

APPENDIX G

Water and Sewer Information

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 21, 2015

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 2015.

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
Christopher Viebrok, P.E., Acting 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, 1st Legislative District
Myrna K. Kemnitz, 7th Legislative District
John S. Vero, 10th Legislative District
James DiSalvo, 14th Legislative District

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
File

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, 2015.

	2015												12 MONTH AVG. ENDING 30-Apr-15	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR			
RAIN IN INCHES	3.15	2.69	5.44	1.58	0.54	4.85	3.62	3.94	3.71	1.68	3.00	2.06	36.26		
VILLAGE OF CHESTER	492,436	388,243	320,889	406,960	373,323	309,978	323,914	477,603	407,241	408,281	413,809	401,609	393,691	347,000	(46,691)
TOWN OF CHESTER	296,698	296,810	296,795	280,838	278,782	275,392	291,393	282,789	291,490	291,014	290,576	290,087	288,555	410,000	121,445
TOWN OF MONROE	81,908	81,906	81,908	81,928	81,928	81,949	81,939	81,933	81,935	81,931	81,928	81,928	81,927	133,000	51,073
V. OF S. BLOOMING GROVE	320,710	230,697	229,594	189,784	181,537	215,281	202,593	307,245	249,052	213,300	383,835	307,223	252,571	490,000	237,429
VILLAGE OF WOODBURY	994,030	677,801	724,874	581,475	557,156	602,964	624,263	952,978	768,970	638,590	1,177,190	905,641	767,161	1,030,000	262,839
MOODNA TOTAL	2,185,782	1,675,457	1,654,060	1,540,985	1,472,726	1,485,564	1,524,102	2,102,548	1,798,688	1,633,116	2,347,338	1,986,488	1,783,905	2,410,000	626,096
OCSD#1	3,035,218	2,232,543	2,271,940	1,907,015	1,757,274	2,012,436	2,190,898	2,981,452	2,415,312	2,763,884	3,652,662	2,664,512	2,490,429	3,590,000	1,099,571
HSTP TOTAL	5,221,000	3,908,000	3,926,000	3,448,000	3,230,000	3,498,000	3,715,000	5,084,000	4,214,000	4,397,000	6,000,000	4,651,000	4,274,333	6,000,000	1,725,667

Town of Chester - V/C Water Plant (location) 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 - Slurry Meadows PS flow meter not working - Previous 12 month average flow used.
 Town of Chester - 3A 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 Laroe 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 May 31, 2015

	2015												12 MONTH AVG. ENDING 31-May-15	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY			
RAIN IN INCHES	2.69	5.44	1.58	0.54	4.85	3.62	3.94	3.71	1.68	3.00	2.06	5.16	38.27		
VILLAGE OF CHESTER	388,243	320,889	406,960	373,323	309,978	323,914	477,603	407,241	408,281	413,809	401,609	438,131	389,165	347,000	(42,165)
TOWN OF CHESTER	296,810	296,795	280,838	278,782	275,392	291,393	282,789	291,490	291,014	290,576	290,087	289,545	287,959	410,000	122,041
TOWN OF MONROE	81,906	81,908	81,928	81,928	81,949	81,939	81,933	81,935	81,931	81,928	81,928	81,928	81,928	133,000	51,072
V. OF S. BLOOMING GROVE	230,697	229,594	189,784	181,337	215,281	202,593	307,245	249,052	213,300	383,835	307,223	221,887	244,336	490,000	245,664
VILLAGE OF WOODBURY	677,801	724,874	581,475	557,156	602,964	624,263	952,978	768,970	638,590	1,177,190	905,641	680,072	740,998	1,030,000	289,002
MOODNA TOTAL	1,675,457	1,654,060	1,540,985	1,472,726	1,485,564	1,524,102	2,102,548	1,798,688	1,633,116	2,347,338	1,986,488	1,711,563	1,744,386	2,410,000	665,614
OCSDF#1	2,232,543	2,271,940	1,907,015	1,757,274	2,012,436	2,190,898	2,981,452	2,415,312	2,763,884	3,652,662	2,664,512	2,190,437	2,420,030	3,590,000	1,169,970
HSTP TOTAL	3,908,000	3,926,000	3,448,000	3,230,000	3,498,000	3,715,000	5,084,000	4,214,000	4,397,000	6,000,000	4,651,000	3,902,000	4,164,417	6,000,000	1,835,583

Town of Chester - V/C Water Plant (location) 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 Meadows 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 unmeasured flow from Larce Rd PS.
 Town of Monroe - 21,000 GPD added to Town of Monroe for unmeasured flow.
 Village of South Blooming Grove - 21,200 GPD added to Village of South Blooming Grove for unmeasured flow.
 Village of Woodbury - 20,761 GPD added to Village of Woodbury for unmeasured flow.
 Village of Woodbury - 30,400 GPD of treatment capacity being leased by Village of Woodbury from OCSDF#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 June 30, 2015

	2015												12 MONTH AVG. ENDING 30-Jun-15	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN			
RAIN IN INCHES	5.44	1.58	0.54	4.85	3.62	3.94	3.71	1.68	3.00	2.06	5.16	4.51	40.09		
VILLAGE OF CHESTER	320,889	406,960	373,323	309,978	323,914	477,603	407,241	408,281	413,809	401,609	438,131	432,531	392,856	347,000	(45,856)
TOWN OF CHESTER	296,795	280,838	278,782	275,392	291,393	282,789	291,490	291,014	290,576	290,087	289,545	280,323	286,583	410,000	123,415
TOWN OF MONROE	81,908	81,928	81,928	81,949	81,939	81,933	81,935	81,931	81,928	81,928	81,928	81,928	81,930	133,000	51,070
V. OF S. BLOOMING GROVE	229,594	189,784	181,537	215,281	202,593	307,245	249,052	213,300	383,835	307,223	221,887	240,400	245,144	490,000	244,856
VILLAGE OF WOODBURY	724,874	581,475	557,156	602,964	624,263	952,978	768,970	638,590	1,177,190	905,641	680,072	731,246	745,452	1,030,000	284,548
MOODNA TOTAL	1,654,060	1,540,985	1,472,726	1,485,564	1,524,102	2,102,548	1,798,688	1,633,116	2,347,338	1,986,488	1,711,563	1,766,428	1,751,967	2,410,000	658,033
OCSD#1	2,271,940	1,907,015	1,757,274	2,012,436	2,190,898	2,981,452	2,415,312	2,763,884	3,652,662	2,664,512	2,190,437	2,521,572	2,444,116	3,590,000	1,145,884
HSTP TOTAL	3,926,000	3,448,000	3,230,000	3,498,000	3,715,000	5,084,000	4,214,000	4,397,000	6,000,000	4,651,000	3,902,000	4,288,000	4,196,083	6,000,000	1,803,917

Town of Chester - V/C Water Plant (location) 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 - 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 Laroe 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.

APPENDIX G6

Kiryas Joel 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 568
MONROE, NY 10950
FACILITY: KIRYAS JOEL (V) WWTP
LOCATION: BAKERSTOWN ROAD
MONROE, NY 10950
ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520 PERMIT NUMBER	001-M DISCHARGE NUMBER
MM/DD/YYYY 12/17/2014	MM/DD/YYYY 12/31/2014

DMR Mailing ZIP CODE: 12580
MINOR (SUBR 03)


External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			UNITS	NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	UNITS				
00011 1 0 Effluent Gross	Temperature, water deg. fahrenheit	*****	*****	*****	*****	*****	*****	62	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	Req. Mon. DAILY MX		Daily	GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	62	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	Req. Mon. DAILY MX		Daily	GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	6.50	*****	*****	7.88	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	6	*****	*****	9 MAXIMUM		Daily	GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	6.02	*****	*****	8.31	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	Req. Mon. MINIMUM	*****	*****	Req. Mon. MAXIMUM		Daily	GRAB
	SAMPLE MEASUREMENT	*****	16.0	*****	*****	*****	*****	2.5	0	02/30	06
	PERMIT REQUIREMENT	*****	81 DAILY MX	*****	*****	*****	*****	10 DAILY MX		Twice per Month	COMP-6
	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	348	0	02/30	06
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	Req. Mon. DAILY MX		Twice per Month	COMP-6
	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	< 0.1	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	1 DAILY MX		Daily	GRAB

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 PRINCIPAL EXECUTIVE OFFICER
John P. Egitto
Supervisory Operator
TYPED OR PRINTED


SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE
845-463-7310
AREA Code NUMBER
02/03/2015
MM/DD/YYYY

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	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MONITORING PERIOD	
MM/DD/YYYY	MM/DD/YYYY
12/1/2014	12/31/2014

