

SUPREME COURT
STATE OF NEW YORK COUNTY OF STEUBEN

In the Matter of the Application of the SIERRA CLUB;
PEOPLE FOR A HEALTHY ENVIRONMENT, INC.;
COALITION TO PROTECT NEW YORK; JOHN
MARVIN; THERESE FINNERAN; MICHAEL
FINNERAN; VIRGINIA HAUFF; and JEAN WOSINKSI,

Petitioners,

AFFIDAVIT IN FURTHER
SUPPORT OF
RESPONDENTS' MOTIONS
AND IN REPLY TO THE
OPPOSITION PAPERS
SERVED BY PETITIONERS

For a Judgment under Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

Index No.: 1175-12

THE VILLAGE OF PAINTED POST; PAINTED POST
DEVELOPMENT, LLC; SWEPI, LP; and the
WELLSBORO AND CORNING RAILROAD, LLC,

Respondents.

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

LARRY E. SMITH, being duly sworn deposes and says:

1. As set forth in more detail in the affidavits I have previously submitted including those dated August 1, 2012 and January 9, 2013, I am the Superintendent of Public Works for the Village of Painted Post (the "Village") and have held that position for some time. My previous affidavits further document my background including the fact that I have been a long time resident of the Village. The statements made in this affidavit are based upon my personal knowledge including my knowledge of the Village Water Supply System (the "Village System") and its capacity (the capacity of the Village Water Supply System will be referred to as the "Village System") including based upon extensive review of available information including that information

referenced in my affidavit dated January 9, 2013 and provided to Petitioners in response to their July 2012 Freedom of Information Law request.

2. This affidavit is submitted in response to numerous incorrect statements found in the affidavits submitted by Petitioners on or about January 28, 2013 including numerous affidavits.

A. There Is No Basis For Petitioners' Claims that there was no reliable Data Supporting the Approvals The Village Issued, to the contrary, the Record Shows There Was Substantial Well Production Data From Decades of Production from the Village Wells, and the Village Further Relied Upon The Approvals Previously Issued by the Agencies At Issue including but not limited to the Susquehanna River Basin Commission (which included a review by the New York State Department of Environmental Conservation) and The New York State Department of Health

3. Petitioners submitted several affidavits from persons referring to themselves as geologists or hydrogeologists and others which claim that the Village failed to identify and analyze appropriate data when it made its determination to approve the development of the Transloading Facility and when it decided to sell certain surplus water to SWEPI, LP (the "Surplus Agreement"). In fact the affidavit from Mr. Rubin claims that the Village had no basis for making these determinations. This is simply not true and the facts are clear and contradict Petitioners' claims.

4. As detailed in my previous affidavits and in the documents previously provided, the Village (as well as the Susquehanna River Basin Commission) relied on, among other information, decades of production data showing the Village Water System has more than adequate capacity to meet the demands associated with the Village residents as well as that to be provided pursuant to the Surplus Agreement. See the Affidavits of Larry Smith dated August 1, 2012, and dated January 9, 2013 together with the documents provided to the Petitioners in response to their July Freedom of Information Law Request (an extra copy of my January 9, 2013 Affidavit and the documents referenced in it are attached as Exhibit "A"). The production data referenced which I reviewed and which was provided to the SRBC as part of its review of the water withdrawal applications documents well production data which dates back to the 1950's and shows there is more than

adequate capacity to provide water to Village residents and also supply surplus water under the Surplus Agreement.

5. To put this in perspective, the Village Wells have an authorized production capacity of over 4 millions of gallons of per day; in 2012 the average daily use of water for Village residents and other Village Water System users (not taking into account surplus water sold to SWEPI beginning in late August), was 230,000 gallons per day. As a result, even if SWEPI were to purchase the maximum amount of surplus water as authorized by SRBC and under the contract, the daily rate of use would be less than one third of the authorized capacity of such wells.

6. Moreover, the Village reasonably relied on the determinations previously issued by the New York State Department of Environmental Conservation (“DEC”) for the issuance of the permits associated with the Village wells, as well as the SRBC’s authorizations for the withdrawal of surplus water here, in addition the New York State Department of Health (“DOH”) in approving and authorizing the development of the Transloading Facility as well as authorizing the sale of water under the Surplus Agreement.

B. Petitioners’ Affidavits Contain Statements which are Contradicted by the Facts

7. There are numerous statements made by Petitioners in the affidavits submitted which are simply not supported by any facts. For example, Petitioners speculate that the sale of water under the Surplus Agreement was temporarily terminated due to the fact that water in the Village Wells was low is completely false. I have specific personal knowledge of the water withdrawals that are undertaken and also monitor through a pump station for the Transloading Facility the amounts of water withdrawn. At no time ever in my tenure as the Superintendent of Public Works, including in this past fall has there been any indication that the Village Wells were in danger of becoming depleted. In my capacity as the Superintendent of Public Works, I am charged with reviewing

production data associated with the Village wells, including test results provided on an a monthly basis and at no time has there been any indication that the production capacities of the Village Wells were limited or any indication that such wells were becoming depleted.

8. The Village did provide SWEPI with over 10 million gallons of water this past fall, and whenever SWEPI called, we were ready to deliver the water. We remain ready, willing and able to do so, and will meet whatever demands SWEPI might have in that regard under the terms of the Surplus Agreement.

9. The affidavit of Mr. John Marvin also makes numerous statements which are contradicted by the facts. For example, he references in Paragraph 11 that certain facilities were replaced as part of the Transloading Project and specifically talks about how a pump and pipe was replaced which included replacing a larger pipe with a smaller one. In fact, the replacement that Mr. Marvin references was an in kind replacement because the pump at issue was worn out; these are the kinds of maintenance items that the Village Water Department undertakes on a routine basis to maintain the Village Water System. Similarly, Mr. Marvin in paragraph 12 of his affidavit speculates that certain pump testing was undertaken by the Village in the spring of 2012 to remove certain contaminants from a Village well. Again, this is not true; rather, as referenced in my affidavit of January 9, 2013, the Village undertook routine maintenance testing associated with the back up well, there was no testing undertaken to “remove contaminants” as Mr. Marvin claims. Mr. Marvin also mistakenly references certain work that was undertaken on Hemley Lane. In fact, the work undertaken was for a sanitary sewer and storm sewer improvement not related to the Village’s water production or distribution system.

10. In addition, Mr. Marvin and others claim that they have undertaken testing to determine whether there are high levels of so-called total dissolved solids (TDS) which are defined

as minerals found in water drawn from wells such as the Village wells here. First, as more specifically addressed in the affidavit of Mr. Gough, there is no way to determine whether the TDS sampling which Petitioners claim was completed was done in a manner that would demonstrate the results were reliable. For example, no chain of custody documentation was provided by Petitioners to indicate whether the samples were collected and analyzed so that the potential for contamination by other sources could be eliminated. In any event, even if such information were provided, the results would be worthless, as without any baseline testing, that is testing occurring in a controlled setting from previous years under the same conditions establishing a base line for TDS's in water shown to be drawn from the Village wells and not impacted by other factors such as Petitioners own pipes and system etc., any claim that there are additional sediments in the Water System water is worthless and no such baseline has been provided.

11. Further, the Village Water has been known for years as being "hard," but that has no impact on the ability to drink the water as the New York State Department of Health does not require tests for many of the minerals and other substances which makes water hard.

C. The Department of Health Has Stringent Requirements For The Testing Of Water Which The Village Adheres To, And Any Claims Made That the Village Water Has Been Adversely Impacted by the Sale of Surplus Water Are Without Basis


12. Pursuant to extensive DOH regulations, the Village Public Works Department undertakes significant testing of the Village Water System on a monthly basis for certain criteria and on an annual basis and beyond for other criteria. On an annual basis, the Village produces a report on the Village Water System. That annual report requires the Village to identify whether any exceedances or violations have been noted. See Exhibit "A" attached hereto, copies of documents provided to Petitioners in response to their July 2012 FOIL request, including copies of the Village of Painted Post's previous annual water reports. In my six (6) years as Superintendent of the Village Water Department there have been no such violations.

13. Petitioner's counsel in her affidavit at paragraph 5 appears to reference such annual reports or the data provided in them from a visit she made to a health department office and she makes a number of statements which are not supported by the facts. A brief review of her affidavit and the annual reports made available shows there is no basis for the conclusions she attempts to draw.

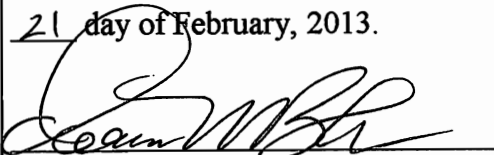
14. For example, in paragraph 6 of her affidavit she states: "it may be significant that the higher than usual level of TCA shown in the 10/03/2012 Tests of Well No. 4 by Benchmark Analytics follow higher than usual levels of withdrawal from this Well in August and September." This statement is mystifying, because as set forth in her affidavit at paragraph 5 under subparts b, c and d, the affiant herself points out that prior to 2012, the levels of TCA were higher (although still an order of magnitude below drinking water standards) than in more recent testing; in short it appears that the miniscule levels of TCA are dropping. As such, her statement that TCA levels were higher in September and August is contradicted by her own statements and by the annual reports provided by the Village for previous years.

15. In fact, even a brief review of the production data shows that as recently as 1995 the Village pumped more than 20 million gallons per month during the same time period (August-September) with no adverse impacts noted. Further, while some of the volume of water Petitioners noted was produced in the fall of 2012 would be attributed to the sale of surplus water, the historic withdrawal data provided to Petitioners shows that in 2008 in August and September some 10 million gallons in each month was withdrawn and there is no indication that such withdrawals resulted in higher levels of TCA in Village Water. In any event, the Department of Health standard for the TCA in drinking water is 5 ppb and the highest levels that have ever been found far below drinking water standards.

16. Petitioners' counsel also references that investigation at the Ingersoll Rand site found levels of TCA. What she fails to acknowledge is that the New York State Department of Environmental Conservation (DEC) specifically found that after significant investigation and remediation, the contamination of the site had been remediated. See Administrative Record at Exhibit 9 (including the November 2011 Hunt Report documenting DEC's findings at the former IR Foundry site). In any event, there is simply no information in the record which indicates that any minute amounts of TCA in Village Wells, far below the drinking water standard, had any connection to the former Ingersoll Rand property.


LARRY E. SMITH

Sworn to before me this
21 day of February, 2013.


Notary Public

DEANNA M. BAKER
Notary Public, State of New York
Qualified in Steuben County
No. 01BA4954870
My Commission Expires Aug. 21, 2013

SUPREME COURT
STATE OF NEW YORK COUNTY OF STEUBEN

In the Matter of the Application of the SIERRA CLUB;
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Respondents.

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

LARRY E. SMITH, being duly sworn deposes and says:

1. I am the Superintendent of Public Works for the Village of Painted Post (the "Village") and I submit this affidavit at the request of Judge Renzi in this matter. I am informed by counsel for the Village that the Court has directed that I identify the documents or records that were used from the Village files in preparation of my affidavit sworn to August 1, 2012. In summary (and as set forth more fully in my previous affidavit), my August 1, 2012 Affidavit submitted in this matter was based on my experience as Superintendent of Public Works, my review of the pleadings in this matter, including the Petition and documents referenced in it, the Administrative Record previously certified, as well as documents referenced as certain Village records. The Court has directed that I identify the Village records I used to prepare my affidavit, as the other documents

AFFIDAVIT SUBMITTED AT
THE REQUEST OF JUDGE
RENZI CONCERNING
DISCOVERY ISSUES

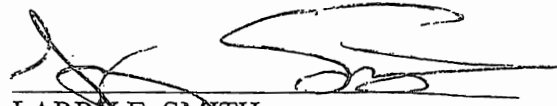
Index No.: 2012-0810

(pleadings and documents referenced in them, the Administrative Record etc.) are already available to all of the parties.

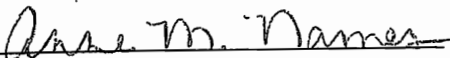
2. As regards to Village records, paragraph 11 of my August 1st, 2012 Affidavit references certain Village records which I reviewed in preparing it. The Village records I reviewed were among those the Village provided to the Sierra Club pursuant to the Freedom of Information Law Request dated June 6, 2012 ("the Sierra Club June FOIL") to which the Village originally responded on June 22, 2012 and concerning which the Sierra Club contacted the Village to review for the first time in December, 2012. I have reviewed the documents provided by the Village in response to the Sierra Club June FOIL, and I did not review any other Village records or Village documents to prepare my August 1st, 2012 affidavit other than those contained in the response provided by the Village in response to the referenced FOIL. The documents provided in response to the June Sierra Club FOIL reflect among other matters, historic information concerning withdrawal of water from the Village wells which was summarized in such documents by the Department of Public Works several years ago.

3. In addition, I am told by counsel for the Village that a question was raised regarding whether "pumping tests" were performed on Village wells as part of the Village's proposed agreement to provide water to SWEPI LP ("SWEPI") in this matter. Specifically, an allegation has been made that the Village undertook tests of the wells to be used to provide surplus water to SWEPI in March of 2012 in order to determine whether same could provide certain volumes of water. As set forth in substantial detail in the Village's papers dated August 1, 2012, Village wells No. 3 and 4 are the primary production wells for the Village and those wells will be used to supply surplus water pursuant to the contract at SWEPI. No specific testing was undertaken of Village wells Nos. 3 and 4 associated with the effort in constructing the Transloading Facility other than the modeling study

completed by Hunt Engineering as documented in the Village's papers provided as part of the Administrative Record in this matter. In or about the Spring of 2012, the Village did have the opportunity to perform some routine maintenance on Village well No. 2, which serves as an emergency backup well. As part of the routine maintenance performed during the Spring of 2012, the Village did extract water from Village well No. 2 over a short time period to ensure that same could be reliably used as backup in case of emergency should there be an issue with Wells Nos. 3 and 4.


LARRY E. SMITH

Sworn to before me this
9 day of January, 2013.


