NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7
5786 Widewaters Parkway, Syracuse, NY 13214-1867
P: (315) 426-7438 | F: (315) 426-7425
www.dec.ny.gov

October 25, 2024

Trevor Anderson
Chobani, LLC
669 County Route 25
New Berlin, New York 13411

Re: Chobani, LLC South Edmeston NY
SPDES Permit Modification and Renewal
DEC Permit # 7-0824-00001/00001; SPDES # NY 000 4189
Town of Columbus, Chenango County

Dear Permittee:

Enclosed is your State Pollutant Discharge Elimination System (SPDES) permit. It is effective beginning **November 1, 2024** and expires on **October 31, 2029**.

Please read all permit conditions carefully. All permit documents must be available upon request by the Department staff and must be distributed to and understood by personnel responsible for the proper operation of the facility and compliance with the discharge limits. Any violation of these permit conditions constitutes a violation of the Environmental Conservation Law.

The Uniform Procedures Regulations provide that an applicant may request an adjudicatory hearing if a permit is denied or contains conditions which are unacceptable to them (6NYCRR Part 621.10(a)). Any such request must be made in writing within 30 calendar days of the date of this letter and must be addressed to the Regional Permit Administrator, Department of Environmental Conservation, 5786 Widewaters Parkway, Syracuse, New York, 13214.

If you have any other questions regarding this permit, you may contact the Division of Environmental Permits at the above address. Please refer to the above referenced numbers when you are corresponding with this office or when you are applying to renew or modify this permit.

Any questions regarding the annual pollutant discharge elimination fee should be addressed directed to the Regulatory Fee Determination Unit at 1-800-225-2566.

Sincerely,

Jonathan Stercho

Jonathan Stercho
Deputy Regional Permit Administrator
Division of Environmental Permits, Region 7
(315) 246-7444

Encl: SPDES Permit
Fact Sheet

cc: J. Walter / K. Giroux / M. Jonker, Chobani, LLC
J. Case / K. Yousef, GHD
USEPA, Region 2
D. Gorman, Chenango County DOH
SRBC
S. Webb, Assistant Regional Director
CO BWP, Permit Coordinator
M. Gilbert / T. Vigneault, R7 DOW
M. Moss / E. Kosinski, CO DOW
M. Widay / C. Hauberg, R7 DOW

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**2026**	NAICS Code:	**31151, 311511**	SPDES Number:	**NY0004189**
Discharge Class (CL):	**01**			DEC Number:	**7-0824-00001/00001**
Toxic Class (TX):	**N**			Effective Date (EDP):	**11/1/2024**
Major-Sub Drainage Basin:	**06 - 01**			Expiration Date (ExDP):	**10/31/2029**
Water Index Number:	**SR-146**	Item No.:	**931 - 1004**	Modification Dates (EDPM):	
Compact Area:	**SRBC**				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	**Chobani, LLC**	Attention:	**Trevor Anderson**		
Street:	**669 County Route 25**				
City:	**New Berlin**	State:	**NY**	Zip Code:	**13411**
Email:	**trevor.anderson@chobani.com**	Phone:	**(208) 732-1899**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																	
Name:	**Chobani, LLC South Edmeston, NY**																
Address / Location:	**669 County Route 25**												County:	**Chenango**			
City:	**New Berlin**							State:	**NY**				Zip Code:	**13411**			
Facility Location:		Latitude:	**42**	°	**41**	’	**14**	” N	& Longitude:	**75**	°	**19**	’	**30**	” W		
Primary Outfall No.:	**001**	Latitude:	**42**	°	**41**	’	**5**	” N	& Longitude:	**75**	°	**19**	’	**13**	” W		
Wastewater Description:	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Receiving Water:	**Unadilla River**					NAICS:	**31151, 311511**	Class:	**C**		Standard:	**C**			

and the additional outfalls listed in this permit, in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:
J. Case / K. Yousef, GHD
BWP Permit Coordinator
T. Vigneault / M. Gilbert, R7 DOW
M. Moss / E. Kosinski, CO DOW
Chenango County DOH
EPA Region II

Permit Administrator:	Jonathan Stercho
Address:	5786 Widewaters Parkway, Syracuse NY 13214
Signature: JS SC Digitally signed by Jonathan Stercho Date: 2024.10.25 14:54:42 -04'00'	Date: 10/25/2024

