



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

**Permit Issued To:**

TOWN OF NEW PALTZ  
52 CLEARWATER RD  
PO BOX 550  
NEW PALTZ, NY 12561-0550  
(845) 255-5050

**Facility:**

NEW PALTZ WATER DISTRICT No. 5  
BRICKNER LN  
NEW PALTZ, NY 12561

**Facility Location:** in NEW PALTZ in ULSTER COUNTY

**Facility Principal Reference Point:** NYTM-E: 574.592867267505  
4620.63308287346

NYTM-N:

Latitude: 41°44'02.4" Longitude: 74°06'11.0"

**Project Location:** Plains Rd and Brickner Lane

**Authorized Activity:** Taking of a supply of water for use in the newly created New Paltz Water District No. 5 of 20 gallons per minute (gpm) from Wells PW-1 and PW-2. A secondary pumping program, as described in Water Withdrawal Public Permit Condition Nos. 1, 2, 3 and 4, is approved for use only during planned outages of the New York City Catskill Aqueduct.

#### Permit Authorizations

**Water Withdrawal Public - Under Article 15, Title 15**

Permit ID 3-5138-00218/00001

(WWA No. 12,337)

New Permit

Effective Date: 2/26/2018

Expiration Date: 2/25/2028

#### NYSDEC Approval

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: JOHN W PETRONELLA, Regional Permit Administrator

Address: NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

Authorized Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "John W. Petronella", written over a horizontal line.

Date 2 / 26 / 2018

#### Distribution List



Rebecca Minas, Barton and Loguidice  
Jim Garry, DEC CO  
Aparna Roy, DEC R3

## Permit Components

WATER WITHDRAWAL PUBLIC PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

## WATER WITHDRAWAL PUBLIC PERMIT CONDITIONS

1. **Source Approval Table** This table summarizes all system source approvals:

Well Field or Source of Water Supply	Well No.	Status	Individual Permitted Source Yield (gpm)		Maximum Permitted Well Field Yield (gpm)	
			Primary Pumping Program	Secondary Pumping Program <sup>1</sup>	Primary Pumping Program	Secondary Pumping Program <sup>2</sup>
Plains Road Wellfield	PW-1	New	20	275	20	400 <sup>1</sup>
	PW-2	New	20	125		
	PW-3 <sup>2</sup>	New	20	275		
<b>Total Approved<sup>3</sup></b>					20 (28,800 gpd)	400 <sup>1</sup> (576,000 gpd)

Note 1: A secondary pumping program is approved for use only during planned outages of the New York City Catskill Aqueduct. The pumping rate may be increased to 400 gpm for no more than 70 consecutive or non-consecutive days. Pumping must take place between October 1 and March 31 of any calendar year. The tested rate at PW-1 is 275 gpm and at PW-2 is 125 gpm. See Water Withdrawal Public Permit Condition No. 2.

Note 2: Prior to the first Aqueduct shutdown period, redundant well PW-3 will be installed and tested using the Department's Pumping Test Procedures. See Water Withdrawal Public Permit Condition No. 5.

Note 3: The Village of New Paltz Reservoir system is another source of public water supply available to the Town. Its yield is not listed in this table.



**2. Secondary Pumping Program** A secondary pumping program is approved for use only during planned outages of the New York City Catskill Aqueduct. The pumping rate may be increased to 400 gpm for no more than 70 consecutive or non-consecutive days. Pumping must take place October 1 and March 31 of any calendar year. The tested rate at PW-1 is 275 gpm and at PW-2 is 125 gpm.

**3. Plains Road Wellfield Recovery** Pumping at 400 gpm may not recommence until groundwater levels at the Plains Road Wellfield recover to at least 90% of seasonal static levels. Seasonal static levels will be established in the winter, spring, and summer of 2018 during routine (20 gpm) wellfield use, referred to as "Primary Pumping Program" in Condition No. 1 and demonstrated to the satisfaction of the Department.

Groundwater levels and water production at the wellfield must be collected on a daily basis and maintained in a database to be used to determine seasonal static levels. Monthly updates shall be sent to "NYSDEC Regional Water Engineer, 100 Hillside Avenue, White Plains NY 10603" and cc to "Bureau of Water Resources, 625 Broadway, Albany NY 12233-3508". Collection of this information will continue until the New York City Catskill Aqueduct outages referenced in Special Condition No. 2 are no longer scheduled.

**4. Annual Precipitation Requirement for Secondary Pumping Program** When the total amount of precipitation (to date) is at or below 80% of the average annual precipitation for the preceding 12 month period as recorded at the Mohonk Lake Cooperative Weather Station, pumping at the well field will be reduced to 275 gpm. When the percentage falls to 70% or below, pumping will cease except for the Primary Pumping Program of 20 gpm.

