

Region: NYC Metro/Long Island (12)

Account #: [REDACTED]  
 Account Type/Term: 7 Year Struct CD  
 Opening Amount \$: \$50,000.00  
 Opening Interest Rate: 1.64%  
 Annual Percentage Yield: 1.66%  
 Issue Date: 02/23/2012  
 Maturity Date: 02/23/2019

Account Title:  
[REDACTED]

If checked, credit interest to:  
 Account #: \_\_\_\_\_  
 Account Type: \_\_\_\_\_  
 (Checking or Savings)

1. By this Term Deposit Certificate (the "Certificate"), TD Bank, N.A. (the "Bank") hereby acknowledges your deposit in the above amount, payable on the maturity date and at the rate(s) of interest set forth above.
2. This Certificate is subject to the terms and conditions of the Personal or Business Deposit Account Agreement, as applicable (the "Agreement"), and the Bylaws of the Bank, as either may be amended from time to time. The terms and conditions of the Agreement are hereby incorporated by reference and made part of this Certificate.
3. Upon maturity, this Certificate shall be renewed automatically for successive terms or rolled into another product type as specified in the Agreement for this type of Certificate, unless your entire deposit is withdrawn on or within ten (10) days after the maturity date appearing above or any subsequent maturity date. Interest will be paid for the period following maturity on any part or all of the deposit within ten (10) days after the maturity date. Interest not withdrawn will be converted to principal upon renewal of the Certificate.
4. Any early withdrawals from this statement Certificate, if allowed, are subject to certain conditions and may result in an early withdrawal penalty as provided in the Agreement for this type of Certificate.
5. This Certificate and the deposit represented hereby may not be transferred, pledged or assigned without the Bank's prior written consent, at the Bank's discretion.
6. This is a receipt for your statement Certificate. All deposit balances shall be evidenced on your account statements and/or the Bank's general ledger records.

Jenna [Signature]  
 Authorized Bank Signature

**REDEMPTION INFORMATION**

Endorsement of Customer \_\_\_\_\_ Date \_\_\_\_\_  
 (This Section For Bank Use Only)

Principal: _____	Disbursed by (check one):	<input type="checkbox"/> Check # _____
Interest: _____		<input type="checkbox"/> Credit Account # _____
Penalty: _____		(Indicate Account Type): <input type="checkbox"/> DDA <input type="checkbox"/> SVGS
Total Proceeds: _____	Redeemed by: _____	
	Branch: _____	
	Date Redeemed: _____	



State of New York  
Department of State  
Committee on Open Government

One Commerce Plaza  
99 Washington Ave.  
Albany, New York 12231  
(518) 474-2518  
Fax (518) 474-1927  
<http://www.dos.ny.gov/coog/>

FOIL-AO-14921

September 29, 2004

E-Mail

TO:

FROM: Robert J. Freeman, Executive Director

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the information presented in your correspondence.

Dear

As you are aware, I have received your inquiry concerning rights of access to both sides of checks "written by a municipality in payment of goods or services, or pursuant to court order..." You indicated that your municipality "claims that the account number on the reverse side is protected..."

In this regard, as a general matter, the Freedom of Information Law is based upon a presumption of access. Stated differently, all records of an agency are available, except to the extent that records or portions thereof fall within one or more grounds for denial appearing in §87(2)(a) through (i) of the Law.

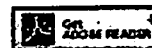
Insofar as a check includes a personal account number, I believe that §87(2)(b) is pertinent. That provision authorizes an agency to deny access to records insofar as disclosure would constitute "an unwarranted invasion of personal privacy." From my perspective, that exception could properly be asserted to withhold a personal account number.

When the account number relates to a municipality or a commercial entity, for example, or an entity other than a person, I note that, for several years, §87(2)(i) authorized an agency to withhold "computer access codes." Based on its legislative history, that provision was intended to permit agencies to withhold access codes which if disclosed would provide the recipient of a code with the ability to gain unauthorized access to information. Insofar as disclosure would enable a person with an access code to gain access to information without the authority to do so, or to shift, add, delete or alter information, i.e., to make electronic transfers, I believe that a bank account or ID number could justifiably have been withheld. Section 87(2)(i) was amended in recognition of the need to guarantee that government agencies have the ability to ensure the security of their information and information systems. That provision currently states that an agency may withhold records or portions of records which "if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures." If disclosure of a bank account number could enable a person to gain access to or in any way alter or adversely affect electronic information or electronic information systems, I believe that it may justifiably be withheld.