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SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
01A	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	**31151, 311511**	**42** ° **41** ’ **5** ” N	**75** ° **19** ’ **30** ” W
Receiving Water:	**Unadilla River (internal to 001)**		Class:	**C**

DEFINITIONS

TERM	DEFINITION
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by the number of months for which samples were collected in the 12-month period.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the DEC.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See DEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

INTERIM PERMIT LIMITS, LEVELS AND MONITORING - 001

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River	11/1/2024	10/31/2029 or Commencement of Operations at Updated Facility +3 Months[1]

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.5	SU			1/week	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Monthly Average	Monitor	ºF			1/day	Grab		X	
	Daily Maximum	90	ºF			1/day	Grab		X	
BOD_5	Monthly Average	Monitor	mg/L	330	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	630	lbs/d	1/week	24-hr. Comp.		X	2
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	240	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	830	lbs/d	1/week	24-hr. Comp.		X	2
Settleable Solids	Monthly Average	0.3	mL/L			1/week	Grab		X	
Dissolved Oxygen	Daily Minimum	4.0	mg/L			1/week	Grab		X	
Total Residual Chlorine (TRC)	Daily Maximum	Monitor	mg/L			2/event	Grab		X	3
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrate (NO_3) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrite (NO_2) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Total Nitrogen (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	Calculated		X	4
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	5
	12 Month Rolling Load		mg/L	28,000	lbs/yr	1/month	Calculated		X	6
Ammonia (as N)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.		X	2
Total Phosphorus (as P)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	7
	12 Month Rolling Load		mg/L	1,750	lbs/yr	1/month	Calculated		X	8

Interim Permit Limits Table and Footnotes Continued Below

INTERIM PERMIT LIMITS, LEVELS, AND MONITORING – 001 Continued

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River	11/1/2024	10/31/2029 or Commencement of Operations at Updated Facility +3 Months[1]

EFFLUENT DISINFECTION Required Seasonal from May 1st - October 31st		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			1/week	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			1/week	Grab		X	

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			1.4	TUa	Quarterly	See footnote		X	9,10
WET - Acute Vertebrate	See footnote			1.4	TUa	Quarterly	See footnote		X	9,10
WET - Chronic Invertebrate	See footnote			8.3	TUc	Quarterly	See footnote		X	9,10
WET - Chronic Vertebrate	See footnote			8.3	TUc	Quarterly	See footnote		X	9,10

Footnotes Continued Below

FINAL PERMIT LIMITS, LEVELS AND MONITORING - 001

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River	Commencement of Operations at Updated Facility +3 Months[1]	10/31/2029

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.5	SU			1/week	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Monthly Average	Monitor	ºF			1/day	Grab		X	
	Daily Maximum	90	ºF			1/day	Grab		X	
BOD_5	Monthly Average	Monitor	mg/L	330	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	670	lbs/d	1/week	24-hr. Comp.		X	2
Dissolved Oxygen (DO)	Daily Minimum	4.0	mg/L		lbs/d	1/week	Grab		X	
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	420	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	840	lbs/d	1/week	24-hr. Comp.		X	2
Settleable Solids	Daily Maximum	0.1	mL/L			1/week	Grab		X	
Total Residual Chlorine (TRC)	Daily Maximum	Monitor	mg/L			2/event	Grab		X	3
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrate (NO_3) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrite (NO_2) (as N)	Monthly Average	1.0	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Ammonia (as N) Summer (June 1- October 31)	Monthly Average	4.0	mg/L			1/week	24-hr. Comp.		X	2
Ammonia (as N) Winter (November 1 – May 31)	Monthly Average	5.9	mg/L			1/week	24-hr. Comp.		X	2
Total Nitrogen (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	Calculated		X	4
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	5
	12 Month Rolling Load		mg/L	28,000	lbs/yr	1/month	Calculated		X	6
Total Phosphorus (as P)	Monthly Average	1.0	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	7
	12 Month Rolling Load		mg/L	1,750	lbs/yr	1/month	Calculated		X	8

Final Permit Limits Table and Footnotes Continued Below

FINAL PERMIT LIMITS, LEVELS AND MONITORING – 001 Continued

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River	Commencement of Operations at Updated Facility +3 Months[1]	10/31/2029

