

November 21, 2014

To whom it may concern:

Enclosed are letters that the Town of Haverstraw's Consulting Attorney, the Mayors of the Villages of Haverstraw and West Haverstraw and myself have forwarded to the New York State Department of Environmental Conservation Region 3 Director.

In reviewing the letter you will see that we firmly believe that the proposal for a gasification plant on Holt Drive in Stony Point is inappropriate and irresponsible. Upon reviewing these letters, we believe that you will agree with us. We are calling on the DEC to declare themselves Lead Agency on this application.

If you would like to send a letter as a business or a concerned resident, please do so as soon as possible to the address located on our letters. If you have any further questions, please do not hesitate to call us at the Haverstraw Town Hall at 845-429-2200.

Thank you for your time and consideration.

Sincerely,

HOWARD T. PHILLIPS, JR.
SUPERVISOR

HTP:tb

INCORPORATED
Village of West Haverstraw
MAYOR

John J. Ramundo, Jr.

130 SAMSONDALE AVENUE
WEST HAVERSTRAW, NEW YORK 10993
845-947-2800
FAX 845-947-1560
WWW.WESTHAVERSTRAW.ORG

TRUSTEES

FRANCES R. NARDI
ROBERT R. D'AMELIO
ROBERT J. LAGROW
RAMON LOPEZ

O. FRED MILLER
CLERK
CATHERINE B. KOPF
DEPUTY VILLAGE CLERK
TREASURER
ADARIS ORTIZ
DEPUTY TREASURER

November 18, 2014

Mr. Martin Brand
Regional Director
NYS DEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561

Re: Application before the Town of Stony Point Planning Board for a Zone Change and Site Plan
To Construct a Gasification Plant

Dear Mr. Brand:

I am writing on behalf of the West Haverstraw Village Board of Trustees, our residents and business owners to support Haverstraw Town Supervisor Howard Phillips' request for the New York State DEC to act as lead agency for the above referenced application.

In his letter to you dated November 17, Mr. Phillips addresses several factors that establish this application as one with regional implications including the historical designation as a Superfund site; the significant proposed increase in large truck traffic on an existing, stressed 2-lane state highway (Route 9W); and the potential for emissions of vast quantities of carbon dioxide and possible noxious odors.

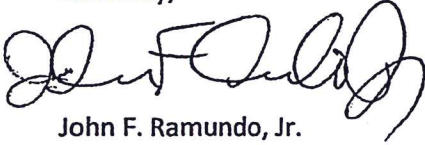
The proposed project will impact the entire North Rockland community and most significantly West Haverstraw residents residing in the neighborhoods adjacent to the site. These residents (census tract/block group 106.02-1) were recently identified by HUD as 61.54% low to moderate-income and eligible for consideration for federal Community Development Block Grant funding.¹ The challenges these residents already face will be compounded by this proposed project.

The developers of the project are seeking 50 acres within a 284 acre-site. I was curious about the scope of other existing gasification facilities within the United States. There are no operational facilities, according to the database maintained by the Gasification Technologies Council, a promotional group for the industry. Two that will use waste to produce fuel similar to the process for the proposed facility are in development. One is planned for Lakeview, Oregon, a community of 2,294.³ The other will be sited in McCarran, Nevada, on a 16.77-acre site located within a 6,000-acre heavy industrial zone.⁴ The entire North Rockland area is 34,400 acres and home to

51,700 residents, approximately. Oversight by the NYS DEC is warranted because the project is proposed for a relatively small land area that is densely populated.

Thank you for your consideration of our concerns. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Ramundo, Jr.", written in a cursive style.