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
Solids, settleable	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
00545 G 0 Raw Sewage Influent Phosphorus, total [as P]	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
00665 1 0 Effluent Gross Nitrogen, ammonia, total [as NH3]	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
34726 1 1 Effluent Gross Nitrogen, ammonia, total [as NH3]	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
34726 G 0 Raw Sewage Influent Flow, in conduit or thru treatment plant	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
50050 G 0 Raw Sewage Influent Coliform, fecal general	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
74055 1 0 Effluent Gross BOD, carbonaceous, 05 day, 20 C	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****
80082 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	*****	*****	*****

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, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
John P. Egitto
Supervisory Operator
TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE
DATE
845-463-7310
02/03/2015

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
MONITORING PERIOD
MM/DD/YYYY
12/1/2014

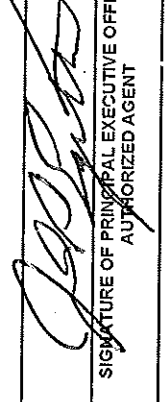
001-M
DISCHARGE NUMBER
MM/DD/YYYY
12/31/2014

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)
External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
BOD, carbonaceous, 05 day, 20 C	80082 G 0	*****	*****	*****	*****	310	0	02/30	06	
Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	Req. Mon. DAILY MX *****		Twice per Month	COMP-6	
Solids, suspended percent removal	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	0	01/30	CA	
Percent Removal	PERMIT REQUIREMENT	*****	*****	*****	*****	*****		Monthly	CALCTD	
Carbonaceous oxygen demand, % removal	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	0	01/30	CA	
Percent Removal	PERMIT REQUIREMENT	*****	*****	*****	*****	*****		Monthly	CALCTD	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
John Egitto
Supervisory Operator
TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT


TELEPHONE
845-463-7310

DATE
02/03/2015

AREA Code NUMBER
845-463-7310

MM/DD/YYYY
MM/DD/YYYY

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

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

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

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall

No Discharge

NY0250520	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MM/DD/YYYY	MM/DD/YYYY
1/1/2015	1/31/2015

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING		QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS			
Temperature, water deg. fahrenheit	00011 1 0 Effluent Gross	*****	*****	*****	*****	60	0	01/01	GR
Temperature, water deg. fahrenheit	00011 G 0 Raw Sewage Influent	*****	*****	*****	*****	58	0	01/01	GR
pH	00400 1 0 Effluent Gross	*****	*****	6.44	*****	7.89	0	01/01	GR
pH	00400 G 0 Raw Sewage Influent	*****	*****	6	*****	9	0	01/01	GR
Solids, total suspended	00530 1 0 Effluent Gross	*****	*****	6.22	*****	8.33	0	01/01	GR
Solids, total suspended	00530 G 0 Raw Sewage Influent	*****	*****	29	*****	5.0	0	02/30	06
Solids, settleable	00545 1 0 Effluent Gross	*****	*****	81	*****	10	0	Twice per Month	COMP-6
		*****	*****	DAILY MX	*****	DAILY MX	0	Twice per Month	COMP-6
		*****	*****	*****	*****	1344	0	02/30	06
		*****	*****	*****	*****	Req. Mon. DAILY MX	0	Twice per Month	COMP-6
		*****	*****	*****	*****	Req. Mon. DAILY MX	0	01/01	GR
		*****	*****	*****	*****	< 0.1	0	01/01	GR
		*****	*****	*****	*****	1	0	Daily	GRAB
		*****	*****	*****	*****	DAILY MX			

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
Michael P. Tremper		
Chief Operator		
TYPED OR PRINTED	AREA Code	NUMBER
	845-463-7310	03/05/2015
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		
<i>Michael Tremper</i>		
MWDYYYYY		

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	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MM/DD/YYYY	MM/DD/YYYY
1/1/2015	1/31/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS				
Solids, settleable	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	0	01/01	GR	
00545 G 0 Raw Sewage Influent Phosphorus, total [as P]	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	0	Daily	GRAB	
00665 1 0 Effluent Gross Nitrogen, ammonia, total [as NH3]	PERMIT REQUIREMENT	*****	*****	*****	0.11	*****	0	02/30	06	
34726 1 1 Effluent Gross Nitrogen, ammonia, total [as NH3]	PERMIT REQUIREMENT	*****	*****	*****	1.40	*****	0	Twice per Month	COMP-6	
34726 G 0 Raw Sewage Influent Flow, in conduit or thru treatment plant	PERMIT REQUIREMENT	*****	*****	*****	2.2	*****	0	Twice per Month	COMP-6	
50050 G 0 Raw Sewage Influent Coliform, fecal general	PERMIT REQUIREMENT	*****	*****	*****	47.15	*****	0	02/30	06	
74055 1 0 Effluent Gross BOD, carbonaceous, 05 day, 20 C	PERMIT REQUIREMENT	*****	*****	*****	2.8	*****	0	Twice per Month	COMP-6	
80082 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	2.0	*****	0	Twice per Month	COMP-6	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NUMBER	DATE
Michael P. Tremper Chief Operator	<i>Michael P. Tremper</i>	845-463-7310	03/05/2015
TYPED OR PRINTED	AREA Code	NUMBER	MM/DD/YYYY

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

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

01/20/2015 Page 2

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	001-M DISCHARGE NUMBER
MM/DD/YYYY 1/1/2015	MM/DD/YYYY 1/31/2015

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	VALUE	UNITS	VALUE			
BOD, carbonaceous, 05 day, 20 C	*****	*****	*****	160	*****	0	02/30	06	
80082 G O Raw Sewage Influent	*****	*****	*****	Req. Mon. DAILY MX	mg/L	0	Twice per Month	COMP-6	
Solids, suspended percent removal	*****	*****	99	*****	*****	0	01/30	CA	
81011 K O Percent Removal	*****	*****	85	MO AV MN	*****	0	Monthly	CALCTD	
Carbonaceous oxygen demand, % removal	*****	*****	98	*****	*****	0	01/30	CA	
81383 K O Percent Removal	*****	*****	85	MO AV MN	*****	0	Monthly	CALCTD	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
Michael P. Tremper Chief Operator TYPED OR PRINTED	845-463-7310	03/05/2015
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		NUMBER
		845-463-7310
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		MM/DD/YYYY
		MM/DD/YYYY

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

001-M
DISCHARGE NUMBER

MM/DD/YYYY
2/1/2015

MONITORING PERIOD
MM/DD/YYYY
2/28/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS				
Temperature, water deg. fahrenheit	00011 1 0 Effluent Gross	*****	*****	*****	*****	*****	*****	0	01/01	GR
Temperature, water deg. fahrenheit	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Daily	GRAB
	00011 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Daily	GRAB
	pH	*****	*****	*****	*****	*****	*****	0	01/01	GR
	00400 1 0 Effluent Gross	*****	*****	*****	*****	*****	*****	0	Daily	GRAB
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Daily	GRAB
	pH	*****	*****	*****	*****	*****	*****	0	01/01	GR
	00400 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****	0	01/01	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Daily	GRAB
	Solids, total suspended	*****	*****	*****	*****	*****	*****	0	01/01	06
	00530 1 0 Effluent Gross	*****	*****	*****	*****	*****	*****	0	Twice per Month	COMP-6
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Twice per Month	COMP-6
	Solids, total suspended	*****	*****	*****	*****	*****	*****	0	01/01	06
	00530 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****	0	Twice per Month	COMP-6
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Twice per Month	COMP-6
	Solids, settleable	*****	*****	*****	*****	*****	*****	0	01/01	GR
	00545 1 0 Effluent Gross	*****	*****	*****	*****	*****	*****	0	Daily	GRAB
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		Daily	GRAB

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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

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

TELEPHONE
845-463-7310
AREA Code NUMBER
04/02/2015
MM/DD/YYYY

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
2/1/2015

001-M
DISCHARGE NUMBER
MONITORING PERIOD
MM/DD/YYYY
2/28/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
Solids, settleable	MEASUREMENT	*****	*****	*****	*****	*****	0	01/01	GR	
00545 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	*****		Daily	GRAB	
Phosphorus, total [as P]	MEASUREMENT	*****	*****	*****	0.33	*****	0	02/30	06	
00665 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	.5	30DAARME		Twice per Month	COMP-6	
Nitrogen, ammonia, total [as NH3]	MEASUREMENT	*****	*****	*****	1.4	*****	0	02/30	06	
34726 1 1 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	2.2	30DAARME		Twice per Month	COMP-6	
Nitrogen, ammonia, total [as NH3]	MEASUREMENT	*****	*****	*****	45.0	*****	0	02/30	06	
34726 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	Req. Mon.	30DAARME		Twice per Month	COMP-6	
Flow, in conduit or thru treatment plant	MEASUREMENT	732	*****	*****	*****	*****	0	99/99	TM	
50050 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	97	*****	MGD	*****	*****		Continuous	NOT AP	
Coliform, fecal general	SAMPLE MEASUREMENT	30DAARME	*****	*****	2.0	*****	0	02/30	GR	
74055 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	200	400		Twice per Month	GRAB	
BOD, carbonaceous, 05 day, 20 C	SAMPLE MEASUREMENT	*****	*****	*****	30DA GEO	7 DA GEO	0	02/30	06	
80082 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	12	2.0	0	02/30	06	
		*****	*****	*****	40	5		Twice per Month	COMP-6	
		*****	*****	*****	DAILY MX	DAILY MX				

