



Department of Health

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SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 23, 2015

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD deliverables that were due October 31, 2015. Our comments are attached. We would appreciate if you could provide a reply to these comments by December 31, 2015.

Please feel free to contact me if you have any questions.

Sincerely,

Pamela L. Young, Ph.D.
Chief, NYC Watershed Section
Bureau of Water Supply Protection

Att.

Cc (electronic):

R. Sokol
T. Boepple-Swider
P. Sweeney – USEPA
K. Kosinski/T. Snow – NYSDEC

NYSDOH/USEPA Comments on FAD Deliverables due October 31, 2015

4.6 Stream Management Program

NYSDOH acknowledges that the field-based progress meeting for the program was convened by October 31 (actual date: October 19, 2015), as required by the Revised 2007 FAD.

6.1 Watershed Rules and Regulations

Two semi-annual reports on project activities and enforcement actions for the period April 1, 2015 through September 30, 2015 have been submitted as required by the Revised 2007 FAD. NYSDOH/EPA note that all previous recommendations for report enhancements were incorporated into these reports.

The following recommendations are offered and clarifications requested related to the deliverables:

Project Review Activities

- Several projects under construction WOH (shown on page 9) have proposed completion dates given as “Individual lots”. Does this indicate that the completion date is unknown (i.e., individual lots will be developed as purchased), or that there will be a range of dates? If the latter, an indication of the range of dates, or the latest expected date of completion, would be helpful.
- Please provide the proximity of the Hidden Oak Subdivision (Item 3 on page 19) to Kensico Reservoir.
- Section 3.5, Tables 3.5.1 and 3.5.2: NYCDEP has provided explanations for apparent data discrepancies in these tables in previous responses to NYSDOH/EPA comments. For example, at times the number of approvals is greater than the number of applications due to some applications being received prior to the reporting period. Including a brief explanation for these apparent discrepancies at the beginning of this section would benefit the reader.

Regulatory Enforcement Actions

- On page 3, paragraph 1, and throughout the report, references are made to NOV/NOF actions. Please provide information regarding the distinction between these two protocols.
- To improve the quality of the report, and for consistency purposes, we suggest that descriptions of each project include the basin name. For example, two projects are described on page 9: the first one includes the basin name, the second does not. These discrepancies are noted throughout the report.
- For those activities requiring enforcement, it would be useful if the “Overview and Action” section of project description included an approximate distance to a watercourse.

- NYSDOH/EPA has commented and NYCDEP has responded previously on the projects entitled 465 Bull Hill Road (page 12) and 466-478 Oliverea Road (page 33). While the septic system issues on these properties continue to present challenges, we commend NYCDEP for their active involvement, which has helped to move these properties towards compliance. For reference, how far are the septic systems on these properties from watercourses?
- Project 258 County Route 16 (page 22) indicates that the status of the project is “No Application” and the type of violation is “Failed SSTS – DEP NOF”. Several site visits since 1/4/13 have shown “no septic failure observed”. Please provide information regarding the date and the cause of NOF.
- The status for Project 524 County Rt 40 (page 41) shows: “New/Closed”, although the Discovery Date for the project is given as 6/27/2011. Please provide clarification why this project is considered “New” – was the NOV issued on 4/16/15 the first NOV for this project?
- Project status of the Stone Tavern Farm (page 62) is listed as “Closed”. However, the very last inspection on 9/18/15 indicated that the issues had not been completely resolved. Will DEP continue to monitor this project even though it is closed?