Dear Chairman Vicaretti & Members of the Planning Board:

Our firm has been engaged by the Basha Kill Area Association ("BKAA") to provide engineering consultation and representation regarding the Dragon Springs Buddhist, Inc. project approvals. As you may know the BKAA serves as a watchdog, monitoring developments that threaten the valuable natural resources located in the Bashakill Wetland System, such as Dragon Springs, which has a history of violations and inconsistencies for not appropriately adhering to permit requirements. Our office has reviewed the Dragon Springs Buddhist, Inc.’s Draft Environmental Impact Statement (DEIS) with respect to particular engineering issues. Specifically, we focused on wastewater/stormwater impacts, erosion and sediment control issues, and emergency access.

Dragon Springs proposes significant expansion to their operations, including a 920 seat Music Hall, 5-Story Parking Garage, Glass Atrium, Concrete Plaza, Rehearsal Hall, a Proposed Lake, Covered Drive, Residence Hall, 100,000 gallon per day Wastewater Treatment Plant, 12 gazebos, several outbuildings and associated infrastructure improvements.

Our office has received and reviewed the following materials in reference to the above project:

- Draft Environmental Impact Statement, dated November 14, 2018
- Site Plan Drawings, dated last revised October 23, 2018
As you know, the Town of Deerpark Planning Board is the lead agency under SEQRA, and has the important responsibility of identifying the environmental impacts of the Dragon Springs project and ensuring they are avoided or mitigated. As your Board will note during your review of this correspondence, the project has the imminent potential for causing substantial adverse environmental effects relating to surface waters and public safety.

The following comments are offered on behalf of our client, the BKAA, to be considered as part of the project’s SEQRA review / public hearing comment record.

**Surface Water Impacts - Wastewater**

The Applicant is proposing a 100,000 gallon per day (“gpd”) Membrane Bioreactor (“MBR”) wastewater treatment plant (“WWTP”). The WWTP will discharge to a small stream onsite, then flow directly into the Basher Kill approximately 600 feet downstream. First, the Board should note that this is a large wastewater treatment plant – with a flow roughly equivalent to a 500 unit subdivision of single family homes. The maintenance required for a “surface discharge” WWTP such as this is significantly more intensive than a “groundwater discharge” system. For example, a conventional septic tank and leach field that serves a single family home is a small groundwater discharge system that requires very little maintenance. Surface discharge systems must achieve a much higher level of treatment to protect downstream water bodies, are more complex and have significantly higher maintenance responsibilities.

**WWTP Maintenance**

The proposed WWTP has seven (7) levels of treatment that would function consecutively in series. The components include a grease trap, septic tanks, equalization tank, biological reactors (which include three separate basins within), membrane filtration, UV disinfection and a post aeration tank. All of these processes need to function properly to successfully remove harmful constituents and prevent adverse impacts to downstream waters and habitat. If not functioning properly, the effluent will discharge with elevated levels of Biological Oxygen Demand, Suspended Solids, Ammonia, Nitrogen, Phosphorus, Fecal Coliform and/or Low Dissolved Oxygen, all of which are debilitating to stream flora and fauna and deteriorate uses of the waters for recreational and/or drinking purposes.

Per Appendix C of the DEIS – Sewer Treatment Plant Design, “a full time operator will be necessary for the Dragon Springs WWTP to perform the necessary daily inspections and testing and to perform preventative maintenance/equipment reports. An operator will need to be onsite every day.” The operator will need to monitor the equalization tank pumps, return activated sludge pumps, nitrification circulation pumps, permeate pumps, blowers, compressors, backwash systems, monitor the PH, instrumentation and chemical feed systems. The membranes on the biological reactors need to be removed and cleaned two or three times per year by soaking in a hypochlorite or citric acid solution. After cleaning, chemicals must be removed from the dip tank via a vacuum truck and removed from the site. The WWTP will produce approximately 2,100 gallons per day of waste sludge, necessitating its removal from the site at an estimated rate of every 4 days. Other process instrumentation that requires monitoring includes a turbidity meter.
(to detect membrane fiber breaks), float levels, pressure gauges, tank level indicators, pH sensors, dissolved oxygen sensors and UV intensity sensors. The several alarm systems and emergency generator must also be kept in good operating condition.