Notary Public

ANNE M. NAMES
NOTARY PUBLIC-STATE OF NEW YORK
No. 01NA6217473
Qualified in Steuben County
My Commission Expires February 08, 2014

Joseph D. Picciotti

From: Joseph D. Picciotti
Sent: Thursday, January 03, 2013 5:44 PM
To: Rachel Treichler (treichlerlaw@frontiernet.net)
Cc: Richard Lippes; John K. Fiorilla
Subject: Response to Sierra Club FOIL Request
Attachments: tmp.pdf; HBROC-#1952148-v1-anne_names_cover_to_foil_response.PDF

As a courtesy, we enclose copies of the cover letter and documents provided to your client today in response to the Sierra Club's FOIL request dated June 6, 2012 ("the June FOIL"). As you know, the Village Clerk had responded to the June FOIL by correspondence dated June 22, 2012 notifying the Sierra Club representative filing the FOIL that documents had been identified in response to it, and that they and could be copied upon authorization from such representative and advancement to the Village of the cost of copying. As you know, in the last week the Sierra Club for the first time responded to the Village's June 22, 2012 correspondence indicating its interest in reviewing the documents and obtaining copies of them. Today, a Sierra Club representative presented herself at the Village Clerk's Office and received copies of the documents requested after advancing to the Village the cost for copying same.

Joseph D. Picciotti
Partner

HARRIS BEACH PLLC

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practiceGREEN
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Descriptions	January	February	March	April	May	June	July	August	September	October	November	December	Monthly Ave	Descriptions	Ave Daily	PeakDaily
2000 Well # 2								228,000					228,000	Well # 2		
Well # 3 & 4	17,653,000	16,535,000	18,302,000	17,179,000	17,254,000	17,925,000	19,645,000	18,926,000	16,149,000	16,789,000	15,581,000	15,920,000	17,321,500	Well # 3 & 4	570,099	994,000
2001 Well # 2								228,000				84,000	248,000	Well # 2		
Well # 3 & 4	17,653,000	16,535,000	18,302,000	17,179,000	17,254,000	17,925,000	19,645,000	18,926,000	16,149,000	16,789,000	15,581,000	15,920,000	17,321,500	Well # 3 & 4	571,512	1,673,000
2002 Well # 2														Well # 2		
Well # 3 & 4	11,873,000	10,468,000	11,681,000	11,787,000	12,824,000		14,107,000	13,779,000	10,165,000	9,904,000	9,405,000	9,394,000	11,398,818	Well # 3 & 4	343,526	647,000
2003 Well # 2					803,000	276,000							539,500	Well # 2		
Well # 3 & 4	9,982,000	11,764,000	14,819,000	15,096,000	15,660,000	11,981,000	11,504,000	10,156,000	8,780,000	9,193,000	8,459,000	8,938,000	11,361,000	Well # 3 & 4	376,468	779,000
2004 Well # 2	270,000												270,000	Well # 2		
Well # 3 & 4	15,579,000	17,189,000	13,927,000	11,387,000	10,716,000	11,651,000	16,895,000	15,725,000	14,461,000	13,597,000	11,065,000	10,604,000	13,566,333	Well # 3 & 4	446,756	761,000
2005 Well # 2														Well # 2		
Well # 3 & 4	11,175,000	9,468,000	11,574,000	10,447,000	11,721,000	11,917,000	12,276,000	12,840,000	11,242,000	11,456,000	11,134,000	11,811,000	11,421,750	Well # 3 & 4	375,510	919,000
2006 Well # 2														Well # 2		
Well # 3 & 4	11,672,000	10,368,000	11,861,000	11,331,000	12,524,000	12,341,000	14,577,000	14,692,000	13,975,000	14,667,000	14,375,000	14,998,000	13,115,083	Well # 3 & 4	431,181	921,000
2007 Well # 2														Well # 2		
Well # 3 & 4	15,963,000	15,627,000	15,927,000	11,053,000	9,602,000	9,269,000	9,534,000	9,169,000	9,465,000	9,482,000	8,620,000	9,150,000	11,071,750	Well # 3 & 4	364,003	758,000
2008 Well # 2														Well # 2		
Well # 3 & 4	9,420,000	8,947,000	9,457,000	9,929,000	9,812,000	9,785,000	10,144,000	9,669,000	8,324,000	8,778,000	8,002,000	9,622,000	9,324,083	Well # 3 & 4	306,545	432,000
2009 Well # 2														Well # 2		
Well # 3 & 4	11,257,000	10,036,000	9,464,000	9,279,000	10,511,000	10,036,000	9,493,000	8,894,000	8,020,000	8,422,000	6,974,000	7,097,000	9,123,583	Well # 3 & 4	299,953	471,000
2010 Well # 2														Well # 2		
Well # 3 & 4	8,273,800	7,317,300	8,034,000	7,918,123	8,007,309	7,636,264	7,785,582	7,841,129	8,176,690	10,745,498	9,472,644	10,175,858	8,448,683	Well # 3 & 4	277,765	619,182
2011 Well # 2														Well # 2		
Well # 3 & 4	11,094,157	9,917,100	8,355,696	7,451,288	8,346,168	8,868,300	8,983,769	7,865,078	6,319,998	6,191,365	6,066,985	5,641,360	7,925,105	Well # 3 & 4	260,551	
2012 Well # 2														Well # 2		
Well # 3 & 4	6,441,495	6,169,128	6,639,103	6,167,484	8,739,696									Well # 3 & 4	93,581	

Well # 3 & 4 run together

* Year references added by counsel
due to GPY quality

Descriptions	January	February	March	April	May	June	July	August	September	October	November	December	Monthly Ave	Descriptions	Ave Daily	Peak Daily
1986														1986		
Well # 2	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	216,000	576,000	536,000	Well # 2		
Well # 3 & 4	18,866,000	18,228,000	19,404,000	20,412,000	20,682,000	18,954,000	19,404,000	19,908,000	19,236,000	19,740,000	17,406,000	15,312,000	19,006,000	Well # 3 & 4	644,121	2,232,000
1987														1987		
Well # 2	576,000	576,000	576,000	576,000	576,000	576,000	576,000		576,000	576,000	576,000	576,000	576,000	Well # 2		
Well # 3 & 4	15,372,000	14,364,000	15,204,000	14,700,000	16,632,000	17,808,000	17,040,000	17,862,000	16,692,000	16,684,000	12,432,000	13,860,000	15,720,833	Well # 3 & 4	534,208	924,000
1988														1988		
Well # 2	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	Well # 2		
Well # 3 & 4	15,388,000	15,006,000	15,220,000	17,976,000	20,664,000	20,901,000	22,176,000	24,262,000	17,472,000	14,196,000	12,700,000	13,438,000	17,449,917	Well # 3 & 4	592,633	1,008,000
1989														1989		
Well # 2	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000		576,000	576,000	576,000	576,000	Well # 2		
Well # 3 & 4	16,460,000	23,100,000	17,892,000	13,944,000	15,960,000	16,968,000	18,972,000	19,320,000	18,144,000	17,052,000	17,556,000	19,488,000	17,904,667	Well # 3 & 4	606,005	1,248,000
1990														1990		
Well # 2	576,000	576,000	576,000	576,000	576,000	576,000	288,000						534,857	Well # 2		
Well # 3 & 4	20,580,000	18,312,000	20,580,000	19,992,000	23,856,000	24,528,000	24,612,000	21,922,000	19,488,000	18,984,000	17,976,000	17,220,000	20,670,833	Well # 3 & 4	689,847	1,092,000
1991														1991		
Well # 2			288,000	576,000	576,000	5,880,000	13,632,000	576,000	168,000	336,000	168,000		2,467,000	Well # 2		
Well # 3 & 4	17,976,000	17,640,000	18,404,000	19,740,000	21,336,000	15,834,000	8,640,000	22,428,000	22,536,000	22,092,000	21,678,000	23,436,000	19,395,000	Well # 3 & 4	698,466	1,332,000
1992														1992		
Well # 2	672,000	912,000	2,112,000			576,000	480,000						950,400	Well # 2		
Well # 3 & 4	23,436,000	21,924,000	22,412,000	20,376,000	21,420,000	20,412,000	19,680,000	19,152,000	17,388,000	17,554,000	16,716,000	17,136,000	19,800,500	Well # 3 & 4	663,995	1,212,000
1993														1993		
Well # 2							352,000			1,536,000			944,000	Well # 2		
Well # 3 & 4	16,464,000	15,372,000	15,540,000	15,792,000	17,556,000	17,892,000	20,076,000	20,076,000	19,572,000	21,408,000	15,540,000	15,120,000	17,534,000	Well # 3 & 4	581,633	1,260,000
1994														1994		
Well # 2	144,000	576,000									4,416,000	218,000	1,338,500	Well # 2		
Well # 3 & 4	19,740,000	25,512,000	18,312,000	16,800,000	18,144,000	16,884,000	14,716,000	16,548,000	17,724,000	19,824,000	18,192,000	22,848,000	18,770,333	Well # 3 & 4	631,775	1,344,000
1995														1995		
Well # 2						2,064,000						504,000	1,284,000	Well # 2		
Well # 3 & 4	17,556,000	15,624,000	18,312,000	18,480,000	20,076,000	21,924,000	22,260,000	22,176,000	21,420,000	21,420,000	19,236,000	18,480,000	19,747,000	Well # 3 & 4	656,252	1,332,000
1996														1996		
Well # 2							720,000						720,000	Well # 2		
Well # 3 & 4	19,572,000	19,236,000	19,572,000	19,824,000	20,832,000	21,672,000	22,344,000	21,924,000	19,404,000	19,320,000	17,136,000	17,640,000	19,873,000	Well # 3 & 4	655,332	756,000
1997														1997		
Well # 2														Well # 2		
Well # 3 & 4	17,976,000	16,296,000	18,228,000	17,640,000	12,480,000	14,376,000	13,860,000	13,500,000	13,500,000	15,180,000	13,220,000	13,560,000	14,984,667	Well # 3 & 4	492,647	756,000
1998														1998		
Well # 2														Well # 2		
Well # 3 & 4	13,140,000	11,820,000	13,012,000	13,601,000	16,048,000	15,758,000	16,427,000	17,282,000	16,051,000	16,926,000	16,045,000	16,805,000	15,242,917	Well # 3 & 4	501,137	778,000
1999														1999		
Well # 2														Well # 2		
Well # 3 & 4	16,989,000	15,594,000	16,983,000	16,859,000	18,898,000	18,851,000	18,817,000	18,683,000	18,026,000	17,658,000	16,871,000	17,521,000	17,645,833	Well # 3 & 4	580,137	859,000

Large User Consumption					
Date	I.R. Foundry	I.R. Main Plant	Vg of Riverside	Total GPD	Ave GPD
Jan-77			926,408		
Feb-77			2,124,855		
Mar-77			2,712,900		
Apr-77	6,542,340	12,752,872	3,092,618	22,387,830.00	746,261.00
May-77	8,608,312	15,461,970	3,088,658	27,158,940.00	905,298.00
Jun-77	6,900,885	10,775,107	3,073,155	20,749,147.00	691,638.23
Jul-77	6,142,492	8,110,170	3,700,485	17,953,147.00	598,438.23
Aug-77	7,093,905	8,945,610	1,295,760	17,335,275.00	577,842.50
Sep-77	5,664,427	6,721,710	3,078,780	15,464,917.00	515,497.23
Oct-77	5,120,752	6,744,345	2,587,957	14,453,054.00	481,768.47
Nov-77	5,537,227	8,945,520	2,350,275	16,833,022.00	561,100.73
Dec-77	4,942,350	8,965,185	1,449,052	15,356,587.00	511,886.23
Jan-78	5,585,100	9,581,190	2,401,117	17,567,407.00	585,580.23
Feb-78	6,363,165	5,858,520	2,100,910	14,322,595.00	477,419.83

Date	I.R. Foundry	I.R. Main Plant	Vg of Riverside	Sub Total GPD	Est VG Quantity	Total GPD	Unaccounted	Ave GPD
Jan-77			926,408					
Feb-77			2,124,855					
Mar-77			2,712,900					
Apr-77	6,542,340	12,752,872	3,092,618	22,387,830	7,835,741	30,223,571	7,858,128	1,269,390
May-77	8,608,312	15,461,970	3,088,658	27,158,940	9,505,629	36,664,569	9,532,788	1,539,912
Jun-77	6,900,885	10,775,107	3,073,155	20,749,147	7,262,201	28,011,348	7,282,951	1,176,477
Jul-77	6,142,492	8,110,170	3,700,485	17,953,147	6,283,601	24,236,748	6,301,555	1,017,943
Aug-77	7,093,905	8,945,610	1,295,760	17,335,275	6,067,346	23,402,621	6,084,682	982,910
Sep-77	5,664,427	6,721,710	3,078,780	15,464,917	5,412,721	20,877,638	5,428,186	876,861
Oct-77	5,120,752	6,744,345	2,587,957	14,453,054	5,058,569	19,511,623	5,073,022	819,488
Nov-77	5,537,227	8,945,520	2,350,275	16,833,022	5,891,558	22,724,580	5,908,391	954,432
Dec-77	4,942,350	8,965,185	1,449,052	15,356,587	5,374,805	20,731,392	5,390,162	870,718
Jan-78	5,585,100	9,581,190	2,401,117	17,567,407	6,148,592	23,715,999	6,166,160	996,072
Feb-78	6,363,165	5,858,520	2,100,910	14,322,595	5,012,908	19,335,503	5,027,231	812,091
					Actual Quantity			
Dec-73	8,827,400	13,671,300	4,243,300	26,742,000	7,774,600	34,516,600	8,974,316	1,449,697