John F. Ramundo, Jr.
Mayor

JFR/cbk

¹ Source: Rockland County Office of Community Development, November 2014

² Gasification Technologies Council: <http://www.gasification.org/>

³ Census Viewer: <http://censusviewer.com/city/OR/Lakeview/2010>

⁴ Fulcrum Sierra Biofuels Executive Summary:

http://ndep.nv.gov/bwm/docs/fulcrum_sierra_biofuels_%20summary.pdf

Incorporated



Village Of Haverstraw

DEPUTY MAYOR

FRANCISCO BATISTA

MAYOR

MICHAEL F. KOHUT

CLERK/TREASURER

JUDITH R. CURCIO

TRUSTEES

RAFAEL BUENO

EMILY DOMINGUEZ

THOMAS WATSON, JR.

Municipal Building

40 New Main Street

Haverstraw, New York 10927

Tele: (845) 429-0300 Fax: (845) 429-0353

VILLAGE ATTORNEY

J. NELSON HOOD, JR.

November 18, 2014

Martin Brand, Regional Director
NYS DEC Region 3
21 South Putt Corners Road
New Paltz, New York 12561

Re: Stony Point Gasification Plant

Dear Mr. Brand:

I am writing to you in support of Haverstraw Town Supervisor Howard Phillips' request for DEC Region 3 to act as lead agency for the above referenced application. Although this project may have its merits vis-à-vis solid waste disposal, the proposed location is disastrous. As outlined by the Supervisor, the location sits squarely in the middle of a densely populated area that includes senior citizen housing, an elementary school, a minority neighborhood and a NYS Rehabilitation Hospital.

From my perspective, as Mayor of the Village of Haverstraw, approximately 1 mile south of the proposed site, we would bear the greatest burden of truck traffic in the vicinity. We have the longest stretch of Route 9W, a 2 lane road with numerous traffic lights and heavy traffic. We also have Tilcon Industries, a quarry that sees in excess of 100 truck trips daily on Route 9W. Adding 200 to 300 more total trucks per day would be a traffic nightmare resulting in unimaginable traffic delays and substantially more pollution.

This project might be right somewhere, perhaps in rural upstate New York right off of the Thruway or Route 17, but not smack in the middle of suburban Rockland County, with probably 5,000 people within one square mile of this proposed facility. I urge the DEC to take lead agency status on this project to review the environmental and other impacts this project would have on the entire North Rockland area.

Sincerely,

Michael F. Kohut

CC: Howard Phillips, John Ramundo



Law Offices
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
Tel. (914) 682-0707
Fax. (914) 682-0708
www.szlawfirm.net

November 12, 2014

VIA FEDERAL EXPRESS

Mr. Daniel Whitehead, Director
NYS DEC Region 3
21 South Putt Corners Road
New Paltz, New York 12561

Re: Application before the Town of Stony Point Planning Board
For a Zone Change and Site Plan to Construct a Gasification Plant

Dear Mr. Whitehead:

This firm represents the Town of Haverstraw. I am writing to you because you have or will shortly be officially receiving the attached notice from the Town of Stony Point Planning Board ("Planning Board") of its intention to act as lead agency under SEQRA for the above referenced matter. We request that the DEC consider acting as lead agency and assume lead agency status based upon: (1) the nature of the application for a proposed gasification plant, including the approximately 8 permits and approvals required from the DEC; (2) the regional impacts of the proposed action on air, water, traffic, solid waste, etc; and (3) the fact that the Planning Board has already demonstrated that it has neither the requisite expertise nor the desire to take a hard look at a project of this scope and complexity.

As an initial matter, the documentation leaves out significant information regarding the property and the surrounding area and is also internally inconsistent, all of which raises major environmental concerns. Although the documents identify the project site (54+ acres the "Project Site") the Notice of Intent ignores that the Town seeks to amend the zoning for a total of 334+ acres of land that could accommodate the proposed gasification use.