Per the DEIS, the WWTP requires a NYSDEC Grade 2A chief operator and a Grade 1A assistant. To obtain these designations both of these operator Grades require a high school diploma, completion of DEC approved training and 6-12 months training at a WWTP facility.

**Dragon Springs Conformance and Maintenance History**

Clearly, the WWTP will take diligent upkeep to achieve successful operation. Unfortunately, Dragon Springs has an extensive and dreadful history of poor management and negligence resulting in illegal discharges from their site. To our knowledge, they have not been issued a State Pollution Discharge Elimination System (“SPDES”) Permit for surface discharge from a WWTP. However, they have held a SPDES permit for stormwater discharge for many years. The following is not all inclusive, but lists some notable water quality violations:

- 8/23/2010 – NYSDEC site visit reveals turbid discharge to Basher Kill
- 8/30/2010 – NYSDEC site visit reveals lack of approved Stormwater Pollution Prevention Plan (“SWPPP”) to cover site disturbance.
- 9/28/2010 – NYSDEC Notice of Violation of stormwater SPDES permit for turbid discharge to Basher Kill
- 1/2011 - Dragon Springs provides SWPPP that covers all site disturbance (5 months after NYSDEC cites them for lack of valid SWPPP)
- 10/11/2015 – NYSDEC site visit reveals turbid discharge to Basher Kill
- 12/04/2015 - NYSDEC Notice of Violation for illegal bridge construction on protected stream
- 1/12/2018 – NYSDEC Officer observes turbid discharge to Basher Kill. Photo taken by neighbor (see attached)
- 1/17/2018 – Photo taken of turbid discharge from Dragon Springs (See attached)
- 1/19/2018 – NYSDEC staff observes lack of erosion controls in violation of SPDES permit
- 1/23/2018 – NYSDEC Officer observes turbid discharge to Basher Kill
- 1/30/2018 – NYSDEC Notice of Violation of stormwater SPDES permit for turbid discharge to Basher Kill and SPDES permit violation
- 2/11/2018 - photo taken of turbid discharge from Dragon Springs (See attached)

The above relates only to NYSDEC SPDES permit and water quality violations. Dragon Springs’ history of disregarding other land development regulations is also very extensive, but is not covered here. To this point, the only surface discharges approved have been stormwater SPDES permits, with which Dragon Springs has overwhelmingly failed to comply. As shown, Dragons Springs has a well-documented history of illegally polluting the Basher Kill.

The adverse environmental impact of sediment runoff from construction dwarfs in comparison to the impacts from a mismanaged wastewater treatment plant. Meeting discharge requirements is significantly more complicated and intensive for a wastewater treatment plant vs.
stormwater erosion. In our experience, turbid discharges from a site as a result of construction runoff are somewhat rare since mitigation measures are relatively easy to implement. Often a properly installed silt fence can prevent the majority of sediment runoff. Regardless, Dragon Springs has failed over and over again, throughout many years, to prevent erosion from runoff resulting in a steady stream of violation notices and turbid discharges to the Basher Kill.

Based upon Dragon Springs’ track record, if a 100,000 gpd WWTP plant is constructed on the site, violations of the SPDES permit should be expected. The difference is it will no longer be sediment runoff. It will be sewage, with long term debilitating impacts to downstream surface waters.

**Surface Water Impacts - Stormwater**

The Applicant’s inability to control sediment from running off the site and into the Basher Kill is well documented and discussed above. Now, they propose an additional 40 acres of land disturbance, with an additional 10 acres of impervious surface. Given their history, adverse impacts to the Basher Kill as a result of sediment runoff are a near certainty. Additionally, we found their stormwater design to be substantially deficient and nonconforming to applicable regulations. We have conducted a detailed review of the SWPPP (Appendix D of the DEIS) and offer the following comments.