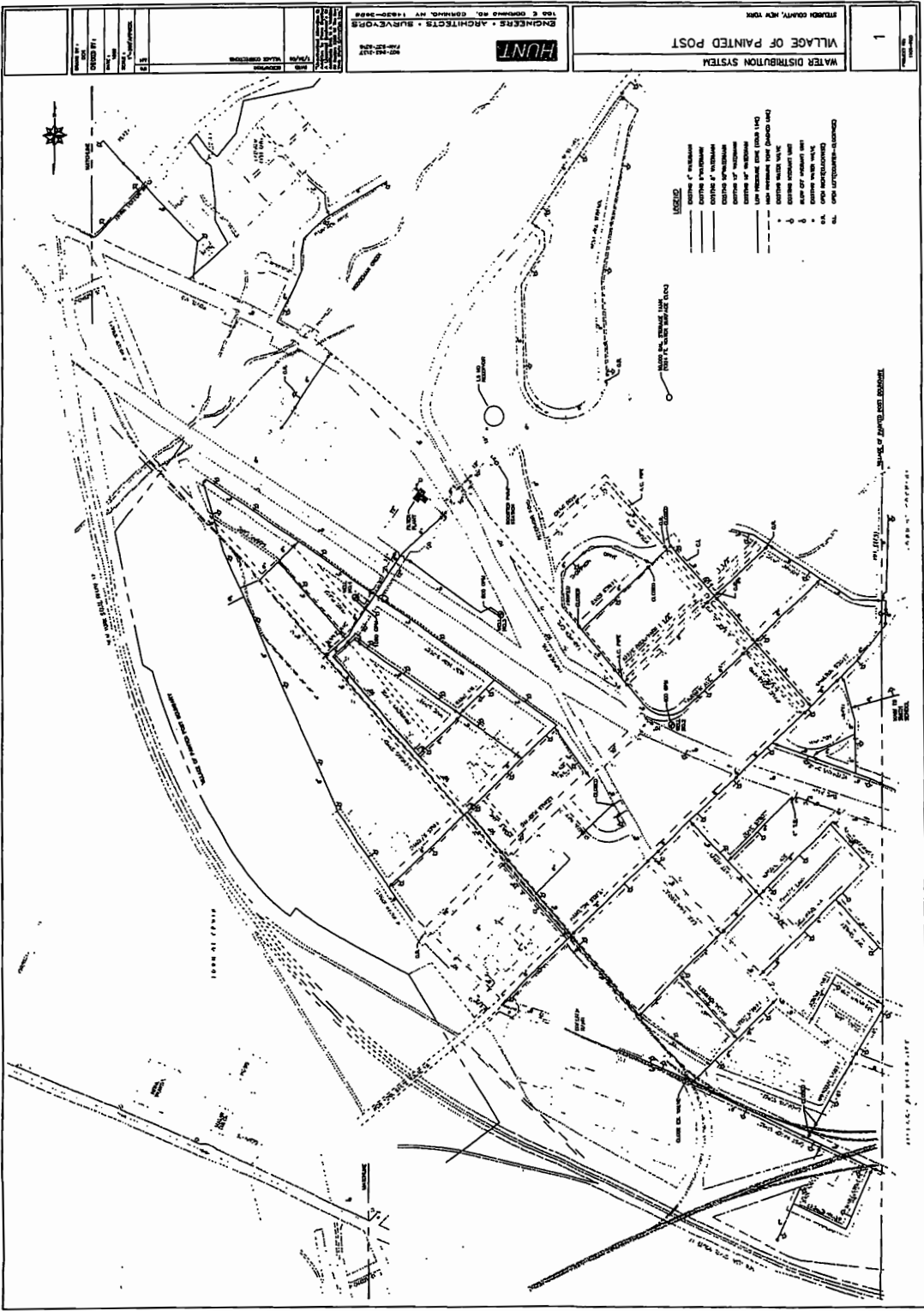
Residential demand 23% based on 12/73 to 1/74 flows (35% yearly ave)

Unaccounted For Water/leaks 26%

1953 ← → 1954 *

Descriptions	July	August	September	October	November	December	January	February	March	April	Monthly Ave	Ave Daily
Well # 1	980,200	4,676,000	8,230,000	11,950,000	15,289,000	18,910,200	25,762,600	34,400,600	43,621,100	52,241,000	28,882,071	
Well # 2		13,913,400	26,270,000	38,600,000	50,932,200	62,929,600	71,093,200	76,694,200	82,295,600	88,637,100	67,311,700	1,992,948
												0
												0
Well # 2		13,913,400	26,270,000	38,600,000	50,932,200	62,929,600	71,093,200	76,694,200	82,295,600	88,637,100	67,311,700	1,401,001
												0
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												0
												0

* Year references added by counsel due to copy quality



WATER DISTRIBUTION SYSTEM
 VILLAGE OF PAINTED POST
 FREDON COUNTY, NEW YORK



ENGINEERS, ARCHITECTS, SURVEYORS
 100 S. GORHAM RD. CORNHILL, NY 13820-2828
 PHONE: 518-837-4141
 FAX: 518-837-4142

DATE	DESCRIPTION
11/15/01	FINAL DESIGN
11/15/01	ISSUE FOR PERMIT
11/15/01	ISSUE FOR CONSTRUCTION
11/15/01	ISSUE FOR RECORD

- CONVENTIONS - STANDARD UNITS
 1" = 40' (VERTICAL SCALE)
 1" = 40' (HORIZONTAL SCALE)
 1" = 40' (PLAN SCALE)
 1" = 40' (SECTION SCALE)
 1" = 40' (ELEVATION SCALE)
 1" = 40' (PLAN SCALE)
 1" = 40' (SECTION SCALE)
 1" = 40' (ELEVATION SCALE)

Annual Drinking Water Quality Report for 2011
Village of Painted Post
261 Steuben Street
Painted Post, NY 14870
(Public Water Supply ID# NY5001222)

INTRODUCTION

To comply with State regulations, Village of Painted Post, will be annually issuing a report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. Last year, your tap water met all State drinking water health standards. We are proud to report that our system did not violate a maximum contaminant level or any other water quality standard. This report provides an overview of last year's water quality. Included are details about where your water comes from, what it contains, and how it compares to State standards.

If you have any questions about this report or concerning your drinking water, please contact Larry E. Smith, Superintendent of Public Works at (607) 962-8724. We want you to be informed about your drinking water. If you want to learn more, please attend any of our regularly scheduled village board meetings. The meetings are held on the second Monday of each month at 7:00 PM at the Village Hall on the corner of Steuben Street and West High Street

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Our water system serves approximately 1842 people through approximately 769 service connections. In addition, our water system provides potable water to the Village of Riverside and portions of the Town of Corning. Our water source is from three groundwater wells located at Craig Park, Maple Avenue near W. High Street and Fairview Avenue near Fairview Avenue Extension. The wells vary from approximately 78 feet deep to 100 feet deep. The water is conveyed to the water treatment plant in Craig Park where it is chlorinated for disinfection purposes, fluoridated for dental health purposes, and phosphate added for corrosion control prior to distribution.

Our Source Water Assessment Summary is not available from the NYS Department of Health at this time.

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, haloacetic acids, radiological and synthetic organic compounds. The table presented below depicts which compounds were detected in your drinking water. The State allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.

It should be noted that all drinking water, including bottled drinking water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791) or the New York State Health Department district office in Hornell at (607) 324-8371.

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, turbidity, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, and synthetic organic compounds. None of the compounds we analyzed for were detected in your drinking water.

Table of Detected Contaminants							
Contaminant	Violation Yes/No	Date of Sample	Level Detected (Avg/Max) (Range)	Unit Measurement	MCLG	Regulatory Limit (MCL, TT or AL)	Likely Source of Contamination
INORGANIC CONTAMINANTS							
LEAD	N	6/13/09	<.5 - 1.5 90 th percentile ¹ = 1.3	ug/l	15	AL = 15	Corrosion of household plumbing; Erosion of natural deposits
COPPER	N	6/13/09	<0.06 - 1.16 90 th percentile ² = 1.07	mg/l	1.3	AL = 1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
BARIUM	N	2/22/10	0.43	mg/l	2	2	Discharge of drilling wastes; discharge from metal refineries; Erosion of natural deposits
NITRATE Well # 2 Well # 3 Well # 4	N	10/26/06 9/14/11 9/14/11	.87 .37 .05	mg/l	10	10	Runoff from fertilizer use; Leaching from septic tanks; Sewage; Erosion of natural deposits
Fluoride	N	Monthly	.61 to 1.20	mg/l	NA	2.2	Water additive to promote strong teeth

VOLATILE ORGANIC CONTAMINANTS							
Total Trihalomethanes [TTHMS]							
[chloroform, bromodichloromethane, dibromochloromethane and bromoform]	N	8/17/10 2/2/10	7.63 MRT 4.7 entry point	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
1,1,1 Trichloroethane	N	2/22/10	0.6	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
HALOACETIC ACIDS [HAA5s]							
[mono-,di and trichloroacetic acid, and mono- and dibromoacetic acid]	N	8/17/10	ND	ug/l	60	60	By-product of drinking water chlorination.
RADIOLOGICAL							
Well No. 3 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.23/3.3 .47/31	pCi/L	0	5	Erosion of Natural Deposits
Well No. 4 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.29/2.6 .36/.28	pCi/L	0	5	Erosion of Natural Deposits
Well No. 3 & 4 Combined Radium 226/228 Radium 228	N	3/19/08 5/22/08	.23/1.39 -.22	pCi/L	0	5	Erosion of Natural Deposits

1 - The level presented represents the 90th percentile of the 10 sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90% of the lead values detected at your water system. In this case, 10 samples were collected at your water system and the 90th percentile value was the 1.30 ug/l value. The highest value was 1.5 ug/l. The action level for lead was not exceeded at any of the sites tested.

2 - The level presented represents the 90th percentile of the 10 samples collected. The 90th percentile value was the 1.07 mg/l value. The highest value was 1.16 mg/l. The action level for copper was reached at one of the sites tested.

Definitions:

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Maximum Residual Time (MRT): Water that has been in the distribution system the longest period of time.

Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Non-Detects (ND): Laboratory analysis indicates that the constituent is not present.

Nephelometric Turbidity Unit (NTU): A measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Milligrams per liter (mg/l): Corresponds to one part of liquid in one million parts of liquid (parts per million - ppm).

Micrograms per liter (ug/l): Corresponds to one part of liquid in one billion parts of liquid (parts per billion - ppb).

Nanograms per liter (ng/l): Corresponds to one part of liquid to one trillion parts of liquid (parts per trillion - ppt).

Picograms per liter (pg/l): Corresponds to one part per of liquid to one quadrillion parts of liquid (parts per quadrillion - ppq).

Picocuries per liter (pCi/L): A measure of the radioactivity in water.

Millirems per year (mrem/yr): A measure of radiation absorbed by the body.

Million Fibers per Liter (MFL): A measure of the presence of asbestos fibers that are longer than 10 micrometers.

WHAT DOES THIS INFORMATION MEAN?

As you can see by the table, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below the level allowed by the State.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. Village of Painted Post is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1-800-426-4791) or at <http://www.epa.gov/safewater/lead>.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium, Giardia and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).

INFORMATION ON FLUORIDE ADDITION

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at an optimal range from 0.7 to 1.2 mg/l (parts per million). To ensure that the fluoride supplement in your water provides optimal dental protection, the State Department of Health requires that the Village of Painted Post monitor fluoride levels on a daily basis. Last year monitoring showed fluoride levels in your water were in the optimal range 89% of the time. None of the monitoring results showed fluoride at levels that approach the 2.2 mg/l MCL for fluoride.

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demands, there are a number of reasons why it is important to conserve water:

- ◆ Saving water saves energy and some of the costs associated with both of these necessities of life;
- ◆ Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems and water towers; and
- ◆ Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- ◆ Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- ◆ Turn off the tap when brushing your teeth.
- ◆ Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- ◆ Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the bowl. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you save more than 30,000 gallons a year.

CLOSING

Thank you for allowing us to continue to provide your family with quality drinking water this year. In order to maintain a safe and dependable water supply we sometimes need to make improvements that will benefit all of our customers. The costs of these improvements may be reflected in the rate structure. Rate adjustments may be necessary in order to address these improvements. We ask that all our customers help us protect our water sources, which are the heart of our community. Please call our office if you have questions.

***Annual Drinking Water Quality Report for 2010
Village of Painted Post
261 Steuben Street
Painted Post, NY 14870
(Public Water Supply ID# NY001222)***

INTRODUCTION

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COPPER	N	6/13/09	<0.06 - 1.16 90 th percentile ² = 1.07	mg/l	1.3	AL = 1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
BARIUM	N	2/22/10	0.43	mg/l	2	2	Discharge of drilling wastes; discharge from metal refineries; Erosion of natural deposits
NITRATE Well # 2 Well # 3 Well # 4	N	10/26/06 11/10/10 11/10/10	.87 <0.05 <0.05	mg/l	10	10	Runoff from fertilizer use; Leaching from septic tanks; Sewage; Erosion of natural deposits
Fluoride	N	Monthly	.55 to 1.34	mg/l	NA	2.2	Water additive to promote strong teeth

VOLATILE ORGANIC CONTAMINANTS							
Total Trihalomethanes [TTHMS]							
[chloroform, bromodichloromethane, dibromochloromethane and bromoform]	N	8/17/10 2/2/10	7.63 MRT 4.7 entry point	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
1,1,1 Trichloroethane	N	2/22/10	0.6	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
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[mono-,di and trichloroacetic acid, and mono-and dibromoacetic acid]	N	8/17/10	ND	ug/l	60	60	By-product of drinking water chlorination.
RADIOLOGICAL							
Well No. 3 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.23/3.3 .47/.31	pCi/L	0	5	Erosion of Natural Deposits
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Well No. 3 & 4 Combined Radium 226/228 Radium 228	N	3/19/08 5/22/08	.23/1.39 -.22	pCi/L	0	5	Erosion of Natural Deposits

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Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium, Giardia and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).

INFORMATION ON FLUORIDE ADDITION

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at an optimal range from 0.8 to 1.2 mg/l (parts per million). To ensure that the fluoride supplement in your water provides optimal dental protection, the State Department of Health requires that the Village of Painted Post monitor fluoride levels on a daily basis. Last year monitoring showed fluoride levels in your water were in the optimal range 67% of the time. None of the monitoring results showed fluoride at levels that approach the 2.2 mg/l MCL for fluoride.