Lastly when a check may be used or deposited by an individual, the back of the check indicating an endorsement could, based on a judicial decision, be withheld. In *Minerva v. Village of Valley Stream* (Sup. Ct., Nassau Cty., August 20, 1981), the issue involved a request for copies of both sides of cancelled checks made payable to a municipality's attorney. Although the court held that the front sides of the checks, those portions indicating the amount paid to the attorney, must be disclosed, it was found that the backs of the checks could be withheld, for disclosure might indicate how the attorney "spends his 'paychecks.'"

I hope that I have been of assistance.

RJF:jm



**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

X-----X

In the Matter of the Violation of  
Article 17 of the New York State Environmental  
Conservation Law ("ECL"), by:

**ORDER ON CONSENT  
CASE NO. R3-20070627-85**

Town of Tuxedo

Respondent

(Orange County)

X-----X

**WHEREAS:**

1. The New York State Department of Environmental Conservation ("DEC" or "Department") is responsible for the administration and enforcement of law and regulation pursuant to Article 17 of the New York State Environmental Conservation Law ("ECL").

2. On March 9, 2007, the Department of Environmental Conservation documented a violation by Town of Tuxedo at Tuxedo Recycling, located at 984 Long Meadow Rd., Tuxedo. Specifically: Respondent discharged leachate to the waters of the state in violation of ECL Section 17-0803, which states it shall be unlawful to discharge pollutants to the waters of the state from any outlet or point source without a SPDES permit.

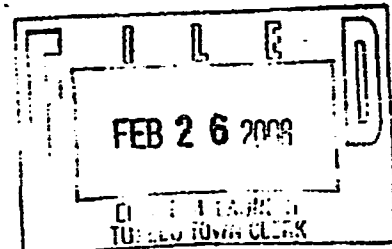
3. Respondent affirmatively waives the right to a public hearing in this matter in the manner provided by 6 NYCRR Part 622, and consents to the entering and issuing of this Order, and agrees to be bound by the terms and conditions of this Order.

**NOW, having considered this matter and being duly advised, it is ORDERED that:**

I. Respondent shall be liable to pay a civil penalty in the amount of \$5,000.00, of which \$2,500.00 is payable and was submitted by Respondent; the remaining amount, \$2,500.00, is suspended provided Respondent strictly adheres to the terms and conditions of this Order, including the Compliance Schedule attached hereto.

II. This Order shall not become effective until it is signed by the Regional Director on behalf of the Commissioner.

III. This Order may be changed only by written order of the Commissioner or the Commissioner's designee.



IV. This Order shall be deemed binding on Respondent, any successors and assigns and all persons, firms and corporations acting under or for Respondent, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State.

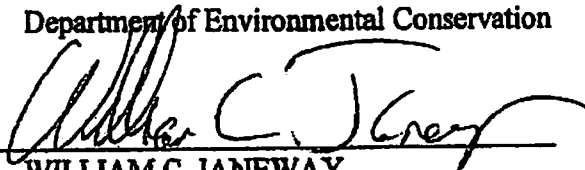
V. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and any successors (including successors in title) and assigns.

Dated: New Paltz, New York

2/25 2008

ALEXANDER B. GRANNIS  
Commissioner  
New York State  
Department of Environmental Conservation

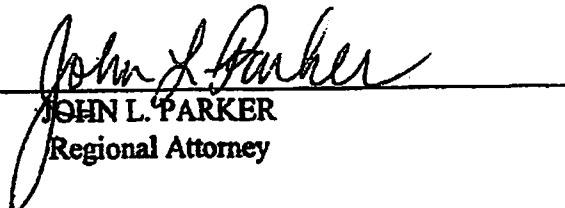
By:



WILLIAM C. JANEWAY  
Regional Director  
Region 3

This Order on Consent has been reviewed and approved by the Regional Attorney as to form.

By:



JOHN L. PARKER  
Regional Attorney

Date: February 25 2008

## **COMPLIANCE SCHEDULE**

### **I. GENERAL REQUIREMENTS:**

**Immediately:** Respondent(s) shall cease and desist from any and all future violations of the New York State Environmental Conservation Law and the rules and regulations enacted pursuant thereto.

Respondent(s) shall certify completion of the work required under this schedule, to the Department within five (5) days of its completion.