The Applicant proposes to bring 4,000 tons of trash from around the region to the 54+ acre Project Site each day. The Project Site is only 50 feet inside the municipal line of the Town of Stony Point. All truck traffic (estimated at somewhere between 250 and 300 trucks per day, without accounting for trucking out the ash and 100,000 gallons per day of fuel by-product) will have to pass through the Town of Haverstraw on Route 9W, which is already overburdened. As further disclosed in the documents, there will be significant amounts of recyclables, fuel and by

products of the gasification trucked in and out of the Project Site. In addition, the proposal is to fill 6 acres of wetlands.

The EAF indicates that the project (not including the potential for the same use on the additional land to be rezoned as part of this SEQRA review) will: (1) generate 69,000 tons of Carbon Dioxide per year (the addendum to the EAF states there will actually be 346,000 tons per year with the 69,000 tons being the applicant's calculation of the net Carbon Dioxide after hypothetical fuel savings); (2) generate another 10.5 tons of Hazardous Air Pollutants (HAPS); (3) will operate 24 hours per day, 7 days per week including holidays (next to a senior citizens residence) with outdoor lighting for the "outdoor process operations"; (4) generate 122 tons of solid waste per day (the EAF addendum states 200 tons) that must be shipped to a C & D recycling facility and other facilities (which will add to the 250-300 trucks per day already acknowledged by the applicant); and (5) generate 100,000 gallons of fuel per day (38 million gallons per year that are also not counted in the estimate of 250-300 trucks per day) that must be stored on site and then transported from the Project Site.

The EAF states that the existing wastewater treatment plant has capacity to handle the wastewater from the site. Yet, the application fails to disclose that a portion of Stony Point wastewater is treated through a contract with the Joint Regional Sewerage Board ("JRSB") that expires in 2015. Your own Department has written to Stony Point (attached) expressing its concern over the continuing ability of Stony Point to obtain treatment for its existing wastewater and the fact that without additional capacity through the JRSB (which has indicated it will not renew the contract) the Stony Point Plant would have exceeded capacity guidelines in two of the last three years.

Further although the documents state that the Project Site is allegedly adjacent to a "land fill", this statement ignores the fact that the former land fill is now a Town park that is actively used each day and holds events that are attended by hundreds of people at any one time. Likewise, the narrative largely ignores that a tributary of the Hudson River flows through the Project Site and the Project Site has significant State and federal wetlands both in and adjacent to it. The project's description also ignores that the property is adjacent to a senior center, supermarket, near an elementary school, the Haverstraw Marina, a County park, the Hudson Water Club restaurant and a minority residential neighborhood. The DEC Mapper clearly indicates that the Project Site is subject to a floodway (which cannot be built in), 100-year floodplain, threatened and endangered species and archaeological sites. The Town of Haverstraw also has a canoe and kayak launch, the DEC requested that the Town create, in the wetlands abutting the Project Site.

Previously a similar application for a smaller project that did not include rezoning of over 334 acres was submitted to the Planning Board. The Planning Board immediately declared itself lead agency, without any notice to your Department and incorrectly found the smaller proposal was an Unlisted Action under SEQRA. After we noted the error, the Planning Board issued a

Director
NYS DEC Region 3
November 12, 2014
Page 3

Notice of Intent and found that the smaller proposal was a Type I Action not an Unlisted Action. The Town Supervisor appeared before the Planning Board urging quick action in order to obtain the tax revenues expected from the project stating: "[I]f we do not start bringing in types of high paying tax ratables like this, this town is going to be in trouble." However, that project did not move forward because the Town Zoning Code did not permit that project and the Town of Haverstraw appealed to the Stony Point ZBA. That issue remains in litigation

Now, to get around that issue, the same parties have applied for this larger project covering 54 acres and have asked for a rezoning that will allow this use on over 334 acres of property within the Town of Stony Point. In part because of the above history, but more importantly because of the massive nature of the new proposal and the significant potential regional impacts, the Town of Haverstraw is concerned that only the DEC can take the proper "hard look" at this Project without the pressure that will clearly be on the Planning Board to bring in "high paying tax ratables."