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demands, there are a number of reasons why it is important to conserve water:

- ◆ Saving water saves energy and some of the costs associated with both of these necessities of life;
- ◆ Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems and water towers; and
- ◆ Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- ◆ Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- ◆ Turn off the tap when brushing your teeth.
- ◆ Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- ◆ Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the bowl. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you save more than 30,000 gallons a year.

CLOSING

Thank you for allowing us to continue to provide your family with quality drinking water this year. In order to maintain a safe and dependable water supply we sometimes need to make improvements that will benefit all of our customers. The costs of these improvements may be reflected in the rate structure. Rate adjustments may be necessary in order to address these improvements. We ask that all our customers help us protect our water sources, which are the heart of our community. Please call our office if you have questions.

Annual Drinking Water Quality Report for 2009
Village of Painted Post
261 Steuben Street
Painted Post, NY 14870
(Public Water Supply ID# NY001222)

INTRODUCTION

To comply with State regulations, Village of Painted Post, will be annually issuing a report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. Last year, your tap water met all State drinking water health standards. We are proud to report that our system did not violate a maximum contaminant level or any other water quality standard. This report provides an overview of last year's water quality. Included are details about where your water comes from, what it contains, and how it compares to State standards.

If you have any questions about this report or concerning your drinking water, please contact Larry E. Smith, Superintendent of Public Works at (607) 962-8724. We want you to be informed about your drinking water. If you want to learn more, please attend any of our regularly scheduled village board meetings. The meetings are held on the second Monday of each month at 7:00 PM at the Village Hall on the corner of Steuben Street and West High Street

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Our water system serves approximately 1842 people through approximately 769 service connections. In addition, our water system provides potable water to the Village of Riverside and portions of the Town of Erwin and Corning. Our water source is from three groundwater wells located at Craig Park, Maple Avenue near W. High Street and Fairview Avenue near Fairview Avenue Extension. The wells vary from approximately 78 feet deep to 100 feet deep. The water is conveyed to the water treatment plant in Craig Park where it is chlorinated for disinfection purposes, fluoridated for dental health purposes, and phosphate added for corrosion control prior to distribution.

Our Source Water Assessment Summary is not available from the NYS Department of Health at this time.

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, haloacetic acids, radiological and synthetic organic compounds. The table presented below depicts which compounds were detected in your drinking water. The State allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.

It should be noted that all drinking water, including bottled drinking water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791) or the New York State Health Department district office in Hornell at (607) 324-8371.

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, turbidity, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, and synthetic organic compounds. None of the compounds we analyzed for were detected in your drinking water.

Table of Detected Contaminants							
Contaminant	Violation Yes/No	Date of Sample	Level Detected (Avg/Max) (Range)	Unit Measurement	MCLG	Regulatory Limit (MCL, TT or AL)	Likely Source of Contamination
INORGANIC CONTAMINANTS							
LEAD	N	6/13/09	<.5 - 1.5 90 th percentile ¹ = 1.3	ug/l	15	AL = 15	Corrosion of household plumbing; Erosion of natural deposits
COPPER	N	6/13/09	<0.06 - 1.16 90 th percentile ² = 1.07	mg/l	1.3	AL = 1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
BARIUM	N	9/18/07	0.30	mg/l	2	2	Discharge of drilling wastes; discharge from metal refineries; Erosion of natural deposits
NITRATE Well # 2 Well # 3 Well # 4	N	10/26/06 11/17/09 11/17/09	.87 .99 .89	mg/l	10	10	Runoff from fertilizer use; Leaching from septic tanks; Sewage; Erosion of natural deposits
SULFATE	N	8/24/04	13 - 39 24	mg/l	N/A	250	Naturally Occurring

Fluoride	N	Monthly 9/18/07	.5 to 1.1 .6	mg/l	NA	2.2	Water additive to promote strong teeth
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SYNTHETIC ORGANIC CONTAMINANTS							
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Total Trihalomethanes [TTHMs]							
[chloroform, bromodichloromethane, dibromochloromethane and bromoform]	N	9/05/07	Well 3 -.5 Well 4 -.6 5.7 distribution	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.

HALOACETIC ACIDS [HAA5s]							
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[mono-, di and trichloroacetic acid, and mono- and dibromoacetic acid]	N	9/5/07	ND	ug/l	60	60	By-product of drinking water chlorination.
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RADIOLOGICAL							
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Well No. 3 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.23/3.3 .47/31	pCi/L	0	5	Erosion of Natural Deposits
Well No. 4 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.29/2.6 .36/28	pCi/L	0	5	Erosion of Natural Deposits
Well No. 3 & 4 Combined Radium 226/228 Radium 228	N	3/19/08 5/22/08	.23/1.39 -.22	pCi/L	0	5	Erosion of Natural Deposits

VOLATILE ORGANIC COMPOUNDS							
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1 - The level presented represents the 90th percentile of the 10 sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90% of the lead values detected at your water system. In this case, 10 samples were collected at your water system and the 90th percentile value was the 1.30 ug/l value. The highest value was 1.5 ug/l. The action level for lead was not exceeded at any of the sites tested.

2 - The level presented represents the 90th percentile of the 10 samples collected. The 90th percentile value was the 1.07 mg/l value. The highest value was 1.16 mg/l. The action level for copper was reached at one of the sites tested.

Definitions:

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Non-Detects (ND): Laboratory analysis indicates that the constituent is not present.

Nephelometric Turbidity Unit (NTU): A measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Milligrams per liter (mg/l): Corresponds to one part of liquid in one million parts of liquid (parts per million - ppm).

Micrograms per liter (ug/l): Corresponds to one part of liquid in one billion parts of liquid (parts per billion - ppb).

Nanograms per liter (ng/l): Corresponds to one part of liquid to one trillion parts of liquid (parts per trillion - ppt).

Picograms per liter (pg/l): Corresponds to one part per of liquid to one quadrillion parts of liquid (parts per quadrillion - ppq).

Picocuries per liter (pCi/L): A measure of the radioactivity in water.

Millirems per year (mrem/yr): A measure of radiation absorbed by the body.

Million Fibers per Liter (MFL): A measure of the presence of asbestos fibers that are longer than 10 micrometers.

WHAT DOES THIS INFORMATION MEAN?

As you can see by the table, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below the level allowed by the State.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. Village of Painted Post is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1-800-426-4791) or at <http://www.epa.gov/safewater/lead>.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium*, *Giardia* and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).

INFORMATION ON FLUORIDE ADDITION

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at an optimal range from 0.8 to 1.2 mg/l (parts per million). To ensure that the fluoride supplement in your water provides optimal dental protection, the State Department of Health requires that the Village of Painted Post monitor fluoride levels on a daily basis. During 2009 monitoring showed fluoride levels in your water were in the optimal range 75% of the time. None of the monitoring results showed fluoride at levels that approach the 2.2 mg/l MCL for fluoride.

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demands, there are a number of reasons why it is important to conserve water:

- ◆ Saving water saves energy and some of the costs associated with both of these necessities of life;
- ◆ Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems and water towers; and
- ◆ Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- ◆ Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- ◆ Turn off the tap when brushing your teeth.
- ◆ Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- ◆ Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the bowl. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you save more than 30,000 gallons a year.

CLOSING

Thank you for allowing us to continue to provide your family with quality drinking water this year. In order to maintain a safe and dependable water supply we sometimes need to make improvements that will benefit all of our customers. The costs of these improvements may be reflected in the rate structure. Rate adjustments may be necessary in order to address these improvements. We ask that all our customers help us protect our water sources, which are the heart of our community. Please call our office if you have questions.

Annual Drinking Water Quality Report for 2008
Village of Painted Post
261 Steuben Street
Painted Post, New York 14870
(Public Water Supply ID# NYS5001222)

INTRODUCTION

To comply with State regulations, Village of Painted Post, will be annually issuing a report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. Last year, your tap water met all State drinking water health standards. We are proud to report that our system did not violate a maximum contaminant level or any other water quality standard. This report provides an overview of last year's water quality. Included are details about where your water comes from, what it contains, and how it compares to State standards.

If you have any questions about this report or concerning your drinking water, please contact Larry E. Smith, Superintendent of Public Works at (607) 962-8724. We want you to be informed about your drinking water. If you want to learn more, please attend any of our regularly scheduled village board meetings. The meetings are held on the second Monday of each month at 7:00 PM at the Village Hall on the corner of Steuben Street and West High Street

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Our water system serves approximately 1842 people through approximately 769 service connections. In addition, our water system provides potable water to the Village of Riverside and portions of the Town of Erwin and Corning. Our water source is from three groundwater wells located at Craig Park, Maple Avenue near W. High Street and Fairview Avenue near Fairview Avenue Extension. The wells vary from approximately 78 feet deep to 100 feet deep. The water is conveyed to the water treatment plant in Craig Park where it is chlorinated for disinfection purposes, fluoridated for dental health purposes, and phosphate added for corrosion control prior to distribution.

Our Source Water Assessment Summary is not available from the NYS Department of Health at this time.

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: These contaminants include: total coliform, pesticides, herbicides, inorganic compounds, nitrate, lead and copper, volatile organic compounds, semi-volatile organic compounds, total trihalomethanes, haloacetic acids, radiological and synthetic organic compounds. The table presented below depicts which compounds were detected in your drinking water. The State allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.

It should be noted that all drinking water, including bottled drinking water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791) or the New York State Health Department district office in Hornell at (607) 324-8371.

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, turbidity, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, and synthetic organic compounds. None of the compounds we analyzed for were detected in your drinking water.

Table of Detected Contaminants

Contaminant	Violation Yes/No	Date of Sample	Level Detected (Avg/Max) (Range)	Unit Measurement	MCLG	Regulatory Limit (MCL, TT or AL)	Likely Source of Contamination
INORGANIC CONTAMINANTS							
LEAD	N	9/14/06	<1-84 90 th percentile ¹ = 5	ug/l	15	AL = 15	Corrosion of household plumbing; Erosion of natural deposits
COPPER	N	9/14/06	<0.25-1.3 90 th percentile ² = .80	mg/l	1.3	AL = 1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
BARIUM	N	9/18/07	0.30	mg/l	2	2	Discharge of drilling wastes; discharge from metal refineries; Erosion of natural deposits
NITRATE Well # 2 Well # 3 Well # 4	N	10/26/06 5/21/08 5/21/08	.87 .78 .96	mg/l	10	10	Runoff from fertilizer use; Leaching from septic tanks; Sewage; Erosion of natural deposits
SULFATE	N	8/24/04	13 - 39 24	mg/l	N/A	250	Naturally Occurring
Fluoride	N	Monthly 9/18/07	.5 to 1.1 .6	mg/l	NA	2.2	Water additive to promote strong teeth
SYNTHETIC ORGANIC CONTAMINANTS							
Total Trihalomethanes [TTHMS]							

SYNTHETIC ORGANIC CONTAMINANTS							
Total Trihalomethanes [TTHMs]							
[chloroform, bromodichloromethane, dibromochloromethane and bromoform]	N	9/05/07 8/24/04	Well 3 -.5 Well 4 -.6 5.7 distribution	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
HALOACETIC ACIDS [HAA5s]							
[mono-, di and trichloroacetic acid, and mono- and dibromoacetic acid]	N	8/24/04	1.10	ug/l	60	60	By-product of drinking water chlorination.
RADIOLOGICAL							
Well No. 3 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.23/3.3 .47/1.31	pCi/L	0	5	Erosion of Natural Deposits
Well No. 4 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.29/2.6 .36/1.28	pCi/L	0	5	Erosion of Natural Deposits
Well No. 3 & 4 Combined Radium 226/228 Radium 228	N	3/19/08 5/22/08	.23/1.39 -.22	pCi/L	0	5	Erosion of Natural Deposits
VOLATILE ORGANIC COMPOUNDS							

1 - The level presented represents the 90th percentile of the 10 sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90% of the lead values detected at your water system. In this case, 10 samples were collected at your water system and the 90th percentile value was the 0.005 mg/l value. The highest value was .84 mg/l. The action level for lead was not exceeded at any of the sites tested.

2 - The level presented represents the 90th percentile of the 10 samples collected. The 90th percentile value was the 0.08 mg/l value. The highest value was 1.3 mg/l. The action level for copper was reached at one of the sites tested.

Definitions:

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Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

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Million Fibers per Liter (MFL): A measure of the presence of asbestos fibers that are longer than 10 micrometers.

WHAT DOES THIS INFORMATION MEAN?

As you can see by the table, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below the level allowed by the State.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. [Village of Painted Post] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1-800-426-4791) or at <http://www.epa.gov/safewater/lead>.

IS OUR WATER SYSTEM MEETING OTHER RULES THAT GOVERN OPERATIONS?

During 2008, our system was in compliance with applicable State drinking water operating, monitoring and reporting requirements.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium, Giardia and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).

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WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demands, there are a number of reasons why it is important to conserve water:

- ◆ Saving water saves energy and some of the costs associated with both of these necessities of life;
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CLOSING

Thank you for allowing us to continue to provide your family with quality drinking water this year. In order to maintain a safe and dependable water supply we sometimes need to make improvements that will benefit all of our customers. The costs of these improvements may be reflected in the rate structure. Rate adjustments may be necessary in order to address these improvements. We ask that all our customers help us protect our water sources, which are the heart of our community. Please call our office if you have questions.

*Annual Drinking Water Quality Report for 2007
Village of Painted Post
261 Steuben Street
Painted Post, New York 14870
(Public Water Supply ID#NYS5001222)*

INTRODUCTION

To comply with State regulations, Village Painted Post will be annually issuing a report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. This report provides an overview of last year's water quality. Included are details about where your water comes from, what it contains, and how it compares to State standards.

If you have any questions about this report or concerning your drinking water, please contact Larry E. Smith, Superintendent of Public Works at (607) 962-8724. We want you to be informed about your drinking water. If you want to learn more, please attend any of our regularly scheduled village board meetings. The meetings are held on the second Monday of each month at 7:00 PM at the Village Hall on the corner of Steuben Street and West High Street.

