



LAKE • GEORGE
WATERKEEPER®

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July 2, 2009

Mr. William Lupo, PE
New York State Department of Environmental Conservation
232 Golf Course Rd.
Warrensburg, NY 12885

Re: Jackson – Stormwater Discharge
Bolton (T), Warren Co.
Application No. 5-5220-00338/00001
SPDES Permit NY-0265691

Dear Mr. Lupo:

As you are aware, the Lake George Waterkeeper has expressed concern regarding the above referenced permit issued for Discharge of Stormwater from Construction Activities by the New York State Department of Environmental Conservation.

Our first comments were submitted in response to the public comment period for the draft permit in December 2008. Although the permit was issued, our office did not receive a response to the public comments on this permit.

Our second set of comments were submitted in May 2009 regarding an observation of the site during the early stages of earth disturbance, rough grading and initial erosion and sediment control. It was evident there was significant bedrock encountered in areas of proposed infiltration basins. In addition, the significant bedrock encountered would reduce the soil available for site infiltration resulting in increased overall runoff during and after construction.

The following photographs were taken at the base of the driveway during two rain events on consecutive days, June 30 and July 1, 2009. It would appear the site is not adequately addressing runoff from construction activities and would be violating conditions of the permit pertaining to maintaining water quality:

- There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions.
- There shall be no increase in suspended colloidal and settleable solids that will cause deposition or impairment to waters.



THE FUND for LAKE GEORGE

Photographs of Deer Creek Road on June 30, 2009 showing sediment entering the public road and drainage ditch from the Jackson construction site. Photo below shows runoff flowing off roadway into wetland area.



Photographs of culvert under Jackson driveway taken on June 30, 2009. Photo on left was at the beginning of a rain event. Photo on right was taken 20 minutes into rain event. Notice the increase in sediment laden runoff at the entrance to culvert. Photo directly above is of culvert discharge during rain event.



Photographs taken on July 1, 2009 on Deer Creek Road. Photos document sediment laden runoff flowing off the driveway untreated and off the site.



Photographs of sediment controls at base of driveway which are failing or where maintenance is neglected. On the left, runoff flows around the earthen berm of the sediment impacted lower infiltration basin. Below, sediment is 2/3 height of silt fence.



The Lake George Waterkeeper again expresses concern about the project and its ability to meet the conditions of the Individual Permits for Discharge of Stormwater from Construction Sites. Additionally, there is concern about the site's ability to adequately manage stormwater due to the lack of sufficient depth to bedrock (3 feet is required as per NYSDEC Stormwater Design Manual), significant soil alteration and steep slope conditions. This is resulting in significant volumes of runoff during construction resulting in the sedimentation documented.

The Lake George Waterkeeper requests the NYSDEC to investigate the site relative to the conditions of the above reference permit. In addition, the Lake George Waterkeeper requests a detailed response from the NYSDEC regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Navitsky". The signature is written in a cursive, slightly slanted style.

Christopher Navitsky, PE
Lake George Waterkeeper

cc: David Gasper – NYSDEC
Jim Tierney - NYSDEC
Jeffery Odefey – Waterkeeper Alliance
Pam Kenyon – Town of Bolton