**Lack of Design Detail**

The SWPPP provided in the DEIS is generic in nature and lacks design detail specific to this particular site. This information is needed to determine stormwater related impacts, conformance with NYSDEC regulations and if water quality and quantity requirements are met. The following lists the deficiencies:

1. Appendix A of the SWPPP contains Drainage Maps D-1 and D-2, which define ground cover, watershed areas, topography, flow paths, etc. They are a critical element of the hydrological analysis. However, the maps provided on the Town’s website are nearly illegible and at a scale too small, preventing any meaningful review of the analysis. The maps should clearly demonstrate the watershed names, flow paths, ground covers, topography and hydrological connections (e.g. reaches).

2. Per the NYSDEC Design Manual, runoff from developed areas must receive Water Quality Volume (“WQv”) treatment as well as Runoff Reduction Volume (“RRv”). The Applicant proposes to meet WQv and RRv with Stormwater Planters and Sand Filters. Designing a site to meet these requirements can be difficult, particularly on properties such as this that have steep slopes and large impervious surfaces. Despite that distinction, the Site Plans show only a “placeholder” for these practices, with no proposed grading, dimensions, or details. The information provided is insufficient to determine if the practices are feasible and will provide the water quality and runoff reduction to protect downstream properties and meet NYSDEC regulations. For example, the “placeholder” for Sand Filter has an existing grade drop of 12 feet from
one end to the other. Sand Filters must be flat – that configuration simply isn’t possible as shown.

3. Per NYSDEC regulations, proposed runoff rates cannot exceed existing runoff rates. The proposed design relies entirely on the existing and proposed ponds. The outlet flow is controlled by an overflow structure that regulates the reduced flow rates. However, no details are provided for any of the outlet structures for these very large ponds. The detail is insufficient to verify that flow rates will be reduced.

4. The Proposed Rehearsal Hall, Atrium and Parking Garage B addition show no proposed grading or drainage on the Site Plans. The Proposed Emergency Plaza demonstrates no drainage infrastructure to convey stormwater. Similarly, proposed Parking Garage A and the Music Hall have very little detail on how stormwater will and can be conveyed properly making it impossible to determine the project’s stormwater impacts.

**RRv Reduction Applied Incorrectly**

When used correctly, Green Infrastructure Practices (“GIP’s”) can be utilized to reduce the Runoff Reduction Volume requirement. However, they were all used incorrectly and against the requirements of the NYSDEC Stormwater Design Manual, as described below.

“Sheetflow to Riparian Buffer” is incorrectly used to reduce RRv in the area east of the proposed dam embankment. The buffer must be a maximum of 15% slope, however all of the buffer is greater than 15%. The buffer must be a minimum of 100 feet in width, however it’s less than 100’ for the majority and 0’ for a significant portion. Runoff to the buffer must be via sheet flow. The pond embankment is at 33% slope which is too steep for sheet flow (runoff will channelize). The SWPPP must be revised to remove this incorrectly applied RRv credit.

The SWPPP incorrectly uses “Tree Planting” to subtract from the RRv requirement. The Tree Planting section of the NYSDEC Manual is designed for streetscapes or urban areas where tree pits are used to collect adjacent impervious runoff and infiltrate it into the ground. Instead the Applicant has taken credit every tree they are planting on the site and subtracting from the RRv requirement. This is incorrect. To take the credit for 100 sf of impervious surface drainage to each tree as claimed in the SWPPP, it must be shown that each tree will be a tree pit, with adjacent impervious surface drainage to each as required by the Design Manual. The subtraction of 46,300 sf of impervious surface (463 trees x 100 sf) from the RRv requirement is incorrect and must be removed from the SWPPP. Alternatively, the Applicant must redesign the tree plantings to show conformance with the NYSDEC Design Manual.

