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

Joseph Martens
Commissioner

NOTICE OF VIOLATION/CEASE & DESIST

December 23, 2013

Atkins Brothers Associates, LLC
40 Matthews Street
Goshen, NY 10924

Re: Construction activity on Meron Drive
Village of Kiryas Joel, NY

Dear Atkins Brothers:

An inspection of the above referenced site was performed on December 23, 2013. At the time of inspection it appeared that site disturbance has resulted in greater than one acre of disturbance. Construction projects which result in site disturbances of one or more acres are required to gain coverage under, and comply with, this Department's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). Our records do not indicate that this project has gained coverage under that General Permit.

Failure to gain coverage under the General Permit is a violation of Article 17 of the New York State Environmental Conservation Law which is subject to penalties of $37,500 per day, per violation. This Notice of Violation also serves as a Cease and Desist Directive for continued activities being performed in violation of Article 17. To obtain coverage under the SPDES GP the Notice of Intent (NOI), which can be found at http://www.dec.ny.gov/docs/water_pdf/noipgr10.pdf, must be completed and submitted to the address at the top of the form, with a copy to this office, immediately. Additionally, Stormwater Pollution Prevention Plan, prepared in accordance with the requirements of the SPDES GP, must be submitted to this office immediately. The Cease and Desist Directive shall remain in effect until the Department determines that project is in compliance with Article 17 of the NYSECL.

This Department directs you to immediately Cease and Desist all construction activity at the site, exclusive of that work necessary to maintain erosion and sediment measures and prevent the contravention of the Water Quality Standards, until this Department notifies you in writing that the Cease and Desist directive has been lifted. This also excludes any remediation necessary due to improper erosion and sediment controls. Failure to comply with this Cease and Desist directive will result in additional enforcement action by this Department.

Proper erosion and sediment controls must be designed, constructed and maintained at the site to prevent contravention of receiving waters. Contravention of the New York State Water Quality Standards (6 NYCRR Chapter X , Part 703.2) in the receiving water is a violation of Article 17 of the Environmental Conservation Law, and subject to penalties of up to $37,500 per day, per violation.

If you have any questions, I can be reached at the above phone number, extension 359.

Sincerely,

Patrick Ferracane
Division of Water

cc: Jennifer Zunino-Smith, NYSDEC, Division of Water
Mayor & Village Board, Village of Kiryas Joel