EFFLUENT DISINFECTION Required Seasonal from May 1st - October 31st		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			1/week	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			1/week	Grab		X	

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote	1.7	TUa		TUa	Quarterly	See footnote		X	9,10
WET - Acute Vertebrate	See footnote	1.7	TUa		TUa	Quarterly	See footnote		X	9,10
WET - Chronic Invertebrate	See footnote	10	TUc		TUc	Quarterly	See footnote		X	9,10
WET - Chronic Vertebrate	See footnote	10	TUc		TUc	Quarterly	See footnote		X	9,10

OUTFALL 001 INTERIM AND FINAL FOOTNOTES:

1. The interim facility limitations will be effective until either the expiration date of the permit or DEC acceptance of the Construction Completion Certification of the proposed project +3 months, whichever occurs first. Submittal of the Construction Completion Certification is required under the Schedule of Additional Submittals in this permit. Upon DEC acceptance of the certification +3 months, the final facility limitations will become effective.
2. All 24-hour composite samples must be flow proportional.
3. Sampling and reporting for total residual chlorine is only necessary if chlorine is used in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR. During a chlorine dosing event, or other event that may introduce chlorine to the receiving waterbody, the permittee will sample the effluent twice per event, at a time representative of chlorine concentration in the effluent.
4. Total Nitrogen (as N) = [Total Kjeldahl Nitrogen (TKN), as N] + [Nitrite (NO_2), as N] + [Nitrate (NO_3), as N].
5. The month total (lbs/month) for Total Nitrogen is calculated as the monthly average load (lbs/d) multiplied by the number of days in the month.
6. The 12-month total (lbs/year) for Total Nitrogen is calculated as the current month load (lbs/month) added to the month loads from the previous eleven months.
7. The month total (lbs/month) for Total Phosphorous is calculated as the monthly average load (lbs/d) multiplied by the number of days in the month.
8. The 12-month total (lbs/year) for Total Phosphorous is calculated as the current month load (lbs/month) added to the month loads from the previous eleven months.
9. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).

FOOTNOTES CONTINUED ON NEXT PAGE

OUTFALL 001 INTERIM AND FINAL FOOTNOTES CONTINUED:

10. **Whole Effluent Toxicity (WET) Testing:**

Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the DEC. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing.

INTERIM REQUIREMENTS: The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 1.4:1 for acute, and 8.3:1 for chronic for the interim facility WET requirements. WET testing shall be performed quarterly (calendar quarters) during calendar years ending in 5 and 0.

FINAL REQUIREMENTS: The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 1.7:1 for acute, and 10:1 for chronic for the final facility WET requirements. WET testing shall be performed quarterly (calendar quarters) on a continuous basis.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa = (100)/(48-hr LC50) [note that Acute data is generated by both Acute and Chronic testing] and TUc = (100)/(7-day NOEC) or (100)/(7-day IC25) when Chronic testing has been performed or TUc = (TUa) x (10) when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC50, 7-day NOEC and/or IC25 are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC25 and resulting highest TUc. For Acute results, report a TUa of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TUa of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC50. Also, in the absence of a 48-hr LC50, use 1.0 TUa for the Chronic prediction from the Acute data, and report a TUc of 10.0.

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48-hr LC50 for Acute tests and/or TUc, NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the DEC may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with DEC guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

PERMIT LIMITS, LEVELS AND MONITORING – 01A

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River (internal to 001)	11/1/2024	10/31/2029

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.0	SU			1/week	Grab		X	
	Daily Maximum	9.0	SU							
BOD_5	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
Settleable Solids	Daily Maximum	Monitor	mL/L			1/week	Grab		X	

OUTFALL 01A FOOTNOTES:

1. All 24-hour composite samples must be flow proportional.

SPECIAL CONDITIONS

1. **Reporting of Raw Materials:** The permittee shall report on an annual basis the total milk and other applicable raw materials received by the facility. The report shall be attached to the December DMR and submitted to the Regional Water Engineer and the Bureau of Water Permits; and the report shall contain the quantity of milk and other raw materials received and the units being reported.

2. **Production Increases:** The permittee shall submit to the Regional Water Engineer notice of any production changes of 20% or more, from the production occurring at the time of permit issuance. Production for this facility is measured by the amount of milk or other applicable raw materials received by the facility in a calendar year.

