduced the pipe size to 18 inches. Reduction in pipe size, however, will not result in a reduction of construction related adverse environmental impacts.

11. To the extent practical, the pipeline will be attached to bridges and culverts to avoid disturbance impacts from stream crossings. Where jacking beneath the stream is necessary, a minimum of 50 feet buffer between the stream and the entry/exit points will be maintained as well as a minimum of 5 feet beneath the stream bottom to the top of the pipe.

12. At stream crossings, where the pipeline is attached to the bridge, the pipe will be painted to blend visually with the bridge.

13. The pipeline will be re-routed to the shoulder of roads or under roadways, if necessary, to avoid impacts to delineated wetlands/buffers or sensitive archaeological sites.

14. To avoid impacts to archaeological resources, the Village will implement the OPRHP-approved protocol. The Village has selected Alternative Route A to avoid potential disturbance impacts to the area of the former cemetery along Route 208. The

Village will locate the pipeline on the west side of Route 32 or under the roadway in the area of the 1851 Toll Gate.

15. The Village and its construction contractor will develop a pre-construction schedule to avoid traffic and other construction related impacts to the greatest extent practical and notice of the schedule to affected municipalities, businesses, residences, NYSDOT and the news media.

16. The Village will employ traffic control measures such as peak hour restrictions, alternating one-way traffic, signage and compliance with the NYSDOT manual of uniform control devices to avoid or reduce impacts from traffic congestion and address safety issues. Specifically, contractors will be required to maintain one lane in operation at all times and, to the extent practical, two passable lanes would be provided at the end of each day. At higher volume intersections, such as the 5-point intersection (Rts. 94/32) in Vails Gate, construction may be conducted in the overnight period. Construction will be sequenced so that the work for the day/night includes setting up the maintenance and protection of traffic devices, excavation, pipe installation, backfill excavated area, and the installation of temporary pavement or plates to enable continued traffic movement during non-construction periods. To the extent practical, installation would be limited to only that length of pipe that could be installed and backfilled within the same day. Additional strategic construction sequencing and timing (i.e., restrictions on construction activity during the morning and afternoon rush hours) will be employed where necessary. Access to residential and business driveways would be maintained at all times during construction.

17. Construction noise controls will include appropriate scheduling, properly operating mufflers, and minimizing idling time.

18. Encouraging reuse and recycling of construction and demolition debris.

19. Storage of water treatment chemicals in accordance with applicable regulations and safety standards.

## **VII. Conclusions.**

In issuing this Amended Findings Statement, the Village of Kiryas Joel has carefully examined and given due consideration to the Draft Environmental Impact Statement for the Proposed Connection to the New York City Catskill Aqueduct (October 2003); the Final Environmental Impact Statement for the Proposed Connection to the New York City Catskill Aqueduct (May 2004) (including public and agency comments on those documents); and the Amended Final Environmental Impact Statement prepared at the direction of the Appellate Division.

After careful and thorough consideration, the Village of Kiryas Joel finds the proposed Project examined in the above referenced documents to be environmentally sound and the

best alternative to provide a reliable and adequate replacement supply of high-quality potable water for the Village. Based on the analysis conducted for the Amended FEIS, Alternative A has been selected as the preferred pipeline route.

Specific conclusions that support these findings include:

- Existing resource limitations and projections of internal growth in Kiryas Joel establish the need for development of a dependable water supply to prevent the significant adverse effects of water shortages.
- Changes in the existing and forecasted patterns of growth in the Village are not expected to result from the Project and would remain the same as under the No Action alternative. Other limiting factors to future growth include limits on entitlement water by NYC; wastewater treatment capacities; limits on developable space within the Village; and the Village zoning code.
- The majority of the potential adverse environmental impacts identified is construction-related and therefore temporary or short-term and will be minimized or avoided by mitigation measures and project design.
- No alternatives identified for providing adequate water supply provide the significant advantages of the preferred alternative. The No Action alternative would not provide an essential service for a growing population.

Therefore, in consideration of the above, the Village of Kiryas Joel, as the Lead Agency in this matter, issues this Amended Statement of Findings, and certifies under Section 8-1019.8 of the Environmental Conservation Law and 6 NYCRR Section 617.11, that:

1. The Village has carefully examined and given due consideration to the relevant environmental impacts, facts, and conclusions disclosed in the Draft, Final, and Amended Final EIS on the Proposed Connection to the New York City Catskill Aqueduct and public and agency comments.
2. The requirements of Article 8 of the New York State Environmental Conservation Law, and regulations promulgated thereunder at 6 NYCRR Part 617, have been met and fully satisfied.
3. The Village has carefully weighed and balanced the relevant environmental impacts with social, economic, and other essential considerations.
4. The foregoing Amended Findings Statement sets forth the Village's judgment and basis for moving ahead with the proposed action.
5. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigation measures which were identified as practicable.
6. While the proposed action is one that, in fact, avoids or minimizes adverse environmental impacts, nevertheless, the imperative necessity to meet the current and anticipated basic need of the residents of Kiryas Joel to have a safe, reliable water supply is of such critical importance that the members of the Board of Trustees would be grossly negligent in their duty as elected representatives of the



people if they did not take responsible action, by means of this Project, to meet such need. The adverse impacts, human and environmental, of a failure to take such responsible action are manifest and inevitable. Therefore, the Board of Trustees does hereby legislatively determine that the undertaking of the Project by the Village of Kiryas Joel is in the public interest and that such public interest outweighs any balancing factors which might weigh against undertaking the Project.

Now therefore, Be It Resolved by the Board of Trustees of the Village of Kiryas Joel, Orange County, New York, that the Village of Kiryas Joel, be, and hereby is, authorized to undertake the Project. On a vote of 5 ayes, 0 nays, 0 abs., the foregoing Amended Findings Statement is adopted.

Dated: 3/31/09

Appendix G4

Negative Declaration for Mountainville  
Well Site

Village of Kiryas Joel Board of Trustees

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Date: December 4, 2012

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively referred to as "SEQRA").

The Village of Kiryas Joel, as the lead agency of a coordinated review under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

**Name of Action:** Mountainville Well Field

**Applicant:** Village of Kiryas Joel

**SEQR Status:** Type I Coordinated Review

**Description of Action:**

The "action" triggering this SEQRA review is the development of a well field on property owned by the Village on NYS Route 32 to provide adequate capacity for the Village's public water supply system.

The project anticipates an increase in the Village's permitted water supply to 2.54 mgd with the construction of new wells to accommodate the Village's peak water supply demand, both current and projected, and will assure an adequate backup supply as required for the Village's Catskill Aqueduct connection.

The project site is also the location of a pump station being constructed as part of the Village's NYC Aqueduct connection and pipeline project which was reviewed under SEQRA as part of an Amended FEIS accepted on or about March 3, 2009.

At the request of the NYS Department of Environmental Conservation ("NYSDEC"), the action also involves the consolidation of the Village's existing NYSDEC water supply well permits into a single permit, a ministerial Type II SEQRA action.

**Location:**

The project site is located on Village-owned property (SBL 36-1-56) on NYS Route 32, Town of Cornwall, Orange County, New York.

**SEQRA Procedural Background:**

The Village of Kiryas Joel initially identified the action as Unlisted under SEQRA based on its review of the thresholds set forth in 6 NYCRR §§ 617.4 and 617.5. Due to the potential for financing the project work through the Drinking Water State Revolving Fund program, NYS Department of Health (“NYSDOH”) requested the Village treat the project as a Type I action with a full Environmental Assessment Form (“EAF”) and coordinated review. Besides the Village, which is serving as the SEQRA lead agency, the other involved agencies for the project are the NYSDEC and NYSDOH with respect to the approval of the water supply permits for development of the well and NYS Environmental Facilities Corporation (“NYSEFC”) with respect to financing under the Drinking Water State Revolving Fund (“DWSRF”) program. A SEQRA Lead Agency Notice was distributed to the other involved agencies with a full Environmental Assessment Form (“EAF”) with supplement on or about November 9, 2012. No objections have been received regarding the Village serving in the lead agency role for this action.

In making this significance determination, the Village considered the following supporting documentation, among other things: Full EAF (Parts 1 and 2 with supplement)(Nov. 8, 2012); NYSDEC Application for Public Water Supply Permit (LBG; Nov. 2011, updated Nov. 2012); 72-Hour Pumping Test for Well W-1 (LBG; Aug. 2011); Site Plan and Water Supply System Details (LBG); Habitat Suitability Assessment Report for Threatened and Endangered Species (Ecological Solutions, LLC; Oct. 2011); Phase 1A/1B Archaeological Investigation (Historical Perspectives, Inc.; Oct. 2011); documentation on State and federal wetlands; Storm Water Pollution Prevention Plan (“SWPPP”) prepared by CDM Smith (Oct. 2012); flood plain maps; Orange County Amended Final Environmental Impact Statement for Harriman WWTP (Jan. 2010); Orange County DPW quarterly flow report for Harriman WWTP (July-Sept. 2012); KJWWTP monthly flow reports (July and Aug. 2012); and various comments from NYSDEC contained in correspondence dated June 1, 2012; October 22, 2012; and November 21, 2012 and discussed in meetings with the NYSDEC regarding the water supply permit.

The Village also considered its previous Amended Final Environmental Impact Statement (“FEIS”) (March 3, 2009) and Amended Findings Statement (March 24, 2009) for the Aqueduct connection and pipeline project. The Village considered the need for a supplement to the Amended FEIS and determined that no significant adverse environmental impacts not addressed or inadequately addressed in the Amended FEIS have arisen from the development of the Mountainville Well Field project. 6 NYCRR 617.9(a)(7).

## **Reasons Supporting this Determination:**

The SEQRA regulations provide that “[f]or all Type I and Unlisted actions the lead agency making a determination of significance must: (1) consider the action as defined [under SEQRA]; (2) review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.” 6 NYCRR § 617.7(b).