The “Disconnection of Rooftop Runoff” credit was also used incorrectly. The SWPPP simply claims that roof leaders from three of the proposed buildings will discharge to wooded areas, then reduces RRv on that basis. The Applicant must consult with the Design Manual. This practice is designed for more permeable soils (Soil Group A or B). Per the Design Manual, if the practice is used in Soil Type C or D soils (which is the case at Dragon Springs), the areas need to be evaluated by a licensed professional engineer to determine if soil enhancement or decompaction is needed to allow infiltration. Infiltration areas must be graded for storage to allow infiltration with a maximum grade of 5%. Runoff must drain through a filter strip, vegetated channel or swale prior to discharge. The SWPPP and design provides none of the above, therefore cannot take the RRv credit. The SWPPP and stormwater design must be revised.
“Stormwater Planters” are also incorrectly used as RRv credit. Per the NYSDEC Design Manual, Stormwater Planters must be a minimum of 10’ from structures, however they are proposed directly next to buildings (0’ separation for Music Hall and Parking Garage A). Specific onsite soil conditions are required for these practices including a minimum infiltration rate (2 inches per hour) and minimum separation to groundwater and bedrock. No soil testing was provided to demonstrate this practice will work. This RRv credit cannot be taken as designed.

The above four practices claim to provide the entire 0.31 acre-feet RRv required. However, none of them are incorporated in accordance with NYSDEC regulations, therefore no RRv is provided in the design.

WQv Insufficient

The SWPPP takes credit for the volume in the lake for nearly all the Water Quality Volume (WQv) required by the NYSDEC for this project. Nowhere in the NYSDEC Manual does it indicate that a lake provides Water Quality Volume. “Ponds” are acceptable per Chapter 6 of the NYSDEC Design Manual, but must incorporate several design elements that the onsite lakes do not have. Sediment forebays for pretreatment, shallow aquatic benches (shallow areas surrounding the pond perimeter to provide treatment), aquatic landscaping are required for ponds to furnish the water quality treatment. The lakes do not offer these features (among other DEC requirements) therefore the lakes do not provide Water Quality Volume. 21.1 acres of impervious surface drains to the lakes, for which the treatment of that stormwater (WQv) is incorrectly claimed in the SWPPP. The design must be revised or WQv must be provided elsewhere on the site.

For the remaining WQv required, sand filters are proposed. Proposed grading is provided for Sand Filter 3, but not for Sand Filters 1 and 2. Sand Filters must be completely flat in grade, which is difficult to achieve on this steep site. Sediment Pretreatment Forebays are required for all Sand Filters, yet none are shown on the plans. Soil testing is required to show the minimum separation from the bottom of the practice and groundwater. The DEIS must show that these practices are feasible.

As detailed above, the DEIS SWPPP has substantial deficiencies and fails to meet NYSDEC regulations. The purpose of Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) is to remove pollutants from stormwater and to mimic natural hydrology to protect downstream water bodies. As shown above, nearly all practices that are proposed for WQv and RRv are designed incorrectly and therefore do not afford the treatment needed. Additionally, Dragon Springs’ extensive history of polluting the Basher Kill cannot be disregarded. Allowing an additional 40 acres of land disturbance will almost certainly result in many additional illegal discharges to the Basher Kill. As Lead Agency, the Planning Board must consider these likely adverse environmental impacts.
Community Impacts - Emergency Access

International Fire Code

Per the 2018 International Fire Code (which was adopted by New York State), a “Fire Apparatus Access Road” shall extend to within 150 feet of all portions of any building’s exterior walls. Aerial Fire Apparatus Access Roads are also required in many instances. The requirements of the IFC for Fire Apparatus Access Roads are as follows:

- IFC D103.1 – Minimum road width of 26 feet with hydrant (20’ wide with no hydrant)
- IFC D103.2 – Maximum road grade of 10 percent
- IFC D104.1 – Commercial buildings exceeding 30 feet or three stories shall have two means of fire apparatus access
- IFC D104.2 – Commercial buildings of more than 62,000 sf shall be provided with two separate and approved fire apparatus access roads.
- IFC D105.1 – Where the distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus roads shall be provided
- IFC D105.2 & D105.3 – Aerial Fire Apparatus Access Roads shall be 26 feet wide, shall be positioned parallel to one side of the building and shall located between 15 and 30 feet from the building.