The Department is familiar with this site since it is the former Kay Fries chemical plant site that produced Agent Orange and has been the subject of a hazardous waste remediation.

In view of the foregoing and the material in the attachments, we respectfully request that the DEC act as lead agency in this matter so that a full and proper SEQRA review will be conducted.

Thank you for your consideration.

Very truly yours,

SILVERBERG ZALANTIS LLP



Steven M. Silverberg

SMS:no

Enclosures

cc: DEC Regional Permit Administrator (via FedEx)
Arlene Miller Rockland County Department of Planning (via E-Mail)

**STATE ENVIRONMENTAL QUALITY REVIEW
NOTICE OF INTENT TO BECOME LEAD AGENCY REGARDING A PROPOSED
GREEN SUSTAINABLE WASTE TO FUEL PROCESSING FACILITY**

This notice is issued pursuant to 6 NYCRR 617.6(b) of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-"SEQR") of the Environmental Conservation Law.

The Planning Board of the Town of Stony Point hereby indicates its intent to assume Lead Agency status for the below-referenced project. Please note the Planning Board intends to issue a positive declaration and require the applicants to prepare a generic and site specific Environmental Impact Statement. Information about the public scoping session would be circulated with the issuance of the positive declaration. In addition, before the public scoping session, the Planning Board intends to hold a public informational meeting on January 8, 2015 wherein the applicants will describe the proposed facility and the waste to bio-fuel process. More information about this public meeting will be circulated once the date is confirmed.

All other Involved Agencies must state their interests and concerns regarding selection of the Lead Agency and potential impacts of the overall action. Involved Agencies objecting to the Stony Point Planning Board assuming Lead Agency status for this action must inform the Board in writing within 30 days at the address below:

Contact Person: Tom Gubitoso, Chairman
Town Hall
74 East Main Street
Stony Point, New York 10980
845-786-2716

Title of Action: New Planet Sustainable Fuels Site Plan and Zoning Amendments

Project Sponsor: MBC Holding, LLC and Patrick Magee for Zoning Amendments, MBC Holdings, LLC for Zoning Map Change and NPE Holdings, LLC, MBC Holdings, LLC and Patrick Magee for Site Plan Approval

Date: November 5, 2014

Type of Action: Type 1 (facility over 25,000 square feet adjacent to County Park; the physical alteration of more than 10 acres of a non-residential project, and more than 100,000 gross floor area for a non-residential project).

Description of Action: The application for site plan approval is related to a Green Sustainable waste to fuel processing facility. Consistent with the proposed Zoning Amendments, site plan approval is required to construct and operate a

Green Industrial Facility (the "Project") for the conversion, through chemical processes, of carbon-rich biomass and municipal solid waste "feedstock" into a synthetic gas that would be further refined into transportation fuel. Importation via truck of up to 4,000 tons per date of waste/biomass feedstock is anticipated, which will be converted up to 38 million gallons per year of renewable sulfur-free diesel fuel. All feedstock waste will be shipped to the facility in closed containers and handling will occur within the enclosed building. The process would also generate electricity for the facility's own use, and produce a high-silica ash, which may be used in the production of concrete or for other beneficial uses. The action includes proposed text amendments to the Zoning Ordinance clarifying the Ordinance to specifically authorize such a facility as a permitted use (subject to site plan approval) in the LI-2 zoning district and a conditional use in the LI zoning district. The action also includes the Zoning Map amendment to reclassify lot 20.02-11-8 from the R-1 to LI-2 zoning districts for use as part of the facility. A related, but not integral action is the repair and relocation of a Town-owned sewer trunk line that travels over lot 20.02-11-8. The actions are intended to encourage economic development of the Town's remaining industrial lands, including a former Superfund site. The Town Board referred the proposed zoning amendments to the Planning Board for a report and recommendation pursuant to the Town's Zoning Ordinance. A joint SEQRA review of the zoning actions and the site specific project would be analyzed at the same time by the Planning Board as lead agency with the input of other involved agencies.

