

# David Clouser & Associates

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July 24, 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, our office has submitted written comments (dated 05/20/09) to your office with regard to NYSDEC permits related to the above project. The purposed of this correspondence is to supplement our previous letter with additional comments below. We offer the following for the Department's consideration:

1. As iterated at the Legislative Public Hearing held on July 15, 2009, we request the opportunity to review and comment on the additional information requested by the NYSDEC and remains to be submitted by Applicant. The additional information includes but is not limited to a mounding analysis, soil test data (percolation, water table, soil profile), analyzing the effects of freezing, redundant infiltration basin design, and a composite well monitoring plan. We strongly believe the public should have the opportunity to review and comment on all of the pertinent studies and design information related to the permit application as part of the public comment/hearing process.
2. With regard to the proposed process wastewater infiltration basin (PWIB), our consultant group has attempted to research existing infiltration basins similar to one proposed at the project site. However, we have found very minimal data in this regard and are therefore concerned with the lack of proven track record showing the proper functioning of this type of basin. We therefore request that the NYSDEC and/or Applicant provide evidence of similar existing basins functioning properly in this geographical area.
3. It has become apparent through the project's public comment/hearing process that there is substantial disagreement between experts, professionals and citizens representing the Applicant, NYSDEC and public on the conformance of the proposed project's design with

common engineering practices and NYSDEC regulations. We therefore believe that an Adjudicatory Hearing is the appropriate forum to allow an Administrative Law Judge to consider all pertinent testimony and render an impartial ruling on the project's compliance with applicable standards.

We again 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.

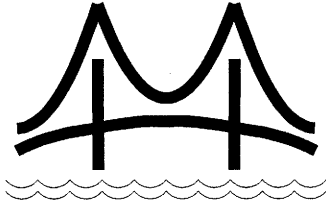


Sincerely,  
David Clouser & Associates

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

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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July 24, 2009

Alexander Ciesluk, Jr.  
NYSDEC Region 3  
Div of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561

**RE: Comments for Record of Public Hearing conducted July 15, 2009  
Yukiguni Maitake Applications for DEC Permits for Mushroom Plant,  
Wurtsboro, Town of Mamakating, Sullivan County, NY**

Dear Mr. Ciesluk,

The following comments apply to Yukiguni Maitake's applications for SPDES and Wetland Disturbance permits for the above referenced project.

Since much of the following discussion addresses design of the Process Wastewater Infiltration Basin (PWIB), the US Environmental Protection Agency publication "Process Design Manual; Land Treatment of Municipal Wastewater Effluents" (2006) will be cited. Heretofore, the Process Design Manual (available on the internet as a pdf file) will be referred to as "the EPA Manual." Although the title says "Municipal Wastewater," on page 1-1, it is noted that the same techniques apply to design for industrial wastewater. The particular type of land treatment proposed by Yukiguni is called "Soil Aquifer Treatment" (SAT), or known by an older term "Rapid Infiltration" (RI).

### **Additional Items to Request from the Applicant**

In your July 1, 2009 memo to Bazydlo & Calogero listing items for Yukiguni to address, I have a suggestion to add to the second item "Soil Data Test Locations." Previously, in my infiltration basin report, I pointed out the usefulness of continuous soil borings from the surface down to perhaps 50 to 75 feet. If a three-basin plan is going to be explored, it would be appropriate to advance continuous sampling apparatus (split spoons or geoprobe) in each of the three basin areas. As justification, I previously wrote:

- ◆ Also a continuous stratigraphic column of sediments should be obtained with two-foot split spoon sampling from the ground surface to water table and on down to top of bedrock. Split spoon sampling will have to be done with great care to get representative samples in the zone of saturation unless the sediments are highly compacted or exhibit slow permeability. ***The full stratigraphic column will indicate if there are any limiting strata***, which will restrict infiltration due to slow or low permeability. A second boring will be needed for correlation with the first to develop an estimate of the prevalence of ***stratigraphic continuity***.
- ◆ "The values used for clear water permeability should be the most restrictive layer in the soil profile." EPA Manual, page 3-8