Music Hall Access

Access to the 920 seat Music Hall is substantially inadequate and does not meet minimum IFC requirements in multiple instances. The building is over 30 feet high therefore must have two means of fire apparatus access. It has only one potential access – on the west side of the building. The building exceeds 62,000 sf, therefore requires two separate and approved Fire Apparatus Access Roads. We have concluded that it doesn’t have any Fire Apparatus Access Roads. Dadao Road is greater than 10% in grade and less than 20’ wide in multiple locations (including the northern main entrance road), therefore cannot be considered a Fire Apparatus Access Road. Two Fire Apparatus Access Roads must be provided. The building’s closest location that could be considered an Aerial Fire Apparatus Access Road is at the stair entrance on the west side of the building. This access is 180 feet from the building, while a maximum of 30 feet is required. The project layout must be revised to meet Fire Code and to provide safe emergency access to the Music Hall.

Parking Garage Access

Access to the proposed 5 story, 1,100 car Parking Garage A also does not meet Fire Code. The building is well over 30 feet in height therefore must have two means of fire apparatus access. It has only one access – on the north side of the building. The access on the east side is very steep and the geometry will not permit access by a fire truck. The building far exceeds 62,000 sf,
therefore requires two separate and approved Fire Apparatus Access Roads. It also does not have access from any Fire Apparatus Access Roads. Dadao Road is greater than 10% in grade and less than 20' wide in multiple locations (on the east and west approaches), therefore cannot be considered a Fire Apparatus Access Road. The access road approaching from the south far exceeds 10% in grade as well. The project layout must be revised to meet Fire Code and to provide safe emergency access to the Parking Garage #2.

The proposed project design should be thoroughly reviewed by the Town of Deerpark Building Department and the Cuddebackville Fire Department for code compliance review for access and overall safety.

**Summary**

Dragon Springs has consistently ignored environmental and land use regulations and repeatedly polluted the Basher Kill. The historical actions of this landowner on this property must be considered when determining adverse impacts of this project.

The proposed 100,000 gpd wastewater plant is a complex system requiring daily maintenance and professional attention. If maintenance fails, the result is discharge of chemical constituents that are devastating to the Basher Kill and downstream water bodies. If history is any indication, these impacts should be considered likely adverse impacts.

NYSDEC stormwater regulations can be challenging to meet when designing a high intensity development such as this on steep slopes. The Applicant has wholly failed at this endeavor. The SWPPP is generic, lacks detail and makes bold and incorrect assumptions to reduce requirements. Substantial revisions are needed to the SWPPP and stormwater design to meet NYSDEC regulations.

Due to the rural area and hence limited emergency services available, safe access and safe buildings are even more critical. Instead, the design proposes high intensity, high population buildings with poor access that is far below the minimum state standard. The site must be redesigned to meet code and provide safe access.

The project's likely adverse environmental impacts associated with the above issues are substantial. As Lead Agency, the Planning Board must recognize these impacts and respond accordingly under SEQRA.

Please don't hesitate to call with any questions.

Sincerely,
Willingham Engineering, PLLC

[Signature]

Andrew Willingham, PE
NYS Professional Engineer No. 083984
cc: Gary Spears, Town Supervisor, Town of Deerpark
    Daniel Whitehead, Region 3 Permit Administrator, NYSDEC
    Rebecca Crist, Region 3 Deputy Permit Administrator, NYSDEC
    Glen Plotsky, Attorney, Town of Deerpark
    Al Fusco Jr., Consulting Engineer, Town of Deerpark
    Cuddebackville Fire District
    Delaware River Basin Commission
    Orange County Planning Department
    Paula Medley / Basha Kill Area Association
    Deerpark Rural Alliance
    Friends of the Shawangunks
    Delaware Riverkeeper Network
1/12/18 – From Galley Hill Road looking east. Turbid discharge from Dragon Springs into the Basher Kill.