Location:

The site plan is located at the terminus of Holt Drive (a/k/a Kay Fries Drive) in the Town of Stony Point, adjacent to the boundary with the Town of Haverstraw and north of the Town of Haverstraw's former landfill and the County Solid Waste Transfer Facility. The subject properties involved with the site plan application have a tax map designation of Section 20-02, Block 11, Lots 25 & 28, as well as Section 20-04, Block 11, Lot 8. As noted above, the zoning classification of tax lot 20-04-11-8 is proposed to be changed from R-1 to LI-2.

The Zoning Text Amendments could also impact other parcels located within the Town's existing industrial districts (LI and LI-2). Thus, there may be some Town-wide implications.

Any agency's failure to respond within thirty (30) days of the date of this letter will be interpreted as having no interest in becoming lead agency and having no comments on the action at this time.

Involved Agency Circulation: This notice is being sent to the following potential Involved Agencies along with an EAF Part I, concept plans and other application materials submitted.

We have also provided the possible basis for the potential involved agency's approval authority.

Stony Point Town Board
Geoff Finn, Supervisor
74 East Main Street
Stony Point, New York 10980
Zoning Text and Map Amendments; Dedication of Road

Stony Point Waterfront Advisory Committee
74 East Main Street
Stony Point, New York 10980
Coastal Zone Consistency

Stony Point Freshwater Wetlands Board of Review
74 East Main Street
Stony Point, New York 10980
Local Freshwater Wetlands Permit

William Sheehan - Local Floodplain Administrator
74 East Main Street
Stony Point, New York 10980
Construction within a Floodway

Stony Point Architectural Review Board
74 East Main Street
Stony Point, New York 10980
Architectural Review

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, New York 10980
Zoning Variances (If Necessary)

United States Army Corps of Engineers, New York District
Attn: Regulatory Branch, Room 1937,
26 Federal Plaza
New York, NY 10278-0090
River and Harbors, Section 10 Permit; Clean Water Act Section 404 Permit

New York State Department of Environmental Conservation - Division of Environmental Permits, Region 3 -
John Petronella, Regional Permit Administrator
21 South Putt Corners Rd.
New Paltz, NY 12561-1620
Article 27, Title 7, 6 NYCRR 360 - Solid Waste Management

Article 19, 6 NYCRR 200-317 - Air State Facility Permit; Title V Permit
Article 17, Titles 7, 8, 6 NYCRR Part 750- 1 - SPDES Multi Sector General Permit
Article 15, 6 NYCRR Part 608 - Excavation or Placement of Fill in Navigable Waters and
Their Adjacent and Contiguous Wetlands
Article 24, 6 NYCRR Part 663, Part 664, and Part 665 - Freshwater Wetlands Permit
Clean Water Act Section 401 Water Quality Certification
Chemical Bulk Storage Facility Registration-6 NYCRR Pt. 597
Petroleum Bulk Storage Facility Registration-6 NYCRR Pt. 612
Major Petroleum Storage Facility License (petroleum storage > 400,000 gal) - Article 12
of Navigation Law, 6 NYCRR Part 610 and 17 NYCRR Part 30
Kay-Fries State Superfund Site # 344023.

Department of State - Office of Communities and Waterfronts - Division of Coastal
Resources, Consistency Review Unit
One Commerce Place,
99 Washington Avenue
Albany, New York 12231-0001
Coastal Zone Consistency

New York State Public Service Commission
c/o Audrey Zibelman
Empire State Plaza Agency
Building 3
Albany, NY 12223-1350
Potential Financing

Rockland County Dept of Health
50 Sanatorium Rd-Bldg D
Pomona, NY 10970
Attn: Scott McKane, P.E.
Potential Sewer Review

Rockland County Industrial Development Agency
Two Blue Hill Plaza
3rd Floor
P.O. Box 1575
Pearl River, NY 10965
Potential Incentives

