

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5
232 Golf Course Road, Warrensburg, NY 12885
P: (518) 623-1282 | F: (518) 623-3603
www.dec.ny.gov

April 29, 2020

Ms. Marissa Mackay
Saratoga Water Services, Inc.
PO Box 2109
Ballston Spa, NY 12020

**Re: PERMIT MODIFICATION # 15
DEC Permit # 5-4140-00038/00025: Water Withdrawal # 11,633
Saratoga Water Services, Inc.
Malta Farm & Feed and The Lofts of Saratoga
Malta (T), Saratoga (Co.)**

Dear Ms. Mackay:

Attached please find the modified Water Withdrawal permit for Saratoga Water Services, Inc. which authorizes the extension of the service area to serve the referenced area. This permit modification has been issued by the New York State Department of Environmental Conservation in accordance with the applicable provisions of the Environmental Conservation Law. This permit does not eliminate the need to obtain approvals from other agencies, including the New York State Department of Health.

Please review your permit to ensure that you understand all of the conditions and requirements. If you have any questions on this permit, please contact Madisen Hetman in our Division of Water at (518) 897-1263.

Sincerely,



Digitally signed by Beth A. Magee
DN: cn=Beth A. Magee, o=NYSDEC, ou=Division of
Environmental Permits,
email=beth.magee@dec.ny.gov, c=US
Date: 2020.04.29 08:52:17 -04'00'

Beth A. Magee
Deputy Regional Permit Administrator

Enclosure

ec w/enc.: Gregory Beswick, P.E. – Creighton Manning
William Grady – NYSDOH
Michael Harrington, P.E. – Lamont Engineers
Robert Hayes – Saratoga Management Services, Inc.
Madisen Hetman – NYSDEC
Eldon Lu – NYSDOH
Erik Schmitt, P.E. – NYSDEC



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SARATOGA WATER SERVICES INC
PO BOX 2109
BALLSTON SPA, NY 12020-8109
(518) 899-6001

Facility:
SARATOGA WATER SERVICES INC
PLAINS RD - KNAPP RD - US RTE 9
MALTA, NY

Facility Location: in MALTA in SARATOGA COUNTY

Facility Principal Reference Point: NYTM-E: 599.502 NYTM-N: 4758.464
Latitude: 42°58'20.4" Longitude: 73°46'47.3"

Authorized Activity: This permit authorizes the withdrawal of a supply of water up to 2,985,120 gallons per day (GPD) from approved sources listed in Condition No.1 of this permit to serve within the approved service area in Condition No. 2 of this permit. No additional allocation is authorized with this permit. All previous Water Supply and Water Withdrawal approvals are superseded by this permit.

Permit Authorizations

Water Withdrawal Public - Under Article 15, Title 15

Permit ID 5-4140-00038/00025

(WWA No. 11,633)

New Permit	Effective Date: <u>1/30/2013</u>	Expiration Date: <u>1/29/2023</u>
Modification # 1	Effective Date: <u>12/31/2013</u>	Expiration Date: <u>1/29/2023</u>
Modification # 2	Effective Date: <u>1/16/2014</u>	Expiration Date: <u>1/29/2023</u>
Modification # 3	Effective Date: <u>8/1/2014</u>	Expiration Date: <u>1/29/2023</u>
Modification # 4	Effective Date: <u>2/1/2015</u>	Expiration Date: <u>1/29/2023</u>
Modification # 5	Effective Date: <u>4/7/2016</u>	Expiration Date: <u>1/29/2023</u>
Modification # 6	Effective Date: <u>8/1/2016</u>	Expiration Date: <u>1/29/2023</u>
Modification # 8	Effective Date: <u>8/1/2016</u>	Expiration Date: <u>1/29/2023</u>
Modification # 7	Effective Date: <u>8/1/2016</u>	Expiration Date: <u>1/29/2023</u>
Modification # 9	Effective Date: <u>8/2/2016</u>	Expiration Date: <u>1/29/2023</u>
Modification # 10	Effective Date: <u>6/13/2017</u>	Expiration Date: <u>1/29/2023</u>
Modification # 12	Effective Date: <u>12/1/2017</u>	Expiration Date: <u>1/29/2023</u>
Modification # 11	Effective Date: <u>12/5/2017</u>	Expiration Date: <u>1/29/2023</u>
Modification # 13	Effective Date: <u>1/25/2018</u>	Expiration Date: <u>1/29/2023</u>
Modification # 14	Effective Date: <u>9/7/2018</u>	Expiration Date: <u>1/29/2023</u>
Modification # 15	Effective Date: <u>4/29/2020</u>	Expiration Date: <u>1/29/2023</u>



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: BETH A MAGEE, Deputy Permit Administrator
 Address: NYSDEC Region 5 Warrensburg Sub-Office
 232 Golf Course Rd
 Warrensburg, NY 12885