The SEQRA regulations further provide that “to determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision [6 NYCRR 617.7].” 6 NYCRR § 617.7(c). Each criterion is discussed in more detail below.

For the reasons discussed below, the Village Board concludes that the project will not have any significant adverse environmental impacts and the preparation of an EIS is not required. Moreover, by virtue of this negative declaration, the Village has also determined that construction of the water supply well and its connection to the Aqueduct pipeline does not require a supplement to the Amended FEIS for the construction of the pipeline as no significant adverse environmental impacts not addressed or inadequately addressed in the Amended FEIS have arisen from the development of the Mountainville Well Field project.

### **a. Agricultural Resources**

The project will not have a significant adverse impact on agricultural resources. The project site is not currently being utilized for agricultural purposes and is not located in a designated agricultural district. The project is located in a Planned Commercial Development zoning district and is owned and controlled by the Village for water supply purposes.

### **b. Aesthetics**

The above-ground water supply well improvements for this project identified on the site plan are minor and will be screened or landscaped to remain consistent with existing rural character of the area.

For the reasons set forth above, the project will not have a significant adverse impact on aesthetic resources.

**c. Noise**

The project will not result in any significant adverse noise impacts. While construction of the project may result in temporary noise levels exceeding ambient conditions, any impacts will be temporary in duration and generally limited to day-time. Once the project is fully constructed, noise will generally be limited to vehicles entering and exiting the facility. Any noise from the pump station and well will be avoided or mitigated by enclosures.

**d. Stormwater**

The Village has incorporated this site into the SWPPP it developed for the Aqueduct connection and pipeline project (phase I). Erosion and sedimentation control measures will be employed during and after project construction to avoid any potentially adverse impacts from stormwater runoff. The measures include, among other things, use of rain gardens, prompt vegetative stabilization of disturbed areas, limits of clearing and grading, use of sedimentation fencing and protection of stockpiled materials.

The NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) will apply to the project. A copy of the SWPPP was filed with NYSDEC on or about October 5, 2012. Comments received from NYSDEC have been incorporated into the final SWPPP. A copy of the SWPPP will remain on site. A copy of the SWPPP was also provided to the Town of Cornwall as the local MS4 incorporating this site on or about November 2, 2012. A SWPPP acceptance form from the Town is pending. The Notice of Intent will be filed prior to commencement of construction. Compliance with the NYSDEC General Permit supports the reasonable conclusion that there will be no significant adverse stormwater impacts.

For the reasons set forth above, the project will not have a significant adverse stormwater impact.

**e. Wetlands, Streams and Other Water Bodies**

The project will not result in any significant adverse impacts to wetlands, streams or other water bodies. Identified streams, federal wetlands and flood plains identified on the site will be avoided. As noted above, stormwater management controls have been included in the SWPPP to further protect these resources.

**f. Archaeological and Historic Resources**

A Phase 1A/1B archaeological and historic resources investigation was completed on behalf of the Village by Historical Perspectives, Inc. and submitted to the State Historic Preservation Office ("SHPO") of the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"). By letter dated December 5, 2011, SHPO responded by indicating that the "project will have No Impact upon cultural resources in or eligible for inclusion in the State and national Register of Historic Places."

Comments were received from the NYSDEC (November 21, 2012) identifying a known cultural resource, the Seven Springs Farmstead Site (A07120.00300) as being located on the project site. The Seven Springs Farmstead Site is not located on the Mountainville Well Field site but rather is located on County Route 44 in the Town of Woodbury, in the vicinity of the phase I pipeline route. This site, along with protection measures therefor, was identified by Historical Perspectives, Inc. in its Phase 1A/1B investigation for the phase I pipeline corridor. An August 10, 2012 OPRHP letter acknowledges and confirms that the phase I pipeline project will have no adverse impact on historical resources provided the identified avoidance and protection measures are implemented. At the request of NYSDEC, these measures have been added to the final construction plan sheets which were filed with NYSDEC on November 12, 2012.

For the reasons set forth above, the project will not have a significant adverse impact on archaeological or historical resources.

**g. Traffic**

The project will not create any significant adverse traffic impacts. The project will utilize an existing curb cut and gravel access road off of NYS Route 32. Adequate site and stopping distances exist at the curb cut location. NYSDOT has approved the use of the curb cut as part of its highway work permit for phase I of the pipeline project. Traffic generated by the construction of the well and pump station will involve limited construction vehicles and be temporary in duration. Traffic generated from operation of the well and pump station will be limited to maintenance personnel and be negligible.

**h. Community Character**

The project will not have a significant adverse impact on community character. The water supply well and pump station is an essential public utility operation. Above ground improvements will be negligible. The majority of the site will remain undeveloped open space.

**i. Wildlife**

The project will not have a significant adverse impact on wildlife. A Habitat Suitability Assessment Report for Threatened and Endangered Species (Oct. 2011) was prepared for the project site on behalf of the Village by Ecological Solutions, LLC and submitted to the NYSDEC in November 2011. The assessment indicated that there were no protected species or suitable habitat identified on the project site. Specifically, with respect to Timber rattlesnakes, the assessment identified no snakes on the parcel and concluded that none are likely to travel to the parcel from the closest known den site on Shunnemunk Mountain because of the barrier presented by the NYS Thruway. With regard to the Indiana bat, the assessment identified no hibernacula on the project site. Likewise, the report indicated that characteristic habitat for Indiana bat roosting,

foraging, or maternal colony formation was not observed on the project site and no trees over 5 inches diameter existed in the project area. The assessment concluded, therefore, that there will be no direct impact to Timber rattlesnakes or Indiana bats from the project.

Comments were received from NYSDEC on November 21, 2012 referencing other NYSDEC correspondence purporting to identify protected species (specifically the Timber rattlesnake and Indiana bat) proximate to the project site. Closer scrutiny of these and other NYSDEC letters (including June 1 and October 22, 2012) reveals that the NYSDEC comments related to the Aqueduct pipeline project west of the NYS Thruway rather than the current project site. Nevertheless, consistent with recent discussions with NYSDEC, the Village has incorporated species avoidance and protection measures into its project plans. These measures include the following:

- i. All trees over 9 inches dbh with exfoliating bark that will be removed at the well site or along the pipeline route will only be cut from October 1 to March 31.
- ii. Areas of the pipeline route west of NYS Route 87, west of NYS Route 32 and north of CR 44 will incorporate the following temporary avoidance measures during active construction:
  - a. To the extent practical, necessary vegetation clearing and ground disturbance work will be conducted between November 1 and March 31;
  - b. Where not practical to limit ground disturbance to the time period noted above, a temporary barrier (1/4 in. wire mesh; 48 in. high) will be installed along the westerly side of NYS Route 32 and northerly side of CR 44 during active excavation of unimproved areas in the ROW along the non-roadway limits of construction.

At the request of NYSDEC, these measures have been added to the final construction plan sheets which were filed with NYSDEC on November 12, 2012.

For the reasons set forth above, the project will not have a significant adverse impact on wildlife.

**j. Public Safety**

Public safety concerns are not implicated by the project. The project will not entail: (1) the risk of explosion or release of hazardous substances; (2) the burial of hazardous wastes; (3) storage of large quantities of hazardous material or flammable or explosive materials; or (4) excavation or disturbance near a site used for the disposal of solid or hazardous waste.



For the reasons set forth above, the project will not have a significant adverse impact on public safety.

**k. Air Quality**

Potential adverse air quality impacts are not anticipated from the project. The project will not generate any large quantity of traffic or associated air emissions. It will not change air quality to such a degree that it will jeopardize attainment of the National Ambient Air Quality Standards for this region. No other air emissions (i.e. other than mobile sources) will occur as a result of the project.

During construction, construction vehicles will be equipped with factory installed muffler and emission control devices. Dust will be suppressed as necessary. Construction will be short in duration.

For the reasons set forth above, the project will not have a significant adverse impact on air quality in the area or the region.

**l. Wild, Scenic and Recreational Rivers**

There are no federal or State designated wild, scenic or recreational rivers on or adjacent to the site. As a result, the project will not have a significant adverse impact on these resources.

**m. Ground Water**

No significant adverse impacts to groundwater quantity or quality will occur from the project. The project is not located over a USEPA designated Sole Source Aquifer, or within the stream flow source of a Sole Source Aquifer. Likewise, the project is not located over a "Primary Water Supply Aquifer." "Primary Water Supply Aquifers" are defined by NYSDEC as "Highly productive aquifers presently being utilized as sources of water supply by major municipal water supply systems." The project is located over a "Principal Aquifer" (the full EAF mistakenly indicated that the site was not located over a Principal Aquifer). "Principal Aquifers" are defined by NYSDEC as "Aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time." NYSDEC Division of Water Technical and Operational Guidance Series 2.1.3. There are no prohibitions on the use of the Principal Aquifer.

There are no other public or private groundwater wells in the direct vicinity of the project or within the zone of influence of the proposed new wells. Moreover, there are no septic systems within a minimum 200 foot radius of the proposed wells. Well tests performed as part of the NYSDEC water supply permit process determined that there would be no adverse impact to the quality or quantity of the Principal Aquifer as a result of the

project. Finally, the Village has submitted a Water Conservation Plan to the NYSDEC as part of its water supply permit application.

For the reasons set forth above, the project will not have a significant adverse impact on groundwater quality or quantity.

**n. Loss of Soil, Vegetation and Other Natural Material**

The project will not result in any significant adverse impacts to natural resources or result in any significant loss of soil, vegetation or other natural material. No construction will occur on steep slopes of 15% or greater or where the general slopes exceed 10%. Moreover, no construction will occur where the depth to the water table is less than 3 feet. Construction will not occur where bedrock is exposed or generally within 3 feet of bedrock. No blasting will occur and there are no unique or unusual landforms that will be affected by the project. Finally, stormwater controls are designed to reduce the amount of runoff and related loss of soil experienced at the site.

