

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

JUL 2 6 2011

<u>CERTIFIED MAIL - RETURN RECEIPT REQUESTED</u>

Article Number: 7005 3110 0000 5934 3432

Robert Dedrick
Town of Ticonderoga
PO Box 471
Ticonderoga, New York 12883

SUBJECT:

Safe Drinking Water Act (SDWA) Information Request Under 42 U.S.C. §300j-4

Town of Ticonderoga, PWS ID: NY1500293

Docket No.: SDWA-PWS-IR-11-004

Dear Mr. Dedrick:

Under the authority of Section 1445(a)(1)(B) of the SDWA, as amended, 42 U.S.C. §300j-4 (a)(1)(B), the U.S. Environmental Protection Agency, Region 2 (EPA) hereby requests that the Town of Ticonderoga provide the information described below within the indicated time frame. EPA seeks this information to determine whether the system referenced above is in compliance with the federal Safe Drinking Water Act, 42 U.S.C. §300f et seq., specifically with uncovered finished water storage requirements of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

On January 5, 2006, EPA promulgated the LT2ESWTR (40 C.F.R. Part 141, Subpart W), under the provisions of the federal Safe Drinking Water Act (SDWA). LT2ESWTR requires that systems using uncovered finished water storage facilities must 1) provide a cover or 2) provide treatment of the discharge to achieve inactivation and/or removal of at least 4-log virus, 3-log *Giardia lamblia*, and 2-log *Cryptosporidium*. Failure to comply with these requirements is a violation of the treatment technique requirement.

On March 23, 2009, the New York State Department of Health issued a Stipulation to the Town of Ticonderoga which established a schedule for compliance with the LT2ESWTR uncovered reservoir requirements. Within thirty (30) days of receipt of this letter, EPA requests that the Town of Ticonderoga provide the status of compliance with the Stipulation including a description and date of completed tasks, a description and estimate timeframe for tasks to be completed in the next 6 months and a description of any modifications to the Stipulation.

This information should be mailed to:

Chris Mecozzi
Ground Water Compliance Section
US Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866

Please be advised that, under Section 300j-4(c) of the SDWA and 40 C.F.R. §19.4, Table 1, failure to provide information required by this letter may result in a civil penalty of up to \$37,500. In addition, under SDWA Section 300g-3(g), failure to provide the information required by this letter may result in an order requiring compliance. Violation of such an order may lead to sanctions under SDWA Section 300g-3 and 40 C.F.R. §19.4, Table 1, which include penalties of up to \$32,500 per day of violation. The information provided in response to this letter may be used by the United States in administrative, civil or criminal proceedings.

You may, if you so desire, assert a confidential business information (CBI) claim covering any or all of the information furnished to EPA in response to this letter. Every CBI claim must be made in a manner described in 40 C.F.R. Part 2, Subpart B, and must be fully substantiated with documentary evidence which shows how the claim meets each and every criterion listed in 40 C.F.R. §§2.208 and 2.304. If no CBI claim accompanies your information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §3502(4) & (11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §35029(4), (11); 5 C.F.R. §1320.5(a).

If you have any questions regarding this matter, please call me at (212) 637-4244 or have your staff contact Chris Mecozzi of my staff at (212) 637-4262.

Sincerely,

Doughlas McKenna, Chief Water Compliance Branch

cc: Victor Pissani, NYSDOH

William Amberman, NYSDOH Saranac Lake District Office

Town of Ticonderoga

Debra A. Malaney

Supervisor

(5 18) 585-6265

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Jeffrey D. Cook
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August 18, 2011

Mr. Chris Mecozzi
Ground Water Compliance Section
US Environmental Protection Agency – Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866

Re: Safe Drinking Water Act (SDWA) Information Request Under 42 U.S.C. 300j-4

Town of Ticonderoga, PWS ID: NY1500293

Docket No.: SDWA-PWS-IR-11-004

Dear Mr. Mecozzi:

This letter is in response to the July 26, 2011 letter we received from Mr. Doughlas McKenna of the U.S. Environmental Protection Agency, Region 2, requesting an update on the status of our ongoing project to replace the Chilson Reservoir in the Ticonderoga Water District. Chilson Reservoir is an uncovered finished water reservoir. The Town of Ticonderoga has been under enforcement action by the New York State Department of Health (NYSDOH) since March 23, 2009 to replace Chilson Reservoir with a new storage tank. The Town of Ticonderoga has met every milestone established in the Stipulation established by the NYSDOH to date.

