



IN THE MATTER OF

:

APPLICATION NO.

201005747-KB

***CHARLES KING AND
CATHLEEN WOODS-KING***

:

JULY 25, 2012

FINAL DECISION

I have considered the hearing officer's Proposed Final Decision, dated June 21, 2012, and also the Joint Filing of Exceptions to Proposed Final Decision, dated July 3, 2012, of Charles King and Cathleen Woods-King ("Applicants") and Departmental Staff of the Office of Long Island Sound Programs ("OLISP Staff"). I affirm the hearing officer's decision in part and reject it in part.

The Proposed Final Decision is accepted but for the hearing officer's proposed special condition numbers 24, 25 and 26, which are found on pages 10 and 11 of the Proposed Final Decision. In lieu of these proposed special conditions, I accept, with one exception, the recommended revisions of the Applicants and OLISP Staff as found on pages 1 and 2 of the Joint Filing of Exceptions. The Applicants and OLISP Staff's proposed special condition numbers 24, 26 and 27 are accepted in their entirety. Proposed special condition number 25 is accepted in its entirety, except that the final sentence shall be stricken. Special condition number 25 shall read as follows:

25. The Permittee shall maintain on-site and shall make available upon request by the Commissioner a copy of any storm contingency plan developed by the Permittee's consultant or engineer within thirty (30) days of its completion. The Permittee shall maintain on-site any amended version of the storm contingency plan within thirty (30) days of a substantive amendment to the plan.

The draft permit, incorporated as Attachment B to the Proposed Final Decision, shall be modified to include the special conditions, as identified and revised herein. These changes address any recommendation within the Proposed Final Decision that the Permittee shall have an affirmative, ongoing duty to keep DEEP staff informed of its inspection, maintenance and storm contingency efforts. With these changes, the Department shall proceed to issue the permit in favor of the Applicants.


Macky McCleary
Deputy Commissioner

SERVICE LIST

In re Charles King and Cathleen Woods-King
Application No. 201005747-KB

PARTY

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