For the reasons set forth above, the project will not have a significant adverse impact on soil, vegetation or natural resources.

**o. Solid Waste Production**

Construction of the project may result in the production of a nominal amount of non-hazardous solid waste which will be deposited at licensed facilities. The project will not, however, result in any measurable increase in solid waste production for the region and therefore will not have a significant adverse impact related to solid waste production.

**p. Flood Plains**

The project will not have a significant adverse impact on flood plains. Flood plain limits identified on the site plans will be avoided and as noted, stormwater control measures implemented.

**q. Public Health**

The project will not have a significant adverse impact on public health. The water supply well is being installed to enhance public health and to improve the Village water system. The water supply well will operate in accordance with NYSDEC and NYSDOH permits and standards.

**r. Induced Growth**

The project will not induce growth. The proposed water supply is intended to accommodate peak water demands in the Village service area and to serve as a required backup supply once the Village connects to the NYC Aqueduct. As analyzed in the Amended FEIS for the Aqueduct connection and pipeline project, the provision of

an adequate drinking water supply for current and projected populations has been demonstrated not to affect the growth patterns in the Village.

For the reasons set forth above, the project will not have a significant adverse impact on growth.

**s. Demand on Services**

The project is designed to meet public needs and will not create any demand for public services. Therefore, the project will not have a significant adverse impact on public services.

**t. Surface Water Quality**

The project will not create a significant adverse impact on surface water quality, human health or the aquatic environment. The potential for water quality impacts from increased water usage by the Village was previously considered in the DEIS, FEIS, AFEIS and Amended Findings Statement for the Aqueduct connection and pipeline project. The Mountainville Well Field project will not increase water usage beyond what was considered for the pipeline project. The Village currently has approval from NYSDEC to draw approximately 1.93 mgd from its existing groundwater wells. The Village's 2012 average daily water demand was only approximately 1.56 mgd and the maximum peak daily water demand for 2012 was approximately 2.19 mgd. Peak demand is rarely observed in a given calendar year (a few occasions per year). On those few occasions of peak demand, the Village was compelled to truck in water to serve its resident's needs as the demand exceeded the Village's permitted ground water taking.

As noted, the Village currently has approval from NYSDEC to draw approximately 1.93 mgd from its existing groundwater wells. It was previously determined by the NYSDEC that this volume would not have an adverse impact on wastewater treatment capacity or the Ramapo River. The project will increase the Village's permitted groundwater taking to a maximum peak volume of approximately 2.54 mgd. The increase is necessary to meet the Village's maximum peak demand formulated pursuant to NYSDEC and NYSDOH requirements and to provide required redundancy for the volume of water the Village is entitled to receive from the NYC Aqueduct. The entitlement volume is determined by multiplying the Village population, based on the most recent census (2010), by the daily per capita water consumption figures for NYC. For example, based on the 2010 census for the Village (20,175) and the 2010 NYC per capita usage figures (127 gpd), the Village would be entitled to approximately 2.56 million gallons per day from the Aqueduct and would be required to maintain 100% backup for this volume.

The increase is also necessary to accommodate anticipated peak demand needs by the Village until the completion of the Aqueduct connection. As noted above, the peak water demand is reached on only a few occasions during the year. Therefore, the permitted increase will not translate into an actual increase in daily water usage to the

2.54 mgd figure. Rather, current peak demand for 2012 was 2.19 mgd and forecasts for the build out of proposed projects in the Village over the next several years indicate a potential average daily water demand increase of less than .4 mgd; increasing the average daily water demand to approximately 1.95 mgd over the next several years, a level not far above that previously determined by NYSDEC not to result in adverse surface water impacts.

Wastewater generated in the Village is treated by Orange County Sewer District No. 1 at either the Harriman wastewater treatment plant (WWTP) or the Village of Kiryas Joel WWTP. An analysis of the adequacy of treatment capacity within the District to accommodate the NYC Aqueduct connection and the Village's projected need was contained in the DEIS, FEIS, and Amended FEIS for the NYC Aqueduct connection and pipeline project. Since the total water taking by the Village with the addition of the project's wells will not exceed the noted entitlement volume, the well field project does not affect that original analysis. In addition, Orange County has recently completed its own report of available treatment capacity for the District which is consistent with the Village analysis, demonstrating the adequacy of the District's treatment capacity to serve the current and future needs of the District's members, including the Village. The report was prepared as an Amended FEIS to support the County's plan to sell 1 mgd of treatment capacity to non-District communities as excess capacity. In addition, the Amended FEIS and County Legislature's Amended Findings Statement also expressed the County's obligation to expand treatment capacity in the future when needed. The County has already identified technology that can be implemented at its plant to significantly expand its capacity.

The most recent Orange County Department of Public Works monthly flow reports for the Harriman WWTP (Oct. 2012) indicate that, based on the current 12 month rolling average flow, the Harriman WWTP has available capacity of approximately 1.2 mgd. County DPW representatives have also recently indicated that they expect this figure to approach 2.0 mgd by year's end due to additional improvements. Likewise, the Kiryas Joel WWTP, pursuant to consent order with the NYSDEC, has planned and made significant plant improvements that have increased the effectiveness and efficiency of that plant's treatment capabilities and there presently remains approximately .3 mgd available capacity at this plant. Accordingly, based on available data, it is rational and reasonable for the Village to conclude that development of the Mountainville Well Field will not have an adverse impact on wastewater treatment capacity.

Finally, wastewater discharges to the Harriman WWTP are controlled and regulated by the Orange County Department of Public Works. Similarly, wastewater discharges from the plant are controlled by the plant operator and regulated by the NYSDEC under the SPDES permit program. Provided the plant is operated in accordance with its permit, there will be no adverse impacts to surface water quality, human health or the aquatic environment anticipated as a result of this project.

**u. Community Plans**

The project will not create a material conflict with the Village's current plans or goals as officially approved or adopted. Indeed, the project is necessary to meet the Village's current peak water supply demand and is intended to support the Village's larger public utility project of connecting to the NYC Aqueduct. The project is consistent with the Village's authority under NY Village Law for constructing a public water supply.

The project will also not create a material conflict with the Town of Cornwall's current plans or goals as officially approved or adopted. The project is consistent with the Town's definition of a permitted essential service. Copies of the project plans have been made available to the Town and no comments or objections have been received. The Village Board of Trustees has performed a balancing of public interests and determined that the provision of a safe and adequate public water supply for Village residents is not inconsistent with Town plans or restrictions and on balance would therefore be immune from any contrary local regulation.

For the reasons set forth above, the project will not have a significant adverse impact on community plans.

**v. Cumulative Impacts**

No significant adverse cumulative impacts are expected from this action. The project will not induce growth in the Village or Town or otherwise change the character of the property.

As required by SEQRA, the Board considered reasonably related long-term, short-term, direct, indirect and cumulative impacts including other simultaneous or subsequent actions which are: (1) included in any long range plan of which the project is a part; (2) likely to be undertaken as a result of the project or (3) dependent on the project. With the exception of the Aqueduct connection and pipeline project, no other actions were identified. As noted, the Village, as lead agency for both this project and the Aqueduct connection and pipeline project, considered the effects of the project on the Aqueduct project and determined, based on its review, that no significant adverse environmental impacts not addressed or inadequately addressed in the Amended FEIS have arisen from the development of the Mountainville Well Field project and thus a supplemental EIS is not required.

For the reasons set forth above, the project will not have any significant adverse cumulative impacts.

**w. Miscellaneous**

The project is an improvement to the existing public water supply system and enables the Village to have a more reliable ability to meet peak demands. Therefore, the project is expected to have a net positive benefit and impact.

**x. Conclusion**

For all of the reasons set forth above, the project, as described above, will not have any significant adverse impact on the environment and, therefore, the issuance of this negative declaration is warranted.

**For Further Information:**

Gedalye Szegedin, Village Clerk  
Village of Kiryas Joel (SEQRA Lead Agency)  
PO Box 556  
Monroe, New York 10949  
Fax: 845-783-8300

**Filing and Publication:**

A copy of this Determination of Non-Significance shall be filed, distributed and published as required by 6 NYCRR § 617.12.

Appendix G5

Harriman Sewage Treatment  
Plant Flows

# INTER-OFFICE MEMORANDUM

## ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS – DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES

**TO:** Peter S. Hammond, Deputy Commissioner  
**FROM:** Anthony R. Griffin, P.E., Principal Sanitary Engineer  
**DATE:** July 15, 2014  
**SUBJECT:** Harriman Sewage Treatment Plant Monthly Flow Report

Mr. Hammond:

Please find attached the following report for your information and use:

“Existing Flow into the Harriman Sewage Treatment Plant” for the  
months of April through June 2014.

If you have any questions or comments, please do not hesitate to contact me.

