

David Clouser & Associates

Licensed Professional Engineers and Land Surveyors
One Paradise Lane ♦ Suite 200
New Paltz, New York 12561

Telephone: (845) 256-9600
Fax: (845) 256-9700
E-mail: dbsea@dcaengrs.com

May 20, 2009

Mr. Alexander Ciesluk, Jr.
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road
New Paltz, NY 12561

Re: Yukiguni Maitake Manufacturing Plant
McDonald Road
Town of Mamakating, New York
Public Comment Period – Engineering Review
NYSDEC Permit
Application ID: 3-4840-00206/00001

Dear Mr. Ciesluk:

As you know, a Permit Application has been submitted to your Department with regard to the above project. The Basha Kill Area Association, whose membership includes Town residents who live nearby the above project site, has engaged a team of consultants to conduct a detailed review of the Permit Application with regard to all facets of the NYSDEC Permit(s) requested that include stormwater, process wastewater, sanitary wastewater and wetland impacts.

Please accept the following documents on behalf of the Basha Kill Area Association, as part of the NYSDEC Permit's public comment/review process:

- *David Clouser & Associates Letter* dated May 20, 2009
- *Mid-Hudson Geosciences Letter* dated May 14, 2009 (w/ attachments)
- *J. G. Barbour Letter* dated May 13, 2009

As thoroughly discussed in the attached documentation, our review team has significant technical concerns regarding the project's process wastewater disposal, stormwater management design, assumed well yield, biological impacts, as well as many other issues related to the NYSDEC permit process.

As you know, your department has issued a Notice of Complete Application (dated 04/21/09), indicating that your department has determined that the proposal meets the general requirements of each permit requested. We strongly urge your department to reconsider your determination, as our review team is certain that further review and revision of project's design is

necessary to adhere to common engineering design practices and to bring the project into compliance with NYSDEC's standards/regulations. Additionally, per our review it has become apparent that the Process Wastewater Infiltration Basin is substantially undersized and cannot absorb the massive flow imposed by the project.

We appreciate the opportunity to comment on this project, and look forward to our continued involvement in the NYSDEC permit process. Please feel free to call with any questions or comments.



Sincerely,
David Clouser, & Associates

A handwritten signature in black ink, appearing to read "Andrew Willingham". The signature is fluid and cursive, written over a horizontal line.

Andrew Willingham, PE
NYS Professional Engineer No. 083984

cc: William Janeway, NYSDEC
Paula Medley, Basha Kill Area Association
Alex Smith, Esq.
Katherine Beinkafner, Ph.D.
James Barbour

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Dear Mr. Ciesluk:

As you know, our office has been retained by the Basha Kill Area Association, whose membership includes Town residents who live nearby the above project site. The purpose of our review was to conduct a detailed engineering review of the above-mentioned project with regard to the NYSDEC permitting and public comment process.

We have received and conducted a review of the following materials, all prepared by Cornerstone Engineering:

- *Site Plan Set (Sheets 1 thru 20)* dated last revised August 2008
- *Process Wastewater Infiltration Basin System Engineer's Report* dated last revised August 2008
- *Sanitary Wastewater Subsurface Disposal System Engineer's Report* dated last revised August 2008
- *Stormwater Pollution Prevention Plan* dated last revised August 2008

As we understand, your department has issued a Notice of Complete Application (dated 04/21/09), indicating that your department has determined that the proposal meets the general requirements of each permit requested. After a review of the Applicant's proposal, we found that the project's design does not meet the minimum standard NYSDEC requirements with regard to stormwater. Additionally, the proposed infiltration basin appears to be grossly undersized with regard to any sound engineering practices or standards that we could assemble through our research. With due respect, we were astonished when informed of your