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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

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

TELEPHONE DATE
845-463-7310 04/02/2015
AREA Code NUMBER

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

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

NY0250520
PERMIT NUMBER
2/1/2015
MONITORING PERIOD

001-M
DISCHARGE NUMBER
2/28/2015
MONITORING PERIOD


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			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
BOD, carbonaceous, 05 day, 20 C		*****	*****	*****	*****	*****	0	02/30	06	
80082 G O Raw Sewage Influent Solids, suspended percent removal		*****	*****	*****	*****	*****		Twice per Month	COMP-6	
81011 K O Percent Removal		*****	*****	98	*****	*****	0	01/30	CA	
Carbonaceous oxygen demand, % removal		*****	*****	85 MO AV MN	*****	*****		Monthly	CALCTD	
81383 K O Percent Removal		*****	*****	99	*****	*****	0	01/30	CA	
		*****	*****	85 MO AV MN	*****	*****		Monthly	CALCTD	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
Michael P. Trempier		
Chief Operator	AREA Code	NUMBER
TYPED OR PRINTED	845-463-7310	04/02/2015
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		MM/DD/YYYY
		

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	001-M DISCHARGE NUMBER
MM/DD/YYYY 3/1/2015	MM/DD/YYYY 3/31/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)
External Outfall No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	UNITS				
Temperature, water deg. fahrenheit	00011 1 0 Effluent Gross	*****	*****	*****	*****	deg F	0	01/01 Daily	GR
Temperature, water deg. fahrenheit	SAMPLE MEASUREMENT	*****	*****	*****	*****				
	PERMIT REQUIREMENT	*****	*****	*****	*****	Req. Mon. DAILY MX			GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	61	0	01/01 Daily	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	Req. Mon. DAILY MX			GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	8.08	0	01/01 Daily	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	9 MAXIMUM			GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	6.01	0	01/01 Daily	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	6 MINIMUM			GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	6.33	0	01/01 Daily	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	Req. Mon. MINIMUM			GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	27	0	02/30 Twice per Month	06
	PERMIT REQUIREMENT	*****	*****	*****	*****	81 DAILY MX			COMP-6
	SAMPLE MEASUREMENT	*****	*****	*****	*****	140.0	0	02/30 Twice per Month	06
	PERMIT REQUIREMENT	*****	*****	*****	*****	Req. Mon. DAILY MX			COMP-6
	SAMPLE MEASUREMENT	*****	*****	*****	*****	<0.1	0	01/01 Daily	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	.1 DAILY MX			GRAB

NAME/TITLE Michael P. Tremper Chief Operator	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT <i>Michael P. Tremper</i>	TELEPHONE	DATE
TYPED OR PRINTED	845-463-7310	NUMBER	MMDDYYYY 04/21/2015

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
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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
3/1/2015	3/31/2015

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	VALUE	VALUE	UNITS				
Solids, settleable	*****	*****	*****	*****	*****	*****		0	01/01	GR
00545 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****	mL/L		Daily	GRAB
Phosphorus, total [as P]	*****	*****	*****	0.06	*****	*****		0	02/30	06
00665 1 0 Effluent Gross	*****	*****	*****	.5	30DAARME	*****	mg/L		Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	*****	*****	*****	1.0	*****	*****		0	02/30	06
34726 1 1 Effluent Gross	*****	*****	*****	2.2	30DAARME	*****	mg/L		Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	*****	*****	*****	44.5	*****	*****		0	02/30	06
34726 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****	mg/L		Twice per Month	COMP-6
Flow, in conduit or thru treatment plant	.804	*****	*****	*****	*****	*****		0	99/99	TM
50050 G 0 Raw Sewage Influent	.97	*****	*****	*****	*****	*****			Continuous	NOT AP
Coliform, fecal general	30DAARME	*****	*****	4	*****	*****		0	02/30	GR
74055 1 0 Effluent Gross	*****	*****	*****	200	30DA GEO	400	#/100mL		Twice per Month	GRAB
BOD, carbonaceous, 05 day, 20 C	*****	*****	*****	13.0	*****	*****		0	02/30	GR
80062 1 0 Effluent Gross	*****	*****	*****	40	DAILY MX	5	mg/L		Twice per Month	COMP-6

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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

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

TELEPHONE
845-463-7310
DATE
04/21/2015

AREA Code NUMBER
845-463-7310
MMDDYYYY
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	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MONITORING PERIOD	
MM/DD/YYYY	MM/DD/YYYY
3/1/2015	3/31/2015

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	VALUE	UNITS	VALUE			
BOD, carbonaceous, .05 day, 20 C	*****	*****	*****	*****	*****	*****	0	02/30	06
80082 G O Raw Sewage Influent	*****	*****	*****	*****	*****	*****		Twice per Month	COMP-6
Solids, suspended percent removal	*****	*****	*****	96	*****	*****	0	01/30	CA
81011 K O Percent Removal	*****	*****	*****	85	*****	*****		Monthly	CALCTD
Carbonaceous oxygen demand, % removal	*****	*****	*****	98	*****	*****	0	01/30	CA
81383 K O Percent Removal	*****	*****	*****	85	*****	*****		Monthly	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
Michael P. Tremper Chief Operator TYPED OR PRINTED	845-463-7310	04/21/2015
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		NUMBER
		845-463-7310
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 reviewed 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.		MM/DD/YYYY
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) VVWTP
LOCATION: BAKERSTOWN ROAD
MONROE, NY 10950

NY0250520	001-M
PERMIT NUMBER	DISCHARGE NUMBER
MM/DD/YYYY	MM/DD/YYYY
4/1/2015	4/30/2015
MONITORING PERIOD	

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	VALUE				
Temperature, water deg. fahrenheit	00011 1 0 Effluent Gross	*****	*****	*****	*****	deg F	0	01/01	GR
Temperature, water deg. fahrenheit	00011 G 0 Raw Sewage Influent	*****	*****	*****	*****	deg F	0	01/01	GR
pH	00400 1 0 Effluent Gross	*****	*****	6.44	7.82		0	01/01	GR
pH	00400 1 0 Effluent Gross	*****	*****	6.75	8.58		0	01/01	GR
Solids, total suspended	00530 G 0 Raw Sewage Influent	*****	*****	Req. Mon. MINIMUM	Req. Mon. MAXIMUM		0	01/01	GR
Solids, total suspended	00530 1 0 Effluent Gross	*****	33	*****	*****	mg/L	0	02/30	COMP-6
Solids, settleable	00530 G 0 Raw Sewage Influent	*****	*****	*****	*****	mg/L	0	02/30	COMP-6
Solids, settleable	00545 1 0 Effluent Gross	*****	*****	*****	*****	mL/L	0	01/01	GR

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
Michael P. Tremper Chief Operator	845-463-7310	06/03/2015
TYPED OR PRINTED	AREA Code	NUMBER
	845-463-7310	MM/DD/YYYY

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
Michael Tremper

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)
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LOCATION: BAKERSTOWN ROAD
MONROE, NY 10950

ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520 PERMIT NUMBER	001-M DISCHARGE NUMBER
MM/DD/YYYY 4/1/2015	MM/DD/YYYY 4/30/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUFR 03)

External Outfall

No Discharge

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	UNITS			
Solids, settleable	*****	*****	*****	*****	0	01/01	GR
00545 G 0 Raw Sewage Influent	*****	*****	*****	*****		Daily	GRAB
Phosphorus, total [as P]	*****	*****	0.20	*****	0	02/30	06
00665 1 0 Effluent Gross	*****	*****	5	30DAARME		Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	*****	*****	1.06	*****	0	02/30	06
34726 1 1 Effluent Gross	*****	*****	2.2	30DAARME		Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	*****	*****	53.5	*****	0	02/30	06
34726 G 0 Raw Sewage Influent	*****	*****	*****	*****		Twice per Month	COMP-6
Flow, in conduit or thru treatment plant	.785	*****	*****	*****	0	99/99	TM
50050 G 0 Raw Sewage Influent	.97	MGD	*****	*****		Continuous	NOT AP
Coliform, fecal general	30DAARME	*****	*****	*****			
74055 1 0 Effluent Gross	*****	*****	2	*****	0	02/30	GR
BOD, carbonaceous, 05 day, 20 C	*****	*****	200	30DA GEO		Twice per Month	GRAB
80082 1 0 Effluent Gross	13	lb/d	*****	*****	0	02/30	06
	40	DAILY MX	*****	*****		Twice per Month	COMP-6

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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
Michael Tremper

TELEPHONE NUMBER
845-463-7310
AREA Code NUMBER
06/03/2015
MM/DD/YYYY

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)

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FACILITY: KIRYAS JOEL (V) WWTP
LOCATION: BAKERSTOWN ROAD
MONROE, NY 10950

ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520 PERMIT NUMBER	001-M DISCHARGE NUMBER
MM/DD/YYYY 4/1/2015	MONITORING PERIOD MM/DD/YYYY 4/30/2015

DMR Mailing ZIP CODE: 12590
MINOR (\$UBR 03)

External Outfall

No Discharge

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
BOD, carbonaceous, 05 day, 20 C	*****	*****	*****	*****	*****	*****	0	02/30	06
30082 G 0 Raw Sewage Influent Solids, suspended percent removal	*****	*****	*****	*****	*****	*****		Twice per Month	COMP-6
81011 K 0 Percent Removal	*****	*****	97	*****	*****	*****	0	01/30	CA
Carbonaceous oxygen demand, % removal	*****	*****	85 MO AV MN	*****	*****	*****		Monthly	CALCTD
81363 K 0 Percent Removal	*****	*****	100	*****	*****	*****	0	01/30	CA
	*****	*****	85 MO AV MN	*****	*****	*****		Monthly	CALCTD

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

Michael P. Tremper

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
TELEPHONE
DATE
845-463-7310
AREA Code NUMBER
06/03/2015
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	001-M DISCHARGE NUMBER
MM/DD/YYYY 5/1/2015	MM/DD/YYYY 5/31/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)
External Outfall No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	UNITS			
Temperature, water deg. fahrenheit	00011 0 Effluent Gross	*****	*****	*****	*****	0	01/01	GR
Temperature, water deg. fahrenheit	PERMIT REQUIREMENT	*****	*****	*****	*****		Daily	GRAB
Temperature, water deg. fahrenheit	00011 0 Raw Sewage Influent	*****	*****	*****	*****	0	01/01	GR
pH	PERMIT REQUIREMENT	*****	*****	*****	*****		Daily	GRAB
00400 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	*****	0	01/01	GR
pH	PERMIT REQUIREMENT	*****	*****	*****	*****		Daily	GRAB
00400 0 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	0	01/01	GR
Solids, total suspended	PERMIT REQUIREMENT	*****	*****	*****	*****		Daily	GRAB
00530 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	*****	0	02/30	COMP-6
Solids, total suspended	PERMIT REQUIREMENT	*****	*****	*****	*****		Twice per Month	COMP-6
00530 0 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	0	02/30	COMP-6
Solids, settleable	PERMIT REQUIREMENT	*****	*****	*****	*****		Twice per Month	COMP-6
00545 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	*****	0	01/01	GRAB

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to assure that qualified personnel properly gather and evaluate the information submitted. Based on my knowledge and belief, the information submitted is 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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

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

TELEPHONE DATE
845-463-7310 07/02/2015
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)

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MONROE, NY 10950
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MONROE, NY 10950

ATTN: GEDALYE SZEGEDIN, VILLAGE CLK

NY0250520 PERMIT NUMBER	001-M DISCHARGE NUMBER
MM/DD/YYYY 5/1/2015	MM/DD/YYYY 5/31/2015

DMR Mailing ZIP CODE: 12590
MINOR (SUBR 03)

External Outfall

No Discharge

PARAMETER	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	UNITS	VALUE	VALUE	UNITS	VALUE			
Solids, settleable	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	0	01/01	GR
00545 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	0	Daily	GRAB
Phosphorus, total [as P]	SAMPLE MEASUREMENT	*****	*****	*****	0.12	*****	*****	02/30	Twice per Month	06
00665 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	0	Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	SAMPLE MEASUREMENT	*****	*****	*****	1.0	*****	*****	0	02/30	06
34726 1 1 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	2.2	*****	*****	0	Twice per Month	COMP-6
Nitrogen, ammonia, total [as NH3]	SAMPLE MEASUREMENT	*****	*****	*****	54.7	*****	*****	0	02/30	06
34726 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	0	Twice per Month	COMP-6
Flow, in conduit or thru treatment plant	SAMPLE MEASUREMENT	*****	*****	*****	0.778	*****	*****	0	99/99	TM
50050 G 0 Raw Sewage Influent	PERMIT REQUIREMENT	*****	*****	*****	0.97	*****	*****	0	Continuous	NOT AP
Coliform, fecal general	SAMPLE MEASUREMENT	*****	*****	*****	30DAARME	*****	*****	0	02/30	GR
74055 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****	0	Twice per Month	GRAB
BOD, carbonaceous, 05 day, 20 C	SAMPLE MEASUREMENT	*****	*****	*****	13	*****	*****	0	02/30	06
80082 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****	*****	40	*****	*****	0	Twice per Month	COMP-6

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 PRINCIPAL EXECUTIVE OFFICER
Michael P. Tremper
Chief Operator
TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
Michael Tremper

TELEPHONE
845-463-7310
DATE
07/02/2015

AREA Code NUMBER
845-463-7310
MM/DD/YYYY
MM/DD/YYYY

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)

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

NY0250520
PERMIT NUMBER
MM/DD/YYYY
5/1/2015

001-M
DISCHARGE NUMBER
MONITORING PERIOD
MM/DD/YYYY
5/31/2015

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	VALUE	UNITS	VALUE			
BOD, carbonaceous, 05 day, 20 C	*****	*****	*****	*****	*****	*****	0	02/30	06
80082 G 0 Raw Sewage Influent	*****	*****	*****	*****	*****	*****		Twice per Month	COMP-6
Solids, suspended percent removal	*****	*****	*****	98	*****	*****	0	01/30	CA
81011 K 0 Percent Removal	*****	*****	*****	85	*****	*****		Monthly	CALCTD
Carbonaceous oxygen demand, % removal	*****	*****	*****	99	*****	*****	0	01/30	CA
81383 K 0 Percent Removal	*****	*****	*****	85	*****	*****		Monthly	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Michael P. Tremper
Chief Operator
TYPED OR PRINTED

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 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.

Michael Tremper
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE

DATE

845-463-7310

07/02/2015

AREA Code

NUMBER

MMDDYYYY

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

APPENDIX G10

Affidavit of William Richardson

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

Application of

TOWN OF WOODBURY, VILLAGE OF
WOODBURY, and VILLAGE OF
HARRIMAN,

Petitioners,

AFFIDAVIT OF

For a judgment pursuant to CPLR Articles 30
and 78

William R. Richardson

Index No. 2877-2013

-against-

VILLAGE OF KIRYAS JOEL,

Respondent.

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

William R. Richardson, being duly sworn, deposes and says:

1. I am Manager of the Community Water Section for the New York City Department of Environmental Protection ("DEP") Bureau of Water Supply, PO Box 358, Grahamsville, New York 12740.

2. DEP, through its Commissioner and his or her designees, is responsible for the operation of the New York City Water Supply System ("City System") pursuant to Section 1403, Chapter 57 of the New York City ("City") Charter and Article IV of the Agreement of Lease between the City of New York and the New York City Water Board ("Water Board") authorized

by the New York City Municipal Water Finance Authority Act (Public Authorities Law Section 1045 et. seq.).

3. Section 24-360 of the Administrative Code of the City of New York (“Ad Code”), which codified the 1905 Water Supply Act of New York State, provides for non-City municipal corporations and water districts in enumerated counties to take and receive a prescribed supply of water from the City System. The Village of Kiryas Joel (“Kiryas Joel”) is a municipal corporation located in Orange County, one of the counties enumerated in Section 24-360(a). It is therefore entitled, subject to DEP’s reasonable rules and regulations and other reasonable practices, to take and receive a supply from the City system.

4. Section 24-360(d) of the Ad Code requires that a municipal corporation or water district seeking to take and receive water from the City System make an application to DEP. DEP has the power to authorize such takings, subject to reasonable rules and regulations, and as otherwise prescribed by DEP.

5. DEP’s approval process has three main components which must be satisfied before authorization to take and receive water will be granted:

- a. Engineering approval by DEP water supply engineering staff of all plans and specifications for the connection;
- b. Issuance of land use permits by DEP for any City property occupied by connection facilities;
- c. Execution of a negotiated Water Supply Agreement that sets forth the terms and conditions of the connection, including but not limited to the metering requirements for the connection, the billing procedures for water taken via the connection, water conservation requirements, sustainability and redundancy

requirements and operation and maintenance requirements of the municipal corporation or water district making the connection.

These components can be developed, negotiated and met simultaneously but the Water Supply Agreement cannot be executed until the engineering approval and land use permit requirements are satisfied. DEP also requires submission of all documents and state and local approvals in accordance with Title 15, Section 22-01 of the Rules of the City of New York.

6. Kiryas Joel first contacted DEP requesting to take and receive water from the City System on or about September 19, 2000. Kiryas Joel has submitted engineering plans and specifications for Phase 1 and other materials. DEP is currently reviewing Kiryas Joel's application and is preparing a Water Supply Agreement.

7. DEP is aware that Kiryas Joel is seeking to take groundwater from the Mountainville well field. The permitting of the Mountainville well field is separate and apart from the connection to the City System. DEP has no jurisdiction with respect to granting or denying takings from the Mountainville well field.