Attach.

cc: Stephen M. Neuhaus, County Executive  
Langdon C. Chapman, County Attorney  
Charles W. Lee, P.E., Commissioner  
Jim Justvig, Chief Operator, CAMO Pollution Control, Inc.  
Michael P. Tremper, CAMO Pollution Control, Inc.  
L. Stephen Brescia, Chairman of Legislature  
Katie Bonelli, Chairman of Physical Services Committee  
Michael Amo, 1<sup>st</sup> Legislative District  
Myrna K. Kennitz, 7<sup>th</sup> Legislative District  
John S. Vero, 10<sup>th</sup> Legislative District  
James DiSalvo, 14<sup>th</sup> Legislative District  
File

Harley E. Doles III, Supervisor, Town of Monroe  
James C. Purcell, Mayor, Village of Monroe  
→ Abraham Weider, Mayor, Village of Kiryas Joel  
Stephen H. Welle, Mayor, Village of Harriman  
Michael Queenan, Mayor, Village of Woodbury  
Robert Jeroloman, Mayor, Village of South Blooming Grove  
Philip Valastro, Mayor, Village of Chester  
Alex Jamieson, Deputy Supervisor, Town of Chester  
Scott Green, MBJOMC Administrator  
Manju Cherian, P.E., NYSDEC



ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -  
 DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES  
 EXISTING FLOW INTO THE 6.0 MGD  
 HARRIMAN SEWAGE TREATMENT PLANT  
 REPORT DATE OF June 30, 2014

	12 MONTH AVG.												REMAINING AVAILABLE BALANCE			
	2013 JUL	AUG	SEP	OCT	NOV	DEC	2014 JAN	FEB	MAR	APR	MAY	JUN		Total	ENDING 30-Jun-14	PRESENT LIMIT
RAIN IN INCHES	5.16	4.96	2.44	1.47	3.02	4.46	2.98	5.75	2.83	6.21	3.15	2.69	45.12			
VILLAGE OF CHESTER	359,500	312,964	338,911	337,329	268,507	319,345	383,343	329,579	548,007	472,557	492,436	388,243		379,227	347,000	(32,227)
TOWN OF CHESTER	297,921	299,071	295,567	296,218	295,835	296,910	297,199	296,270	296,451	296,586	296,698	296,810		296,795	410,000	113,205
TOWN OF MONROE	81,673	81,688	81,932	82,061	82,015	81,913	81,984	81,962	81,935	81,919	81,908	81,906		81,908	133,000	51,092
V. OF S. BLOOMING GROVE	288,735	244,148	245,723	213,987	191,560	273,487	299,710	268,243	390,984	364,093	320,710	230,697		277,673	490,000	212,327
VILLAGE OF WOODBURY	934,965	709,792	665,331	620,650	612,142	813,572	917,018	782,108	1,113,340	1,056,884	994,030	677,801		824,803	1,030,000	205,197
MOODNA TOTAL	1,962,794	1,647,663	1,627,464	1,550,245	1,450,059	1,785,227	1,979,254	1,758,162	2,430,717	2,272,039	2,185,782	1,675,457		1,860,405	2,410,000	549,595
OCSD#1	2,588,206	2,432,337	2,045,536	2,068,755	2,056,941	2,707,773	2,845,746	2,439,838	3,317,283	3,428,961	3,035,218	2,232,543		2,599,928	3,590,000	990,072
HSTP TOTAL	4,551,000	4,080,000	3,673,000	3,619,000	3,507,000	4,493,000	4,825,000	4,198,000	5,748,000	5,701,000	5,221,000	3,908,000		4,460,333	6,000,000	1,539,667

Town of Chester - V/C Water Plant Badger flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Walton Lake Estates PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Lake Hill Farms PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Surry Meadow PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Camp LaGuardia Flow Meter not working - Camp LaGuardia water meter readings (0 gpd) plus 17,000 gpd for Oxford Heights used to determine sewage flow.  
 Town of Monroe - 21,000 GPD added to Town of Monroe for unmetered flow.  
 Village of South Blooming Grove - 21,200 GPD added to Village of South Blooming Grove for unmetered flow.  
 Village of Woodbury - 20,761 GPD added to Village of Woodbury for unmetered flow.  
 Village of Woodbury - 30,400 GPD of treatment capacity being leased by Village of Woodbury from OCSD#1 allocation.

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -  
 DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES  
 EXISTING FLOW INTO THE 6.0 MGD  
 HARRIMAN SEWAGE TREATMENT PLANT  
 REPORT DATE OF May 31, 2014

	12 MONTH AVG.												REMAINING PRESENT AVAILABLE LIMIT	BALANCE	
	2013 JUN	JUL	AUG	SEP	OCT	NOV	DEC	2014 JAN	FEB	MAR	APR	MAY			Total
RAIN IN INCHES	8.20	5.16	4.96	2.44	1.47	3.02	4.46	2.98	5.75	2.83	6.21	3.15	50.63		
VILLAGE OF CHESTER	449,007	359,500	312,964	338,911	337,329	268,507	319,345	383,343	329,579	548,007	472,557	492,436	384,290	347,000	(37,290)
TOWN OF CHESTER	297,087	297,921	299,071	295,567	296,218	295,835	296,910	297,199	296,270	296,451	296,586	296,698	296,818	410,000	113,182
TOWN OF MONROE	81,784	81,673	81,688	81,932	82,061	82,015	81,913	81,984	81,962	81,935	81,919	81,908	81,898	133,000	51,102
V. OF S. BLOOMING GROVE	367,357	288,735	244,148	245,723	213,987	191,560	273,487	299,710	268,243	390,984	364,093	320,710	289,061	490,000	200,939
VILLAGE OF WOODBURY	1,134,494	934,965	709,792	665,331	620,650	612,142	813,572	917,018	782,108	1,113,340	1,056,884	994,030	862,861	1,030,000	167,140
MOODNA TOTAL	2,329,729	1,962,794	1,647,663	1,627,464	1,550,245	1,450,059	1,785,227	1,979,254	1,758,162	2,430,717	2,272,039	2,185,782	1,914,928	2,410,000	495,072
OCSD#1	3,400,271	2,588,206	2,432,337	2,045,536	2,068,755	2,056,941	2,707,773	2,845,746	2,439,838	3,317,283	3,428,961	3,035,218	2,697,239	3,590,000	892,761
HSTP TOTAL	5,730,000	4,551,000	4,080,000	3,673,000	3,619,000	3,507,000	4,493,000	4,825,000	4,198,000	5,748,000	5,701,000	5,221,000	4,612,167	6,000,000	1,387,833

Town of Chester - V/C Water Plant Badger flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Walton Lake Estates PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Lake Hill Farms PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Surry Meadow PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Camp LaGuardia Flow Meter not working - Camp LaGuardia water meter readings (0 gpd) plus 17,000 gpd for Oxford Heights used to determine sewage flow.  
 Town of Chester - 19,600 GPD added to Town of Chester for unmetered flow from Laros Rd PS.

Town of Monroe - 21,000 GPD added to Town of Monroe for unmetered flow.  
 Village of South Blooming Grove - 21,200 GPD added to Village of South Blooming Grove for unmetered flow.  
 Village of Woodbury - 20,761 GPD added to Village of Woodbury for unmetered flow.  
 Village of Woodbury - 30,400 GPD of treatment capacity being leased by Village of Woodbury from OCSD#1 allocation.

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -  
 DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES  
 EXISTING FLOW INTO THE 6.0 MGD  
 HARRIMAN SEWAGE TREATMENT PLANT  
 REPORT DATE OF April 30, 2014

	2014												12 MONTH AVG. ENDING 30-Apr-14	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
	2013 MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR			
RAIN IN INCHES	4.99	8.20	5.16	4.96	2.44	1.47	3.02	4.46	2.98	5.75	2.83	6.21	52.47		
VILLAGE OF CHESTER	208,043	449,007	359,500	312,964	338,911	337,329	268,507	319,345	383,343	329,579	548,007	472,557	360,591	347,000	(13,591)
TOWN OF CHESTER	296,299	297,087	297,921	299,071	295,567	296,218	295,835	296,910	297,199	296,270	296,451	296,586	296,785	410,000	113,216
TOWN OF MONROE	81,942	81,784	81,673	81,688	81,932	82,061	82,015	81,913	81,984	81,962	81,935	81,919	81,901	133,000	51,099
V. OF S. BLOOMING GROVE	248,277	367,357	288,735	244,148	245,723	213,987	191,560	273,487	299,710	268,243	390,984	364,093	283,025	490,000	206,975
VILLAGE OF WOODBURY	764,879	1,134,494	934,965	709,792	665,331	620,650	612,142	813,572	917,018	782,108	1,113,340	1,056,884	843,765	1,030,000	186,235
MOODNA TOTAL	1,599,440	2,329,729	1,962,794	1,647,663	1,627,464	1,550,245	1,450,059	1,785,227	1,979,254	1,758,162	2,430,717	2,272,039	1,866,066	2,410,000	543,934
OCSD#1	2,820,560	3,400,271	2,588,206	2,432,337	2,045,536	2,068,755	2,056,941	2,707,773	2,845,746	2,439,838	3,317,283	3,428,961	2,679,351	3,590,000	910,649
HSTP TOTAL	4,420,000	5,730,000	4,551,000	4,080,000	3,673,000	3,619,000	3,507,000	4,493,000	4,825,000	4,198,000	5,748,000	5,701,000	4,545,417	6,000,000	1,454,583

Town of Chester - V/C Water Plant Badger flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Walton Lake Estates PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Lake Hill Farms PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Surry Meadow PS flow meter not working - Previous 12 month average flow used.  
 Town of Chester - Camp LaGuardia Flow Meter not working - Camp LaGuardia water meter readings (0 gpd) plus 17,000 gpd for Oxford Heights used to determine sewage flow.  
 Town of Chester - Camp LaGuardia Flow Meter not working - Camp LaGuardia water meter readings (0 gpd) plus 17,000 gpd for Oxford Heights used to determine sewage flow.  
 Town of Monroe - 21,000 GPD added to Town of Monroe for unmetered flow.  
 Village of South Blooming Grove - 21,200 GPD added to Village of South Blooming Grove for unmetered flow.  
 Village of Woodbury - 20,761 GPD added to Village of Woodbury for unmetered flow.  
 Village of Woodbury - 30,400 GPD of treatment capacity being leased by Village of Woodbury from OCSD#1 allocation.