**All technical submittals to the Department required under this Order shall be made by Respondent(s) as follows:**

**Three copies to Natalie Brown, Region Three, New York State  
Department of Environmental Conservation, 100 Hillside Avenue  
- Suite 1W -, White Plains, NY 10603-2860**

### **II. SPECIFIC REQUIREMENTS:**

1. Upon the effective date of this order, Respondent shall submit an approvable engineering report to DEC evaluating mulching runoff collection and recommending improvements.

2. Upon the effective date of this order, Respondent shall submit a Licensed Engineer's Certification that all work contained in the approved engineering report to collect mulching runoff has been done and all discharges to the environment have permanently ceased.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NUMBER  
68127

RECEIPT

Region Number 3 Date 1/22/08

Location New Paltz Division Legal Affairs

Received of Town of Tuxedo

In the amount of Two thousand five hundred dollars <sup>and 00/100's</sup> \$ 2,500.

For Civil Penalty - Article 17

R3-20070627-85

- Cash Department Representative SD
- Check Number 13176 Title Secretary 1
- Money Order

ORIGINAL

THIS DOCUMENT HAS INVISIBLE FLUORESCENT FIBERS. VIEW UNDER BLACK LIGHT.

<p><b>TOWN OF TUXEDO</b> 1 TEMPLE DRIVE TUXEDO, NY 10987</p>	<p>JPMorgan Chase Bank, NA 241 Route 17 Tuxedo, NY 10987</p>	<p>50-53 21A</p>	<p><b>13176</b> CHECK NO.</p>
		DATE	CHECK NO.
		07/24/2007	\$ 2,500.00
<p>PAY two thousand five hundred &amp; 00/100 dollars</p>			
<p>TO THE ORDER OF</p>	<p>NYSDEC DIVN OF LEGAL AFFAIRS REGION 3 21 SOUTH PUTT CORNERS ROAD NEW PALTZ NY 12561</p>	<p>BY ORDER OF TOWN BOARD <i>John Spruch</i></p>	

MICRO PRINT SIGNATURE LINE (MAGNIFY TO VIEW)

⑈013176⑈ ⑈021410637⑈ ⑈0251006052⑈

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Articles 17, 24 and 27 of the  
Environmental Conservation Law ("ECL") and  
Parts 360 and 663 of Title 6 of the Official Compilation of  
Codes, Rules and Regulations of the State of New York  
("6 NYCRR"), by

ORDER ON CONSENT  
Case No. R3-20100630-69

Town of Tuxedo,

Respondent.

WHEREAS:

1. The Department of Environmental Conservation ("DEC" or "the Department") is a Department of the State of New York with jurisdiction to enforce the environmental laws of the State pursuant to Environmental Conservation Law ("ECL") § 3-0302.

2. DEC has jurisdiction over solid waste, water pollution and freshwater wetlands pursuant to Articles 17, 24 and 27 of the Environmental Conservation Law.

3. Respondent Town of Tuxedo is a municipality maintaining offices at One Temple Drive, Tuxedo, New York, and is the owner of a property (Department of Public Works or "DPW") and permittee for a solid waste registered facility located at the Town's DPW facility at 984 Long Meadow Road, Tuxedo, New York (the "Facility"). The site also contains the municipal Department of Public Works, and soil and woodchip processing facilities.

4. On March 8, 2010, the Department of Environmental Conservation documented several violations by the Respondent at the Facility. Specifically, Respondent violated:

A. The Respondent was not operating in accordance with the registration provisions of 360-5.3(b)(1)(i). The amount of yard waste accepted on site significantly exceeded the 10,000 cubic yards per year maximum.

B. Leachate was observed to be entering surface waters in violation of 6 NYCRR

360-1.14(b) and 360-5.7(b)(3).

C. The Department believes that "Ponding" was not minimized as required by 6 NYCRR 360-5.7(b)(5).

5. On February 11, 2008, the Respondent entered into an Order on Consent (#R3-20070627-85) that required the Respondent to eliminate all wastewater discharges to waters of the State and a licensed Engineer's Certification. As of the date of the October 18 inspection, the Respondent had not submitted the required Certification in violation of the Order.