3. **Construction Commencement:** Consistent with 6 NYCRR Part 750-2.10, the permittee is not authorized to commence construction until the Department has approved final engineering design documents. If any changes are made to the approved design during construction, the permittee must notify the Department.

4. **Commencement of Operations:** Consistent with 6 NYCRR Part 750-2.10, the permittee is not authorized to commence discharge from the proposed upgraded/expanded facility until the permittee has submitted a Construction Completion Certification (see Schedule of Additional Submittals) and received DEC acceptance of the certification.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility are required to continue to obtain coverage under the current Multi-Sector General Permit (MSGP) Sector [U] Food & Kindred Products (GP-0-23-001).

MERCURY MINIMIZATION PROGRAM (MMP) – Type IV

On 8/12/2021, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10.

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements[4] as described in detail below:
   a. Conditional Exclusion Certification - A certification (Appendix D of *DOW 1.3.10*), signed in accordance with 750-1.8 Signature of SPDES forms, must be submitted once every five (5) years for Outfall 001 to the Regional Water Engineer and to the Bureau of Water Permits certifying that Outfall 001 for the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:
      - The facility is or receives discharge from 1) individually permitted combined sewer overflow (CSOs)[5] communities and/or 2) Type II sanitary sewer overflow (SSO)[6] facilities;
      - One or more effluent samples which exceed 12 ng/L, including samples taken as a result of the SPDES application process;
      - Internal or tributary waste stream samples exceed the GLCA effluent limitation **AND** the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
      - A permit application or other information indicates that mercury is handled on site and could be discharged through outfalls;
      - Outfalls which contain legacy mercury contamination;
      - The facility's collection system receives discharges from a dental and/or categorical industrial user (CIU)[7] that may discharge mercury;
      - The facility accepts hauled wastes; or,
      - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories which have their own SPDES permit.
   b. Control Strategy - The control strategy must contain the following minimum elements:
      i. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
      ii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.
   c. **Status Report** - An **annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
      i. Review of criteria to determine if the facility has a potential mercury source;
         a. If the permittee no longer meets the criteria for MMP Type IV, the permittee must notify the DEC for a permittee-initiated permit modification;
      ii. All actions undertaken, pursuant to the control strategy, during the previous year; and
      iii. Actions planned, pursuant to the control strategy, for the upcoming year.

   The permittee must maintain a file with all MMP documentation. The file must be available for review by DEC representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).
3. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility, or within the collection system, increase the potential for mercury discharges;
   b. A letter from the DEC identifies inadequacies in the MMP.

The DEC may use information in the annual status reports, in accordance with 2.c of this MMP, to determine if the permit limitations and MMP Type is appropriate for the facility.

MERCURY MINIMIZATION PROGRAM (MMP) – Type IV (Continued)

DEFINITIONS:
Potential mercury source – a source identified by the permittee that may reasonably be expected to have total mercury contained in the discharge. Some potential mercury sources include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, batteries, hauled wastes, universities, hospitals, laboratories, landfills, Brownfield sites, or raw material storage.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any new discharge location.

(b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

(c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address:

NYSDEC Division of Water Regional Phone: ( ) - ### -####

(e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.

(f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.
2. **Compliance Deadlines** –The initial BMP plan was received by the Department on 2/27/2015. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.
3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in the SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.
4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. At a minimum, the plan shall include the following BMPs:

1. BMP Pollution Prevention Team
2. Reporting of BMP Incidents
3. Risk Identification & Assessment
4. Employee Training
5. Inspections and Records
6. Security
7. Preventive Maintenance
8. Good Housekeeping
9. Materials/Waste Handling, Storage, & Compatibility
10. Spill Prevention & Response
11. Erosion & Sediment Control
12. Management of Runoff
13. Street Sweeping

BMPs FOR INDUSTRIAL FACILITIES (continued)