Orange County Sewer District #1	
Sewer Demand By Year - 26 Year average	
2013 GPD	5,250,750 gpd
1987 GPD	3,064,667 gpd
<b>26 years growth</b>	2,186,083 gpd
% growth in 26 years	71.33%
% Annual Growth	2.74%
Growth Factor	1.0274
<b>Year</b>	<b>GPD</b>
2013	5,250,750
2014	5,394,621
2015	5,542,433
2016	5,694,296
2017	5,850,320
2018	6,010,618
2019	6,175,309
2020	6,344,513
2021	6,518,352
2022	6,696,955
2023	6,880,452
2024	7,068,976
2025	7,262,666

Orange County Sewer District #1	
Sewer Demand By Year - 4 Year Average	
2013 GPD	5,250,750 gpd
2009 GPD	5,049,000 gpd
<b>4 years growth</b>	201,750 gpd
% growth in 4 years	4.00%
% Annual Growth	1.00%
Growth Factor	1.0040
<b>Year</b>	<b>GPD</b>
2013	5,250,750
2014	5,271,753
2015	5,292,840
2016	5,314,011
2017	5,335,267
2018	5,356,608
2019	5,378,035
2020	5,399,547
2021	5,421,145
2022	5,442,830
2023	5,464,601
2024	5,486,460
2025	5,508,405

Appendix G6

Kiryas Joel Sewage Treatment Plant  
Flows

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DISCHARGE MONITORING REPORT (DMR)

Form Approved  
OMB No. 2040-0004

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: KIRYAS JOEL (V)  
ADDRESS: PO BOX 566  
MONROE, NY 10950  
FACILITY: KIRYAS JOEL (V) WWTP  
LOCATION: BAKERSTOWN ROAD  
MONROE, NY 10950

ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MM/DD/YYYY	MM/DD/YYYY
10/1/2014	10/31/2014
MONITORING PERIOD	

DMR Mailing ZIP CODE: 12590

MINOR (SUBR 03)

External Outfall

No Discharge

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	UNITS				
Temperature, water deg. fahrenheit						0	01/01 Daily	GR
00011 10 Effluent Gross			67	deg F				GRAB
Temperature, water deg. fahrenheit						0	01/01 Daily	GR
00011 G 0 Raw Sewage Influent			66	deg F				GRAB
pH						0	01/01 Daily	GR
00400 1 0 Effluent Gross			7.88			0	01/01 Daily	GR
pH						0	01/01 Daily	GR
00400 G 0 Raw Sewage Influent			6.98			0	01/01 Daily	GR
Solids, total suspended						0	01/01 Daily	GR
00530 1 0 Effluent Gross			18			0	02/30 Twice per Month	COMP-6
Solids, total suspended						0	02/30 Twice per Month	COMP-6
00530 G 0 Raw Sewage Influent			460			0	01/01 Daily	GR
Solids, settleable						0	01/01 Daily	GR
00545 1 0 Effluent Gross			< 0.1			0	01/01 Daily	GR

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete; I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE: **Michael P. Tremper**  
Chief Operator

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT: *Michael P. Tremper*

TELEPHONE: 845-463-7310  
DATE: 12/1/2014

AREA CODE: 845 NUMBER: 463-7310

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

EPA Form 3320-1 (Rev.01/06). Previous editions may be used.

10/14/2014 Page 1

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DISCHARGE MONITORING REPORT (DMR)

Form Approved  
OMB No. 2040-0004

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)  
NAME: KIRYAS JOEL (V)  
ADDRESS: PO BOX 566  
MONROE, NY 10950  
FACILITY: KIRYAS JOEL (V) WWTP  
LOCATION: BAKERSTOWN ROAD  
MONROE, NY 10950

NY0250520	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MMDD/YYYY	MMDD/YYYY
10/1/2014	10/31/2014

DMR Mailing ZIP CODE: 12590  
MINOR (SUBR 03)

External Outfall

No Discharge

ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	UNITS				
00545 G 0 Raw Sewage Influent Phosphorus, total [as P]	PERMIT REQUIREMENT			50	Req. Mon. DAILY MX	mL/L	0	01/01 Daily	GR
00665 1 0 Effluent Gross Nitrogen, ammonia, total [as NH3]	SAMPLE MEASUREMENT			0.30		mg/L	0	02/30 Twice per Month	06
34726 1 0 Effluent Gross Nitrogen, ammonia, total [as NH3]	PERMIT REQUIREMENT			1.0		mg/L	0	02/30 Twice per Month	06
34726 G 0 Raw Sewage Influent Flow, in conduit or thru treatment plant	SAMPLE MEASUREMENT	.721		46.5		mg/L	0	02/30 Twice per Month	06
50050 G 0 Raw Sewage Influent Coliform, fecal general	PERMIT REQUIREMENT			8.0		#/100mL	0	02/30 Twice per Month	GR
74055 1 0 Effluent Gross BOD, carbonaceous, 05 day, 20 C	SAMPLE MEASUREMENT			2.0		mg/L	0	02/30 Twice per Month	06
80082 1 0 Effluent Gross	PERMIT REQUIREMENT			40	DAILY MX	lb/d	0	02/30 Twice per Month	COMP-6

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE	DATE
Michael P. Tremper Chief Operator	<i>Michael P. Tremper</i>	845-463-7310	12/1/2014
TYPED OR PRINTED	AREA Code NUMBER	MMDDYYYY	

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DISCHARGE MONITORING REPORT (DMR)

Form Approved  
OMB No. 2040-0004

PERMITTEE NAME/ADDRESS (include Facility Name/Location if Different)

NAME: KIRYAS JOEL (V)  
ADDRESS: PO BOX 566  
MONROE, NY 10950  
FACILITY: KIRYAS JOEL (V) WWTP  
LOCATION: BAKERSTOWN ROAD  
MONROE, NY 10950  
ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520  
PERMIT NUMBER  
MM/DD/YYYY  
10/1/2014

001-M  
DISCHARGE NUMBER  
MONITORING PERIOD  
MM/DD/YYYY  
10/31/2014

DMR Mailing ZIP CODE: 12590

MINOR (SUBR 03)  
External Outfall  No Discharge

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	UNITS			
BOD, carbonaceous, 05 day, 20 C			288		0	02/30	06
80082 G O Raw Sewage Influent Solids, suspended percent removal			Req. Mon. DAILY, MX	mg/L		Twice per Month	COMP-6
81011 K O Percent Removal		99		%	0	01/30	CA
Carbonaceous oxygen demand, % removal		85	MO AV MIN	%		Monthly	CALCTD
81383 K O Percent Removal		99		%	0	01/30	CA
		85	MO AV MIN	%		Monthly	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER  
Michael P. Tremper  
Chief Operator

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT  
*Michael P. Tremper*

TELEPHONE  
DATE

AREA Code NUMBER  
845-463-7310  
12/1/2014

MMDDYYYY  
MMDDYYYY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)



WASTEWATER FACILITY OPERATION REPORT FOR THE MONTH OF October, 2014.

Day Date	Daily Precip in/day	VOLUME OF WASTEWATER TREATED		TEMPERATURE (C/F)		pH (S.U.)		SETTLABLE SOLIDS (ml/l)		B.O.D. (mg/l)		SUSPENDED SOLIDS (mg/l)		
		Inst. Max MGD	Daily Ave. MGD	Inst. Min. MGD	Influent (2)	Effluent (2)	Influent Minimum	Effluent Minimum	Effluent Maximum	Influent Maximum	Effluent Maximum	Influent Type	Effluent Type	Influent Type
1			1620		68		7.14		19.0					
2			1812		67		7.22		15.0					
3			1557		68		7.12		20.0					
4			1650		66		7.00		35.0					
5			1749		66		7.21		18.0					
6			1765		65		7.05		30.0					
7			822		70		7.36		21.0					
8			1716		71		7.88		12.0		288	2.0	2.0	
9			168		69		7.30		19.0					
10			863		69		7.39		50.0					
11			833		67		7.39		25.0					
12			160		67		7.65		20.0					
13			114		72		7.63		17.0					
14			136		72		7.56		20.0					
15			801		70		7.51		17.0		230	2.0	460	
16			898		70		6.90		10.0					
17			805		70		7.32		16.0					
18			678		69		7.11		16.0					
19			690		69		7.56		20.0					
20			720		66		7.56		15.0					
21			712		65		7.56		17.0					
22			735		65		7.44		10.0					
23			752		65		7.68		18.0					
24			713		65		7.68		13.0					
25			667		65		7.33		6.0					
26			694		65		7.98		17.0					
27			641		65		7.66		25.0					
28			616		66		7.44		18.0					
29			577		64		7.28		12.0					
30			673		62		7.40		9.0					
31			693		65		7.33		20.0					
Total Precip			Monthly Average		Monthly Average		Max Influent	Min Influent	Max Effluent	Min Effluent	Monthly Maximum	Monthly Maximum	30 day arithmetic mean (1) Inf. (mg/l) Eff. (mg/l) %Rem.	30 day arithmetic mean (1) Inf. (mg/l) Eff. (mg/l) %Rem.
			1.81		66		7.98	6.98	7.88	6.98	50.0	20.1	259	20.99
													12	18

(1) Refer to February 2002 edition of DMR Manual for Completing the Discharge Monitoring Report for the State Pollutant Discharge Elimination System (SPDES) for procedures to calculate loadings, arithmetic mean, geometric mean, maximum, minimum, percent removal, etc.

(2) If temperature is measured more than once a day, report the average for day.

(3) List parameter names in these fields as necessary for multiple outfalls and additional parameters. Make additional sheets if necessary.

NOTE: Refer to current SPDES permit for specific monitoring requirements. Sample type for temperature, pH and settleable solids is grab.