6. On October 18, 2010, Department staff conducted an inspection of the Facility and determined that the Respondent had the following violations:

A. The Department believes that "Ponding" was not minimized as required by 6 NYCRR 360-5.7(b)(5).

B. The site inspection on October 18, 2010 identified that the Town of Tuxedo has not constructed, operated and maintained the site in accordance with the accepted plans and specifications as submitted to the Department, in violation of the Order. The respondent has not eliminated all discharges of mulch/topsoil/compost leachate to waters of the State, in violation of the Order and ECL 17-0803.

C. Respondent placed fill into Freshwater Wetland SL-12's adjacent area, in violation of ECL Article 24 and 6 NYCRR 663.4(d).

7. Respondent admits these violations and affirmatively waives the right to a public hearing in this matter in the manner provided by 6 NYCRR Part 622, consents to the issuing and entering of this Order, agrees to be bound by the terms, provisions and conditions of this Order, including the Compliance Schedule attached hereto, and waives the right to a public hearing in any matter that may arise under the terms of this Order.



I. **Civil Penalty:** Respondent shall be liable to pay a civil penalty in the amount of sixty-six thousand (\$66,000.00) dollars, fifteen thousand (\$15,000.00) dollars of which is payable to the Department by September 28, 2011 along with Respondent's return of an executed copy of this Order to the Department. The DEC case number appearing on the first page of this Order shall be endorsed on the face of the check. Ten thousand (\$10,000.00) dollars is payable to the Department by January 15, 2012. The civil penalty shall be paid by check, bearing the signature of Respondent, made payable to the "Department of Environmental Conservation" and forwarded to the Regional Attorney, New York State Department of Environmental Conservation, Region 3, 21 South Putt Corners Road, New Paltz, New York 12561. The remaining amount, forty-one thousand (\$41,000.00) dollars, is suspended provided Respondent strictly adheres to the terms and conditions of this Order, including the Schedule of Compliance, attached hereto as "Schedule A". If Respondent violates any term of this Order, including the Schedule of Compliance, the whole amount of the suspended penalty, or any portion thereof, shall be due from Respondent within 30 days of receiving written notice from the Department that penalties are due. The determination of the suspended penalty amount due shall be in the Department's sole discretion.

II. **Schedule of Compliance.**

Respondent shall strictly comply with the terms of this Order and with the attached Schedule of Compliance, including any report(s), plan(s), proposal(s) and other submissions made pursuant thereto. The Schedule of Compliance and all such submissions are hereby deemed incorporated into this Order, upon approval by the Department if such approval is required, and shall be fully enforceable as part of this Order.

III. **Notice of Noncompliance.**

In the event that the Department determines, in the Department's sole discretion, that the Respondent has failed to timely and fully comply with any provision of this Order, the Department may serve upon the Respondent a notice of noncompliance setting forth the nature of the violation(s). Service of such notice may be by personal service or by certified mail return

receipt requested (restricted delivery not required) at the Respondents' address as specified in Paragraph 3 of this Order, or, if such service is refused or cannot be completed, by ordinary mail.

**IV. Full Settlement.**

Until fully remediated in accordance with this Order, all violations described above shall be considered continuing violations. The Department shall not institute any action or proceeding for penalties or other relief for the violations described above other than those actions and penalties set forth in this Order, for so long as Respondent remains in compliance with this Order. Any failure by Respondent to comply fully with the terms of this Order may subject the Respondent to further enforcement action for the violations described above. Compliance with this Order shall not excuse nor be a defense to charges of any violations of the ECL or any regulation or permit issued thereunder, which may occur subsequent to the date of this Order.

**V. Submission.**

All reports and submissions required in this Consent Order shall be submitted to the Department, via U.S. Mail, as follows:

a hardcopy original and an electronic copy in .pdf format on Compact Disc to:

*for wetlands submissions:*

Bureau of Habitat  
New York State Department of Environmental Conservation, Region Three  
21 South Putt Corners Road  
New Paltz, New York 12561  
Re: Case No. R3-20100630-69

*for solid waste submissions:*

Division of Materials Management  
New York State Department of Environmental Conservation, Region Three  
21 South Putt Corners Road  
New Paltz, New York 12561  
Re: Case No. R3-20100630-69

*for stormwater submissions:*

Division of Water  
New York State Department of Environmental Conservation, Region Three  
100 Hillside Avenue, Suite 1W  
White Plains, NY 10603-2860  
Re: Case No. R3-20100630-69

and an electronic copy in .pdf format on Compact Disc to the:

Regional Attorney  
Office of General Counsel  
New York State Department of Environmental Conservation, Region Three  
21 South Putt Corners Road  
New Paltz, New York 12561  
Re: Case No. R3-20100630-69

Respondent shall be responsible for the content of any submissions made pursuant to this Order and shall certify in writing to the Department that such submission complies with the requirements set forth in this Order. Submission of any material containing assertions of fact shall be considered an affirmative representation by Respondent of the truth of such assertions. Respondent shall be in violation of this Order if any submission is of such poor quality that it does not constitute a good faith effort to comply with the provisions of this Order.