Rockland County Drainage Agency
Vincent Alteri, P.E.
23 New Hempstead Road
New City, New York 10956.
Rockland County Stream Protection

Rockland County Health Dept
Robert L. Yeager Health Center
Attn: Ebi Elaahi
50 Sanatorium Rd, Bldg D
Pomona, NY 10970
Petroleum Bulk Storage

County of Rockland Planning Department
Douglas Schuetz - Acting Commissioner
Dr. Robert J. Yeager Health Center - Building T
Pomona, New York 10970
GML 239 Review and adjacent parkland and adjacent transfer station

Stony Point Sewer Department
74 East Main Street
Stony Point, New York 10980
Potential Sewer Connection Permit

Joint Regional Sewage Board
c/o Patrick Brady, P.E.
Ecology Lane
West Haverstraw, New York 10993
Potential Sewer Hook-up Permit

Interested Agencies:

The following potential interested agencies are being copied for informational purposes only.

NYS Office Parks, Recreation & Historic Preservation - Palsades Region
Palsades Interstate Parkway
Bear Mountain, NY 10911
Proximity to Stony Point Battlefield (zoning amendments only):

Ms. Ruth Pierpont, Director
State Historic Preservation Office
Peebles Island Resource Center,
Delaware Avenue
Cohoes, NY 12047
Proximity to Town Historic and Archeological Resources (zoning amendments only):

Hudson River Valley Greenway
625 Broadway, 4th Floor
Albany, NY 12207
Location within Hudson River National Heritage Area:

NYS DOT
157 Ridge Road

New City, NY 10956
Attn: Mary Jo Russo
Potential Impacts to State Highways

Palisades Interstate Park Commission
Administration Building - Bear Mountain State Park
Attn: Karl Roerker
Bear Mountain, New York 10911-0427
Potential Impact to Harriman and Bear Mountain Parks (zoning amendments only)

Region 8 Director, New York State Department of Transportation,
Eleanor Roosevelt State Office Building
Attn: Bonnie Lyons
4 Burnett Boulevard
Poughkeepsie, NY 12603
Potential Impact to State Highways

Rockland County Highway Department
c/o Charles H. Vezzetti, Superintendent
23 New Hempstead Road
New City, NY 10956.
Potential Impact to County Highways - Rail Quiet Zone Program

Rockland County Department of Environmental Resources/Parks
c/o R. Allan Beers, Coordinator
50 Sanitorium Road, Building K
Pomona, NY 10970
Potential Impact to County Parks

Village of West Haverstraw
Hon. John F. Ramundo Jr., Mayor
130 Samsondale Avenue
West Haverstraw, New York 10993
Nearby Community

Town of Haverstraw
Hon. Howard Phillips, Supervisor
One Rosman Road
Garnerville, New York 10923
Nearby Community and Adjacent Landfill Facility

Town of Tuxedo
Mike Rost, Supervisor
1 Temple Drive
Tuxedo NY 10987
Nearby Community

Town of Woodbury
Hon Frank J. Palermo, Deputy Supervisor
511 Route 32
P.O. Box 1004
Highland Mills, NY 10930
Nearby Community

Village of Woodbury
Hon. Michael Queenan, Mayor
Highland Mills Firehouse
455 Route 32
Highland Mills, NY 10930
Nearby Community

Town of Highlands
Bob Livsey, Supervisor
254 Main Street
Highland Falls, NY 10928
Nearby Community

Town of Cortlandt
Linda D. Puglisi, Supervisor
1 Heady Street
Cortlandt Manor, NY 10567
Nearby Community

Village of Buchanan
Theresa Knickerbocker, Mayor
236 Tate Avenue
Buchanan, NY 10511
Nearby Community

Village of Croton-on-Hudson
Leo Weigman, Mayor
1 Van Wyck Street
Croton-on-Hudson, NY 10520
Nearby Community