8. Pursuant to the Water Supply Agreement currently under negotiation, Kiryas Joel would be required to certify that it has sufficient capabilities to provide its residents with an adequate supply during a prolonged shutdown of Kiryas Joel's source of City water. Based on my understanding of Kiryas Joel's current inventory of available wells and storage capabilities, DEP believes that Kiryas Joel can meet this requirement.

9. DEP has no jurisdiction to authorize or otherwise regulate the construction of the pipeline that is currently underway on non-City property. DEP will have the authority to review and approve the connection or interconnection of the pipeline to take and receive water from the City system, and any connection or interconnection facilities on City property.

10. Kiryas Joel is limited by Section 24-360(e) of the Ad Code as to how much water it is entitled to take from the City System. Section 24-360(e) sets forth that the daily quantity of water that a municipal corporation or water district can take and receive from the City system shall not exceed the quantity calculated by multiplying the number of its inhabitants as set forth in the last preceding official census by the daily per capita consumption in the City.

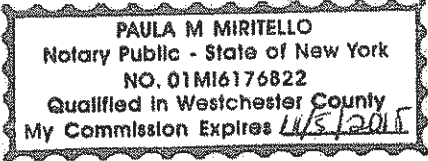
William R. Richardson

William R. Richardson

Sworn to before me this
20th day of May 2013.

Paula M. Miriello

Notary Public



APPENDIX G11

Decision, Order & Judgment
April 7, 2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE
ENVIRONMENTAL CLAIMS PART

-----X
Application of

TOWN OF WOODBURY, VILLAGE OF WOODBURY,
and VILLAGE OF HARRIMAN,

Petitioners,

Index No. 2877-2013

For a judgment pursuant to CPLR Articles 30 and 78

DECISION, ORDER
& JUDGMENT

-against-

VILLAGE OF KIRYAS JOEL,

Respondent.

-----X
LEFKOWITZ, J.



The following papers numbered 1 through 128 were read on the motion by petitioners, Town of Woodbury, Village of Woodbury, and Village of Harriman (collectively, "petitioners") for an Order pursuant to CPLR 6301 enjoining the construction of a water pipeline along Orange County Route 44 or New York State Route 32 and the motion by respondent, Village of Kiryas Joel ("Kiryas Joel"), for an Order pursuant to CPLR 7804(f) and CPLR 3211(a)(1), (3), (5), (7) dismissing the amended verified petition and complaint (the "amended petition"):

Notice of Petition-Summons-Verified Petition and Complaint	1-3
Affirmation of David Gordon in Support of Petition and Complaint	4
Notice of Amended Petition and Complaint - Amended Petition and Complaint	5-6
Affirmation of James Bacon in Support of Amended Petition and Complaint - Exhibits A-E	7-12
Affidavit of Dennis G. Lindsay, P.E.	13
Memorandum of Law in Support of Amended Petition	14
Notice of Motion to Dismiss	15
Affidavit of Robert S. Rosborough IV in	

Support of Motion to Dismiss - Exhibits A-G	16-22
Affidavit of Thomas Cusack in Support of Motion to Dismiss - Exhibits A-D	23-27
Affidavit of Gary R. Stuart in Support of Motion to Dismiss - Exhibits 1-12	28-40
Memorandum of Law in Support of Motion to Dismiss	41
Affidavit of Stephen H. Welle in Response to Motion to Dismiss - Exhibits A-J	42-52
Affidavit of Michael Queenan in Response to Motion to Dismiss - Exhibits A-D	53-57
Affidavit of John P. Burke in Response to Motion to Dismiss- Exhibits A-B	58-60
Affidavit of Dennis G. Lindsay, P.E. in Response to Motion to Dismiss	61
Affidavit of Russell Urban-Mead in Response to Motion to Dismiss- Exhibits A-H	62-70
Memorandum of Law in Response to Motion to Dismiss	71
Reply Memorandum of Law in Support of Motion to Dismiss	72
Affidavit of Robert S. Rosborough IV in Further Support of Motion to Dismiss	73
Affidavit of Gary R. Stuart in Further Support of Motion to Dismiss	74
Notice of Motion for Preliminary Injunction	75
Affirmation of David Gordon in Support of Motion for Preliminary Injunction - Exhibits A-T	76-96
Memorandum of Law in Support of Motion for Preliminary Injunction	97
Affidavit of Michael G. Sterthous in Opposition to Motion for Preliminary Injunction - Exhibits A-E	98-103
Memorandum of Law in Opposition to Petitioners' Motion for a Preliminary Injunction	104
Affirmation of Gedalye Szegedin in Opposition to Motion for Preliminary Injunction - Exhibits A-F	105-111
Reply Affirmation of David Gordon -Exhibits A-K, A-D	112-127
Reply Memorandum of Law	128

Upon the foregoing papers, the motions are decided as follows:

BACKGROUND

This matter relates to construction by respondent Village of Kiryas Joel (“Kiryas Joel”), of a 13-mile water pipeline in Orange County, New York, to connect the water supply of Kiryas Joel to the New York City Aqueduct (the “pipeline project”) and the development of a well field in the hamlet of Mountainville, in the Town of Cornwall (the “Mountainville Well”).

The pipeline project has been the subject of prior extensive litigation. In 2004, Kiryas Joel declared itself the lead agency for the environmental review of the pipeline project under article 8 of the Environmental Conservation Law (also known as the State Environmental Quality Review Act [“SEQRA”]). The size of the pipeline and location of a pumping station along the pipeline route was part of the SEQRA review. The draft environmental impact statement (“DEIS”) stated that the pipeline would be 24 inches in diameter as follows:

The proposed 24-inch pipeline diameter was chosen 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 implementation of the Aqueduct connection, most pumping from Kiryas Joel’s groundwater wells would cease, and most energy consumption associated with the pumping would therefore cease. This would partially offset the energy consumed by the proposed Aqueduct connection.

In 2004, Kiryas Joel completed a final environmental impact statement (“FEIS”) . The County of Orange then commenced a special proceeding under CPLR article 78 challenging the SEQRA review by Kiryas Joel (*see Matter of County of Orange v Village of Kiryas Joel*, Index no. 7547/04, [Sup Ct, Orange County]). By decision and order dated October 20, 2005, the Court (Rosenwasser, J.) annulled the determinations of Kiryas Joel and directed the preparation of a supplemental environmental impact statement (“SEIS”). On appeal, the Second Department affirmed in part and modified in part, directing Kiryas Joel to prepare an amended final environmental impact statement (“AFEIS”) rather than a SEIS (*see County of Orange v Village of Kiryas Joel*, 44 AD3d 765 [2d Dept 2007]). In that decision, the Second Department stated as follows:

Contrary to the County's contention, however, the DEIS and the FEIS were not

inadequate for failing to consider a reasonable number of feasible alternatives. Where an EIS identifies feasible alternatives to a proposed project, analyzes the impacts associated with those alternatives in comparison to the initial proposal, and incorporates aspects of the alternatives in mitigation of the impacts associated with the initial proposal, the lead agency has satisfied its obligations under SEQRA (*see* ECL 8–0109[2][d]; 6 NYCRR 617.14[f][5]). The FEIS, in this instance, considered three alternative pipeline routes, “no action,” alternative pipe dimensions, an alternate site for a filtration and pump station, and the potential drilling of additional wells. The alternatives section of an FEIS need not identify or discuss every conceivable alternative, including the particular alternatives propounded by the County, and need not be exhaustive, particularly where the various options lie along a continuum of possibilities (*see Matter of Halperin v City of New Rochelle*, 24 AD3d 768, 777, 809 NYS2d 98). A rule of reason is applicable to the discussion of alternatives in an FEIS (*see Akpan v Koch*, 75 NY2d at 570, 555 NYS2d 16, 554 NE2d 53). Where there has been such a reasonable consideration of alternatives, the judicial inquiry is at an end (*see Matter of Town of Dryden v Tompkins County Bd. of Representatives*, 78 NY2d 331, 333–334, 574 NYS2d 930, 580 NE2d 402; *Matter of Halperin v City of New Rochelle*, 24 AD3d at 777, 809 NYS2d 98)

(44 AD3d at 769).

Kiryas Joel completed the AFEIS for the pipeline project in 2009. The AFEIS stated as follows:

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 Kiryas Joel’s objectives.

The County of Orange then commenced a second proceeding challenging the AFEIS (*see Matter of County of Orange v Village of Kiryas Joel*, Index no. 8513/2009 [Sup Ct, Orange County]). In 2010, Kiryas Joel and the County of Orange settled the litigation involving the pipeline project and the engineering design phase for the pipeline project commenced.