**VI. Review of Submitted Remedial Plans and Proposals.**

After review of any remedial plan or proposal required by this Order and its Schedule of Compliance, the Department shall notify Respondent, in writing, of its approval or disapproval of the submission. If the Department approves the submission, Respondent shall implement it in accordance with its schedule and terms, as approved. If the Department disapproves the submission, the Department shall provide to Respondent written notice of its disapproval, specifying with reasonable particularity the grounds for disapproval. Within 30 (thirty) days after Respondent receives written notice of disapproval, Respondent shall submit a revised submission which fully responds to each of the Department's specified grounds for disapproval. After the Department's receipt of Respondent's revised submission, the Department shall notify

Respondent, in writing, of its approval or disapproval. If the Department approves the revised submission, Respondent shall implement it in accordance with its schedule and terms, as approved. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accept such modifications as may be specified by DEC to make it approvable. If the Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submission, the Respondent shall be in violation of this Order. Upon Department approval, a submission or revised submission shall be deemed incorporated into this Order.

#### **VII. Notice of Work.**

Respondent shall provide notice to the Department of any excavating, drilling, sampling, construction or start-up of equipment to be conducted pursuant to the terms of this Order, if any, at least five (5) working days in advance of such activities.

#### **VIII. Inspections.**

For the purpose of insuring compliance with this Order, and with applicable provisions of the ECL and regulations promulgated thereunder, representatives of this Department shall be permitted access to the facility and to relevant records during reasonable hours to inspect and/or perform such tests which the Department deems appropriate to determine the status of Respondent's compliance.

#### **IX. Conveyance.**

In the event that Respondent proposes to convey the whole or any part of its ownership interest in the Facility, Respondent shall, not less than 30 days prior to the consummation of such proposed conveyance, notify the Department in writing of the identity of the transferee and of the nature and date of the proposed conveyance. In advance of such proposed conveyance, Respondent shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

**X. Other Approvals.**

Respondent shall be obligated to obtain whatever permits, easements, rights of entry, approvals or authorizations may be necessary in order to carry out its obligations under this Order. This Order shall not relieve the Respondent of the obligation to comply with any other laws, rules or regulations of the State of New York or any other governmental authority which are applicable to Respondent's activities, nor preclude or limit such enforcement action as may be authorized by law for any such violation.

**XI. Other Remedies; Natural Resource Damages.**

(a) Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent; (2) the Department's right to enforce, administratively or at law or in equity, the terms, provisions and conditions of this Order against Respondent, its directors, officers, employees, servants, agents, successors and assigns in the event that Respondent shall be in breach of the provisions hereof; (3) the Department's right to bring any action, administratively or at law or in equity against Respondent, its directors, officers, employees, servants, agents, successors and assigns which the Department could otherwise maintain with respect to areas or resources that may have been affected or contaminated as a result of the release or migration of wastes from the site or from areas in the vicinity of the site, or to require that Respondent take such additional measures as may be necessary for the protection of public health or the environment, including interim remedial measures; (4) the Department's right to commence any action or proceeding relating to or arising out of any disposal of hazardous wastes at the site, as those wastes are defined by applicable regulation; or (5) the Respondent's right to challenge any such action by the Department, whether by administrative hearing or otherwise, to the extent otherwise permitted by law.

(b) Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting any of the Department's rights or authorities, including the right to recover natural resource damages, against any party, including Respondent.