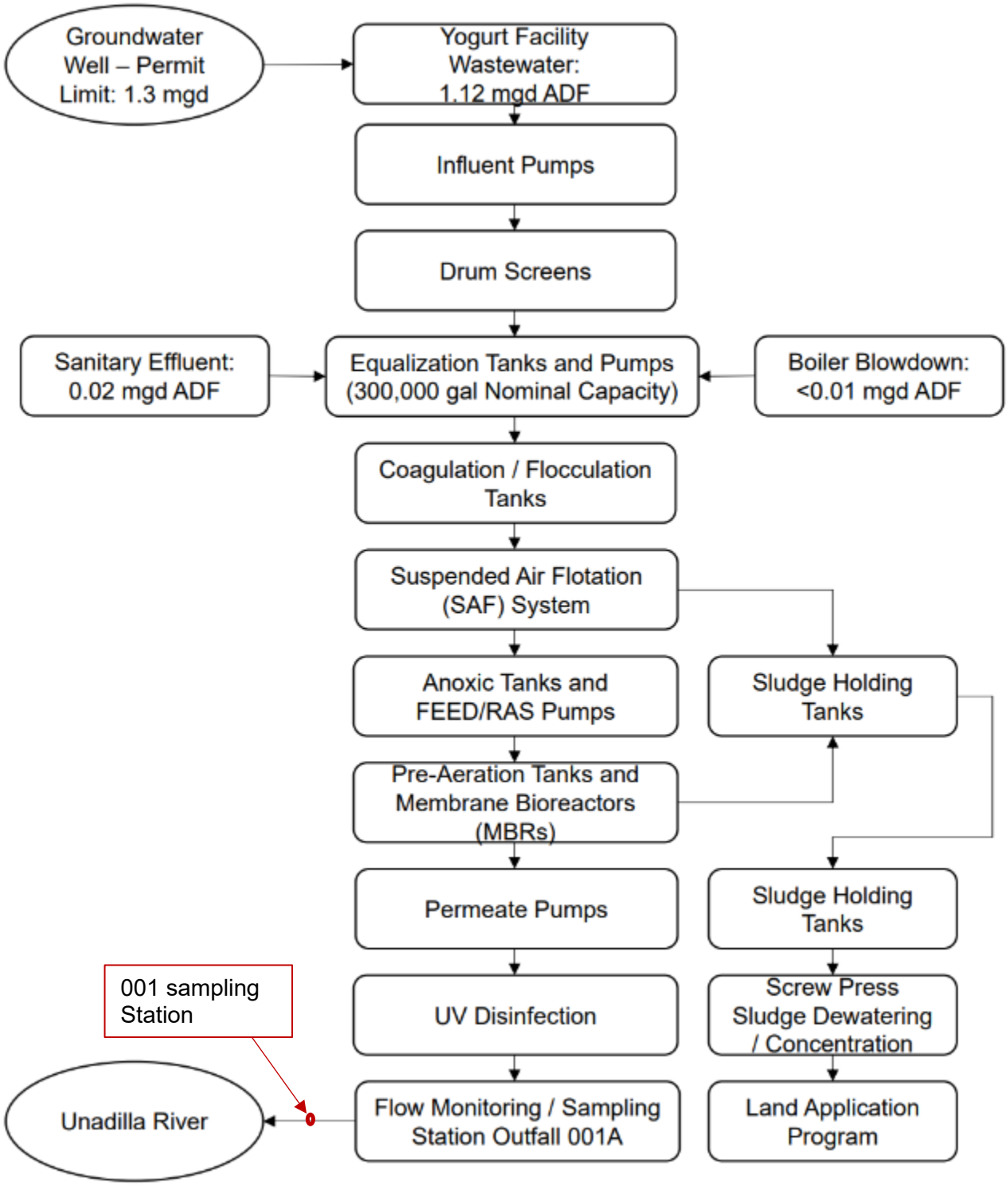
5. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater from Construction Activity to Surface Waters -** A SWPPP shall be developed prior to commencing any construction activity that will result in soil disturbance of one or more acres of uncontaminated area[1]. (Note: the disturbance threshold is 5000 SF in the New York City East of Hudson Watershed). The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual.* The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall be maintained on-site and submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of the NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges. SWPPPs must be developed for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.

6. **Required Sampling For "Hot Spot" Identification** - Development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater or stormwater collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal, isolation, or B.A.T. treatment of wastewaters emanating from the segment.

[1]Uncontaminated area means soils which are free of contamination by any toxic or non-conventional pollutants identified in the tables of SPDES Application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges.