FACILITY MAILING ADDRESS (Street, City, State, Zip Code)		TELEPHONE NUMBER	CHIEF OPERATOR'S NAME	CERTIFICATION GRADE	
160 RT 376 WARRIERS FALLS NY 12590		845 463-7310	Caro Polittic Contatore	4A	
Day	Date	TOTAL PHOSPHORUS(mg/l)		FECAL COLIFORM MF or MPN/100 ml	REMARKS Enter any other comments, observations, operating problems, equipment failure, etc.
		Influent Type	Effluent Type		
		CHLORINE RESIDUAL			
		Minimum	Maximum		
W	1		20.1		10-2 relayed/reboot computer at pump station to receive signal (falling)
W	2		20.1		
F	3		20.1		10-3 Flow off (2) hours block in BWHT
S	4		20.1		10-14 DARE mile in lock out AFW situation
S	5		20.1		10-25 2 cable outages
M	6		20.1		10-25 2 cable outages blew out 3" BWHT (wired it in)
W	7		20.1		
W	8	7.20	0.27	10	10-29 Corrosion instead a Carro 2" pump (fight) in holding tank
	9		20.1		
	10		20.1		
	11		20.1		
	12		20.1		
	13		20.1		
	14		20.1		
	15	6.41	0.33	6	
	16		20.1		
	17		20.1		
	18		20.1		
	19		20.1		
	20		20.1		
	21		20.1		
	22		20.1		
	23		20.1		
	24		20.1		
	25		20.1		
	26		20.1		
	27		20.1		
	28		20.1		
	29		20.1		
	30		20.1		
	31		20.1		
		30 day arithmetic mean (1) Influent(mg/l) Effluent(mg/l)		30 day Geometric Mean (1)	
		6.81 0.30		8.0	
		1.80 lbs/day			

(1) Refer to February 2002 edition of DIMR Manual for Completing the Discharge Monitoring Report for the State Pollutant Discharge Elimination System (SPDES) for procedures to calculate loadings, arithmetic mean, geometric mean, maximum, minimum, percent removal, etc.  
NOTE: Refer to current SPDES permit for specific monitoring requirements. Sample type for chlorine residual and fecal coliform is grab.

FIXED MEDIA PROCESS CONTROL													ACTIVATED SLUDGE PROCESS CONTROL				
Day	Date	Sample Type:		Sample Type:		Sample Type:		Recirculation Rate M.G.D.	Media Effluent Settleable Solids ml/l	Mixed Liquor S.S. (MLSS) mg/l	Settleable Sludge Volume (SSV) ml/l		Return Act. Sludge (RAS) M.G.D.	Waste Act. Sludge (WAS) lbs/day			
		Influent	Effluent	Influent	Effluent	Influent	Effluent				5 Minutes	30 Minutes					
		Ammonia															
		Influent	Effluent	Influent	Effluent	Influent	Effluent										
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8		38.5	1.0														
9																	
10																	
11																	
12																	
13																	
14																	
15		54.5	1.0														
16																	
17																	
18																	
19																	
20																	
21																	
22																	
23																	
24																	
25																	
26																	
27																	
28																	
29																	
30																	
31																	
		46.5		1.0													
		6.01															
		30 day arithmetic mean (1)															
		30 day Ave. Quantity Loading (1)															

(1) Refer to February 2002 edition of DMF Manual for Completing the Discharge Monitoring Report for the State Pollutant Discharge Elimination System (SPDES) for procedures to calculate loadings, arithmetic mean, geometric mean, maximum, minimum, percent removal, etc.

Effect on Receiving Stream

NAME OF RECEIVING STREAM		
DATE	STATION	PARAMETER RESULT

Name and amount of chemicals used in treatment process during month:

a. Chlorine	400	lbs.
b. PAC	22,400	lbs.
c. Sulfite	300	lbs.
d.		lbs.
e.		lbs.
f.		lbs.

Sludge removal from plant:

a. Amount	232,500	cubic feet
b. Solid Content		%
c. Volatile Solids Content		%
d. Disposal Site	Copollas services	
e.		
f.		

Amount of electrical power consumed:

a. Commercial		kilowatt hours
b. Stand-by		kilowatt hours

Other Solid Wastes

a. Screenings	60	cubic feet
b. Grit		cubic feet
c. Ashes		tons
d.		
e.		
f.		
g. Disposal Site	Naurg; Hauling	
h. Digester Gas Wasted		cubic feet

Amount of fuel consumed:

a. Natural Gas		cubic feet
b. Oil		gallons
c. Gasoline		gallons
d. Coal		tons
e. Digester Gas		cubic feet
f. Propane		gallons

TRUCKED WASTE RECEIVED THIS MONTH

1. Septage, holding tank waste and portable toilet waste	Total	Max day
Volume (gallons)		
2. All other wastes	Total	Max day
Volume (gallons)		
3. Number of Part 364 haulers currently approved to transport wastes to this POTW		
a. Septage, etc.		
b. All others		

Labor Expended:

POSITION NAME	NUMBER FULL TIME	NUMBER PART TIME	TOTAL HOURS
Ed Alexander			250
operator			
Ed Green			211
operator			

I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Principal Executive Officer or Authorized Agent: *Michael Campbell*

Date: 12.1.2014

Date

Appendix G7

Orange County/OCSD #1 Agreement

This Agreement made this 19<sup>th</sup> day of February, 2010 between the County of Orange, ("the County") with offices at 255 Main Street, Goshen, New York, and Orange County Sewer District No. 1 ("OCSD#1") with offices at Route 2455-2459 Route 17M, Goshen, New York with respect to the increase and improvement of wastewater treatment facilities. OCSD#1 and the County may be referred to collectively as the Parties.

Whereas, OCSD#1 was created in 1970 by resolution of the Orange County Legislature pursuant to Article 5-A of the New York State County Law, encompassing all of the properties that now comprise the villages of Kiryas Joel, Harriman and Monroe, and a portion of the Town of Monroe; and

Whereas the Harriman Wastewater Treatment Plant ("HWWTP") was constructed to serve the wastewater treatment requirements of OCSD#1 with an initial treatment capacity of 2.0 million gallons per day ("mgd"); and

Whereas, the County of Orange holds the State Pollutant Discharge Elimination System ("SPDES") permit to operate the HWWTP; and

Whereas, in 1978, an inter-municipal agreement was entered into by and between the Towns of Blooming Grove, Woodbury, Chester and Monroe and the Village of Chester, (collectively, the "Moodna Basin Parties") and OCSD#1 pursuant to which a 2.0 mgd expansion to the HWWTP was constructed and financed by the Moodna Basin Parties; and

Whereas the Villages of South Blooming Grove and Woodbury are successors in interest to the contractual rights and obligations of the Towns of Blooming Grove and Woodbury, respectively, with respect to the inter-municipal agreement; and

Whereas, said inter-municipal agreement contains, among other provisions, terms and conditions relating to the operation, maintenance administration, allocation of the capacity at the HWWTP, and the annual charges by OCSD#1 to the Moodna Basin Parties; and

Whereas, in 1988 and 1995 OCSD#1, the County and the Moodna Basin Parties entered into intermunicipal agreements which modified the 1978 intermunicipal agreement with respect to: a) monitoring and limitation of the demand placed on the HWWTP by the Moodna Basin Parties; b) centralized control over new sewer connections by the Moodna Basin Parties; and c) governance and administration with respect to the operation and maintenance of the HWWTP; and

Exh. bit  
"C"

Whereas, § 9 of the 1978 agreement provides that, upon the combined flow from OCSD#1 and the Moodna Basin Parties reaching 85% of the design capacity of the HWWTP, OCSD#1 would initiate procedures so as to insure that an expansion or increase to the treatment facilities would be constructed, the cost of which was to be borne proportionately between OCSD#1 and the Moodna Basin Parties; and

Whereas, in or about 1999 the permitted design capacity of the HWWTP was increased to 4.5 mgd; and

Whereas, in or about 2006 the County completed construction of a 2.0 mgd expansion to the HWWTP to approximately 6.0 mgd; and

Whereas, historically, the average daily flow to the Harriman Plant is calculated based on an a 12-month rolling average and is reported to the Department of Environmental Conservation ("NYSDEC") on that basis; and

Whereas, the 12-month rolling average for the HWWTP currently is approximately 4.6 mgd; and

Whereas, the County, OCSD#1 and the Moodna Basin Parties are exploring the possibility of enlarging OCSD#1 to include some or all of the Moodna Basin Parties into a single, enlarged sewer district; and

Whereas, the population and residential, retail, commercial and industrial development within the communities of the OCSD#1 and the Moodna Basin Parties is expected to continue to grow and place greater demands on the existing wastewater treatment facilities of the OCSD#1 which will, from time to time, require additional increases to the capacity of the wastewater treatment facilities of the OCSD#1 (and/or any enlarged or modified future district) in order to serve the needs of the OCSD#1 and the Moodna Basin Parties; and

Whereas, pursuant to § 265 of the County Law, the Administrative Head of OCSD#1 has the authority to contract for the collection, conveyance, treatment or disposal or sewage, wastewater disposal, and water quality treatment with the County and with any other sewer district or town; and

Whereas, the Parties agree that timely planning for such increase and improvement to the wastewater treatment facilities of the OCSD#1 (and/or any enlarged or modified future district) is essential to ensure that adequate wastewater treatment capacity will be available to meet the future needs of the OCSD#1 and the Moodna Basin Parties; that the existing intermunicipal agreements are inadequate to meet this need; that the lack of an effective mechanism to timely expand the wastewater treatment facilities of the OCSD#1 (and/or any enlarged or modified future district) may adversely affect economic development within the communities of the OCSD#1 and Moodna Basin Parties; and the parties are desirous to enter into a legally enforceable commitment to

expand treatment capacity so as to meet the future development needs of the municipalities within the service area and its residents.

Therefore the Parties to this Agreement do hereby agree as follows:

1. For purposes of this Agreement, the HWWTP Service Area shall include OCSD #1, the Moodna Basin Parties, and/or any consolidated or expanded sewer district or entity incorporating, without limitation, OCSD# 1 as it is currently constituted, all or part of the Moodna Basin Parties, and any other properties incorporated into an enlarged district or other similar legal entity.

