

New York State Department of Environmental Conservation

Division of Water

Bureau of Water Resource Management, Floor 4

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Alexander B. Grannis
Commissioner

MAR 30 2010

Honorable Robert Stanley
Supervisor
Town of Shandaken
P.O. Box 134
Shandaken, NY 12480

Dear Supervisor Stanley:

As you may know, the Upper Esopus Creek flows directly into the Ashokan Reservoir, which is a terminal reservoir within the Catskill watershed portion of the New York City drinking water supply. Water from the Ashokan Reservoir then flows down the Catskill Aqueduct directly into the Kensico Reservoir where it then enters New York City's water distribution system. The Ashokan Reservoir and the Catskill Watershed provides 40 percent of the drinking water supply for eight million residents of New York City and one million upstate consumers located in Ulster, Orange, Putnam and Westchester Counties.

As part of our commitment and obligations to maintain and protect the quality and purity of the New York City drinking water supply, the New York State Department of Environmental Conservation's (Department) Stream Biomonitoring Unit (SBU) sampled the Upper Esopus Creek from Olivera to Boiceville within Ulster County, New York during 2007, 2008, and 2009. Sampling was conducted as routine monitoring of long-term sites to documents changes to water quality. Sampling is expected to conclude in 2010 at which time the Department will issue its final report. The initial results, which are published in the enclosed draft report, indicate that water quality is adversely impacted below the Hamlet of Phoenicia and that these water quality impacts may be a result of runoff from the un-sewered hamlet. The Department will continue to monitor water quality along this portion of the Upper Esopus Creek and plans to undertake an initiative to identify and track down potential source(s) of pollution that may be contributing to water quality degradation of this natural resource within the area of the Hamlets of Phoenicia and Chichester.

Our Department has recently become aware of a number of septage issues within the Hamlet of Phoenicia at both residential and commercial facilities. Actions are necessary to address this situation. Recognizing that the problems are throughout the area, a community wide approach appears to represent the best solution. Although individual property owners may be the source of the problem, individual corrective actions may not represent the best solution from either a practical or economic point of view. Many of the individual properties have limited ability due to the size of the property, elevated groundwater, etc., for the installation of an appropriate system and, therefore, the system which is installed may be limited in effectiveness, expensive, and have a short life span.

The Department understands that the Hamlet of Phoenicia was an eligible community identified in Paragraph 122 – New Sewage Treatment Infrastructure Facilities for Towns, Villages and Hamlets of the 1997 New York City Watershed Memorandum of Agreement (MOA). In turn, the City of New York provided the Hamlet of Phoenicia approximately \$17.2 million to construct a wastewater treatment plant that would provide state-of-the-art water quality treatment, while sufficiently and cost-effectively correct any existing or future residential/commercial septage issues within the hamlet which would allow the Hamlet of Phoenicia to further grow and prosper. It is the Department's understanding that the Town of Shandaken is currently contemplating whether to move forward with the proposed community wastewater treatment and disposal system. Our Department believes that the long term solution to the sewage disposal options is the installation of a public sewer system. Furthermore, it is the Department's understanding that if this MOA funding is not utilized then the entire financial burden of constructing such a facility would be the responsibility of the residents and commercial businesses within the Hamlet.

If you have any questions or if I can be of assistance, please feel free to contact me at (518) 402-8110.

Sincerely,



Kenneth Kosinski, P.E.
Section Chief
New York City Watershed Section

Enclosure

cc: Mark Klotz, NYSDEC
Scott Crisafulli, NYSDEC
Mary vonWergers, NYSDEC
Willie Janeway, NYSDEC
Thomas Rudolph, NYSDEC
John Parker, NYSDEC
Thomas Snow, NYSDEC
Dave Warne, NYCDEP
Roger Sokol, NYSDOH
William Harding, NYSDOS
Philip Sweeney, USEPA
Philip Bein, NYSAG
D. Lucas, Coalition of Watershed Towns
Alan Rosa, Catskill Watershed Corporation
Dr. La Mar Hasbouck, UCDOH
Laurilyn Fraiser, Town Clerk, Town of Shandaken