



September 15, 2009

Mr. Stuart F. Gruskin
Executive Deputy Commissioner
New York State Department of Environmental Conservation
14th Floor
625 Broadway
Albany, NY 12233

Re: Lake George Village & Caldwell Sewer District Moratorium

Dear Mr. Gruskin,

As you are aware, the FUND for Lake George and Lake George Waterkeeper have been concerned about the operation of the Lake George Village Wastewater Treatment System. It is our opinion that this system is stressed and often operates at its capacity resulting in negative impacts to the AA-Special water quality of Lake George.

Previously, we wrote the Department of Environmental Conservation (DEC) with the suggestion that there be an independent, public audit of the operation and condition of this system and that this should be a condition of a Consent Order from the DEC for violations of state water quality laws from the July 5th sewage spill into Lake George. This remains important to daylight many issues facing the management of this system.

Today, we're writing about another related issue. We are deeply concerned about mismanagement of sewer allocations granted to the Caldwell Sewer District, which is tributary to the Lake George Village Wastewater System, and is owned and operated by the Town of Lake George. The Town has operated its system without a contract with the service provider (Lake George Village) for years. Recently, the Village of Lake George called for a moratorium for new hook-ups to this system; the FUND for Lake George and Lake George Waterkeeper support this action and call for the DEC to support this action as well.

In 2005, Lake George Village realized a need to increase its system's efficiency and/or capacity. This resulted in a limit of sewer connections for the Town that would be ultimately tributary to the wastewater treatment plant from the Caldwell Sewer District until such a time that the plant's capacity was expanded or inflow/infiltration was eliminated. The number of connections was determined to be 51 based on the total proposed connections of three subdivisions currently under review by the Town of Lake George Planning Board.

The Lake George Waterkeeper has monitored the approval actions of the Town of Lake George Planning Board regarding the allocation of the sewer credits. Through our accounting, it was

discovered the Town of Lake George had exceeded the number of connections by December 2007, increased the number of allowable new hooks ups by more than 50% by this summer, and has new applications currently pending that could more than double the initial allocation from the Village. This fact has been consistently reported to the Town and as recently as March 2009 the Lake George Village Mayor informed the Town of Lake George it has exceeded its connections previously allocated. Please find attached the March 2009 letter from the Mayor of Lake George Village as well as a detailed account of the approvals granted by the Town of Lake George Planning Board through the present that shows the system is now being oversubscribed.

The fact the Town of Lake George fails to adhere to previous agreements has resulted in additional pressures to the Lake George Village Wastewater Treatment System. These pressures are well amplified by the failure on July 5th of the Lake George Village pump station/system that resulted in a sewage spill at Shepards Park Beach, which had significant water quality impacts.

In light of the July 5th sewage spill, and the immediate need to implement corrective measures, Lake George Village discussed the concept of imposing a moratorium on new connections to the wastewater treatment system until the system is upgraded. This was discussed at a joint meeting with elected officials from the Town of Lake George on August 18, 2009. At this meeting the officials from the Town of Lake George refused to discuss the moratorium as well as refused to acknowledge the previous agreement regarding the 49 total connections to the sewer collection system.

Many have pointed to the need to upgrade the Village system and we agree. Yet, capital projects are not the only means to address aging infrastructure, which will be difficult to fund in these current times. Proper planning and sound management can reduce increased capacity pressures on the system, which will reduce operation costs to the district users and risk to Lake George.

The FUND for Lake George and the Lake George Waterkeeper urge the DEC to support a moratorium and include this as a condition to the Consent Order, which has not yet been finalized. A moratorium will reduce the stresses on the Lake George Village Wastewater Treatment system.

It is also important to note that that the Town of Lake George has not complied with DEC requirements for sewer extensions as required under Subpart 750-2.10 of the New York State Department of Environmental Conservation regulations. This section states that prior to any new service area generating wasteflow (i.e. sewage connection), the permittee shall submit to the regional water engineer an approvable engineering report, plans, and specifications, and that the construction of such service area shall not start until the discharger receives written approval from the DEC. Based on this, it would appear any extension to the Caldwell Sewer District (servicing one or more sewer connections) would be required to have acceptance letters from the Lake George Village Treatment Plant and an approval letter from the DEC to the Village of Lake George for the sewer extension.

It does not appear that any of these actions have taken place and that the Town and Village have failed to comply with DEC regulations. We request that the DEC investigate the process that governs expansion of the Caldwell Sewer District managed by the Town of Lake George to evaluate compliance with DEC regulations. The Town of Lake George has resisted the call by

the Village for a moratorium. It appears that DEC regulations may provide the Village, if it chooses to adhere to these regulations, with the authority to effectively unilaterally enforce a moratorium. If this is the case, we request that the DEC inform the Village of its authority.

We look forward to the opportunity to discuss this matter in greater detail at your convenience. Thank you for your consideration and attention.

Sincerely,



Peter Bauer
Executive Director
FUND for Lake George



Christopher Navitsky, PE
Lake George Waterkeeper

cc: J. Enck, Office of Governor
J. Kozlowski, Office of Governor
Elizabeth Gordon, NYSDEC
Chris Ballantyne, NYSDEC
James Tierney, NYSDEC
Betsy Lowe, NYSDEC
Tom Hall, NYSDEC
Bill Wasilauski, NYSDEC
Michael White, Lake George Park Commission
Curt Stiles, Adirondack Park Agency
Terry Martino, Adirondack Park Agency
Hon. Mayor Robert Blais
Hon. Supervisor Louis Tessier

Caldwell Sewer District Connections

Birch Ave Townhouses	18	PB approved 6/20/06
Mountains Edge Subdivision	16	PB reapproved 10/2/07
Holiday Inn (3 rd floor expansion)	6	PB approved 11/8/06
39 Cedar Lane	1	ZBA approved 3/1/07
Studio Motel Expansion	4	PB approved 6/5/07
Brookside Townhouses	5	PB approved 12/18/07
Trustco Mall (1093 Group, LLC)	2	PB approved 12/18/07
Total Connections approved 3/09	52	March 4, 2009 letter to Keith Hanchett
Total Connections available 12/05	49	VLG 12/9/05 letter (49 SFD + 1 drugstore)
<u>Not included:</u>		
Boswell BBD	25	Accepted by VLG 12/9/05; 3/3/09 Planning Town of Lake George Board Public Hearing
Brookside Townhouses	14	(19 units approved by Planning Board)
<u>Applications Pending</u>		
Cohold	27	Application made to Town of Lake George



VILLAGE OF LAKE GEORGE, NEW YORK

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March 6, 2009

Mr. Keith Hanchett, Chairman
Town of Lake George Planning Board
26 Old Post Road PO Box 392
Lake George, NY 12845

Dear Keith:

I have just received a copy of a letter dated March 4, 2009 from the Waterkeeper, Christopher Navitsky.

His calculations agree with those items previously furnished us by Robb Hickey. If you agree, you have exceeded the connections previously agreed upon by past Planning Boards.

We do wish to repeat, however, our May 17, 2006 correspondence indicating that the allocation of credits is entirely up to the Town, how you approve them and the policy.

If you intend to honor the 34 credits for Carr and Mountain's Edge than you obviously have reached the limit.

We did not receive the grant for additional beds, have filed for stimulus money and have proceeded with state-mandated improvements in other areas.

Since October, 2005 we have encouraged the Caldwell District to investigate their infiltration to reduce their flows. That option still exists.

Sincerely,

Robert M. Blais
Mayor

cc: Village Board
Waterkeeper
Councilman McCoy

RMB/das