2. The Administrative Head of OCSD #1 shall provide monthly flow reports from the HWWTP and any other wastewater treatment facilities (collectively, "The Facilities") owned and/or operated by the County or OCSD#1 that provides wastewater treatment to OCSD#1 and all other portions of the HWWTP Service Area. These reports shall be made available upon request to the Chief Executive Officer of each municipality within the HWWTP Service Area.

3. When the 12-month rolling average flow from The Facilities, as reported by the Administrative Head, reaches 85% of the total design treatment capacity of The Facilities for any three months within a period of six consecutive months, then the Administrative Head shall provide written notification of that fact to the County Executive and the Chief Executive Officer of each municipality within the HWWTP Service Area and the NYSDEC.

4. Within 45 days after such written notification, the Administrative Head and/or the County Executive shall prepare and submit a request to the Orange County Legislature for a supplemental appropriation to the OCSD#1 budget for the preparation of preliminary scope of work, maps, plans and a cost estimate for the proposed increase and improvement to The Facilities. Within 30 days after legislative approval of the request, the Administrative Head shall prepare and publish a request for proposals for the preparation of maps and plans, scope of work and cost estimate for the construction of an expansion to The Facilities.

5. Upon acceptance of a proposal the County and OCSD #1 shall proceed in accordance with the following steps and procedures. The County shall be obligated to act diligently and in good faith to complete each of the following steps and procedures promptly, in a timely manner within the target dates established herein and without unreasonable delay.

a. Upon acceptance by the Parties of preliminary maps, plans, scope of work and cost estimate, the Administrative Head and/or the County Executive shall cause to have maps and plans of the proposed increase and expansion to The Facilities filed with the Clerk of the Legislature and submit a request to the Legislature to set a date for a public hearing to be held, and for notice thereof to be published and posted in accordance with § 268 and § 254 of the County Law. If there are to be changes in the existing zones



of assessment, under § 270 of the CL, these also should be included in the notice of hearing. Simultaneously with the submission of the aforesaid legislative request, the Parties shall also submit a request to the Legislature for a resolution approving the increase and improvement to The Facilities. The Parties will also file with the Clerk of the Legislature a calculation of the cost of hook-up fees and cost to the typical property.

b. Following the public hearing and upon adoption by the Legislature of a resolution approving an increase and improvement to the Facilities, the Parties shall commence an environmental review of the Project pursuant to the State Quality Environmental Review Act ("SEQRA").

c. Within 60 days following Legislative approval of the increase and improvement, and establishment of zones of assessment, if applicable, an application will be submitted to the State Comptroller for approval of the improvement.

d. Within 45 days of final, written approval by the Comptroller of the increase and improvement, and upon completion of the procedures required under SEQRA, a legislative request will be submitted to the Legislature for the adoption of a bond resolution to finance the expansion and improvement. The bond resolution will be published in accordance with the applicable statutes

6. After the Legislature approves the construction and financing of the expansion, the Administrative Head shall cause to have bid documents prepared, and published for the final design and construction of the expansion. If contract documents for the construction of the expansion are not part of the bid documents, they shall be prepared by the Administrative Head subject to review and approval of the County Executive and the County Attorney. The contracts shall provide that the expansion shall be substantially completed within a time that is consistent with accepted industry and construction standards and consistent with the scope of the Project. The County and OCSD#1 shall proceed in good faith and take all actions reasonably necessary to ensure that the increase and expansion is completed within the contractual completion date.

7. The obligations of the Parties to this Agreement are expressly made subject to and are conditioned upon the following:

- (i) Compliance with all required and applicable state, local and federal laws and regulations;
- (ii) Receipt of all required and applicable state, local and federal approvals and permits
- (iii) Completion of an environmental review required under the State Environmental Quality Review Act ("SEQRA").

8. After the Legislature approves the construction and financing of the expansion,

the Administrative Head shall cause to have applications prepared and filed for all required and applicable state, local and federal approvals and permits, including those necessary to commence the SEQRA process. It is agreed that any time period stated herein within which the Parties are required to complete any action shall be extended by the period of time necessary to comply or obtain the approvals and procedures stated in ¶ 8 above, provided that the Parties proceed in good faith in a timely manner to take such actions or obtain such approvals.

9. Neither party shall be liable to the other or any third party for any failure or delay in performance under this Agreement to the extent said failures or delays are proximately caused by causes beyond that party's reasonable control and occurring without its fault or negligence, or where the Parties are proceeding in good faith and with due diligence to meet the target dates for the performance of any act set forth in this Agreement, including, without limitation, war, strikes, fires, floods, acts of God, governmental restrictions, court order, power failures, or damage or destruction of any network facilities or servers, failure of suppliers, subcontractors, and carriers, or party to substantially meet its performance obligations under this Agreement. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

10. This Agreement is a legally binding contract. The respective commitments of the Parties in this Agreement are in consideration of each other, thereby making this Agreement a legally binding contract enforceable by any aggrieved Party subject to the following:

(i) This Agreement may be enforced in a court of competent jurisdiction, and any such action will be governed by the laws of the State of New York.

(ii) It is agreed that each municipality located within the HWWTP Service Area, as set forth in Schedule "A" annexed hereto and made a part hereof, is hereby deemed to be a third party beneficiary of this Agreement, and has an independent right to enforce the terms of this Agreement in a court of competent jurisdiction in the event that the either the County or OCSD#1 shall materially breach their obligations under this Agreement.

11. No action shall be commenced pursuant to paragraph 10:

(i) Prior to sixty days after the aggrieved party has given notice of the alleged material breach to:

(a) the County Attorney;

(b) the County Executive; and

(c) the Administrative Head of OCSD #1,

and the material breach either is not cured, or the issues raised in the notice are not resolved, within 60 days after such notice has been delivered; and

(ii) later than 120 days after the alleged material breach of this Agreement.

12. In any action commenced pursuant to paragraphs 10 and 11 of this Agreement, damages for breach of this Agreement shall not be available. The Parties agree that the court in which such action is brought may enforce the obligations of this Agreement by specific performance. Nothing in this paragraph is intended to affect any rights or remedies at law or equity that any party may have outside of this Agreement.

13. Nothing in this Agreement is intended to diminish the right of the local, state or federal government to enforce all applicable provisions of local, state and federal law.

14. Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity except as expressly provided in this Agreement.

15. Notices. Except to the extent that any other paragraph specifically requires or authorizes a different form of notice, any notice required or permitted to be given hereunder shall be in writing, and shall be delivered by certified mail, postage prepaid, or by hand, or by overnight courier, or by telecopy confirmed by any of the previous methods, addressed to the receiving party at its current address or at such other or further address as the receiving party shall provide to the other Parties in writing from time to time.

Dated: February 19, 2010



County of Orange  
By: Steven M. Gross, Director of Operations  
and Cost Control, Acting County Executive, for  
Edward A. Diana, County Executive



Orange County Sewer District No. 1  
By: Charles Lee  
Acting Administrative Head  
OCSD#1

Appendix G8

Kiryas Joel Water Supply Charges

Local Law #1 of 2013  
**Water Supply Facilities Improvement  
and Connection Charges**

Be It Enacted by the Board of Trustees, Village of Kiryas Joel, Orange County, New York as follows:

*Section 1.* Chapter 151 of the Code of the Village of Kiryas Joel is hereby amended by adding a new §153-23 entitled “**Water Supply Facilities Improvement and Connection Charges**” to read as follows:

**§ 151-23. Water Supply Facilities Improvement and Connection Charges --Authority to establish charges.**

The Board of Trustees is hereby empowered to establish, and from time to time revise, by resolution, charges (in addition to fees pursuant to §151-8) of the following categories:

- A. Water supply facilities improvement and connection charge.
  - (1) Residential.
  - (2) Commercial.
  - (3) Industrial.

**B. Allocation of funds.**

Moneys received by the village attributable to the charges herein shall be held in trust for the purpose of mitigating the capital facility needs resulting from new construction. Moneys shall be utilized for the purpose of providing capital improvements which increase the capacity of water supply systems, or other necessary infrastructure, in compliance with all statutory, regulatory and permit requirements. The moneys shall not be used for operations and maintenance. The Board of Trustees shall establish from time to time such capital reserve funds and/or trust and agency funds as necessary and appropriate to effectuate the purpose of this Article.

**C. Payment of charges.**

No new residential, commercial or industrial unit shall connect to or change the use of the connection to the village water supply system until all charges attendant thereto have been paid.

**D. Annual review; refunds.**

(1) The Board of Trustees shall annually, in conjunction with the adoption of the budget, review the charges, capital improvement program and capital reserve and/or trust and agency accounts. The purpose of such review shall be:

- (a) To determine whether charges are adequate and sufficient to mitigate anticipated needs without being burdensome or in excess of the fair share of costs attributable to new development and to revise such charges as the Board of Trustees shall deem advisable.
- (b) To consider a refund of charges moneys where capital improvement goals have been met without the exhaustion of such moneys. Completion of a phase or portion of a capital improvement program shall not mandate the refund of moneys where program goals remain to be accomplished and such funds will be utilized for such purposes.

- (c) To consider the refund of charges moneys which have not been allocated for a particular capital improvement within three (3) years of payment. Moneys shall be deemed allocated to a particular project when so designated by the Board of Trustees and the state environmental quality review process prerequisite to the implementation of such improvements has commenced.

(2). The Board of Trustees is hereby empowered to establish an administrative mechanism for the refund of connection charges when such charges have not been found necessary for the funding of capital improvements. Such refunds shall be fairly allocated.

F.

In the event any water charges remain unpaid at such time as the Village levies real property taxes, the charges may be re-levied on the tax bills, together with a handling charge of 20%, subject to approval of the Board of Trustees.

**Section 2.** Severability.

If any provision of this local law or the application of any other provision to any item in this law is held invalid, the invalidity of that provision or application shall not affect any of the other provisions or the application of those provisions to other items in this local law.