We are currently in the process of modifying the Stipulation with the NYSDOH based on the results of a sanitary survey of the Ticonderoga Water District completed by the NYSDOH Saranac Lake District Office on August 8, 2011. Additional deficiencies and violations were discovered during the sanitary survey that affects the scope of our project, as well as the ongoing enforcement action and timetable of compliance.

The Ticonderoga Water District has two sources of supply that are interconnected and integral to the water system, Lake George and Gooseneck Pond. The Lake George source is filtered. The Gooseneck Pond source is unfiltered and maintains filtration avoidance. The Chilson Reservoir is the storage reservoir for the Gooseneck Pond system.

As a result of the August 8, 2011 sanitary survey, the NYSDOH Saranac Lake District Office cited the Ticonderoga Water District for violating the federal Surface Water Treatment Rule at our Lake George filtration plant. The Lake George filtration plant uses diatomaceous earth (DE) filters. The filter plant began operation in 2000 and has since proven to be an operational and maintenance problem. The DE filters routinely and frequently break. It is nearly impossible to identify a broken filter for extended periods. This means that unfiltered surface water passes through the treatment system at our Lake George filtration plant.

In addition to the deficiencies recently cited by the NYSDOH at our Lake George filtration plant and the ongoing project to replace the Chilson Reservoir, the Ticonderoga Water District agreed to provide additional treatment on our unfiltered Gooseneck Pond system by September 30, 2014. The additional treatment for our Gooseneck Pond system is necessary to comply with the provisions of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

The scope and complexity of the improvements needed to bring the entire Ticonderoga Water District into compliance with federal and state regulations is simply too daunting to meet the next milestone in our current Stipulation. Nevertheless, the Town is committed to providing the necessary improvements to achieve regulatory compliance and has made progress toward this goal.

The Town has negotiated a modified Stipulation with the NYSDOH to include a comprehensive improvement project that will 1) construct a new storage tank to replace the uncovered Chilson Reservoir, 2) upgrade or replace the Lake George filter plant to achieve SWTR compliance, and 3) replace or upgrade the Gooseneck Pond system. While we have yet to receive a formal modified or new Stipulation from the NYSDOH, the new timetable of compliance should include the following milestones and dates:

- 1) On or before December 30, 2011: The Town of Ticonderoga shall submit an engineering report to the NYSDOH for a project that will 1) replace the Chilson Reservoir with a new storage tank, 2) upgrade or replace the Lake George filtration plant, and 3) upgrade or replace the Gooseneck Pond water supply.
- 2) On or before October 1, 2012: The Town of Ticonderoga shall submit final engineering plans and specifications for approval to the NYSDOH for a project that will 1) replace the Chilson Reservoir with a new storage tank, 2) upgrade or replace the Lake George filtration plant, and 3) upgrade or replace the Gooseneck Pond water supply.
- 3) On or before July 1, 2015: The Town of Ticonderoga shall complete construction of a project that will 1) replace the Chilson Reservoir with a new storage tank, 2) upgrade or replace the Lake George filtration plant, and 3) upgrade or replace the Gooseneck Pond water supply.

We appreciate your time and consideration in this matter. We will continue to make progress toward completing the necessary improvements for our water system to achieve compliance with federal and state regulations. Please feel free to contact me at (518) 585-6265 if you have any questions.

Sincerety,

Debra A. Malaney

Town Supervisor

Tina M. Hunt, PE, NYS Department of Health, BWSP CC: Kevin C. Scheuer, PE, NYS Department of Health, Saranac Lake Tracy Smith, Water/Wastewater Superintendent Derrick Fleury, Water/Wastewater Deputy Superintendent Wayne Taylor, Town of Ticonderoga Todd C. Hodgson, PE, AES Northeast, PLLC