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Our water source is from three groundwater wells located at Craig Park, Maple Avenue near W. High Street and Fairview Avenue near Fairview Avenue Extension. The wells vary from approximately 78 feet deep to 100 feet deep. The water is conveyed to the water treatment plant in Craig Park where it is chlorinated for disinfection purposes, fluoridated for dental health purposes, and phosphate added for corrosion control prior to distribution. Our water system serves approximately 1842 people through approximately 769 service connections. In addition, our water system provides potable water to the Village of Riverside and portions of the Town of Erwin and Corning.

A Source Water Assessment Summary will be included if the data becomes available from the NYS Department of Health.

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, pesticides, herbicides, inorganic compounds, nitrate, lead and copper, volatile organic compounds, semi-volatile organic compounds, total trihalomethanes, haloacetic acids, radiological and synthetic organic compounds. The table presented below depicts which compounds were detected in your drinking water. The State allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.

It should be noted that all drinking water, including bottled drinking water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791) or the New York State Health Department district office in Hornell at (607) 324-8371.

As the State regulations require, we routinely test your drinking water for numerous contaminants. These contaminants include: total coliform, inorganic compounds, nitrate, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, and synthetic organic compounds. Some of the compounds we analyzed for were detected in your drinking water.

Table of Detected Contaminants

Contaminant	Violation Yes/No	Date of Sample	Level Detected (Avg/Max) (Range)	Unit Measure- ment	MCLG	Regulatory Limit (MCL, TT or AL)	Likely Source of Contamination
INORGANIC CONTAMINANTS							
LEAD	N	9/14/06	<1-84 90 th percentile ¹ = 5	ug/l	15	AL = 15	Corrosion of household plumbing; Erosion of natural deposits
COPPER	N	9/14/06	<0.25-1.3 90 th percentile ² = .80	mg/l	1.3	AL = 1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
BARIUM	N	9/18/07	0.30	mg/l	2	2	Discharge of drilling wastes; discharge from metal refineries; Erosion of natural deposits
NITRATE Well # 2 Well # 3 Well # 4	N	10/26/06 9/18/07 9/18/07	.87 ND ..86	mg/l	10	10	Runoff from fertilizer use; Leaching from septic tanks; Sewage; Erosion of natural deposits
SULFATE	N	8/24/04	13 -39 24	mg/l	N/A	250	Naturally Occurring
Fluoride	N	Monthly	.5 to 1.1	mg/l	NA	2.2	Water additive to promote strong teeth

SYNTHETIC ORGANIC CONTAMINANTS							
Total Trihalomethanes [TTHMS]							
[chloroform, bromodichloromethane, dibromochloromethane and bromoform]	N	9/05/07 8/24/04	.55 wells 5.7 distribution	ug/l	80	80	By-product of drinking water chlorination needed to kill harmful organisms. Formed when source water contains large amounts of organic matter.
HALOACETIC ACIDS [HAA5s]							
[mono-, di and trichloroacetic acid, and mono- and dibromoacetic acid]	N	8/24/04	1.10	ug/l	60	60	By-product of drinking water chlorination.
RADIOLOGICAL							
Well No. 3 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.23/3.3 .47/.31	pCi/L	0	5	Erosion of Natural Deposits
Well No. 4 Radium 226/228 Radium 226/228	N	9/18/07 12/20/07	.29/2.6 .36/.28	pCi/L	0	5	Erosion of Natural Deposits
Well No. 3 & 4 Combined Radium 226/228	N	3/19/08	.81/1.39	pCi/L	0	5	Erosion of Natural Deposits
VOLATILE ORGANIC COMPOUNDS							

Notes:

1 - The level presented represents the 90th percentile of the 10 sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90% of the lead values detected at your water system. In this case, 10 samples were collected at your water system and the 90th percentile value was the 0.005 mg/l value. The highest value was .84 mg/l. The action level for lead was not exceeded at any of the sites tested.

2 - The level presented represents the 90th percentile of the 10 samples collected. The 90th percentile value was the 0.08 mg/l value. The highest value was 1.3 mg/l. The action level for copper was reached at one of the sites tested.

Definitions:

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Non-Detects (ND): Laboratory analysis indicates that the constituent is not present.

Nephelometric Turbidity Unit (NTU): A measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Milligrams per liter (mg/l): Corresponds to one part of liquid in one million parts of liquid (parts per million - ppm).

Micrograms per liter (ug/l): Corresponds to one part of liquid in one billion parts of liquid (parts per billion - ppb).

Nanograms per liter (ng/l): Corresponds to one part of liquid to one trillion parts of liquid (parts per trillion - ppt).

Picograms per liter (pg/l): Corresponds to one part per of liquid to one quadrillion parts of liquid (parts per quadrillion - ppq).

Picocuries per liter (pCi/L): A measure of the radioactivity in water.

Millirems per year (mrem/yr): A measure of radiation absorbed by the body.

Million Fibers per Liter (MFL): A measure of the presence of asbestos fibers that are longer than 10 micrometers.

WHAT DOES THIS INFORMATION MEAN?

As you can see by the table, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below the level allowed by the State.

IS OUR WATER SYSTEM MEETING OTHER RULES THAT GOVERN OPERATIONS?

During 2007, our system was in compliance with applicable State drinking water operating, monitoring and reporting requirements.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium, Giardia and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demands, there are a number of reasons why it is important to conserve water:

- ◆ Saving water saves energy and some of the costs associated with both of these necessities of life;
- ◆ Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems and water towers; and
- ◆ Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- ◆ Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- ◆ Turn off the tap when brushing your teeth.
- ◆ Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- ◆ Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the bowl. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you save more than 30,000 gallons a year.

CLOSING

Thank you for allowing us to continue to provide your family with quality drinking water this year. In order to maintain a safe and dependable water supply we sometimes need to make improvements that will benefit all of our customers. The costs of these improvements may be reflected in the rate structure. Rate adjustments may be necessary in order to address these improvements. We ask that all our customers help us protect our water sources, which are the heart of our community. Please call our office if you have questions.



VILLAGE OF PAINTED POST

BOX 110
PAINTED POST, NY 14870-0110
(607) 962-4604

Village of Painted Post

WATER SUPPLY EMERGENCY PLAN

October 2007

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I. Description of System

Our water source is from three groundwater wells located at Craig Park, Maple Avenue near W. High Street and Fairview Avenue near Fairview Avenue Extension. The wells vary from approximately 78 feet deep to 100 feet deep. The water is conveyed to the water treatment plant in Craig Park where it is chlorinated for disinfection purposes, fluoridated for dental health purposes, and phosphate added for corrosion control prior to distribution. Our water system serves approximately 1842 people through approximately 755 service connections. In addition, our water system provides potable water to the Village of Riverside and portions of the Town of Erwin and Corning.

1. Production Wells

- Well No.2 also known as Fairview Ave. well. It's located at the intersection of Fairview Ave. and Steuben St. Ext.

General Information

Pump Motor Size: 60hp turbine

Well Production: 400 gpm

Treatment Chlorinator: 50 gal liquid chlorine tank chemical feed pump

- Well No.3 also known as Craig Park well. Located at the East end of Craig Park.

General Information

Pump Motor Size: 75hp turbine

Well Production: 500gpm

Treatment Chlorinator: 150 pound gas cylinders located at the Water Treatment Plant in Craig Park

- Well No.4 also known as Maple Ave. well. It's located in Maple Ave. Park at W. High St. & Maple Ave.

General Information

Pump Motor Size: 75hp turbine

Well Production: 900gpm

Treatment Chlorinator: 150 pound gas cylinders located at the Water Treatment Plant in Craig Park

2. System Demand: The Village uses an average of .6mgd and a peak of 1.2 mg
3. Water Storage: 1,500,000 gal. reservoir located at the end of Reservoir Rd.
4. Standby Power: 350kw generator located at the W.T.P. in Craig Park.
Provides power to Wells No. 3 & 4, W.T.P and booster pump station
5. High service system: also known as West Hill Terrace system
Pump: 20hp booster, pump from main system
Water Storage: 50,000 standpipe
Emergency pumps: 60hp electric to meet fire flows
85hp diesel for power outage

Note: Distribution maps can be obtained from the W.T.P., Supt. of PW or Dept Vehicle

II. Communication

Telephone and Cell phones are the primary link to convey information. Should this service be lost, 2 way radios will be used. Most vehicles are equipped with radios. Key personnel have home monitors that receive D.P.W. frequency. The Village has portable radios available if required. The base radio is located in the Village Clerks office.

III. Who is in Charge

The following individuals will be in charge during an emergency:

- 1st. Superintendent Larry Smith
- 2nd. Water Treatment Plant Operator Mike Peters
- 3rd. Deputy Superintendent Mike Button

In the event all three individuals are unavailable, the Mayor or representative will designate an individual to be in charge.

IV. Who gets Notified

Appendix A. Notification roster, contains phone numbers of Key personal of organizations which may require notification during an emergency. Each action plan states who must be notified.

V. Emergency Action Plans

Plans are included for the most probable emergencies that could occur in the Village of Painted Post.

- Pump Failure:

The village uses 3 line shaft turbine pumps that provide 2.5 mgd. The most probable failure is a electrical outage. There is approximately 20 hrs of storage. During an electrical failure the standby generator would be activated thereby restoring power to No 3&4 wells. The electric company would be contacted and a determination made as to how long the outage would last. (See notification schedule). If the power cannot be restored or the generator fails, the Steuben County Local Public Health Engineer will be notified and arrangements made to bring in bulk water. In the event of mechanical failure the pump manufacturer will be notified. (See notification schedule) In the event that all three pumps are out of services due to mechanical failure and cannot be restored to service within 6 hrs. The following notifications will be made.

- 1) Local Public Health Engineer
- 2) Media
- 3) Fire Dept.

- Pump failure at the high service tank

In the event that the booster pump fails, one of two or both standby pumps will be used. In the unlikely event that all three pumps will be out of service, for more than 30 hours a fire engine can boost, water from the hydrant at 133 Thompson Dr. to the hydrant at the corner of Craig Dr. & Reservoir Rd.

- Prolong Water Outage

Contamination, pump failure, transmission main break, aquifer depletion and water tank failure can cause a prolong water outage. In this instance the following notifications should be made:

- 1) Local Public Health Engineer
- 2) Media
- 3) Fire Dept.
- 4) Town of Erwin, Village of Riverside, City of Corning

If water cannot be readily provided, water tank trailers should be set up at the following locations

- Depot parking lot
- Depletion of Well Source

If the pumping level in one of the three wells drops to a point of 10 feet above the low water cutoff, an educational program will be initiated to inform the community to conserve water. Standard articles will be sent to the Corning leader requesting that the community conserve water. In addition a form letter will be sent to the school principals asking that they educate the students about the water shortage. If the pumping level drops to 8 feet above low water cutoff, lawn sprinkling and car washing will be prohibited. Also the frequency of water level readings will be increased. If the well continues to deplete and reaches a point where the low water cutoff is activated the well will be shut down. In the event arrangements will be made to provide bulk water.

If water production and/or storage cannot be restored arrangements approvals shall be obtained to open the water distribution interconnection between the City of Corning and the village. If required a temporary connection between the Town of Erwin and the village can be established along New York State Route 415 west of the village. (note: due the reversal of water flow substantial flushing will be required to obtain good water quality)

- Water Contamination

Highway 415 is located 100 feet from Village Well No.3. This is the most probable source of contamination. An accident at this location, could permanently contaminate the well supply. Local police agencies have been informed to contact the village concerning any accident near the well vicinity. If it involves a chemical truck the placard information will be obtained and the chemical identified. The following notifications must be made if it involves a chemical spill.

- 1) Fire Department
- 2) Local Public Health Engineer
- 3) Rochester Regional Office
- 4) D.O.T.
- 5) D.E.C.
- 6) Chemtrec
- 7) Local Civil Defense Director

- Gaseous Chlorinator Failure

When chlorination is inoperative the operator will notify the Local Health Engineer within 48 hrs. The well water has no bacteriological problem; therefore minimizing the impact of a chlorinator failure. During the chlorinator failure bacteriological samples will be taken at designated points to assure the water is safe to drink. If any bacteriological samples indicate contamination, check samples will be taken. If the samples exceed the N.Y.S. M.C.L. a boil water notice will be issued via the news, T.V. & Radio.

- Liquid Chlorine failure

Well would be shut down until repairs were made.

- Loss of pressure or storage

If the pressure in the water system drops below 35psi the fire department will be notified. If the pressure is lost in the system or a portion of the system, for more than 4 hours, the Steuben County Health Dept. will be notified. Pressure can be preserved by pumping against a closed valve while cooling the pump impellers thru a hydrant.

- Infrastructure Security

1. Lock all doors and gates when facilities are left unattended.
2. Remove keys from vehicles when unattended.
3. Ask questions of strangers in or at Village facilities.
4. Make sure all outside lighting is in working order.
5. All village facilities shall be marked with "Authorized Personnel Only" signs.
6. Report any suspicious activity or threats to the police dept.

Appendix A Notification Roster

DPW Superintendent, Larry Smith

Work - 962 - 8724 Home - 936 - 4012

DPW Deputy Superintendent, Mike Button

Work - 962 - 5723 Home - 962 - 5661

Water Treatment Plant Operator, Mike Peters

Work - 962 - 5434 Home - 546 - 7606

Assistant Water Treatment Plant Operator, Steve Benedict

Work - 962 - 5434/962 - 1133 Home 962 - 3669

Village Mayor, Edward A. Franklin, Sr.

Work - 936-4106 Home -962-7847

Village Police - 922-4604/ 962-4605 or 911

Village Clerk, Ann Taft

Work - 922-4604

N.Y.S. Dept. of Health Hornell office - 324-8371

N. Y. S. Dept. of Health Hotline. - 518-465-9720

N.Y.S. Dept. of Environmental Conservation Hotline - 800-457-7362

Steuben County Office of Emergency Services - 664-2700

D.O.T., Emergency - 800-526-3436

Telephone. repair - 890-7711

Electric Co. Emergency - 796-2387

Gas Co. Emergency - 936-3755

State Police, Painted Post - 962-6864, 800-252-0820 or 911

Painted Post Fire Dept. - 911

Amrex Chlorine - 772-8784 or CHEMTRAC

WCBA radio - 962-4646

WETM-TV - 733-5518

Moody Well Service - 800-836-5040

VILLAGE OF PAINTED POST

BOX 110
PAINTED POST, NY 14870
(607) 962-4604

THREAT EVALUATION INFORMATION FORM

To be used at the time or immediately following the receipt of a threat of contamination or other disruption to the Water System

Date threat was received: _____

Time: _____

Key words in threat: _____

Tell caller that you need to be as complete as possible in his/her message in order to accurately perceive the nature of the threat.