**Section 3.** Supersession of Inconsistent Laws, if any.

The Board of Trustees hereby declares its legislative intent to supercede any provision of any local law, rule, or regulation or provision of the law inconsistent with this local law. The provisions of law intended to be superceded include all the Village Law and any other provision of law that the Village may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Village has failed to specify any provision of law that may require supersession. The Board of Trustees hereby declares that it would have enacted this local law and superceded such inconsistent provision had it been apparent.

**Section 4.** This local law shall take effect immediately.

**Water**  
**Village of Kiryas Joel**  
**Schedule of Water Rents and Improvement and Connection Charges**  
Effective January 1, 2014

RESOLVED that the water rents and charges be established as set forth below:

Water Rents	-Residential	\$3.75 / 1000 gallons
	-Commercial/Industrial	\$5.50 / 1000 gallons
Water Supply Facilities Improvement and Connection Charges		\$6,000/EDU effective through May 31, 2016
		\$10,000/EDU effective on and after June 1, 2016

FURTHER RESOLVED that the Village hereby adopts the Classification of Property schedule from Article XII of the Orange County Sewer Use Law for determining Equivalent Dwelling Units (EDU's).

Adopted by Resolution of the Board of Trustees dated:

Appendix G9

Rockland County Legislator Letters



# The Legislature of Rockland County



Ilan S. Schoenberger  
County Legislator  
Chair - Budget and Finance Committee

March 3, 2005

Hon. Abraham Wieder  
Mayor, Village of Kiryas Joel  
Municipal Building  
51 Forest Road  
P.O. Box 566  
Monroe, NY 10950

RE: Proposed Village of Kiryas Joel Water Supply Pipeline

Dear Mayor Wieder:

As a Legislator from Rockland County, as well as a member of the Rockland County Solid Waste Management Authority, I welcome the opportunity to comment upon the Village of Kiryas Joel's proposed aqueduct project and the beneficial affects it will have on the Ramapo River, the County of Rockland and the Town of Ramapo.

I read the September 5, 2004 edition of the *Journal News* article entitled *Lifeline to Millions*, which discussed the impact of the Ramapo River to the many communities where it traverses Rockland and Orange counties and Northern New Jersey.

As you are no doubt aware, much of the potable water in Rockland County, and particularly in the Town of Ramapo, part of which I represent and where I reside, is the Ramapo River. I am also aware of the need to replenish the watershed and for responsible watershed management. I have been advised that the proposed pipeline project by the Village of Kiryas Joel from the New York City Aqueduct, will result in additional water resources being introduced into the Ramapo River watershed. This will result in a positive benefit to those of us who rely upon the Ramapo River as our source of water supply.

In addition, Rockland County has experienced periods of drought, during which water from Rockland County was diverted to the State of New Jersey by United Water. I have been advised, that increased flow to the Ramapo River from the Kiryas Joel water supply

pipeline project will help alleviate water shortage in Rockland County, particularly during times of drought.

I look forward to working with the Village of Kiryas Joel, and you as Mayor, to ensure that the interests of all communities affected will be enhanced and benefited by the Village of Kiryas Joel's water supply pipeline project to benefit the entire area and preserve the natural resources that we all share.

Very truly yours,



ILAN S. SCHOENBERGER  
County Legislator

ISS/cs

RA4050

# The Legislature of Rockland County



PHILIP SOSKIN  
Legislator - District 7

Multi-Services Committee  
Government Operations Committee  
Vice-Chair, Special Committee on Transportation

Tax Delinquency Subcommittee  
Rockland County Solid Waste  
Management Authority

March 14, 2005

Mayor Abraham Wieder  
Village of Kiryas Joel  
P.O. Box 5666  
Monroe, NY 10949

Dear Mayor Wieder:

I am writing in support of the Village of Kiryas Joel's proposed tap into the New York City Aqueduct system that is now being evaluated by the New York City Department of Environmental Protection (DEP).

I understand that Kiryas Joel is applying for this tap by right, under an agreement signed in 1905, by New York City that allows host-counties to tap into the aqueduct. Over the past century this agreement provided a steady water supply for seventy-four communities along the pipeline route.

As a Rockland County Legislator I want to lend my full-fledged support to your proposed project. As my fellow Legislators and I see it the implementation of this project will go a long way to augment Rockland County's water supply. You may be aware that Rockland County's main water source is the Ramapo River, which flows from Orange to Rockland County and into the State of New Jersey.

Communities along its banks draw their water supply from it and return it. Your Village, however, is proposing an innovative step. It proposes to bring 2 million gallons of water per day from the New York City Aqueduct, treat it in the Village's state-of-the-art water filtration plant and deposit it in the Ramapo River. Your Village's proposed project will thus be a boon to the water supply of Rockland County and beyond.

Sincerely,

A handwritten signature in cursive script that reads "Philip Soskin".

PHILIP SOSKIN  
Legislator District 7

RA4051

# The Legislature of Rockland County



WILLIAM L. DARDEN  
Legislator - District 8

Majority Leader

Vice-Chair, Planning & Public Works Committee  
Budget & Finance Committee

Special Committee on Rules  
Chair, Subcommittee on Naming  
County Owned Buildings

March 16, 2005

Hon. Abraham Wieder, Mayor  
Village of Kiryas Joel  
Municipal Building  
51 Forest Road  
P.O. Box 566  
Kiryas Joel, New York 10950

Dear Mayor Wieder:

I am writing to express my support of the Village of Kiryas Joel's proposed tap into the New York City Aqueduct system, which is currently being evaluated by the New York City Department of Environmental Protection (DEP).

It is my understanding that Kiryas Joel is applying for this by the right, under an agreement signed in 1905 by New York City that allows host counties to tap into the aqueduct. Seventy-four communities along the pipeline route have been provided with a steady water supply over the past century due to this agreement.

As the Majority Leader of the Rockland County Legislature, I offer my support to the Village of Kiryas Joel in its endeavor to implement this project. Along with my fellow Legislators, I view this project to go a long way to supplement Rockland County's water supply. You may be aware that Rockland County's main water source is the Ramapo River, which flows from Orange and Rockland County and into the State of New Jersey.

Communities along its banks draw their water supply from it and return it. The innovative approach that your village is proposing, to bring two million gallons of water per day from the New York City Aqueduct, treat it in the village's state of the art water filtration plant and deposit it in the Ramapo River. The Village of Kiryas Joel's proposed project will undoubtedly be a catalyst to the water supply of Rockland County and surrounding areas.

Sincerely yours,

*William L. Darden*  
William L. Darden  
Majority Leader

WLD:ba

RA4052

# The Legislature of Rockland County



ROBERT M. BERLINER  
Legislator - District 6

Vice-Chairman of the Legislature

Chair, Special Committee on Rules  
Budget & Finance Committee  
Environmental Committee

Member, Rockland County Solid Waste  
Management Authority  
Liaison, Volunteer Counseling Services

March 15, 2005

Hon. Abraham Wieder  
Mayor, Village of Kiryas Joel  
Municipal Building  
51 Forest Road  
P. O. Box 566  
Kiryas Joel, New York 10950

Dear Mayor Wieder:

I am writing in support of the Village of Kiryas Joel's proposed tap into the New York City Aqueduct system that is now being evaluated by the New York City Department of Environmental Protection (DEP).

I understand that Kiryas Joel is applying for this by the right, under an agreement signed in 1905, by New York City that allows host-counties to tap into the aqueduct. Over the past century this agreement provided a steady water supply for the seventy-four communities along the pipeline route.

As a Rockland County Legislator I want to lend my full support to your proposed project. As my fellow Legislators and I see it the implementation of this project will go a long way to augment Rockland County's water supply. You may be aware that Rockland County's main water source is the Ramapo River, which flows from Orange and Rockland County and into the State of New Jersey.

Communities along its banks draw their water supply from it and return it. Your Village, however, is proposing an innovative step. It proposes to bring 2 million gallons of water per day from the New York City Aqueduct, treat it in the Village's state-of-the-art water filtration plant and deposit it in the Ramapo River. Your Village's proposed project will thus be a boon to the water supply of Rockland County and beyond.

Sincerely,

ROBERT M. BERLINER  
County Legislator

RMB/lm

RA4053

# The Legislature of Rockland County



**DAVID FRIED**  
*County Legislator*

March 15, 2005

Hon. Abraham Wieder, Mayor  
Village of Kiryas Joel  
Municipal Building  
51 Forest Road  
P. O. Box 566  
Kiryas Joel, New York 10950

Dear Mayor Wieder:

I am writing in support of the Village of Kiryas Joel's proposed tap into the New York City aqueduct system that is now being evaluated by the New York City Department of Environmental Protection (DEP).

I have been informed that Kiryas Joel's application is based on a 1905 agreement with New York City that allows host-counties to tap into the aqueduct. Over the past century, this agreement has provided a steady water supply for the seventy-four communities along the aqueduct route.

As you are aware, Rockland County has a limited water supply. Our only supply is the rain which falls on Rockland. As such, the people and families of Rockland County have been forced by County government to endure significant drought restrictions, sometimes for several months at a time. It is critical that Rockland leaders support efforts which will augment our residents' access to expanded water resources. I have been advised that the application referenced above will be an affirmative step toward achieving such a goal. One of Rockland County's main water sources is the Ramapo River, which flows from Orange and Rockland Counties into the State of New Jersey.

Communities along the banks of the Ramapo River draw significant water from this source. It is my understanding that Kiryas Joel's proposal will bring an additional 2 million gallons of water per day from the New York City aqueduct, treat it in the Village's state-of-the-art water filtration plant, and then deposit it in the Ramapo River. Hence, the proposed project will thus expand the water supply available to the residents of Rockland County. Based on the information before me, I believe this plan to provide a significant benefit to Rockland County.

Sincerely,

A handwritten signature in black ink, appearing to read "David Fried", with a long horizontal line extending to the right.

**DAVID FRIED**  
Deputy Majority Leader

DF/lm