Thereafter, CDM Smith, the engineering consultant hired by Kiryas Joel for the pipeline

project, performed hydraulic evaluations. In May 2011, CDM Smith issued an engineer's report. In this report, CDM Smith concluded that an 18-inch pipe would not permit the water withdrawn from the New York City Aqueduct to flow by gravity for a portion of the 13-mile pipeline route, and that therefore, a 24-inch pipe would need to be utilized. CDM Smith also determined that constructing a pump station at the aqueduct connection location in the Town of New Windsor was not feasible and that the pump station should be located at approximately the halfway point between the aqueduct connection and Kiryas Joel, which would facilitate the flow of water by gravity from the aqueduct along a portion of the route until pumping was required to lift the flow for the remaining length of the pipeline to Kiryas Joel.

Kiryas Joel asserts that based upon this report, it determined that preparation of a SEIS was not necessary because the DEIS for the pipeline had been prepared based on a 24-inch pipeline design and intermediate pumping station. Kiryas Joel also concluded that the AFEIS had established that installation of the 24-inch pipeline would not create any additional environmental impacts than would the 18-inch pipeline, nor would relocating the pump station from the aqueduct connection to the Mountainville Well site create any additional environmental impacts that had not been previously studied under the AFEIS. Consequently, a SEIS was not prepared by Kiryas Joel.

In October 2011, Kiryas Joel submitted design plans and specifications for the pipeline project, which included a 24-inch pipeline and intermediate pump station, for approval to the New York State Department of Health ("NYSDOH"), the New York State Department of Environmental Conservation ("NYSDEC"), the New York State Department of Transportation ("NYSDOT"), the Orange County Department of Health ("OCDOH"), the Orange County

Department of Public Works (“OCDPW”), and the United States Army Corps of Engineers (“USACOE”). In November 2011, Kiryas Joel submitted the plans to the New York State Thruway Authority (“NYSTA”) in connection with its application to construct the pipeline under the New York State Thruway.

NYSDOH and OCDOH approved the pipeline design of 24-inches in diameter and the intermediate pumping station. Each of the other agencies involved issued permits and approvals based upon the plans which provided for a pipeline with a 24-inch diameter and an intermediate pumping station. On February 22, 2012, CDM Smith made a presentation regarding the pipeline project design to the Town and Village of Woodbury, which the Mayor of Harriman also attended. Kiryas Joel contends that at this presentation, CDM Smith advised that the 24-inch pipeline and intermediate pump station alternative had been chosen (*see* Stuart Affidavit in Support of Motion to Dismiss). Petitioners do not refute this contention, but in response, submit the affidavits of the Supervisor of the Town of Woodbury, the Mayor of Kiryas Joel of Woodbury and the Mayor of Kiryas Joel of Harriman in which they state that they do not recall a discussion of the 24-inch pipeline (*see* Affidavits of John P. Burke, Michael Quunan and Stephen H. Welle in Response to Motion to Dismiss).

In June 2012, CDM Smith advised the Town of Woodbury that the design for the project had been completed and provided the Town Woodbury with the project design drawings and specifications. Kiryas Joel notes that the drawings and specifications referenced the 24-inch pipeline and intermediate pump station. In November 2012, CDM Smith submitted a storm water pollution prevention plan (“SWPPP”) to the Town and Village of Woodbury, seeking their review of the storm water controls to be implemented during construction. Kiryas Joel notes that

the SWPPP identified the 24-inch pipeline and the plan for an intermediate pump station at the Mountainville Well site. On March 11, 2013, Kiryas Joel attended a meeting with the Town and Village of Woodbury. On March 19, 2013, Kiryas Joel began construction of the pipeline.

Thereafter, Kiryas Joel acquired a 10-acre parcel of property in the Town of Cornwall to site the intermediate pumping station. Kiryas Joel retained Leggette, Brashears & Graham, Inc. (“LBG”), a water supply hydro geologist firm, to study whether the Mountainville Well site could support a viable supplemental water supply well for Kiryas Joel. LBG performed a series of well pump tests and determined that the Mountainville Well site was a suitable location for a well to meet Kiryas Joel’s existing and future water demands. LBG’s findings and conclusions were contained in a groundwater supply development plan prepared in connection with Kiryas Joel’s application for the well and water supply permits to the NYSDEC and the NYSDOH and as part of its SEQRA review. The Mountainville Well, when completed, would be connected to the pipeline for transmission to Kiryas Joel without construction of a separate transmission pipeline.

Kiryas Joel asserts that following its SEQRA review of the Mountainville Well, it concluded that the Mountainville Well would not have any significant adverse environmental impacts and that preparation of an Environmental Impact Statement was not required. Kiryas Joel also determined that construction of the proposed Mountainville Well and its connection to the pipeline did not require a supplement to the AFEIS for the pipeline project because the development of the Mountainville Well project did not raise any significant adverse environmental impacts that had not previously been considered in the prior SEQRA review. On December 4, 2012, Kiryas Joel adopted a negative declaration with respect to the proposed

Mountainville Well. On January 23, 2013, NYSDEC issued a draft water supply permit to Kiryas Joel with respect to the Mountainville Well.

On April 4, 2013, petitioners commenced this proceeding seeking judgment “vacating and annulling, and in all respects voiding that purported negative declaration dated December 4, 2012 adopted by the Board of Trustees of respondent Village of Kiryas Joel relating to the development of a well field and/or water supply in the hamlet of Mountainville, Town of Cornwall, Orange County...” The original petition asserted two causes of action - the first alleging that Kiryas Joel failed to take the required “hard look” at the environments impacts and “potential interference” of the Mountainville Well project upon the Woodbury Village Trout Brook Well field, a well being developed to which is permitted to draw from the same aquifer (verified petition and complaint, ¶¶22-28). In their second cause of action in the original petition, petitioners asserted that Kiryas Joel failed to take a hard look at other environmental impacts of the Mountainville Well, including a transfer of water from the basin for the Moodna Creek to the Ramapo River, the loss of local resources to the communities surrounding the Woodbury and Moodna Creeks, and the need for expanded sewage treatment at the Harriman Wastewater Treatment Plant (verified petition and complaint ¶¶29-35). The original petition did not contain a request for relief with respect to the pipeline.

Thereafter, petitioners moved by order to show cause dated April 12, 2013, for a preliminary injunction to prevent Kiryas Joel from continuing construction of the pipeline. By Decision and Order entered on July 16, 2013, the Court (Nicolai, J.), denied petitioners’ application for a preliminary injunction. Noting that petitioners' preliminary injunction application was based on the original petition, and that Kiryas Joel had "obtained all local, county

and State work permits required” for the construction of the pipeline, the Court stated as follows:

Because Petitioners' attempt to halt th[e] construction [of the pipeline], otherwise authorized by Kiryas Joel Law and New York City Administrative Code, is not related to the relief requested in the original Petition, which solely concerns the validity of the backup Mountainville Well project and not the laying of the pipeline to the New York City Aqueduct, the injunctive relief sought on this motion is "not related to the subject of the article 78 proceeding, and the requirements of CPLR §6301 have not been met. In other words, even assuming Petitioners' success in invalidating the negative declaration and halting the Mountainville Well project based upon their SEQRA claims, the laying of pipeline was not authorized by that negative declaration, and thus enjoining the continued construction of the pipeline would not flow from such ultimate relief on the original petition. Thus, the Court denies this application for a preliminary injunction.

Petitioners then amended the petition to add claims challenging the construction of the pipeline, seeking to enjoin its construction, and an order directing removal of the pipeline already constructed. The first cause of action in the amended petition and complaint alleges that the installation of a 24-inch pipeline rather than an 18-inch pipeline is in violation of the conditions imposed in the March 31, 2009 AFEIS. The second and third causes of action set forth in the amended petition and complaint were restatements of the first and second causes of action contained in the original petition relating to the Mountainville Well. The fourth cause of action in the amended petition and complaint alleges that the construction of the Mountainville Pump Station was never reviewed in the AFEIS or the Amended Findings Statement and adds to the capacity of the pipeline in violation of SEQRA. The fifth cause of action in the amended petition and complaint alleges that construction of the pipeline without having obtained a permit from DEC to access water from the Mountainville Well or permission from DEP to connect to the

aqueduct is unauthorized and in contravention of Orange County Legislative Resolution 96 of 2013. Thereafter, this matter was transferred and assigned from Justice Nicolai to the undersigned by Order dated November 27, 2013 of the Administrative Judge of the Ninth Judicial District, Hon. Alan D. Scheinkman.

RESPONDENT'S MOTION TO DISMISS

Kiryas Joel now moves to dismiss the amended verified petition and complaint on various grounds. Kiryas Joel asserts that the proceedings are time-barred, barred by laches, that the petitioners lack standing, the amended petition fails to state a cause of action for a permanent injunction and that petitioners' claims are barred by documentary evidence.

As to timeliness, Kiryas Joel argues that it has been almost two years since Kiryas Joel made a final determination to install a 24-inch pipeline with an intermediate pump station located at the Mountainville site, and over 15 months after petitioners learned that a 24-inch pipeline would need to be used and the pumping station location moved. Kiryas Joel asserts, in the alternative, that the limitations period began to run in October 2011 when the finalized pipeline design plans showing a 24-inch pipeline and relocation of the pump station to the Mountainville Well site were submitted to NYSDOH for final approval.