Perpetrator's Profile:

Sex: Male Female Not Sure

Age: Adult Teen Child Not Sure

Voice: Normal Muffled Slurred Calm Nervous Excited

Is there a foreign accent? Yes No

Background noises (if any):

Does the caller claim an affiliation with a particular organization?

Yes No If so, what organization? _____

Name of person receiving threat: _____

Location at time threat was received: _____

HARRIS BEACH PLLC
ATTORNEYS AT LAW

99 GARNSEY ROAD
PITTSFORD, NY 14534
(585) 419-8800

JOSEPH D. PICCIOTTI

DIRECT: (585) 419-8629
FAX: (585) 419-8815
JPICCIOTTI@HARRISBEACH.COM

January 10, 2013

VIA REGULAR MAIL

Honorable Alexander R. Renzi
Justice of the Supreme Court
545 Hall of Justice
Rochester, NY 14614

Re: Scheduling Order Regarding Submission of Papers on
the Pending Motions and Follow up on Discovery
Issues: Sierra Club, et al. v. Village of Painted Post, et
al.
Index No. 2012-0810

Dear Judge Renzi:

I represent respondents the Village of Painted Post ("the Village") and SWEPI, LP ("SWEPI") (collectively the Village and SWEPI may be referred to as "Respondents"). This letter is written at your direction to set forth the Court's determination on the schedule for submission of opposition and reply papers on the pending motions which the Court made during the conference call with the Court on Monday January 7, 2013. I am also enclosing the affidavits requested by the Court concerning the discovery issues discussed during that call, as well as providing the documents the Court directed SWEPI to produce (we have provided copies of each of the documents referenced to counsel for each of the parties).

Concerning scheduling of the submission of papers on the pending motions, the Court has directed that Petitioners have up to and including January 28, 2013 to file and serve any papers they intend to serve in opposition to the motion for summary judgment or to dismiss filed on behalf of Respondents, the Village of Painted Post and SWEPI, LP, and filed on behalf of the Wellsboro and Corning Railroad LLC. The Respondents will have up to and including February 22nd to file and serve any reply papers. The Court noted that should Respondents not file their papers until February 25th, that Petitioners will have the opportunity to serve sur-reply papers, but only if respondents fail to file and serve their papers by February 22nd.

We also enclose, pursuant to the Court's direction, affidavits from Larry Smith and Bill Gough. (Messrs. Gough and Smith submitted affidavits on the Respondents' motion filed in early August that addressed issues with the Village wells). As you can see, the enclosed affidavits confirm that neither Mr. Gough or Mr. Smith reviewed any Village records other than records recently provided to the Sierra Club pursuant to the June 6, 2012 FOIL filed by it.

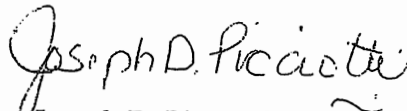
Honorable Alexander R. Renzi
January 10, 2013
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HARRIS BEACH PLLC
ATTORNEYS AT LAW

In addition, we enclose copies of documents I obtained from SWEPI this week following the call with the Court on Monday which SWEPI has stated constitute the documents it submitted to the Susquehanna River Basin Commission ("SRBC") associated with any application it filed pursuant to the withdrawal of water from the Village's wells under the contract with SWEPI and the Village, as well as any copies of approvals SWEPI received from the SRBC.

Please contact me if you have any questions.

Respectfully submitted,


Joseph D. Picciotti

Enclosures

cc: Rachel Treichler, Esq. w/encl.
Richard J. Lippes, Esq. w/encl.
John K. Fiorilla, Esq. w/encl.

Wright, Stephen A SEPCO-UAS/E/USON

From: Miller, Glenda [gmiller@srbc.net]
Sent: Tuesday, July 24, 2012 4:31 PM
To: Wright, Stephen A SEPCO-UAS/E/USON
Cc: Beauduy, Tom; Richenderfer, Jim; Dehoff, Andrew; Ballaron, Paula; Larry Smith (ppdpw@stny.rr.com); mdholt@gw.dec.state.ny.us; pbfreeha@gw.dec.state.ny.us; lacollar@gw.dec.state.ny.us; bjfield@gw.state.ny.us; kfsanfor@gw.dec.state.ny.us; kplynch@gw.dec.state.ny.us
Subject: SWEPI, LP - Source 13 - Request for Increase of Water Approved From The Village of Painted Post (#NY5001222)

Effective July 24, 2012, and pursuant to 18 CFR Section 806.22(f)(13), the Susquehanna River Basin Commission (Commission) hereby approves the request for an increase of water filed by SWEPI, LP (hereinafter "project sponsor"), for the use of water obtained from the Village of Painted Post (PWS #NY5001222), located in Painted Post, Steuben County, New York.

As a result of this approval, and pursuant to 18 CFR Section 806.22(f)(11), the project sponsor may utilize this source for natural gas development at any drilling pad site for which it has an effective Approval by Rule issued by the Commission, subject to any approval or authorization required by the Commission's (host) member state to utilize such source.

The project sponsor may obtain water from this source in a manner as described and in an amount not to exceed the amount established in the commitment letter submitted as part of the requested increase. The Village of Painted Post has amended its contract with SWEPI, LP to allow the purchase of water from 0.500 mgd up to 1.000 mgd.

The project sponsor shall record on a daily basis, and report quarterly on a form and in a manner prescribed by the Commission, the quantity of water obtained from this source.

The project sponsor shall demonstrate to the Commission annually, by means of a commitment letter or other documentation acceptable to the Commission, that all sources approved under 18 CFR §806.22(f)(13) intend to continue to supply water to the project sponsor. The project sponsor shall notify the Commission, in writing, within 30 days of any termination of source water agreements. The project sponsor may increase the committed amount with proper notification to and approval from Commission staff prior to any consumptive water use. The Commission reserves the right to suspend or terminate this approval in the event of non-compliance of the source.

If you have any questions regarding the approval, please feel free to contact me at extension 227.

Thank you,
Glenda Miller

Tubridy, Stephanie L SEPCO-UAS/E/DEC

From: Densmore, Maris SEPCO-UAS/E/DEC
Sent: Monday, March 28, 2011 4:37 PM
To: Tubridy, Stephanie L SEPCO-UAS/E/DEC
Subject: FW: SWEPT, LP - Approved Source Application For The Use of Water Obtained From The Village of Painted Post - PWS #NY5001222 - Located in Painted Post, Steuben County, New York

From: Miller, Glenda [<mailto:gmiller@srbc.net>]
Sent: Monday, March 28, 2011 12:25 PM
To: Densmore, Maris SEPCO-UAS/E/DEC
Cc: Beauduy, Tom; Richenderfer, Jim; suweaver@state.pa.us; johamilton@state.pa.us; mhartie@state.pa.us; cdeluca@state.pa.us; dagustini@state.pa.us; djostenski@state.pa.us; jbuczynski@state.pa.us; jamekline@state.pa.us; mdholt@gw.dec.state.ny.us; pbfreeha@gw.dec.state.ny.us; lacollar@gw.dec.state.ny.us; bjfield@gw.state.ny.us; kfsanfor@gw.dec.state.ny.us; kplynch@gw.dec.state.ny.us
Subject: SWEPT, LP - Approved Source Application For The Use of Water Obtained From The Village of Painted Post - PWS #NY5001222 - Located in Painted Post, Steuben County, New York

Effective March 28, 2011, and pursuant to 18 CFR Section 806.22(f)(12)(ii), the Susquehanna River Basin Commission (Commission) hereby approves the source application filed by SWEPI, LP (hereinafter "project sponsor"), for the use of water obtained from the Village of Painted Post (PWS #NY5001222), located in Painted Post, Steuben County, New York.

As a result of this approval, and pursuant to 18 CFR Section 806.22(f)(11), the project sponsor may utilize this source for natural gas development at any drilling pad site for which it has an effective Approval by Rule issued by the Commission, subject to any approval or authorization required by the Commission's (host) member state to utilize such source.

The project sponsor may obtain water from this source in an amount not to exceed the amount established in the commitment letter submitted as part of its approval (500,000 gpd). The project sponsor may only increase the committed amount with proper notification to and prior approval from the Commission.

The project sponsor shall record on a daily basis, and report quarterly on a form and in a manner prescribed by the Commission, the quantity of water obtained from this source.

The project sponsor shall demonstrate to the Commission annually, by means of a commitment letter or other documentation acceptable to the Commission, that all sources approved under 18 CFR §806.22(f)(12)(ii) intend to continue to supply water to the project sponsor. The project sponsor shall notify the Commission, in writing, within two (2) weeks of any termination of source water agreements. The project sponsor may increase the committed amount with proper notification to and approval from Commission staff prior to any consumptive water use.

If you have any questions regarding the approval, please feel free to contact me at extension 227 or Eric Roof at extension 209.

Thank you,
Glenda Miller



SWEPI LP

Shell Exploration & Production Company
190 Thorn Hill Road
Warrendale, PA 15086

March 7, 2012

Susquehanna River Basin Commission
Attn: Glenda Miller
1721 North Front Street
Harrisburg, Pennsylvania 17102-2391

Re: Request to Increase Daily Volume from Approved (12)(ii) Water Source
NOI-2011-009, Village of Painted Post Public Water Supply

Dear Ms. Miller,

SWEPI LP (Shell) has an existing Source (12)(ii) approval from SRBC (NOI-2011-009) for 0.5 million gallons per day (MGD) from the Village of Painted Post municipal water system. Shell has amended its contract with Painted Post to allow purchase up to 1.0 MGD, which is reflected in the January 23, 2012 commitment letter (enclosed). It is Shell's understanding that the additional daily volume was previously allocated to a third party but is now being made available exclusively to Shell (see enclosed correspondence from Painted Post to SRBC).

As instructed, Shell is requesting approval from SRBC to obtain up to 1.0 MGD of water from Painted Post for natural gas development activities.

If you have any questions, need additional information, or want to discuss any aspect of this request, please do not hesitate to contact Steve Wright at (724) 831-9116 or via email at s.wright@shell.com.

Regards,

Andrew Richmond
Water Resources Team Lead

Enclosures: 2012 Painted Post commitment letter
Copy of March 7, 2012 Painted Post correspondence to SRBC



VILLAGE OF PAINTED POST

BOX 110
PAINTED POST, NY 14870-0110
(607) 962-4604

January 23, 2012
SWEPI LP
Attn: Andrew Richmond
190 Thorn Hill Road
Warrendale, PA 15086

Re: 2012 Annual Commitment Letter to Supply Water

Dear SWEPI LP:

This letter serves to confirm that the Village of Painted Post (the Village), PWS ID # NY5001222, is willing to supply fresh water from its public water supply system, on a bulk basis, for use by SWEPI LP gas well operations, in accordance with the terms described below.

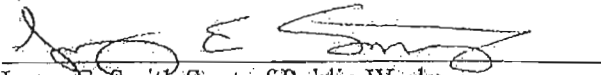
The Village is willing to provide water from its public water supply to SWEPI LP in an amount up to 1.0 million gallons per day (mgd), as a bulk sale, when available as determined by the Village. SWEPI LP will arrange to collect water for its use at the following locations designated by the Village:

1. By rail car from a bulk loading facility located adjacent to West Chemung Street, Painted Post, NY at 42.162500°N latitude, 77.098333°W longitude.

By signing this letter, the Village confirms its agreement to these terms and conditions, confirms that it is duly authorized to provide the above-described bulk water sales, and acknowledges to the best of its knowledge that it is in compliance with regulating agencies and will continue to operate under the terms and conditions of its approvals.

The agreement is in effect from January 1, 2012 through December 31, 2012.

Acknowledged and agreed by Village of Painted Post:

Signed: 
Print: Larry E. Smith, Supt of Public Works
Title: Supt of Public Works
Telephone: 607-962-8724
Facsimile: 607-962-3208



VILLAGE OF PAINTED POST

BOX 110
PAINTED POST, NY 14870-0110
(607) 962-4604

March 7, 2012

Ms. Glenda Miller
Susquehanna River Basin Commission
1721 North Front Street
Harrisburg, Pennsylvania 17102-2391

Re: Village of Painted Post Municipal Water Supply
Reallocation of Water from Triana Energy to SWEPI LP

Dear Ms. Miller,

The Village of Painted Post (Painted Post) has entered into an agreement with SWEPI LP (Shell) to supply up to 1.0 million gallons per day (MGD) from Painted Post's municipal water system, which is an increase of 0.5 MGD over its 2011 commitment. The additional 0.5 MGD available to Shell was previously committed to Triana Energy. Painted Post has not committed and does not intend to commit any water to Triana Energy in 2012.

Thank you for your attention to this matter. If you have any questions or wish to discuss this matter further, please do not hesitate to contact the undersigned.

