UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV - 9 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7016 0910 0000 4441 2515

Marc J. Rowan
Apollo Global Management, LLC
9 West 57th Street, 43rd Floor
New York, NY 10019

Re: Underground Injection Control (UIC) Program Regulation
Request for Information: SDWA-UIC-IR-17-010
Duryea's
65 Tuthill Road
Montauk, NY 11954
Suffolk County

Dear Mr. Rowan:

The U.S. Environmental Protection Agency (EPA) Underground Injection Control (UIC) Program is issuing a Request for Information pursuant to Section 1445(a)(1)(A) of the Safe Drinking Water Act (SDWA), as amended, 42 United States Code (U.S.C.) §300j-4 (a)(1)(A) to determine whether the facility referenced above may be operating a banned underground injection well type subject to EPA jurisdiction under the SDWA. In 1999, EPA promulgated a regulation (Class V Rule) that banned construction of new large-capacity cesspools (LCCs) as of April 2000 and required all existing LCCs be closed by April 2005. Operation of this injection well type constitutes noncompliance with UIC regulations.

As set forth at 40 Code of Federal Regulations (C.F.R.) §§ 144.3 and 144.81, a "cesspool" is defined as a drywell or leach pit that directly receives untreated sanitary waste containing human excreta, which sometimes has an open bottom and/or perforated sides; a cesspool does not utilize a septic tank to retain and treat sanitary waste. A cesspool is designated as a "large-capacity cesspool" pursuant to 40 C.F.R. § 144.88, if it is used by a multiple-dwelling community or regional system, or is a non-residential cesspool that has the capacity to serve 20 or more persons a day.

Under the authority of Section 1445 (a)(1)(A) of the SDWA, as amended, 42 U.S.C. §300j-4 (a)(1)(A), within 30 days of receipt of this letter, EPA requests that you provide the following information:

- Identify the discharge point for each of the bathroom drains at your facility. Acceptable options include as-built diagrams of facility showing piping and sanitary discharge system.

As required by 40 CFR §§ 144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions to use when filling out the inventory form. The form can also be found on the internet at:

http://www2.epa.gov/sites/production/files/2015-10/documents/7520-16_508c.pdf

For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief
Ground Water Compliance Section
United States Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
Re: SDWA-UIC-IR-17-010
Attn: Lisa Kim Pelcyger

If you are certain that there are no discharges from a facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

Failure to respond to this letter truthfully and accurately within thirty (30) days may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions, please contact Lisa Kim Pelcyger of my staff at (212) 637-4225 or kim.lisa@epa.gov.

Sincerely,

Doughlas McKenna, Chief
Water Compliance Branch

Enclosures

cc: Tony Leung, NYSDEC, Region 1
Janet M. Gremli, Suffolk County Dept. of Health Services
Walter Hilbert, PE, Suffolk County Dept. of Health Services