In response, petitioners contend that with respect to the Mountainville Well, the time to commence proceedings commenced on December 4, 2012 with the issuance of the negative declaration and that petitioners' causes of action with respect to the pipeline did not accrue until Kiryas Joel began construction of the pipeline in March 2013. Petitioners state, in the alternative, that in the absence of a formal determination by Kiryas Joel as to the changes to the

diameter of the pipeline or preparation of a supplemental EIS, the limitations period has not yet begun.

It is clear that a CPLR Article 78 challenge against an administrative body or officer must be commenced “within four months after the determination to be reviewed becomes final and binding upon the petitioner” (see CPLR 217[1]). With respect to challenges to SEQRA determinations, the limitations period accrues when the SEQRA process concludes (*see Stop-The-Barge v Cahill*, 1 NY3d 218 [2003]). The Court’s inquiry therefore is to determine when, in the 10-year process of planning the pipeline project, the SEQRA process concluded. If petitioners’ contention is correct that the limitations period has not yet accrued, it is conceivable that the pipeline could be fully constructed with all necessary approvals and the SEQRA process would still not have been finalized. Such a result is not supported by the case law or the statute, and petitioners cite no authority for this contention.

It must be noted that SEQRA does not require the lead agency to hold a public hearing or accept public comments on the decision not to prepare a supplemental EIS (*see Matter of Riverkeeper v Planning Bd. of Town of Southeast*, 9 NY3d 219 [2007]). In *Matter of Riverkeeper*, the Court held that the lead agency did not have an obligation to notify or solicit comments before determining that a second SEIS was not required (9 NY3d at 235). Further, SEQRA does not require further public hearings when modifications do not have a significant effect on the environment (*Matter of Jackson v New York State Urban Dev. Corp.*, 67 NY2d 400 [1986]); *see also Matter of Village of Pelham v City of Mount Vernon Indus. Dev. Agency*, 302 AD2d 399 [2d Dept 2003], *lv denied* 100 NY2d 505 [2003]).

Kiryas Joel relies on *Stop-The-Barge v Cahill* (1 NY3d 218 [2003]) for the contention

that the SEQRA process ended in May, 2011 upon issuance of CDM Smith's Engineer's Report. In *Stop-The Barge*, it was held that the limitations period began to run when the agency reached a definitive position and DEP conducted no further SEQRA investigation. Whether *Stop-The Barge* supports a finding that the SEQRA process ended in May, 2011 when Kiryas Joel reached a definitive position regarding the pipe diameter and the location of the pumping station, it is clear that the SEQRA process concluded at the latest in October, 2011 when Kiryas Joel submitted design plans and specifications for the pipeline project, detailing the 24-inch pipeline and intermediate pump station, for approval to NYSDOH, NYSDEC, NYSDOT and other agencies, and no further SEQRA investigation ensued (*see Matter of Village of Pelham v City of Mount Vernon Indus. Dev. Agency*, 302 AD2d 399). Thus, the limitations period to challenge Kiryas Joel's determination to use a 24-inch diameter pipeline had expired prior to the filing of the original petition.

By reason of the foregoing, the first and fourth causes of action of the amended petition should be dismissed. Since petitioners commenced proceedings on the last day with respect to the issuance by Kiryas Joel of the negative declaration as to the Mountainville Well, the second, fourth and fifth causes of action were timely.

As to Kiryas Joel's assertion that laches bars petitioners' claims, the record demonstrates that petitioners knew or should have known of the design plans to use a 24-inch pipeline and relocate the pump station for a considerable time period but made no effort to seek judicial intervention until April, 2013. Even if this Court were to find that the claims regarding the pipeline contained in the amended petition relate back to the time of the filing of the original petition, petitioners waited to commence proceedings until after Kiryas Joel had obtained final

design approval for the 24-inch pipeline from NYSDOH, and had constructed over three miles of the pipeline, at a cost of approximately \$960,000. The work has included significant work below the Woodbury Creek and the New York State Thruway. Whether petitioners were aware or failed to object to the final decision to use a 24-inch diameter pipeline rather than the 18-inch pipeline and to relocate the pump station, Kiryas Joel has established it will be prejudiced by further delay of construction of the pipeline (*see Matter of Citineighbors Coalition of Historic Carnegie Hill v New York City Landmarks Preserv. Commn.*, 2 NY3d 727, 728-729 [2004]); *National Holding Corp. v Banks*, 22 AD3d 471 [2d Dept 2005], *lv denied* 6 NY3d 715 [2006]).

In *Matter of Save The Pine Bush v New York State Dept. of Env'tl. Conservation* (289 AD2d 636 [3d Dept 2001], *lv denied* 97 NY2d 611 [2002]), delays in pursuing litigation, including commencing proceeding on last day of the limitations period, warranted a finding of laches. Similarly here, Kiryas Joel has demonstrated that petitioners' claims with respect to the pipeline and the Mountainville Well must fail due to their delay in commencing proceedings to challenge the 24-inch pipeline and Mountainville Well. Therefore, the amended petition and complaint should be dismissed.¹

Even assuming that petitioners' claims in the amended petition and complaint should not be dismissed on the basis of untimeliness or laches, the first through fourth causes of action

¹While an analysis of the parties' arguments with respect to petitioners' standing to bring these proceedings is academic in light of this Court's findings with respect to timeliness and laches, it should be noted that Kiryas Joel's argument that petitioners lack standing is without merit. Petitioners have standing since they have a demonstrated interest in the potential environmental impacts of the pipeline and Mountainville Well (*see Town of Woodbury v County of Orange*, 114 AD3d 951 [2d Dept 2014]; *see also, Matter of Village of Chestnut Ridge v Town of Ramapo*, 45 AD3d 74 [2d Dept 2007], *lv dismissed* 12 NY3d 793 [2009], 15 NY3d 817 [2010]).

contained in the amended petition would fail pursuant to CPLR 3211(a)(1) and 7804(f), since the documentary evidence submitted in the record conclusively establishes a defense to the asserted claims as a matter of law (*Leon v Martinez*, 84 NY2d 83, 88 [1994]).

It is clear that strict, not substantial, compliance with SEQRA is required (*Matter of King v Saratoga County Bd. of Supervisors*, 89 NY2d 341, 347 [1996]; see also *Matter of Baker v Village of Elmsford*, 70 AD3d 181, 189-190 [2d Dept 2009] [holding that “[l]iteral compliance with both the letter and spirit of SEQRA . . . is required ”]). An action taken without strict compliance with SEQRA must be annulled (see *Matter of New York City Coalition to End Lead Poisoning v Vallone*, 100 NY2d 337, 348 [2003]; *Matter of Yellow Lantern Kampground v Cortlandville*, 279 AD2d 6, 12 [3d Dept 2000]).

However, the Court’s function in a proceeding to review whether an agency determination satisfies SEQRA is limited to reviewing the record to determine whether the agency identified and took a “hard look” at relevant areas of environmental concern, and made a “reasoned elaboration” of the basis for its determination (*Matter of Eadie v Town Bd. of Town of N. Greenbush*, 7 NY3d 306, 318 (2006); *Matter of Jackson v New York State Urban Dev. Corp.*, 67 NY2d 400, 417 [1986]). As articulated by the Second Department in *Matter of City of Rye v Korff* (249 AD2d 470 [2d Dept 1998], *lv denied* 92 NY2d 808 [1998]), “[n]othing in the law requires an agency to reach a particular result on any issue, or permits the courts to second-guess the agency’s choice, which can be annulled only if arbitrary, capricious or unsupported by substantial evidence” (249 AD2d at 472 [internal quotation marks omitted]). Further, “the mere fact that a project has changed does not necessarily give rise to the need for the preparation of a supplemental EIS (SEIS)” (see *Matter of C/S 12th Ave. LLC v City of New York*, 32 AD3d 1, 7

[1st Dept 2006]). Thus, while petitioners challenge the conclusion reached by Kiryas Joel as to the use of a 24-inch pipeline or its decision that a SEIS was unnecessary, the record reflects that the design, as approved by NYSDOH, was based upon extensive engineering analysis, was set forth in a reasoned elaboration of basis for the design, and as such, was not arbitrary, capricious or unsupported by substantial evidence (*see Matter of Eadie*, 7 NY3d 306). Moreover, the record demonstrates that Kiryas Joel identified and took a “hard look” at relevant areas of environmental concern with respect to the Mountainville Well, and made a “reasoned elaboration” of the basis for its determination (*Matter of Eadie v Town Bd. of Town of N. Greenbush*, 7 NY3d 306, 318 (2006); *Matter of Jackson v New York State Urban Dev. Corp.*, 67 NY2d 400, 417 [1986]). Indeed, as the Appellate Division noted, the FEIS considered “an alternate site for a filtration and pump station, and the potential drilling of additional wells” (44 AD3d at 769 [2d Dept 2007]).