Town of Stony Point Police Department
79 Route 210
Stony Point, New York 10980
Emergency Service Provider

Board of Fire Commissioners
Stony Point Fire Department
PO Box 221

**Stony Point, New York 10980
Emergency Service Provider**

**Stony Point Fire Inspector
Thomas Larkin
74 East Main Street
Stony Point New York 10980
Emergency Service Provider**

**Rockland County Solid Waste Management Authority
320-420 Torne Valley Road
Hillburn, New York 10931
County Solid Waste Interests**

**North Rockland Central School District
65 Chapel Street
Garnerville, New York 10923
School District**

Other Parties Receiving Copies for Informational Purposes Only

**Geoff Finn, Supervisor
74 East Main Street
Stony Point, New York 10980
Chief Executive - Town of Stony Point**

**NYPIRG
Attn: Laura Haight
Senior Environmental Associate
107 Washington Avenue
Albany, NY 12210**

**CSX Transportation, Inc.
Attn: Leslie Scherr, Mailbox J301
500 Water Street
Jacksonville, Florida 32202**

New York State Department of Environmental Conservation
Division of Water, Region 3
100 Hillside Avenue • Suite 1W, White Plains, New York 10603-2880
Phone: (914) 428-2505 • FAX: (914) 428-0323
Website: www.dec.state.ny.us



August 15, 2014

Mr. Kevin Maher
Town Engineer
Town of Stony Point
78 East Main Street
Stony Point, NY 10980

Re: Inflow and Infiltration Management Program
Town of Stony Point Wastewater Treatment Plant
SPDES Permit No.: NY0028851

Dear Mr. Maher:

As a follow up to the technical meeting held in this Office in May 27, 2014, the Town of Stony Point submitted to the Department a letter dated May 29, 2014 and an addendum dated July 15, 2014 to address the NOV letter dated May 6, 2014 on the above-referenced subject. The Department has reviewed your submittals. The 2013 Annual Inflow and Infiltration Management Program Report is not acceptable to the Department. Please address all the deficiencies and comments in this letter.

The CCTV sewer inspection recommended in the H2M Report has not been completed. In addition there are no schedules submitted for the remaining sewer and manholes in the H2M report not yet inspected and there are no schedules in the Report dated July 15, 2014, for the repair of sewer and manholes identified during the CCTV inspection as deficient. Please provide the schedule for the aforementioned items. Please note that the violations cited of the NOV letter dated May 6, 2014 have not been satisfactorily satisfied and the schedule items in the approval letter dated October 21, 2013 have not been fully implemented.

The Department has also received the following engineering reports that the Town submitted for NYSEFC funding. These Reports do not meet the Department's standard requirements for engineering reports. Final engineering reports including construction schedules signed and stamped by a NYS Licensed Professional Engineer should be prepared and submitted for the Department review. Please contact me for additional information.

- Improvements to the Existing Wastewater Treatment Plant
- Improvements to the Existing Sanitary Sewer Lines
- Beach Road and Bar Ma Interceptor Sewer Lines
- Flood-Proofing the Existing Wastewater Treatment Plant
- Ultraviolet Disinfection System Upgrade

The annual average flows at the wastewater treatment plant (WWTP) for the year 2011, 2012 and 2013 are 73%, 92%, and 79% of the design flow respectively. However, with the addition of the sewage flow bypassed to Joint Regional Sewage Board (JRSB), the average flows are 97%, 112%, and 91% of the design flow for the same period. These data indicate that without the bypass to the JRSB the annual average flow at the WWTP would have exceeded the 95% threshold that triggers the development of Flow Management Plan two times over the last three years. Therefore, it is imperative for the Town to pursue an aggressive corrective action plan to reduce and eliminate inflow and infiltration sources in the collection system. This is critical because the Department has been notified in a letter dated July 9, 2014,

to the Town of Stony Point Supervisor on the status of the Inter-Municipal Agreement between the JRSB and the Town of Stony Point. The letter states that "While the JRSB has not yet taken any formal action in regard to this issue, it my understanding based upon discussions with members of the Joint Board, that the JRSB will not renew the Agreement and will provide a formal notice of cancellation of the automatic renewal provision in the near future." The letter further states that the Town should consider other options as the date of expiration of the Agreement is approximately 1 1/2 years away, that is about December 2015.