Historic average annual precipitation is defined as the total of the historical average precipitation for the months of October through September for the period of record, 1900 to present, for the Secondary Pumping Program wellfield use year. For the dates other than October 1st start date, a similar analysis will be applied.

**5. Redundant Well PW-3** Redundant Well PW-3 shall be installed, tested and reported to the Department prior to the first Aqueduct Shutdown period. The pumping test must follow the Department's Pumping Test Procedures for Water Withdrawal Permitting.

**6. Approval of Plans by NYS DOH** Contract plans and specifications, or changes thereto, for a public water supply system for which a permit has been issued by the Department are subject to review and approval by the Department of Health prior to the commencement of construction.

**7. Approval of Completed Works from NYSDOH** The water withdrawal permittee shall submit to the Department a copy of the Approval of Completed Works issued by the Department of Health before the commencement of final operation of the water withdrawal system.

**8. Water Sampled and Approved by NYSDOH** Before any water from the source(s) approved herein may be used for any purpose, the permittee shall collect and analyze a sample of the water from each source and shall submit the results of such analyses to the NYS Department of Health (NYSDOH).



**9. Protect Land Around Well** All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. Any lesser distances must be acceptable to the NYS Department of Health. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments, and the construction of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.

**10. Enclose and Protect Pumping Facilities** The physical pumping facilities and controls at any well site approved herein shall be protected against damage or tampering either by a fence or other suitable enclosure or by their manner of construction and installation.

**11. Map of Approved Water Supply Service Area** The approved water service area of the Water District No. 5 is shown on a map submitted with this application entitled, Proposed Roehrs' Wellfield Water District Boundary Map, by David Clouser & Associates and dated 08/31/2015.

**12. Water Sales Table**

This table summarizes all water sales to outside customers				
WWA No.	Modification No.	Water Purchased By	Approval Date	Maximum Sale Amount (gpm.)
12,337	-	Village of New Paltz	2/23/2018	400
			<b>Total Sales</b>	<b>X</b>

**13. Treatment Before Distribution** Nothing contained in this permit shall authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).

**14. Watershed Rules and Regulations** If directed by the NYS Department of Health (NYSDOH), the permittee shall adopt watershed rules and regulations, pursuant to Section 1100 of the Public Health Law, for the protection from contamination of the water supply source(s) approved herein. A copy of such rules and regulations shall be filed with the

Water Withdrawal Program  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

**15. No Distribution Beyond District Without Approval** Nothing contained herein shall authorize the permittee to distribute water to any water district extension or out of district user that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.



- 16. Minimize Erosion** During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.
- 17. Discharge of Chlorinated Water** The permittee shall ensure that water used for disinfecting water mains, storage tanks and other water system appurtenances, if discharged to area streams, has a free chlorine residual not exceeding 0.05 milligrams per liter (mg/l) at the point of discharge.
- 18. Diminished Private Drinking Water Wells** The permittee shall make provisions to provide an adequate supply of water to those residents whose private drinking water wells are significantly diminished or rendered non-productive by the permittee's use of the sources of water supply approved by this permit.
- 19. Meter All Sources and Customers** The permittee must install and maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system. Source master meters are to be read, and records kept of those readings on a weekly basis. At a minimum, customer service meters are to be read, and records kept of those readings, at least once per year. The permittee must maintain records of production (master meter readings) and consumption (service meter readings) for each calendar year.
- 20. Transfer of Ownership of Water Withdrawal Systems** Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.
- 21. Meter Calibration for Publicly Owned Systems** At least once every fifteen years, the permittee must have all of its small service connection meters (less than 1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of the meter used.
- 22. Conduct Water Audits** At least once annually, the permittee must conduct a system-wide water audit that utilizes metered water production and consumption data to determine unaccounted-for water.
- 23. Leak Detection and Repair Program** The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.
- 24. Permittee Must Maintain Records** The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.
- 25. Annual Water Withdrawal Reports** The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY, by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water



supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.

**26. Water Well Protection and Decommissioning** The Permittee must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Supply Well Decommissioning Recommendations, <http://www.dec.ny.gov/lands/86955.html>. Decommissioning of any potable well must be documented on the form provided at [http://www.dec.ny.gov/docs/water\\_pdf/welldecommissform.pdf](http://www.dec.ny.gov/docs/water_pdf/welldecommissform.pdf). The completed form must be forwarded to the address on the form and to the addresses below:

Regional Permit Administrator  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

Regional Water Manager  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

**27. Permit Expiration and Renewal** Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration.

**28. Right to Rescind** The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by December 22, 2018.

<b>GENERAL CONDITIONS - Apply to ALL Authorized Permits:</b>
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**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.





**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

**4. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**5. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

<b>NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS</b>
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**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does



not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Item E: SEQR Type I Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as a Type I Action with New Paltz Town Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.