It must be noted that the contentions proffered by petitioners with respect to the Mountainville Well were not supported by competent data sufficient to refute Kiryas Joel’s submissions (*see Schuman v Town of Washington*, 156 AD2d 660, 662 [2d Dept 1989]; *Matter of Village of Harriman v Town Bd. of Town of Monroe*, 153 AD2d 633, 635 [2d Dept 1989]). The record reflects that LBG conducted well pumping tests to analyze the potential environmental impacts of the proposed Mountainville Well on Woodbury Creek, the primary aquifer, and the surrounding wells in the area. Kiryas Joel demonstrated that LBG was aware of the undeveloped Trout Brook well and the Town of Woodbury’s 2006 well permit when it concluded that the Mountainville Well was self-sustaining and there would be no impact on wells in the area (*see Cusack Affid.*, ¶¶ 37-39). In response, petitioners did not submit data or studies sufficient to

demonstrate that the Town of Woodbury's planned Trout Brook well would be adversely effected (*see Schuman*, 156 AD2d 660). The bare assertions by the Town of Woodbury's engineer, Dennis Lindsay, that Kiryas Joel "did not identify nor consider potential impacts to the Trout Brook well field, or consider the joint impact of both municipal wells operating simultaneously" or the opinion of petitioners' expert, William Canavan, that Kiryas Joel's withdrawal from the Mountainville Well "could reduce the recharge available" for the Trout Brook well are insufficient to annul the determination by Kiryas Joel and the negative declaration. Indeed, the fact that the parties' experts may disagree is not dispositive (*see Roosevelt Islanders for Responsible South town Dev. v Roosevelt Is. Operating Corp.*, 291 AD2d 40, 55 [1st Dept 2001], *lv denied* 97 NY2d 613 [2002], *lv denied* 98 NY2d 608 [2002]; *Matter of Sciatic Concerned Citizens v Town Bd. of Town of Sciatic*, 148 AD2d 130, 134 [3d Dept 1989], *lv denied* 75 NY2d 701 [1989]).

Additionally, insofar as the AFEIS for the pipeline project contained an analysis of the wastewater impacts that would result due to water withdrawal from the wells, petitioners' argument that Kiryas Joel did not take the required "hard look" at the Mountainville Well is without merit. While petitioners may dispute Kiryas Joel's determination of nonsignificance, the decision not to require a supplemental EIS must be upheld since it was not arbitrary or capricious (*see Matter of Eadie v Town Bd. of Town of N. Greenbush*, 7 NY3d 306, 318 [2006]); see also *Matter of Molly, Inc. v County of Onondaga*, 2 AD3d 1418, 1418 [4th Dept 2003], *appeal withdrawn*, 2 NY3d 760 [2004]). Therefore, in view of the foregoing, the first through fourth causes of action should be dismissed based upon documentary evidence.

Petitioners' fifth cause of action, seeking a permanent injunction against construction of

the pipeline on the ground that Kiryas Joel has not secured a water supply permit from NYSDEC for the Mountainville Well or a connection to the New York City Aqueduct from NYCDEP must also be dismissed based upon documentary evidence. On January 23, 2013, NYSDEC issued a draft water supply permit. Further, Kiryas Joel has established that no permit from NYCDEP is required. By letter dated November 13, 2009, the NYCDEP advised Kiryas Joel in part as follows:

The purpose of this letter is to confirm our mutual understanding that, subject to satisfaction of the terms and conditions described below, the Village of Kiryas Joel (“Kiryas Joel”) has the legal right, pursuant to Section 24-360 of the Administrative Code of the City of New York (“Code”) to make a new connection to the New York City Water Supply System (“City System”) in order to receive a prescribed supply of New York City water.

(Szegedin Affirmation, Exhibit A).

As the Court previously held in its Decision and Order entered on July 16, 2013 (Nicolai, J.), Village Law § 11-1110 provides that Kiryas Joel has the statutory right to lay water pipes under a public highway in Orange County, or any adjoining county, for the purpose of supplying water to Kiryas Joel . Village Law §11-1110 states as follows:

“The board of water commissioners of a village may cause water pipes to be laid, relaid or repaired under any public highway in a county in which any part of such village is situated, or in an adjoining county, for the purpose of introducing water into and through Kiryas Joel ; and shall cause the surface of such highway to be restored to its usual condition.”

Village Law § 11-1126 provides that a “village is authorized and empowered to lay the necessary mains and pipes to the source of supply, valves, hydrants, supply pipes, and other necessary appurtenances for the use of said water, including its purification, without the consent of any

board, officer, bureau, or department of the state, or any subdivision thereof.” These sections of Kiryas Joel Law govern Kiryas Joel’s authority to lay the pipeline to connect to the New York City Aqueduct, under any public highway within Orange County, or any adjoining county (*see Village of Webster v Town of Webster*, 270 AD2d 910, 911 [4th Dept 2000]). In addition, the City of New York is statutorily required to furnish quantities of water to various municipalities north of New York City (*see Matter of Village of Scarsdale v Jorling*, 91 NY2d 507 [1998]; *United Water New Rochelle v City of New York*, 180 Misc 2d 241 [Sup Ct, Westchester County 1999], *affd as mod.* 275 AD2d 464 [2d Dept 2000]). The Administrative Code of the City of New York, governs access to New York City’s aqueduct and provides, in part as follows:

It shall be lawful for any of the municipal corporations or water districts in the counties of Ulster, Greene, Delaware, Schoharie, Sullivan, Orange, Westchester and Putnam, . . . to take and receive from any of the reservoirs, aqueducts, conduits, streams or pipes of the city a supply of water for the uses and purposes of such municipal corporations or water districts or village and to that end such municipal corporations or water districts are, and each of them is, and such village also is, authorized and empowered to lay the necessary mains, pipes, valves, hydrants, supply pipes and other necessary appurtenances for the use of such water, without the consent of any board, officer, bureau, or department of the state or any subdivision thereof”

(New York City Administrative Code § 24-360).

Indeed, the statutory language mandates that approval be given to Kiryas Joel to tap into New York City’s water supply (*see e.g. Incorporated Vil. of Cornwall v Environmental Protection Admin. of City of N.Y.*, 45 AD2d 297 [2d Dept 1974]; *Matter of Village of Scarsdale v Jorling*, 229 AD2d 101, 103 [2d Dept 1997]; *United Water New Rochelle*, 180 Misc 2d at 243).

Finally, petitioners’ argument advanced in the fifth cause of action in the amended petition that construction of the pipeline is in contravention of Orange County Legislative

Resolution 96 of 2013 is similarly without merit. Such resolution is the subject of yet another action pending in Supreme Court, Orange County, *Village of Kiryas Joel v Donnery*, Index no. 3101/2013., in which Kiryas Joel seeks damages related to the passage of such resolution.

In the Decision and Order of the Court (Nicolai, J.) in the *Donnery* matter entered on January 6, 2014, the Court noted that the County of Orange has conceded that it cannot impose conditions on the pipeline by enacting the Resolution. The January 6, 2014 Decision and Order reads in pertinent part as follows:

Plaintiff contends that the Resolution purports to condition all permission for Kiryas Joel to excavate certain rights of way to construct its pipeline on the Village's obtaining of permits from other governmental entities, including the New York State Department of Environmental Conservation and New York City Departmental Protection, which are not required for the subject construction. According to the Village, Kiryas Joel has a statutory entitlement to construct the pipeline in the County right of way under Village Law Article 11 and under the existing and validly issued County DPW work permit... *Defendant Legislature concedes that it cannot impose any conditions on Kiryas Joel's valid County DPW highway permit. It claims instead that the Resolution simply contained an expression of its will, and thus is not actionable...The Legislature's concession that it has no authority to impose those conditions on the pipeline construction adds strength to Plaintiff's claims that the Resolution is invalid*

(emphasis added).

Therefore, the fifth cause of action cannot be maintained and should be dismissed.²

In light of this Court's findings that the amended petition and complaint should be dismissed as set forth herein, petitioners' motion for a preliminary injunction is denied as moot.

²In view of the foregoing, it is unnecessary to address that branch of the motion to dismiss which alleges that petitioners' claims should be dismissed for failure to state a cause of action.

Accordingly, it is

ORDERED and ADJUDGED that the motion by respondent to dismiss the amended verified petition and complaint is granted, and the amended verified petition and complaint is dismissed; and it is further

ORDERED and ADJUDGED that the motion by petitioners for an injunction is denied as moot.

The foregoing constitutes the Decision, Order and Judgment of this Court.

Dated: White Plains, New York
April 7, 2014


HON. JOAN B. LEFKOWITZ, J.S.C.

To:

James Bacon, Esq.
Attorney for Petitioners
P.O. Box 575
New Paltz, New York 12561

Whiteman Osterman & Hanna LLP
Attorneys for Respondent
One Commerce Plaza
Albany, New York 12260