(c) This Order shall not be construed to prohibit the Commissioner or the Commissioner's duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

#### **XII. Indemnification.**

Respondent or any successors, assigns or transferees, shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

#### **XIII. Force Majeure.**

Respondent shall not be in default of compliance with this Order to the extent that Respondent may be unable to comply with any provision of this Order because of the action of a national or local government body (other than Respondent) or court, an act of God, war, strike, riot or catastrophe as to any of which the negligence or willful misconduct on the part of Respondent was not a proximate cause; provided, however, that Respondent shall use its best efforts to comply. Respondent shall provide written notice to the Department immediately upon obtaining knowledge of such event. In addition, Respondent shall, within twenty-one days of such event, provide written request to the Department for an appropriate extension or modification to this Order, along with documentation evidencing entitlement to relief herein. Relief under this clause shall not be available to Respondent, with regard to a particular event, if

Respondent fails to provide timely notice of such event. The Respondent shall have the burden of proving entitlement to relief under this clause, by clear and convincing evidence.

**XIV. Modification.**

This Order may not be modified except in a writing executed by the DEC Commissioner or the DEC Commissioner's authorized representative.

**XV. Default.**

The failure of Respondent to comply fully and in timely fashion with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order and under the ECL, and may constitute sufficient grounds for revocation pursuant to 6 NYCRR 621.14 of any permit, license, certification or approval issued to the Respondent by the Department.

**XVI. Entire Agreement.**

The provisions hereof shall constitute the complete and entire Order between Respondent and the Department concerning the violations set forth above. No terms, conditions, understandings or agreements purporting to modify or vary the terms hereof shall be binding unless made in writing pursuant to Paragraph XII hereof. No informal advice, guidance, suggestions or comments by the Department regarding reports, proposals, plans, specifications, schedules or any other writing submitted by Respondent shall be construed as relieving Respondent of its obligations to obtain such formal approvals as may be required by this Order.

**XVII. Binding Effect.**

This Order shall be deemed to bind the Respondent, its officers, directors, agents, employees, contractors, successors and assigns, and all persons, firms and corporations acting under or for Respondent, including, without limitation, any subsequent operator of the Facility who may carry on activities now conducted by Respondent at the Facility, and any successor in title to the Facility or any interest therein. Respondent shall provide a copy of this Order

(including any submissions incorporated herein) to any contractor or subcontractor hired to perform work required under this Order, and shall require compliance with this Order as a term of any contract for performance of work under this Order. Respondent shall nonetheless be responsible for ensuring that all work performed under this Order is in compliance with the terms of the Order.

**XVIII. Effective Date.**

This Order shall not become effective until it is signed by the Regional Director on behalf of the Commissioner.

Dated: New Paltz, New York

10/11, 2011

JOSEPH J. MARTENS  
Commissioner  
Department of Environmental Conservation

By: 

WILLIAM C. JANEWAY  
Regional Director, Region 3  
Department of Environmental Conservation

This Order on Consent has been reviewed and approved by the Regional Attorney as to form.

By: 

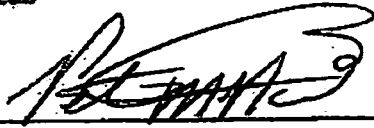
JOHN L. PARKER  
Regional Attorney



**CONSENT BY RESPONDENT**

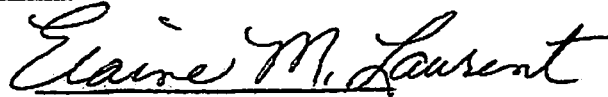
Respondent hereby consents to the issuance and entry of this Order without further notice, waives its right to a hearing in this matter, and agrees to be bound by the terms, conditions and provisions of this Order. The undersigned represents and affirms that they have the legal authority to bind Respondent(s) to the terms and conditions of this Order.

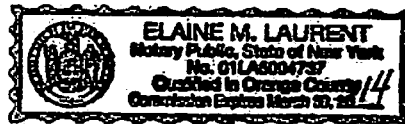
Town of Tuxedo

By:   
Title: SCIPRUISOR

**ACKNOWLEDGMENT**

On this 26 day of SEPTEMBER, in the year 2011, before me, the undersigned, personally appeared PETER M. DOLAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) as shown in the instrument, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public



**SCHEDULE A**

**Schedule of Compliance for Order on Consent**

**Respondent:** Town of Tuxedo  
**Site or Facility:** DPW facility, 984 Long Meadow Road, Tuxedo  
**DEC Case No.:** R3-20100630-69

**RESPONDENT IS REQUIRED TO SELF-CERTIFY TIMELY COMPLETION OF EACH OF THE ACTIVITIES REQUIRED BY THIS SCHEDULE.**

1. Respondent(s) shall immediately cease and desist from any and all future violations of the New York State Environmental Conservation Law and the rules and regulations enacted pursuant thereto.
2. **Self-certification:** Respondent(s) shall submit to DEC, within fifteen (15) days of each milestone date set forth in this Schedule of Compliance, a signed statement certifying that the work required was completed by that date, and that the work was done in the manner required by this Order.