In order to forestall violations of the SPDES permit and Article 17 due to the future increase in flow to the collection system and the WWTP, the Town must develop an alternative plan to mitigate the impacts and consequences of the cancellation of the Agreement by the JRSB. Please submit to the Department by September 30, 2014, a comprehensive plan to address this issue and all the other aforementioned deficiencies. Please note that all the proposed solutions must be well-defined and with implementation schedules.

Your cooperation in operating and maintaining this facility, complying with your SPDES Permit and the protection of New York's waters is appreciated. Should you have any questions, please contact me at (914) 428-2505, Ext 365.

Very truly yours,



Adedayo Adewole, P.E.
Environmental Engineer I

Enclosure (JRSB Letter)

cc: Shohreh Karimpour, P.E., Regional Water Engineer w/o enclosure
Manju Cherian, P.E., NYSEDEC Region 3 w/o enclosure
Supervisor, Town of Stony Point w/o enclosure

COMMISSIONERS:
HOWARD T. PHILLIPS, JR., CHAIRMAN
EDWARD P. ZUGIBE, JR., VICE CHAIRMAN
JOHN F. RAMUNDO, JR.
ROBERT D. MASIELLO
MICHAEL F. KOHUT
P.J. CORLESS, P.E. & PLS

EXECUTIVE DIRECTOR:
PATRICK F. BRADY, P.E.

JOINT REGIONAL SEWERAGE BOARD

RC DEPT. OF HEALTH
ENV. HEALTH DIVISION
ECOLGY LANE
WEST HAVERSTRAW, NEW YORK 10993
(845) 428-5715
FAX (845) 428-3512

JUL 14 2014

July 9, 2014

Certified Mail

SUPERVISOR GEOFFREY FINN
TOWN OF STONY POINT
74 E. MAIN STREET
STONY POINT, NY 10980

RE: INTER-MUNICIPAL AGREEMENT BETWEEN THE JOINT REGIONAL SEWERAGE
BOARD AND THE TOWN OF STONY POINT.

Dear Supervisor Finn:

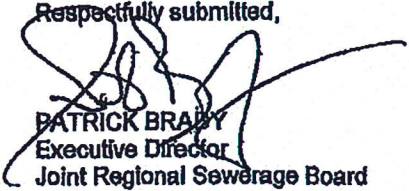
As I presume you are aware, in or about February of 2011, the JRSB and the Town of Stony Point entered into an Amendment to the Inter-Municipal Agreement for Wastewater Treatment Services, (the "Amendment").

¶3 of the Amendment provides that the term of the Agreement shall expire on December 31, 2015. It further provides that the Agreement will automatically renew on a year-to-year basis with the exception that either party to the Agreement has the option to cancel the automatic renewal provided they provide the other party with at least 90 days notice of their intention not to renew.

While the JRSB has not yet taken any formal action in regard to this issue, it is my understanding based upon discussions with members of the Joint Board, that the JRSB will not renew the Agreement and will provide formal notice of cancellation of the automatic renewal provision in the near future.

I am simply writing to you at this point to put the Town on advance notice that you should consider other options as the date of expiration is approximately 1½ years away.

Respectfully submitted,


PATRICK BRADY
Executive Director
Joint Regional Sewerage Board

cc: Scott McKane, P.E., Rockland County Department of Health,
Thomas Rudolph, P.E., NYS Dept. of Environmental Conservation
Board of Commissioners