MONITORING LOCATIONS (POST-FACILITY UPGRADE)

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:



GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:

B. General Conditions

1.	Duty to comply	6 NYCRR 750-2.1(e) & 2.4
2.	Duty to reapply	6 NYCRR 750-1.16(a)
3.	Need to halt or reduce activity not a defense	6 NYCRR 750-2.1(g)
4.	Duty to mitigate	6 NYCRR 750-2.7(f)
5.	Permit actions	6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
6.	Property rights	6 NYCRR 750-2.2(b)
7.	Duty to provide information	6 NYCRR 750-2.1(i)
8.	Inspection and entry	6 NYCRR 750-2.1(a) & 2.3

C. Operation and Maintenance

1.	Proper Operation & Maintenance	6 NYCRR 750-2.8
2.	Bypass	6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7
3.	Upset	6 NYCRR 750-1.2(a)(94) & 2.8(c)

D. Monitoring and Records

1.	Monitoring and records	6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d)
2.	Signatory requirements	6 NYCRR 750-1.8 & 2.5(b)

E. Reporting Requirements

1.	Reporting requirements for non-POTWs	6 NYCRR 750-2.5, 2.6, 2.7, &1.17
2.	Anticipated noncompliance	6 NYCRR 750-2.7(a)
3.	Transfers	6 NYCRR 750-1.17
4.	Monitoring reports	6 NYCRR 750-2.5(e)
5.	Compliance schedules	6 NYCRR 750-1.14(d)
6.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR 750-2.7(e)
8.	Other information	6 NYCRR 750-2.1(f)

F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.

G. SPDES Permit Program Fee
The permittee shall pay to the DEC an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the DEC.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: http://www.dec.ny.gov/permits/93245.html

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.

B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each **one (1)** month reporting period in accordance with the DMR Manual available on DEC's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at: How To Complete And Submit Discharge Monitoring Reports (DMRs) - NYSDEC. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

The first monitoring period begins on the effective date of this permit, and, unless otherwise required, the reports are due no later than the 28th day of the month following the end of each monitoring period.

C. Additional information required to be submitted by this permit shall be summarized and reported to the Regional Water Engineer and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 7
5786 Widewaters Parkway, Syracuse, NY 13214-1867 Phone: (315) 426-7500

D. Schedule of Additional Submittals:

The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
01A	EMERGING CONTAMINANT SHORT-TERM MONITORING The permittee shall collect grab samples of effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) utilizing EPA analytical method 1633. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a monthly basis for at least 2 consecutive months. The results shall be reported through the "Emerging Contaminants Survey for Industrial Facilities" found at: Emerging Contaminants In NY's Waters - NYSDEC.	5/1/2025 (11/1/2024 + 6 months)
	The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for Industrial Facilities" available at the above link. The DEC may periodically request updates or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.	Within 90 days of DEC written notification

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	BMP PLAN The permittee shall review the completed BMP plan, submitted to this DEC on 2/23/2015, on an annual basis. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	Annually on January 28th
001	WHOLE EFFLUENT TOXICITY (WET) TESTING WET testing shall be performed as required in the footnote of the permit limits table. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.	Within 60 days following the end of each monitoring period
001/01A	WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	Annually with December DMR
001	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite*** Initial due 3/1/2025, annually thereafter
001	MERCURY - CONDITIONAL EXCLUSION CERTIFICATION Permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status.	8/1/2026 and every 5 years thereafter
001	REPORTING OF RAW MATERIALS The permittee shall report on the December DMRs, to the Regional Water Engineer, and the Bureau of Water Permits on an annual basis as required in the Special Conditions section of the permit.	Annually with December DMR
001	TOTAL RESIDUAL CHLORINE SUMMARY REPORT The permittee shall summarize at least 10 months of data collected on Total Residual Chlorine use in the wastewater treatment process as compared against the applicable water quality-based effluent limit of 0.05 mg/L and submit to the Bureau of Water Permits.	Construction Completion +12 months
	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification[2] to the DEC (send to the Regional Water Engineer, NetDMR@dec.ny.gov, and WET@dec.ny.gov) that the treatment system has been fully completed in accordance with the approved Design Documents.	Prior to Commencement of Operation of Proposed Facility Upgrades

Unless noted otherwise, the aforementioned actions are one-time requirements.

E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

[2] 6 NYCRR 750-2.10 (c)

SCHEDULE OF ADDITIONAL SUBMITTALS (Continued)

F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.

G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

H. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.

I. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.