**Submission of the required certification shall be considered an affirmative representation by the Respondent of the truth of its contents. Any false statement made therein shall be punishable pursuant to Section 210.45 of the Penal Law, and as may be otherwise authorized by law.**

**Failure to submit a required certification by the due date shall be a violation of this Order, and shall establish a legal presumption that Respondent(s) has failed to comply with that requirement of the Schedule.**

**All technical submittals to the Department required under this Order shall be made by Respondent(s) as follows:**

**All submittals, which shall include a hardcopy original and an electronic copy in .pdf format on Compact Disc shall be submitted to the Department, via U.S. Mail, in accordance with Section V of this Order.**

**Schedule of Compliance for Order on Consent, Continued**

**Respondent:** Town of Tuxedo  
**Site or Facility:** DPW Facility, 984 Long Meadow Road, Tuxedo  
**DEC Case No.:** R3-20100630-69

**3. Remedial Activities and Milestones:** Respondent(s) shall timely perform the activities set forth below in a good and workmanlike manner and supply all required labor, equipment and materials at Respondent's own cost and expense:

Milestone Dates                      Compliance Activities

a) a)	Has been completed	Respondent shall meet with Department staff on-site to conduct a wetland delineation at the portion of the site with the leaf pile and fill in the adjacent area of SL-12 (as indicated by #1 on attached site plan).
a)		
a)		
b)	Within 90 days of wetland delineation with Department staff	Respondent shall restore the adjacent area of SL-12 by removing fill and re-grading to the approximate pre-existing elevation, within 100 feet of the wetland boundary. Respondent shall seed the disturbed soil with perennial grass seed and maintain a mulch of hay or straw until fully vegetated. No solid waste processing or storage shall be conducted within the adjacent area.
c)	Immediately	Respondent shall install a silt fence at the toe of the 30 foot section of slope between the front and rear piles of mulch near wetland SL-12 (as indicated by #2 on attached site plan).
d)	Within 90 days of the effective date of this Order	Respondent shall extend the drain/gravel area to parallel the area described in item (c) above (at #2 on attached site plan).
e)	Within 30 days of the effective date of this Order	Respondent shall move the pile of processed material near the road/front of the facility away from the wetland side of the site to within the previously disturbed area (as indicated by #3 on the attached site plan). Respondent shall seed and mulch the disturbed soil with perennial grass seed and maintain a mulch of hay or straw until fully vegetated. No solid waste processing or storage shall be conducted within this area.

**Schedule of Compliance for Order on Consent, Continued**

**Respondent:** Town of Tuxedo  
**Site or Facility:** DPW Facility, 984 Long Meadow Road, Tuxedo  
**DEC Case No.:** R3-20100630-69

**3. Remedial Activities and Milestones:** Respondent(s) shall timely perform the activities set forth below in a good and workmanlike manner and supply all required labor, equipment and materials at Respondent's own cost and expense:

Milestone Dates                      Compliance Activities

a) a) Has been completed	Respondent shall meet with Department staff on-site to conduct a wetland delineation at the portion of the site with the leaf pile and fill in the adjacent area of SL-12 (as indicated by #1 on attached site plan).
a) b) Within 90 days of wetland delineation with Department staff	Respondent shall restore the adjacent area of SL-12 by removing fill and re-grading to the approximate pre-existing elevation, within 100 feet of the wetland boundary. Respondent shall seed the disturbed soil with perennial grass seed and maintain a mulch of hay or straw until fully vegetated. No solid waste processing or storage shall be conducted within the adjacent area.
a) c) Immediately	Respondent shall install a silt fence at the toe of the 30 foot section of slope between the front and rear piles of mulch near wetland SL-12 (as indicated by #2 on attached site plan).
d) Within 90 days of the effective date of this Order	Respondent shall extend the drain/gravel area to parallel the area described in item (c) above (at #2 on attached site plan).
e) Within 30 days of the effective date of this Order	Respondent shall move the pile of processed material near the road/front of the facility away from the wetland side of the site to within the previously disturbed area (as indicated by #3 on the attached site plan). Respondent shall seed and mulch the disturbed soil with perennial grass seed and maintain a mulch of hay or straw until fully vegetated. No solid waste processing or storage shall be conducted within this area.

