

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

232 Golf Course Road – P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1238 • FAX: (518) 623-1311

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

September 11, 2008

**CERTIFIED MAIL #7007 0220 0004 3450 0941
RETURN RECEIPT REQUESTED**

John C. Breitenbach, Jr., Esq.
Carney & Breitenbach
Attorneys at Law
12 Father Jogues Place
Ticonderoga, NY 12883

**Re: SPDES Permit Identification No. NYR10L775 (through Permit No. GP-0-08-001)
Case No. R5-20080909-832
Town of Putnam
Royal Anchorage Estates Wastewater System
Putnam (T), Washington (Co.)**

Dear Mr. Breitenbach:

This is a follow-up to the New York State Department of Environmental Conservation (Department) Notice of Violation letter (see enclosed) to the Town of Putnam dated August 27, 2008. The purpose of that letter was to formally inform the Town that they were in violation of Section 17-0501 of the Environmental Conservation Law and numerous provisions of the *State Pollutant Discharge Elimination System (SPDES) General Permit (GP-0-08-001) for Stormwater Discharges from Construction Activity* (the "general permit").

Enclosed you will find a Consent Order which seeks to resolve the violations through the imposition of a penalty. If your client chooses to accept the Department's settlement offer, please have them sign and notarize the Consent Order, produce a certified check or money order made payable to the Commissioner of the Department of Environmental Conservation, and return them to NYSDEC - Region 5, Attn: Legal Affairs, 1115 State Route 86, P.O. Box 296, Ray Brook, NY 12977-0296 office **by September 30, 2008**. The Department will complete execution of the Consent Order and provide you with a copy.

Should your client decide not to accept this settlement offer, this matter will be referred to, and pursued by, the Regional Attorney.

If you have any questions on this matter, please feel free to contact me at (518) 623-1228.

Sincerely,

William E. Lupo, P.E.
Environmental Engineer 2

WEL:lc
Enclosure

cc w/o enc.: Greg Bombard - Bombard Excavating Corp.
Supervisor John LaPointe - Town of Putnam
Timothy Moot, CPG - Clark Patterson Lee

ec w/enc.: Christopher Lacombe, Esq. - NYSDEC, Ray Brook

ec w/o enc.: Shaun LaLonde, P.E. - APA
Brian Huyck, P.E. - NYSDEC, Ray Brook
Bill Wasilauski, P.E. - NYSDEC, Warrensburg
Michael White - Lake George Park Commission

bec w/o att.: Chris Navitsky - Lake George Waterkeeper