1/17/18. From Galley Road looking south. Turbid discharge from Dragon Springs into the Basher Kill.
2/11/18 – From Galley Hill Road looking east. Turbid discharge from Dragon Springs into the Basher Kill.
Attachment B – NYSDEC Notices of Violation
New York State Department of Environmental Conservation
Division of Water, Region 3
100 Hillside Avenue – Suite 1W, White Plains, New York 10603-2860
Phone: (914) 428-2505 • Fax: (914) 428-0323
Website: www.dec.ny.gov

Certified Mail #7001 0320 0000 0566 4381

Sam Han
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

Notice of Violation

RE: Dragon Springs Temple, 140 Galley Hill Road, Town of Deerpark
SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001
Notice of Intent NYR10F576

September 27, 2010

Dear Mr. Han:

An inspection was performed by ECO Aaron Gordon and myself on August 30, 2010, to ensure compliance with this Department’s SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The site was toured with Kaijan Liang. Please see the attached inspection report form for more detailed information and note the erosion and sediment control deficiencies on page two.

Proper erosion and sediment controls must be maintained. The lack of proper erosion and sediment controls has resulted in the contravention of the New York State Water Quality Standards (6 NYCRR Chapter X, Part 703.2) in the receiving water. On August 23, 2010, ECO Gordon observed turbid water leaving the site and entering a tributary of the Basherkill. Contravention of the Water Quality Standards is a violation of Article 17 of the Environmental Conservation Law and subject to penalties of up to $37,500 per day, per violation.

At the time of the inspection of August 30, the Notice of Intent Acknowledgement Letter, SPDES Permit, Stormwater Pollution Prevention Plan (SWPPP), and weekly inspection reports were not available on site. As per GP-0-10-001, this paperwork must be maintained on site.

By October 15, 2010, you must submit a copy of the Stormwater Pollution Prevention Plan to this office. During a phone conversation with Minzi Pan on August 31, 2010, she indicated that a SWPPP was prepared for the portion of the site that is currently under construction. In addition, a “SWPPP” was recently submitted to this department’s Division of Permits for a 3.1 acre portion of the site. The Notice of Intent you submitted in 2003 indicated 20 acres of disturbance. The SWPPP must address full build-out of the site; all 20 acres of disturbance as indicated in the Notice of Intent must be included in the SWPPP. The SWPPP must address all requirements of GP-0-10-001.

The lack of a SWPPP that complies with GP-0-10-001 is a violation of the SPDES permit and Article 17 of the Environmental Conservation Law. This violation is also subject to fines of up to $37,500 per violation per day.

These violations are being referred to our Office of General Counsel for the appropriate enforcement action. If you have any questions, I can be reached at the above phone number, extension 354.
cc: ECO Aaron Gordon, NYSDEC
    Rebecca Crist, Division of Permits, NYSDEC
    Town of Deerpark Building Department
December 4, 2015

Kaijin Liang, P.E.
Dragon Springs Buddhist Inc.
140 Galley Hill Road
Cuddybackville, NY 12729

Notice of Violation

RE: Violations of ECL Article 15 at Dragon Springs Buddhist Monastery, Cuddybackville, New York

Dear Mr. Liang:

On October 30, 2015 Brian Drumm from the Region 3 Department of Environmental Conservation (DEC) Bureau of Habitat met you during a compliance check for Environmental Conservation Law Article 15 Permit 3-3328-00150/00017. This permit authorized the replacement of the two bridges carrying both the north and the south access roads to the Dragon Springs Buddhist Monastery over tributaries to the Basher Kill and Neversink River respectively. Each location constitutes a separate violation. You are directed to immediately stop violating Article 15.

This inspection revealed the two bridges deviated significantly from the plans approved in the permit. In both cases steel I-beams were used below the bridge deck while maintaining the approximate road grade significantly reducing the vertical clearance between the bed of the stream and the bridge superstructure. As constructed it is likely that at some point in the future during a high flow event the bridge will not be able to handle the volume of water and/or will become clogged with debris resulting in a backup of water upstream of the bridge, erosion and scour of the stream bed and banks near the bridge, flooding and closure of public roads and the potential to cause significant damage to other public and private property. Therefore, the department has ascertained the probable negative effect on the health, safety and welfare of the people of the state and the natural resources of the state, including soil, forests, water, fish and aquatic resources therein, likely due to result of your work.