<p>f) Within 30 days from the effective date of this Order</p>	<p>Respondent shall submit for Department approval a plan indicating the location, size and separation distance of soil and mulch piles to be maintained by Respondent and any operator. Respondent shall maintain all mulch piles not to exceed 50' in height. A minimum separation distance of 25' shall be maintained between adjacent piles, pursuant to 6 NYCRR 360-16(4)(f)(3) requirements.</p> <p>The plan shall also indicate the areal limit/boundary of what will be the registered facility, the types of material that will be accepted, the volume of materials (in tons or cubic yards), and how long the material will remain on site; these details can be shown/written on the second site plan or submitted in a separate process flow diagram.</p>
<p>g) Within 90 days from Department approval of plan indicated in item (f) above</p>	<p>Respondent shall maintain all mulch and soil piles in accordance with the approved plan.</p>
<p>h) Within 90 days of the effective date of this Order</p>	<p>Respondent shall remove all leaves from the back of the facility.</p>
<p>i) Immediately</p>	<p>Respondent shall minimize ponding at the mulch piles as required by 6 NYCRR Section 360-5.7(b)(6).</p>
<p>j) Within 7 days of the effective date of this Order</p>	<p>Respondent shall submit a revised Final Water Quality Stormwater Management Plan certified by a licensed New York Professional Engineer (PE).</p>
<p>k) Within 14 days of the effective date of this Order</p>	<p>Respondent shall eliminate all surface water discharges of leachate and Respondent shall submit a licensed New York Professional Engineer (PE) Certification and final as-built plans certifying that all work contained in the approved engineering report and plans to collect mulching runoff has been completed as required by the terms and conditions of this order and shall certify that all discharges to the environment have permanently ceased.</p>



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RECEIPT

NUMBER 570462

Region Number 3

Date 9/23/11

Location New Paltz

Division Legal Affairs

Received of Town of Tuxedo

In the amount of Fifteen thousand 00/100 \$ 15,000.-

For Civil Penalty - Article 17, 24, 27  
R3-20100630-69

Cash Department Representative [Signature]

Check Number 20220 Title Secretary

Money Order

ORIGINAL

THIS DOCUMENT HAS INVISIBLE FLUORESCENT FIBERS. VIEW UNDER BLACK LIGHT.

TOWN OF TUXEDO  
1 TEMPLE DRIVE  
TUXEDO, NY 10987

JPMorgan Chase Bank, NA  
241 Route 17  
Tuxedo, NY 10987

50-63  
214

CHECK NO. 20220

DATE

CHECK AMOUNT \$ 15,000.00

PAY Fifteen thousand 00/100

TO THE ORDER OF DEC

DEC case # R3-20100630-69

BY ORDER OF TOWN BOARD  
Peter M. Decker

MICRO-PRINT SIGNATURE LINE (MAGNIFY TO VIEW)

⑈020220⑈ ⑆021410637⑆ ⑆0251006052⑈

NUMBER  
875915

Region Number 3

Division

Date 11/12  
Stacy Adams

Location North Tuxedo

Received of Town of Tuxedo

In the amount of ten thousand and 00/100

\$ 10,000.00

For 2011 Penalty - Article 1724, 25

De Case # 13-20100630-69

Final  
Payment

Cash Department Representative SP  
 Check Number 20688 Title Secretary 1  
 Money Order

ORIGINAL

TOWN OF TUXEDO  
1 TEMPLE DRIVE  
TUXEDO, NY 10987

JPMorgan Chase Bank, NA  
241 Route 17  
Tuxedo, NY 10987

50-66  
21

CHECK NO.

DATE

PAY

ten thousand & 00/100 dollars

12/30/2011

\$10,000.00

TOTAL  
OF  
SP

NYSDEC  
DIVN OF LEGAL AFFAIRS REGION 3  
21 SOUTH PUTT CORNERS ROAD  
NEW PALTZ NY 12561

BY ORDER OF TOWN BOARD  
Stacy Adams

⑈020688⑈ ⑈021410637⑈ ⑈0251006052⑈

Long Meadow Rd. Tuxedo Park, NY 10987

W 74° 14' 34.08"

SPOT IMAGE

12/7/21

COOR