Authorized Signature: _____ Date 04/29/20

Permit Components

- WATER WITHDRAWAL PUBLIC PERMIT CONDITIONS
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

WATER WITHDRAWAL PUBLIC PERMIT CONDITIONS

1. Source Approval Table

This table summarizes all system source approvals				
Well Field or Source of Water Supply	Status	Past WWA Number	Individual Permitted Source Capacities (gpm)	Maximum Permitted Supply of Water (gpd)
Knapp Road	PW-2	Active	6,918	-
	PW-3	Active		
	PW-4	Active		
	PW-6	Active		
Cold Springs	PW-7	Active	8,745	471
	PW-8	Active	10,894	1,260
	PW-9	Active	11,590	1,400
Total Approved				2,985,120

2. Map of Approved Water Supply Service Area The approved water service area of the Saratoga Water Services Inc. is shown on a map submitted with this application entitled, Saratoga Water Services Inc. Water Distribution System, by Lamont Engineers and dated June 13, 2018.



- 3. No Distribution Beyond District Without Approval** Nothing contained herein shall authorize the permittee to distribute water to any water district extension or out of district user that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.
- 4. Approval of Plans by NYS DOH** Contract plans and specifications, or changes thereto, for a public water supply system for which a permit has been issued by the Department are subject to review and approval by the Department of Health prior to the commencement of construction.
- 5. Approval of Completed Works from NYSDOH** The water withdrawal permittee shall submit to the Department a copy of the Approval of Completed Works issued by the Department of Health before the commencement of final operation of the water withdrawal system.
- 6. Water Sampled and Approved by NYSDOH** Before any water from the source(s) approved herein may be used for any purpose, the permittee shall collect and analyze a sample of the water from each source and shall submit the results of such analyses to the NYS Department of Health (NYSDOH).
- 7. NYSDOH Approval of Potable Water Supplies** This permit does not authorize the permittee to supply, sell or distribute potable water from any source approved herein, without all necessary approvals from NYSDOH.
- 8. Enclose and Protect Pumping Facilities** The physical pumping facilities and controls at any well site approved herein shall be protected against damage or tampering either by a fence or other suitable enclosure or by their manner of construction and installation.
- 9. Protect Land Around Well** All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. Any lesser distances must be acceptable to the NYS Department of Health. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments, and the construction of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.
- 10. Minimize Erosion** During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.
- 11. Discharge of Chlorinated Water** The permittee shall ensure that water used for disinfecting water mains, storage tanks and other water system appurtenances, if discharged to area streams, has a free chlorine residual not exceeding 0.05 milligrams per liter (mg/l) at the point of discharge.
- 12. Treatment Before Distribution** Nothing contained in this permit shall authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).
- 13. Water Well Protection and Decommissioning** The Permittee must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Supply Well Decommissioning Recommendations, <http://www.dec.ny.gov/lands/86955.html>.



Decommissioning of any potable well must be documented on the form provided at http://www.dec.ny.gov/docs/water_pdf/welldecommissform.pdf. The completed form must be forwarded to the address on the form and to the addresses below:

Regional Permit Administrator
NYSDEC Region 5 Warrensburg Sub-Office
232 Golf Course Rd
Warrensburg, NY 12885

Regional Water Manager
NYSDEC Region 5 Warrensburg Sub-Office
232 Golf Course Rd
Warrensburg, NY 12885

14. Agreements for Sale of Water The permittee may not sell water to any other municipality or private entity without the execution of a proper agreement or contract that includes: the amounts of water to be sold, a requirement that individual customers are metered and that water conservation measures including water audits and leak detection and repair programs consistent with those practiced by the permittee will be implemented. Such agreements shall be made available to the Department upon request.

15. Meter All Sources and Customers The permittee must install and maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system. Source master meters are to be read, and records kept of those readings on a weekly basis. At a minimum, customer service meters are to be read, and records kept of those readings, at least once per year. The permittee must maintain records of production (master meter readings) and consumption (service meter readings) for each calendar year.

16. Meter Calibration for Publicly Owned Systems At least once every fifteen years, the permittee must have all of its small service connection meters (less than 1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of the meter used.

17. Permittee Must Maintain Records The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

18. Conduct Water Audits At least once annually, the permittee must conduct a system-wide water audit that utilizes metered water production and consumption data to determine unaccounted-for water.

19. Leak Detection and Repair Program The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits



show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.

20. Annual Water Withdrawal Reports The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.

21. Permit Expiration and Renewal Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration.

22. Transfer of Ownership of Water Withdrawal Systems Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.

23. Right to Rescind The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by April 30, 2022.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:



Regional Permit Administrator
NYSDEC Region 5 Warrensburg Sub-Office
232 Golf Course Rd
Warrensburg, NY 12885

4. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

5. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