Any appearance tickets issued by Environmental Conservation Officers are for separate violations and are not included in this enforcement action.

BE ON NOTICE THAT implementation of reclamation, restoration or remediation activities at the site in no way affects the rights of NYSDEC to seek penalties and other relief in accordance with the Environmental Conservation Law and the rules and regulations promulgated pursuant thereto.
Please contact me at (845) 256-3091, within (5) business days of the receipt of this letter, to schedule a compliance conference to address the above violation.

Sincerely,

Brian Drumm, Senior Biologist
Bureau of Habitat

Cc: Town of Deerpark Highway Superintendent Edward Hughson
    Town of Deerpark Supervisor Gary Spears

ec: ECO Christopher Lattimer
    Kelly Turturro, DEC Region 3 Regional Attorney
    Joseph Battista, DEC Region 3, Enforcement Coordinator
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

January 30, 2018

Mr. Kaijin Liang
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

NOTICE OF VIOLATION

Re: SPDES Stormwater Permit for Construction Activity (GP-0-15-002)
Notice of Intent # NYR10F576
Facility Name: Dragon Springs Temple
Facility Location: 140 Galley Hill Road, Deerpark (T), Orange (Co.)

Dear Mr. Liang,

An inspection at the above referenced construction site was conducted by NYSDEC staff on January 19, 2018. The purpose of the inspection was to evaluate compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the Environmental Conservation Law (ECL). Copies of the Construction Stormwater Inspection Report are attached for your use.

During this inspection, it was noted that the perimeter swale was installed without a sediment trapping device for disturbed areas, the swale and dike were not stabilized, self-inspection reports did not include discharges from the swale and points of entrance of surface runoff into Sedimentation Ponds B1 and B2 were not protected to prevent erosion. Lack of erosion and sediment controls is a violation of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This constitutes a violation of the ECL.

PLEASE TAKE NOTICE that ECL 71-1929 provides that any person who violates any section of titles 1 – 11 and title 19 of Article 17 of the ECL, or any permit issued thereunder, shall be liable for a civil penalty not to exceed $37,500 per day for each violation.

In addition to this inspection, a NYSDEC Environmental Conservation Officer visited the site on January 12, 2018 and January 23, 2018. The Officer observed turbid discharges from the disturbed areas of the construction site noted above. These turbid discharges
caused a substantial visible contrast to natural conditions in the Basher Kill (or Bashas Kill). The Officer also observed disturbed areas that had not been stabilized for the winter.

PLEASE TAKE FURTHER NOTICE that this is a violation of New York State water quality standards and also liable for a civil penalty not to exceed $37,500 per day for each violation.

As a result of these violations, the facility must immediately begin all necessary work for the installation and repair of E&SC measures to conform to the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), November, 2016 version. The facility must also update its self-inspection reports to include descriptions of the condition of the runoff at all points of discharge from the construction site. The Owner/Operator must submit the following information by February 28, 2018.

1. A letter describing corrections made
2. Photos of reinstalled and repaired E&SC measures
3. An updated self-inspection form that includes all points of discharge from the construction site
4. A Certification of Compliance signed by a responsible corporate officer

Any inquiries, submissions, and requests relating to this NOTICE should be directed to:

Eric Kim, New York State Department of Environmental Conservation
100 Hillside Ave, Suite 1W
White Plains, New York 10603-2860

These violations will be referred to our Office of General Counsel for the appropriate enforcement.

The Department anticipates your compliance with the requirements of the SPDES program. If you have any questions, please call me at (914) 428-2505 x 356.

Sincerely,

Eric Kim, E.I.T.
Assistant Engineer

Enclosure: 2018-01-19 NYSDEC DOW Inspection Report
Certification of Compliance Form

Ecc: Natalie Browne NYSDEC Environmental Program Specialist 2
Shohreh Karimipour, NYSDEC Regional Water Engineer
John Urda, NYSDEC Regional Attorney