Larry Smith
Superintendent of Public Works

cc: Andrew Richmond, SWEPI LP
Steven Wright, SWEPI LP
Munesh Patel, Harris Beach PLLC
Ronald Yorio, Village Attorney
Roswell Crozier, Jr., Mayor
Rachelle King, Triana Energy



SWEPI LP

Shell Exploration & Production Company
190 Thorn Hill Road
Warrendale, PA 15086

January 23, 2012

Susquehanna River Basin Commission
Attn: Glenda Miller
1721 North Front Street
Harrisburg PA 17102

Re: 2012 Annual Commitment Letters for SWEPI LP

Dear Ms. Miller:

Enclosed please find annual commitment letters from SWEPI LP's shared water sources approved under 18 CFR Section 806.22(f)12(i) and 12(ii). These include:

- Canton Borough Authority, Bradford Co., Canton, PA
- Town of Erwin Morningside Heights Water District, Painted Post, NY
- Hydro Recovery LP, Tioga Co., Blossburg, PA
- LHP Management, Inc., Fishing Creek, Clinton Co., Bald Eagle Twp., PA
- Talisman Energy USA Inc.
 - Susquehanna River – Thrush, Bradford Co., Sheshequin Twp., PA
 - Chemung River, Chemung Co., NY
 - Towanda Creek, Bradford Co., Frankline Twp., PA
- Ultra Resources, Inc.
 - Cowanesque River, Tioga Co., Deerfield Twp., PA
 - Pine Creek, Tioga Co., Pike Twp., PA
- PA American Water, Warren Co., Warren, PA
- Painted Post Village, Painted Post, NY

Each of these agreements is valid for the period January 1, 2012 through December 31, 2012.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions, concerns, or wish to discuss any aspect of this submittal. I can be reached via telephone at (724) 831-9116 and via electronic mail at s.wright@shell.com.

Regards,

Steve Wright
Senior Environmental Engineer

cc: Jim Sewell, Shell
Andrew Richmond, Shell



VILLAGE OF PAINTED POST

BOX 110
PAINTED POST, NY 14870-0110
(607) 962-4604

January 23, 2012
SWEPI LP
Attn: Andrew Richmond
190 Thorn Hill Road
Warrendale, PA 15086

Re: 2012 Annual Commitment Letter to Supply Water

Dear SWEPI LP:

This letter serves to confirm that the Village of Painted Post (the Village), PWS ID # NY5001222, is willing to supply fresh water from its public water supply system, on a bulk basis, for use by SWEPI LP gas well operations, in accordance with the terms described below.

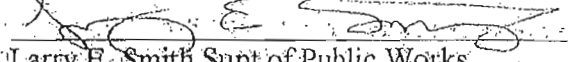
The Village is willing to provide water from its public water supply to SWEPI LP in an amount up to 1.0 million gallons per day (mgd), as a bulk sale, when available as determined by the Village. SWEPI LP will arrange to collect water for its use at the following locations designated by the Village:

1. By rail car from a bulk loading facility located adjacent to West Chemung Street, Painted Post, NY at 42.162500°N latitude, 77.098333°W longitude.

By signing this letter, the Village confirms its agreement to these terms and conditions, confirms that it is duly authorized to provide the above-described bulk water sales, and acknowledges to the best of its knowledge that it is in compliance with regulating agencies and will continue to operate under the terms and conditions of its approvals.

The agreement is in effect from January 1, 2012 through December 31, 2012.

Acknowledged and agreed by Village of Painted Post:

Signed: 
Print: Larry E. Smith Supt of Public Works
Title: Supt of Public Works
Telephone: 607-962-8724
Facsimile: 607-962-3208



SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391
 Phone (717) 238-0423 • Fax (717) 238-2436
 Web <http://www.srbc.net>

Source (12)(ii) Application Pursuant to 18CFR §806.22(f)(12)(ii)

Source Name: PAINTED POST VILLAGE
 (NY5001222)

NOI #: NOI-2011-0093

Invoice #: 16593

1. Project Sponsor:

Co. Name: SWEPI LP

Address: 190 Thorn Hill Road

City: Warrendale

State: PA **Zip:** 15086

Contact Person: Scott Blauvelt

Title: Environmental & Regulatory Lead

Telephone: 724-772-8600

Fax:

Mobile:

E-mail: Scott.Blauvelt@SHELL.com

2. Water Sources:

Public Water Supplies:

Permit Holder: PAINTED POST VILLAGE

Address: PO Box 110

City: Painted Post

State: NY **Zip:** 14870-0110

Contact: Larry Smith

Title: Supt of Public Works

Telephone: 607-962-8724

Fax: 607-962-3208

E-mail: ppdpw@stny.rr.com

Permitted System Capacity: 2.5000

Current Average System Demand: 0.3150 mgd

Historic Peak System Demand: 0.8370 mgd

Type of Water Being Supplied: Fresh Water

Requested maximum daily amount transported from the public water supplier: 0.5000 mgd

State Permit Number(s): NY5001222

SRBC Docket Number(s) (if applicable):

Description of Public Water Supply Connection:

The fill site is on property owned by the Village of Painted Post. Several water mains run through the site and are connected to the distribution

Location: system. Water can be obtained from a fire hydrant located on the site.

Latitude: N° 42.162500

Longitude: W° -77.098333

Type: Hydrant

Metered by: Supplier

Meter Make: Sensus

Model: DN150

Serial #: 00000000

3. Required Attachments:

Public Water Supplier letter or agreement(s)	
PP_LOI.pdf	view

Commitment Letter Start Date: 1/1/2011 **Commitment Letter End Date:** 12/31/2011

The project sponsor shall demonstrate to the Commission annually, by means of a commitment letter or other documentation acceptable to the Commission, that all sources approved under 18 CFR §806.22(f) 12 (i) and 12(ii) intend to continue to supply water to the project sponsor. The project sponsor shall notify the Commission, in writing, within two (2) weeks of any termination of source water agreements. The project sponsor can increase the committed amount with proper notification to and approval from Commission staff prior to any consumptive water use.

Map showing location of source.

Map showing location of source	
2011-01-31 PAINTED POST WW TOPO.pdf	view
2011-01-31 PAINTED POST WW AERIAL.pdf	view

4. Name and Signature of Project Sponsor:

The undersigned representative of the project sponsor certifies, under penalty of law (or perjury), as provided by 18 Pa. C.S. 4904, Section 210.45, of the New York Penal Law, Section 9-101 Maryland Crimes Code and 28 U.S.C. 1746, and attests that the information contained herein and all information accompanying this application is true and correct, and they are authorized to act as representatives of the project sponsor. The Applicant agrees and understands that if in the future there is a request to withdraw this application, it will result in the immediate termination of review of this application by the Commission. The Applicant shall remain responsible for payment of any invoiced fees associated with the Commission's processing of this application.

Project Sponsor Representative: Scott Blauvelt

Date: 3/18/2011

Signature: Robert Hendricks

Title: Regulatory Coordinator

Company: SWEP

5. Municipal, County, State:

As required by 18CFR §806.15, the project sponsor shall, no later than 10 days after submission of a Notice of Intent (NOI), notify each municipality in which the project is located, the county planning agency of each county in which the project is located, and appropriate state agency of the member state in which the project is located. If a drilling pad is in multiple municipalities or counties, a notice will need to be sent to each municipality and county.

All notices required under this section shall contain sufficient description of the project including location, date the NOI was submitted, the NOI number, the purpose of the project, and the Commission's mailing address, electronic mail address and phone number (please refer to the Public Notice Guidelines for sample language) as well as a printed copy of the submitted application. The project sponsor shall provide the Commission with a copy of the letter and a copy of the United States Postal Service certified mail return

receipts or another trackable delivery service acceptable to the Commission by uploading below:

a. Municipality: (Copy of Letter and Copy of Delivery Confirmation)

File Name	
Township return receipt - Painted Post.pdf	view
Township - Painted Post letter.pdf	view

b. County: (Copy of Letter and Copy of Delivery Confirmation)

File Name	
County - Painted Post letter.pdf	view
County return receipt - Painted Post.pdf	view

c. State Gas Well Permitting Office: (Copy of Letter and Copy of Delivery Confirmation)

File Name	
State return receipt - Painted Post.pdf	view
State - Painted Post letter.pdf	view

6. Publication of Notice:

As required by 18CFR §806.15, the project sponsor shall, no later than 10 days after submission of a Notice of Intent (NOI) to the Commission, publish a notice in a newspaper of general circulation in the location of the project.

The notice shall contain sufficient description of the project including location, date the NOI was submitted, the NOI number, the purpose of the project, and the Commission's mailing address, electronic mail address and phone number (please refer to the [Public Notice Guidelines](#) for sample language).

The project sponsor shall provide the Commission with the name of the newspaper in the location of the project and the date of publication:

Name of Newspaper: The Leader Date of Publication: 3/16/2011

7. Name and Signature of Project Sponsor:

The undersigned representative of the project sponsor certifies, under penalty of law (or perjury), as provided by 18 Pa. C. S. 4904, Section 210.45, of the New York Penal Law, Section 9-101 Maryland Crimes Code and 28 U.S.C. 1746, and attests that the information contained herein and all information accompanying this application is true and correct, and they are authorized to act as representatives of the project sponsor.

Project Sponsor Representative: Robert Hendricks **Date:** 3/17/2011

Signature: Robert Hendricks **Title:** Regulatory Coordinator
Company: SWEPI, LP



VILLAGE OF PAINTED POST
BOX 110
PAINTED POST, NY 14870-0110
(607) 962-4604

February 1, 2011

Re: Village of Painted Post, Steuben County, NY
Bulk Water Supply

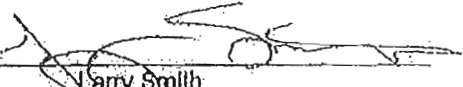
This letter serves to confirm that the Village of Painted Post, PWS ID # NY5001222, is willing to supply water from its public water supply system, on a bulk basis, for use by SWEPI LP for gas well operations, in accordance with the terms described below.


The Village of Painted Post operates a public water system in Steuben County, NY, which has a total capacity to supply up to 2.5 million gallons per day (mgd). The current average daily demand for the Village of Painted Post water system is approximately .315 mgd and peak day demand is .837 mgd. The Village of Painted Post is willing to provide municipal water to SWEPI LP in an amount up to .50 mgd, as a bulk sale, during the period from January 1, 2011 through December 31, 2011. It is understood that such amounts are not a commitment to reserve water, and that such amounts are subject to curtailment in case of drought restrictions or other unforeseen operational conditions that require the Village of Painted Post to suspend or limit bulk water sales. SWEPI LP will arrange to collect water for its use by truck or railroad at the filling/metering station, located at Connection Location(s) Latitude: N° 42-9'-46" W° 77-5'-54" as designated by the Village of Painted Post, during normal office hours or at other previously agreed-to times. This withdrawal will be metered by the Water Supplier using Meter Make: Sensus, Model 6" - DN150 Compound meter.

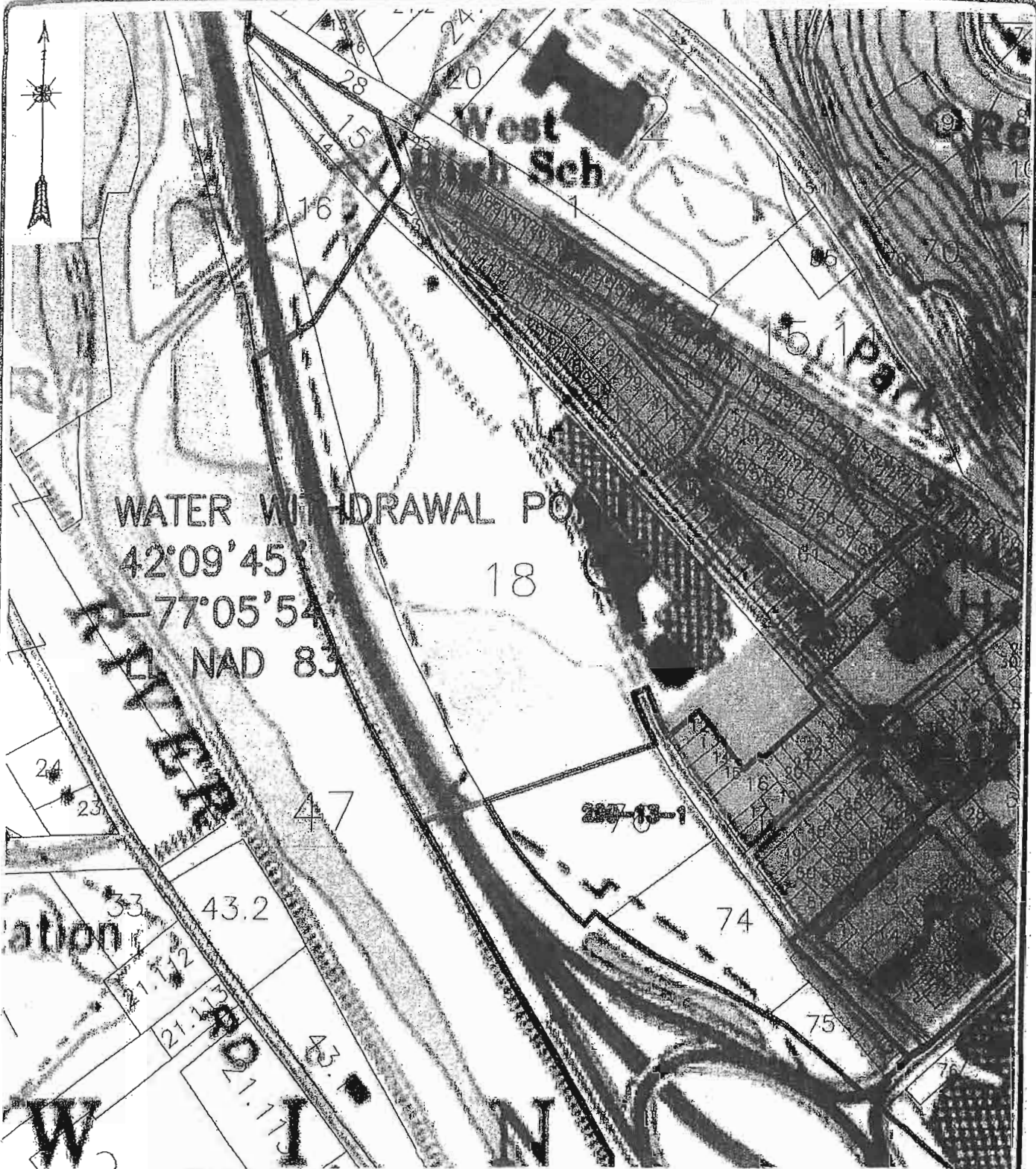
The Village of Painted Post agrees to sell SWEPI LP for \$14.25/1,000 gallons.

By signing this letter, the Village of Painted Post confirms its agreement to these terms and conditions, confirms that it is duly authorized to provide the above-described bulk water sales, and acknowledges to the best of its knowledge that it is in compliance with regulating agencies and will continue to operate under the terms and conditions of its approvals.

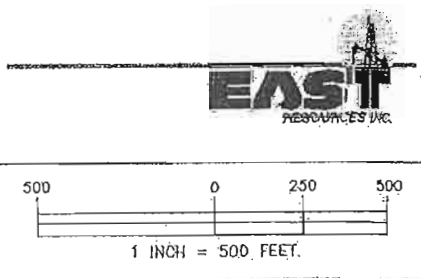
Acknowledged and agreed by the Village of Painted Post:

Signed: 
Print: Larry Smith
Company: Village of Painted Post
Title: Supt. of Public Works

Signed: 
Print: Robert Hendricks
Company: SWEPI LP
Title: Regulatory Coordinator

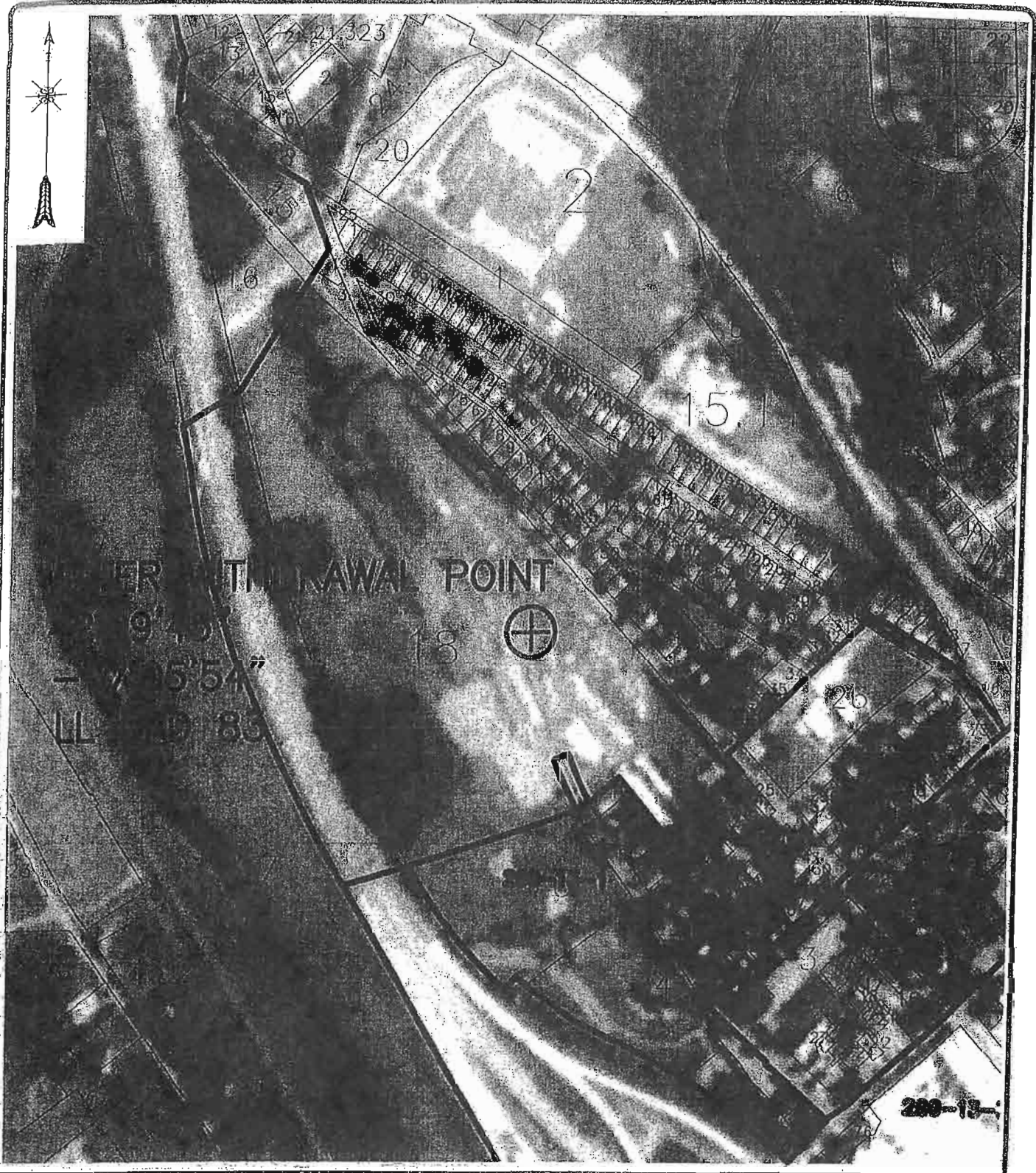


- LEGEND:**
- STATE LINES
 - COUNTY LINES
 - TOWNSHIP LINES
 - TAX SHEETS
 - TAX PARCELS
 - WATER WITHDRAWAL POINT



**PAINTED POST
 DEVELOPMENT
 WATER WITHDRAWAL
 POINT
 STEUBEN COUNTY, NY**

Located: Twn: ERWIN	Co.: STEUBEN	State: NY
Scale: 1"=500'	Dwn By: JCHIUSANO	Dwn Date: 1/31/11
File: 2011-01-31 PAINTED_POST_WW.DWG		



LEGEND

- STATE LINES
- COUNTY LINES
- TOWNSHIP LINES
- TAX SHEETS
- TAX PARCELS
- WATER WITHDRAWAL POINT

EAST
RESOURCES INC.

1 INCH = 500 FEET.

**PAINTED POST
DEVELOPMENT
WATER WITHDRAWAL
POINT
STEUBEN COUNTY, NY**

Located: Twn: ERWIN	Co: STEUBEN	State: NY
Scale: 1"=500'	Dwn By: JCHIUSANO	Dwn Date: 1/31/11
File: 2011-01-31 PAINTED POST WW.DWG		



MAILED
2/11/11 UPS SVS

Town of Erwin, Town Hall
117 West Water Street
Painted Post, NY 14870

Re: Notice of Intent (NOI-2011-0093) for Consumptive Use of water from Painted Post Village,
located in Painted Post, Steuben County, New York

Notice is hereby given that on February 23, 2011, SWEPI LP. has filed a Notice of Intent (NOI) (NOI-2011-0093) with the Susquehanna River Basin Commission (SRBC) seeking to consumptively use water obtained from Painted Post Village, located in Painted Post, Steuben County, New York pursuant to 18 CFR Section 806.22(f)(ii). This water will be used to support the drilling and development of natural gas well(s) on drilling pad(s) located within the Susquehanna River Basin. The Approved Source List for Natural Gas Development can be found at www.srbc.net.

Comments referring to the NOI number above should be submitted to the attention of Ms. Paula Ballaron, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102-2391, telephone: 717-238-0423, at ext. 222, or Eric Roof at ext. 209, fax: 717-909-0468, email: pballaron@srbc.net or eroof@srbc.net Please include the above NOI number on any correspondence.

Sincerely,

Matthew J. McGuire, P.G

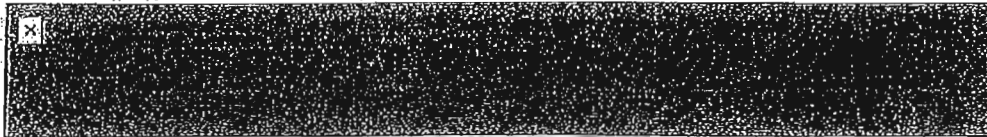
Regional Regulatory Coordinator

SWEPI LP

Enclosures: 1) Site Location Map
2) UPS Tracking Number 1Z6FA1120396599404

Tubridy, Stephanie L SEPCO-UAS/E/DEC

From: UPS Quantum View [auto-notify@ups.com]
Sent: Tuesday, March 15, 2011 12:27 PM
To: Tubridy, Stephanie L SEPCO-UAS/E/DEC
Subject: UPS Delivery Notification, Tracking Number 1Z6FA1120396599404



***Do not reply to this e-mail, UPS and SWEPI LP will not receive your reply.

At the request of SWEPI LP, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1Z6FA1120396599404
Delivery Date / Time: 15-March-2011 / 11:06 AM

Delivery Location: RECEIVER
Signed by: FISHER

Shipment Detail

Ship To:
Town of Erwin
117 W WATER ST
PAINTED POST
NY
14870
US
Number of Packages: 1
UPS Service: GROUND
Weight: 1.0 LBS
Reference Number 1: Village of Painted Post

Discover more about UPS:
[Visit www.ups.com](http://www.ups.com)



MAILED
3/11/11 10:58 AM

Steuben County Planning Department
3 East Pulteney Square
Bath, NY 14810

Re: Notice of Intent (NOI-2011-0093) for Consumptive Use of water from Painted Post Village,
located in Painted Post, Steuben County, New York

Notice is hereby given that on February 23, 2011, SWEPI LP, has filed a Notice of Intent (NOI) (NOI-2011-0093) with the Susquehanna River Basin Commission (SRBC) seeking to consumptively use water obtained from Painted Post Village, located in Painted Post, Steuben County, New York pursuant to 18 CFR Section 806.22(f)(ii). This water will be used to support the drilling and development of natural gas well(s) on drilling pad(s) located within the Susquehanna River Basin. The Approved Source List for Natural Gas Development can be found at www.srbc.net.

Comments referring to the NOI number above should be submitted to the attention of Ms. Paula Ballarón, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102-2391, telephone: 717-238-0423, at ext. 222, or Eric Roof at ext. 209, fax: 717-909-0468, email: pballaron@srbc.net or eroof@srbc.net Please include the above NOI number on any correspondence.

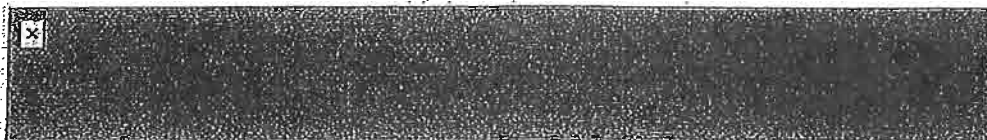
Sincerely,

Matthew J. McGuire, P.G.
Regional Regulatory Coordinator
SWEPI LP

Enclosures: 1) Site Location Map
2) UPS Tracking Number 1Z6FA1120397942192

Tubridy, Stephanie L SEPCO-UAS/E/DEC

From: UPS Quantum View [auto-notify@ups.com]
Sent: Tuesday, March 15, 2011 10:31 AM
To: Tubridy, Stephanie L SEPCO-UAS/E/DEC
Subject: UPS Delivery Notification, Tracking Number 1Z6FA1120397942192



***Do not reply to this e-mail. UPS and SWEPI LP will not receive your reply.

At the request of SWEPI LP, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1Z6FA1120397942192
Delivery Date / Time: 15-March-2011 / 9:53 AM

Delivery Location: RECEIVER
Signed by: MORSE

Shipment Detail

Ship To:
Planning Department
Steuben County
3 PULTENEY SQ E
BATH
NY
14810
US

Number of Packages: 1
UPS Service: GROUND
Weight: 1.0 LBS
Reference Number 1: Village of Painted Post

Discover more about UPS:



MAILED
3/11/11 UPS 800

Mr. Dixon Rollins
Regional Water Engineer
NYS DEC
6274 Avon-Lima Road
Avon, NY 14414-9519

Re: Notice of Intent (NOI-2011-0093) for Consumptive Use of water from Painted Post Village,
located in Painted Post, Steuben County, New York

Notice is hereby given that on February 23, 2011, SWEPI LP. has filed a Notice of Intent (NOI) (NOI-2011-0093) with the Susquehanna River Basin Commission (SRBC) seeking to consumptively use water obtained from Painted Post Village, located in Painted Post, Steuben County, New York pursuant to 18 CFR Section 806.22(f)(ii). This water will be used to support the drilling and development of natural gas well(s) on drilling pad(s) located within the Susquehanna River Basin. The Approved Source List for Natural Gas Development can be found at www.srbc.net.

Comments referring to the NOI number above should be submitted to the attention of Ms. Paula Ballaron, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102-2391, telephone: 717-238-0423, at ext. 222, or Eric Roof at ext. 209, fax: 717-909-0468, email: pballaron@srbc.net or eroof@srbc.net Please include the above NOI number on any correspondence.

Sincerely,

Matthew J. McGuire, P.G.

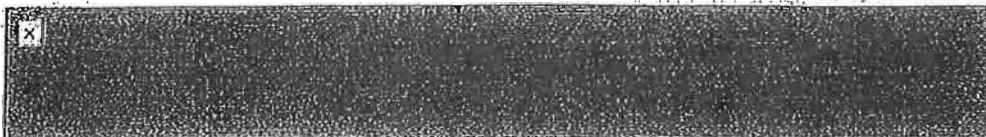
Regional Regulatory Coordinator

SWEPI LP

Enclosures: 1) Site Location Map
2) UPS Tracking Number 1Z6FA1120395615389

Tubridy, Stephanie L SEPCO-UAS/E/DEC

From: UPS Quantum View [auto-notify@ups.com]
Sent: Tuesday, March 15, 2011 11:26 AM
To: Tubridy, Stephanie L SEPCO-UAS/E/DEC
Subject: UPS Delivery Notification, Tracking Number 1Z6FA1120395615389



***Do not reply to this e-mail. UPS and SWEPI LP will not receive your reply.

At the request of SWEPI LP, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1Z6FA1120395615389

Delivery Date / Time: 15-March-2011 / 10:23 AM

Delivery Location: FRONT DESK

Signed by: WAKEFIELD

Shipment Detail

Ship To:

Mr. Dixon Rollins

NYS DEC

6274 STATE ROUTE 5 AND 20

AVON

NY

14414

US

Number of Packages: 1

UPS Service: GROUND

Weight: 1.0 LBS

Reference Number 1: Village of Painted Post

Discover more about UPS: