NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
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www.dec.ny.gov

September 11, 2023

Port Washington Water Pollution Control District
70 Harbor Rd
Port Washington, NY 11050
Attn: Windsor Kinney, Superintendent

Re: Permit #1-2822-00286/00001
SPDES # NY0026778
Facility: Port Washington Water Pollution Control Plant, Port Washington

Dear Permittee:

Enclosed is your State Pollutant Discharge Elimination System (SPDES) permit.

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. The Department maintains authority regarding the terms of this permit in accordance with 6 NYCRR 750. Any violations of these permit conditions constitutes a violation of the Environmental Conservation Law.

If you have any 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 directly to the Regulatory Fee Determination Unit at 1-800-225-2566.

Sincerely,

Victoria A. Reed
Environmental Analyst

CC: Regional Water Engineer
BWP, Albany
BWC- SCIS
RWE
RPA
EPA Region II
NYSEFC
NCDOH

NEW YORK STATE | Department of Environmental Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code: **4952**	NAICS Code: **221320**			SPDES Number:	**NY0026778**
Discharge Class (CL):	**05**			DEC Number:	**1-2822-00286/00001**
Toxic Class (TX):	**T**			Effective Date (EDP):	**10/01/2023**
Major-Sub Drainage Basin:	**17 - 02**			Expiration Date (ExDP):	**09/30/2028**
Water Index Number:	**MB portion**	Item No.:	**885 - 11**	Modification Dates (EDPM):	
Compact Area:	**IEC**				

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:	**Port Washington Water Pollution Control District**	Attention:	**Windsor Kinney, Superintendent**		
Street:	**70 Harbor Road**				
City:	**Port Washington**	State:	**NY**	Zip Code:	**11050**
Email:	**wkinney@pwwpcd.us**	Phone:	**(516) 944 – 6100**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																	
Name:	**Port Washington Water Pollution Control Plant**																
Address / Location:	**70 Harbor Road**											County:	**Nassau**				
City:	**Port Washington**						State:	**NY**				Zip Code:	**11050**				
Facility Location:		Latitude:	**40**	°	**50**	'	**21**	" N	& Longitude:	**73**	°	**41**	'	**48**	" W		
Primary Outfall No.:	**001**	Latitude:	**40**	°	**50**	'	**7**	" N	& Longitude:	**73**	°	**43**	'	**10**	" W		
Outfall Description:	**Treated Sanitary**	Receiving Water:	**Manhasset Bay**						Class:	**SB**		Standard:	**SB**				

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:
CO BWP - Permit Coordinator
CO BWC – SCIS
BWP – Permit Writer
RWE
RPA
EPA Region II
NYSEFC

Permit Administrator:	Sherri Aicher, Regional Permit Administrator		
Address:	50 Circle Road, Stony Brook, NY		
Signature:	Sherri Aicher	Date:	10/1/2023

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 Department.
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 NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS, AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All year unless otherwise specified	Manhasset Bay	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	4.0	MGD			Continuous	Recorder		X	
pH	Daily Minimum	6.0	SU			2/day	Grab		X	
	Daily Maximum	9.0								
Temperature	Daily Maximum	Monitor	°F			2/day	Grab		X	
$CBOD_5$	Monthly Average	25	mg/L	834	lbs/d	1/week	24-hr. Comp.	X	X	1
	7-Day Average	40	mg/L	1334	lbs/d	1/week	24-hr. Comp.		X	
BOD_5	6 Hour Mean	50	mg/L						X	6
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	1001	lbs/d	1/week	24-hr. Comp.	X	X	1
	7-Day Average	45	mg/L	1501	lbs/d	1/week	24-hr. Comp.		X	
	6 Hour Mean	50	mg/L						X	6
Settleable Solids	Daily Maximum	0.3	mL/L			2/day	Grab		X	
Total Phosphorus (as P)	Daily Maximum	Monitor	mg/L			1/quarter	24-hr. Comp.	X	X	5
Orthophosphate (as P)	Daily Maximum	Monitor	mg/L			1/quarter	24-hr. Comp.	X	X	5
Total Mercury	Daily Maximum	50	ng/L			1/month	Grab	X	X	
Biennial Pollutant Scan						1/Two Years			X	2

EFFLUENT DISINFECTION Required All Year		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	7, 8
	7-Day Geometric Mean	400	No./ 100 mL			1/week	Grab		X	7, 8
	6 Hour Geometric Mean	800	No./ 100 mL				Grab		X	6
	Individual Sample	2400	No./ 100 mL				Grab		X	6
Coliform, Total	Monthly Median	700	No./ 100 mL			1/week	Grab		X	7, 8
Enterococci	30-Day Geometric Mean	35	No./ 100 mL			1/week	Grab		X	10
	Daily Maximum	Monitor	No./ 100 mL			1/week	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.143	mg/L			2/day	Grab		X	3, 4

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			5.3	TUa	Quarterly	See footnote		X	5, 9
WET - Acute Vertebrate	See footnote			5.3	TUa	Quarterly	See footnote		X	5, 9
WET - Chronic Invertebrate	See footnote			19	TUc	Quarterly	See footnote		X	5, 9
WET - Chronic Vertebrate	See footnote			19	TUc	Quarterly	See footnote		X	5, 9

FOOTNOTES:

1. Effluent shall not exceed 15% and 15% of influent concentration values for $CBOD_5$ & TSS respectively.

2. Biennial Pollutant Scan: The permittee shall perform effluent sampling every two (2) years for all applicable pollutants identified in the NY-2A Application, Tables A - D. Sampling data shall be collected according to the guidance in the NY-2A application and maintained by the permittee. Monitoring results shall not be submitted on the DMR. Data shall be submitted with the next submission of the NY-2A form.

3. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

4. Sampling and reporting for total residual chlorine is only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.

5. 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).

6. This is an Interstate Environmental Commission (IEC) requirement. The permittee is not required to perform this sampling but shall be required to meet the permit limit at all times. EPA, DEC, or IEC may perform the sampling.

7. The most probable number (MPN) method, by multiple fermentation tube technique, is the only approved fecal and total coliform testing procedure. No more than 10% of the samples shall exceed an MPN of 3300/100 mL for the 3 tube per decimal dilution MPN test, nor an MPN of 2300/100 mL for the 5 tube per decimal dilution MPN test.

8. Each April and August, the permittee shall analyze grab samples (a) taken every 2 hours on one day to assure adequacy and consistency of disinfection; (b) taken twice on each of seven consecutive days to compute a seven-day geometric mean; and (c) report above results in an addendum to the applicable Discharge Monitoring Report.

9. **Whole Effluent Toxicity (WET) Testing:**
   Testing Requirements – Acute and if directed Chronic WET testing is required. 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 Department. The test species shall be Mysidopsis bahia (mysid shrimp - invertebrate) and Cyprinodon variegatus (sheepshead minnow - vertebrate). Artificial salt water 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. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 17.7:1 for acute, and 19:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

   Monitoring Period - WET testing shall be performed quarterly (calendar quarters) during calendar years ending in 4 and 9.

   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 Department 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 Department 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.

10. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

PERMIT LIMITS, LEVELS, AND MONITORING

Long Island Sound Management Zone 10 (Great Neck District, Glen Cove, Oyster Bay, Port Washington, Belgrave, Village of Great Neck) The Final (100%) Water Quality Based Effluent Limits and Monitoring

Outfall No.	Limitations Apply:	Receiving Water	Effective	Expiring
001	All year	Long Island Sound Study Management Zone 10	August 1, 2014	ExDP

Parameter	Enforceable Effluent Limitations					Monitoring Requirements				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Total Nitrogen (LISS Zone 10 POTW Aggregate)	12 Month Rolling Average			959	lbs/day	1/month	Calculated		X	1, 2, 3, 4, 5
Total Nitrogen	12 Month Rolling Average			Monitor	lbs/day	1/month	Calculated		X	1, 3, 4, 5
Total Nitrogen (LISS Zone 10 POTW Aggregate)	Monthly Average			Monitor	lbs/day	1/month	Calculated		X	2, 3
Total Nitrogen	Monthly Average	Monitor	mg/l	Monitor	lbs/day	1/week	Calculated	X	X	3
Nitrogen, Ammonia (as NH_3)	Monthly Average	Monitor	mg/l			1/week	24-hr comp.	X	X	
Nitrogen, TKN (as N)	Monthly Average	Monitor	mg/l			1/week	24-hr comp.	X	X	
Nitrate (NO_3) as N	Monthly Average	Monitor	mg/l			1/week	24-hr comp.	X	X	
Nitrite (NO_2) as N	Monthly Average	Monitor	mg/l			1/week	24-hr comp.	X	X	

FOOTNOTES FOR LONG ISLAND SOUND WATER QUALITY BASED EFFLUENT LIMITS AND MONITORING

1. The Long Island Sound Study (LISS) Management Conference has adopted *"Phase III Actions for Hypoxia Management."* The States of New York and Connecticut have jointly established the *"Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound"* which was approved by the U.S. Environmental Protection Agency (EPA) on April 5, 2001. *Appendix C* of the TMDL establishes individual POTW and total CSO Waste Load Allocations (WLAs) for LISS Management Zones. The TMDL requires a reduction of 58.5% of total nitrogen from in-basin sources by August 1, 2014, in three phased increments occurring in 2004, 2009, and 2014. These are the final Water Quality Based Effluent Limits based on the Waste Load Allocations in the TMDL.

2. LISS Management Zone 10 POTW Aggregate is defined as the sum of effluent discharges from Great Neck District (NY0026999), Glen Cove (NY0026620), Oyster Bay (NY0021822), Port Washington (NY0026778), and Belgrave (NY0026841).

3. Total Nitrogen = Total Kjeldahl Nitrogen (TKN) + Nitrite (NO_2) + Nitrate (NO_3).

4. The individual 12 month rolling average (12-MRA) is defined as the current monthly average value averaged with the eleven previous months for each facility in Zone 10. The individual 12-MRAs are then summed to calculate the Aggregate 12-MRA. The 12-MRA is enforced as a 30-day average limit, therefore any reported exceedance of the 12-MRA may be considered 30 days of violation. The permittees in Zone 10 shall calculated the Aggregate 12-MRA limit and the result shall be reported by each of the individual permittees on their own DMR. The permittee shall

provide the current monthly average value for total nitrogen to the other permittees in Zone 10 so that the aggregate 12-MRA may be developed and reported on each permittee's DMR.

5. If the aggregate 12-MRA limit for total nitrogen is exceeded, the individual waste load allocations shall be used, for purposes of compliance, to determine whether the permittee was the cause of the exceedance. The percent reductions in the "Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound" were used to calculate incremental and final waste load allocations for this permittee of 342 and 237 lbs/day for the periods of August 1, 2009 through July 31, 2014, and August 1, 2014 through the ExDP. However, due to negotiations during construction for the biological nitrogen plant upgrade, the final individual WLA of 237 lbs/day (12-MRA) shall be effective one year earlier, August 1, 2013, for purposes of compliance.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

NO EXPOSURE CERTIFICATION

The permittee submitted a Conditional Exclusion for No Exposure Form on 4/25/2022, certifying that all industrial activities and materials are completely sheltered from exposure to rain, snow, snowmelt, and/or stormwater runoff. The permittee must maintain a condition of no exposure for the exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the permittee must notify the Regional Water Engineer. The permittee must recertify a condition of no exposure every five years by completing the "No Exposure Certification Form" found on the NYSDEC website.

MERCURY MINIMIZATION PROGRAM (MMP) - Type I

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.

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 as described in detail below:

   a. Monitoring - Monitoring at influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136[1]. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

      Minimum required monitoring is as follows:

      i. Sewage Treatment Plant Influent and/or Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.

      ii. *Key Locations* and *Potential Mercury Sources* – The permit includes reduced monitoring requirements and does not require key location sampling. See section 2.a.iv below.

      iii. Hauled Wastes – The permittee must establish procedures for the acceptance of hauled waste to ensure the hauled waste is not a potential mercury source. Loads which may exceed 500 ng/L,[2] must receive approval from the Department prior to acceptance.

      iv. Decreased Monitoring Requirements - Facilities with EEQ at or below 12 ng/L are eligible for the following:
         1) Reduced requirements, through a permittee-initiated permit modification
            a) Conduct influent monitoring, sampling quarterly, in lieu of monitoring within the collection system, such as at *key locations*; and
            b) Conduct effluent compliance sampling quarterly.
         2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the Department may undertake a Department-initiated modification to remove the allowance of reduced requirements.
         3) Under the decreased permit requirements, the facility must continue to conduct a status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.

      v. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).

   b. Control Strategy - The control strategy must contain the following minimum elements:

      i. Pretreatment/Sewer Use Law - The permittee must review pretreatment program requirements and the Sewer Use Law (SUL) to ensure it is up-to-date and enforceable with applicable permit requirements and will support efforts to achieve a dissolved mercury concentration of 0.70 ng/L in the effluent.

      ii. Monitoring and Inventory/Inspections -
         1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must enforce its sewer use law to track down and minimize these sources.
         2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
            a) Dental Facilities
               1. The permittee must maintain an inventory of each dental facility.

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[1] Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10.*

[2] A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR Part 261.11. 500 ng/L is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.

MERCURY MINIMIZATION PROGRAM (MMP) - Type I (Continued)

2. The permittee must inspect each dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4. Alternatively, the permittee may develop and implement an outreach program,[3] which informs users of their responsibilities, and collect the "Amalgam Waste Compliance Report for Dental Dischargers"[4] form, as needed, to satisfy the inspection requirements. The permittee must conduct the outreach program at least once every five years and ensure the "Amalgam Waste Compliance Report for Dental Dischargers" are submitted by new users, as necessary. The outreach program could be supported by a subset of site inspections.
3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)a) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.

b) Other *potential mercury sources*
1. The permittee must maintain an inventory of other *potential mercury sources.*
2. The permittee must inspect other *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program which informs users of their responsibilities as *potential mercury sources.* The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)b) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.

iii. Systems with CSO & Type II SSO Outfalls – Permittees must prioritize *potential mercury sources* upstream of CSOs and Type II SSOs for mercury reduction activities and/or controlled-release discharge.

iv. 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.

v. 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. All MMP monitoring results for the previous reporting period;
ii. A list of known and *potential mercury sources* for Outfall 001
1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated modification;
iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).

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[3] For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.
[4] The form, "Amalgam Waste Compliance Report for Dental Dischargers," can be found here: https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf

MERCURY MINIMIZATION PROGRAM (MMP) - Type I (Continued)

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. Effluent discharges exceed the current permit limitation(s); or
   c. A letter from the Department identifies inadequacies in the MMP.

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

DEFINITIONS:

Key location – a location within the collection/wastewater system (e.g. including but not limited to a specific manhole/access point, tributary sewer/wastewater connection, or user discharge point) identified by the permittee as a potential mercury source. The permittee may adjust key locations based upon sampling and/or best professional judgement.

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 discharge.

(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.

MINI INDUSTRIAL PRETREATMENT PROGRAM SCHEDULE

Bombay Kitchens is a Significant Industrial User of the permittee's municipal sewerage system. Therefore, the permittee shall comply with the following schedule:

Industrial Survey
Within one month of the effective date of this permit, the permittee shall submit completed Fast Report on Significant Industries forms for Bombay Kitchens

Develop Procedures
Within two months of the submission of industrial survey results, the permittee shall submit documentation of procedures for obtaining and ensuring compliance with applicable standards. Such procedures shall include requirements and schedules for discharge permits, industrial self-monitoring, compliance monitoring of industries by the permittee, ongoing STP monitoring and an enforcement program. Such procedures shall be equivalent to procedures described or referenced in the document entitled Introduction to the National Pretreatment Program, USEPA, June, 2011, (https://www.epa.gov/npdes/pubs/pretreatment_program_intro_2011.pdf).

Local Sewer Use Law
Within two months of the submission of STP/industrial monitoring results, the permittee shall submit a draft local sewer use law equivalent to the DEC Model Sewer Use Law. Local limits for substance capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options must be included in the local law. Such limits shall be developed in accordance with document entitled Local Limits Development Guidance, US EPA, July 2004, EPA 833-R-04-002A (https://www.epa.gov/npdes/pubs/pretreatment_local_limits.pdf).

Within three months of approval by this Department, the permittee shall submit a copy of the enacted Law accompanied by proof of enactment.

Credit for Work Already Completed
Any of the above required tasks already completed by the permittee need not be repeated. If the permittee believes that a task or task(s) have been satisfactorily completed, documentation of the completed tasks should be submitted to NYSDEC for approval.

Implement Procedures
Within 9 months of enactment of its sewer use law, the permittee shall implement the procedures proposed under this schedule and approved by NYSDEC. At a minimum, the following activities shall be undertaken by the permittee:

1. Issue permits including limitations, monitoring requirements, and reporting requirements to its significant industrial users.
2. Enforce the local limits set forth in the POTW local sewer use law.
3. Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
4. Undertake enforcement actions in accordance with NYSDEC approved procedures.

Reporting Requirements
In accordance with the Schedule of Submittals, the permittee shall submit yearly Fast Report on Significant Industries forms (FROSIs) for each SIU to NYSDEC. Every third year, on the same date, the permittee shall submit Industrial Chemical Survey (ICS) forms completed by all SIUs to NYSDEC. At the same time the permittee shall notify the NYSDEC of any proposed significant changes to its implementing procedures or local sewer use law.

All pretreatment reports shall be submitted to the offices listed on the monitoring, recording and reporting page of this permit.

Continuation
Unless noted otherwise, compliance actions required by the pretreatment mini schedule are one-time requirements. The permittee shall comply with the compliance actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled **"SPDES NOTICE/RENEWAL APPLICATION/PERMIT"**, the permittee is not required to repeat the submissions. The due dates are independent from the effective date of the permit stated in the letter of **"SPDES NOTICE/RENEWAL APPLICATION/PERMIT."**

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Due Date
001	TOTAL RESIDUAL CHLORINE CONCENTRATION EFFLUENT LIMITATION The Total Residual Chlorine daily maximum effluent concentration limit of 0.143 mg/L will become effective EDP + 18 months.	EDP + 18 months
001	SCHEDULE OF COMPLIANCE STATUS REPORTS Submit interim status reports on the progress related to meeting the specified final limits.	EDP + 6 months and every 6 months thereafter
001	BACTERIAL ASSESSMENT STUDY The permittee shall conduct a three-year BAS to determine the applicable monitoring requirements or effluent limitations for enterococci bacteria consistent with the applicable standards adopted by the state under 6 NYCRR 703.4 (Enterococci standards). The BAS must evaluate the WPCD effluent Enterococci performance and compliance with the Enterococci standards in the ambient receiving water, considering locations at the edge of both the acute and chronic mixing zone boundary for WPCD discharge. Sampling events shall be under normal dry-weather operating conditions (i.e., no measurable rainfall in the 48 hours preceding).	
	BAS WORKPLAN The permittee shall submit an approvable BAS Workplan that includes both a sampling plan and a quality assurance project plan (QAPP) for the BAS. The BAS Workplan must identify the sampling parameters, sampling location(s), frequency, and procedure for evaluating compliance with the Enterococci standards, and will include an evaluation of microbial source tracking.	EDP + 1 year
	SCHEDULE OF COMPLIANCE STATUS REPORTS Submit interim status reports on the progress related to the BAS.	NYSDEC approval of BAS Workplan + 6 months, and every 6 months thereafter, until completion of the BAS
	BAS COMMENCEMENT The permittee shall commence the three-year BAS in accordance with the approved BAS Workplan and QAPP.	BAS Workplan + 60 days
	BAS REPORT The permittee shall submit an approvable BAS report that includes the results of the BAS and an assessment of attainment of the Enterococci standard in the receiving water at the sampling locations.	Completion of the BAS + 6 months
	Upon review and approval of BAS report, DEC will notify the permittee in writing whether the Enterococci standard is met based upon the reported sampling and microbial source tracking data. In the same notification: a) If the Enterococci standard is met, DEC will also provide the applicable monitoring requirements or effluent limitations. DEC will propose a modification of the permit to include the applicable monitoring requirements	Receipt of the BAS + 6 months

	or effluent limitations. b) If the Enterococci standard is not met, DEC will also provide the applicable effluent limitations. DEC will propose a modification of the permit to include the applicable effluent limitations. The permittee will also conduct an Engineering Analysis, as outlined below, of potential alternatives necessary to comply with the applicable effluent limitations.	
	ENGINEERING ANALYSIS The Engineering Analysis must evaluate potential alternatives necessary to comply with the applicable effluent limitations. The Engineering Analysis shall also identify the recommended alternative(s) and provide a schedule for implementation of the recommended alternative(s). The permittee shall submit the information in an approvable report to NYSDEC. Upon approval of the report for the Engineering Analysis, all schedules for implementation, design, and construction shall become enforceable under this permit.	NYSDEC Notification + 48 months
	If treatment system upgrades are determined to be necessary, the permittee shall also: c) Include a schedule for development of Basis of Design Report; d) Submit an approvable Basis of Design Report. The Basis of Design Report will provide the schedule of development of approvable final plans and specifications, as well as a schedule of construction; and e) Construct the treatment system described in the approved report, plans, and specifications and achieve compliance with the applicable effluent limitations.	In accordance with the approved schedule
Unless noted otherwise, the above actions are one-time requirements.		

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
001	Total Residual Chlorine	Daily Maximum	0.18	mg/L			2/day	Grab	-	X	1
001	Enterococci	30-Day Geometric Mean	Monitor	No./100mL			1/week	Grab	-	X	2
Notes:	1. Interim limits expire EDP + 18 months. 2. Interim limits expire TBD.										

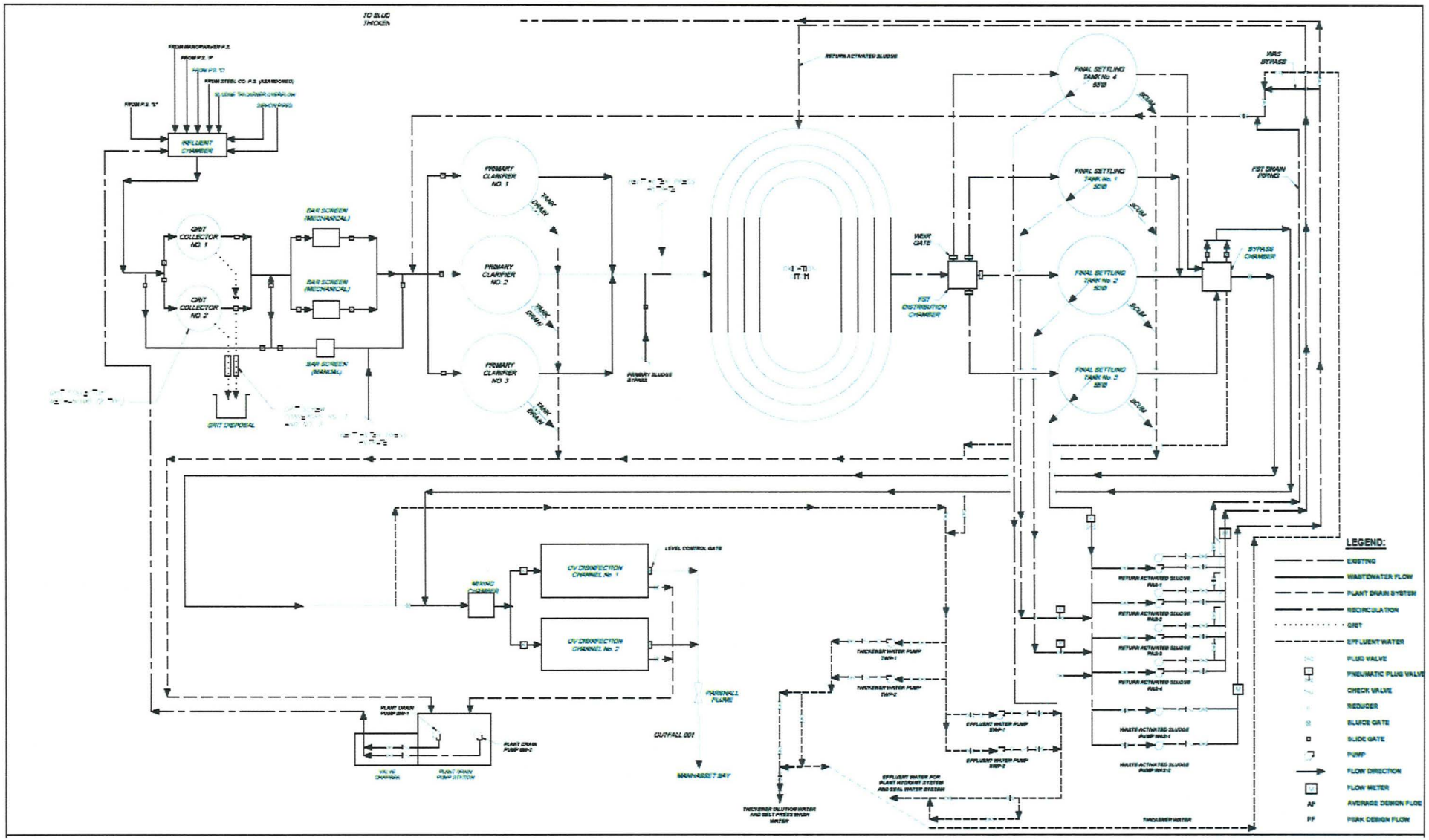
b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:
   1. A short description of the non-compliance;
   2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
   3. Any details which tend to explain or mitigate an instance of non-compliance; and
   4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to the NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

MONITORING LOCATIONS

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

Influent: In the influent chamber
Effluent: After UV, but prior to discharge to Manhasset Bay



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 I 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	6 NYCRR 750-2.5, 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)
9. Additional conditions applicable to a POTW	6 NYCRR 750-2.9

F. Planned Changes

1. The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:

   a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

In addition to the Department, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

GENERAL REQUIREMENTS (continued)

2. Notification Requirement for POTWs
   All POTWs shall provide adequate notice to the Department and the USEPA of the following:

   a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
   b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
   c. For the purposes of this paragraph, adequate notice shall include information on:
      i. the quality and quantity of effluent introduced into the POTW, and
      ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

   POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address:
   U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866

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

H. SPDES Permit Program Fee
   The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, 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.

I. Water Treatment Chemicals (WTCs)
   New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department 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 Department. 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 in writing by the Department.
   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 that 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 Department'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 1 month reporting period in accordance with the DMR Manual available on Department's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at https://www.dec.ny.gov/chemical/8461.html. **Hardcopy paper DMRs will only be received at the address listed below, directed to the Bureau of Water Compliance, if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

Attach the monthly "Wastewater Facility Operation Report" (form 92-15-7) and any required DMR attachments electronically to the DMR or with the hardcopy submittal.

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 RWE 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 1
50 Circle Road, Stony Brook, New York, 11790-3409 Phone: (631) 444-0405

D. Bypass and Sewage Pollutant Right to Know Reporting: In accordance with the Sewage Pollutant Right to Know Act (ECL § 17-0826-a), Publicly Owned Treatment Works (POTWs) are required to notify DEC and Department of Health within two hours of discovery of an untreated or partially treated sewage discharge and to notify the public and adjoining municipalities within four hours of discovery. Information regarding reporting and other requirements of this program may be found on the Department's website. In addition, POTWs are required to provide a five-day incident report and supplemental information to the DEC in accordance with Part 750-2.7(d) by utilizing the Division of Water Report of Noncompliance Event form unless waived by DEC on a case-by-case basis.

E. 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:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
001	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.	
001	ANNUAL FLOW CERTIFICATION The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(C)(4). The form shall be attached to the February DMR or submitted through nForm.	February DMR (March 28th)

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
001	BIENNIAL POLLUTANT SCAN The permittee shall implement an ongoing monitoring program and perform effluent sampling every two years as specified in footnote of the permit limits table.	Retain and submit with next NY-2A Application
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	STORMWATER NO EXPOSURE CERTIFICATION Permittee must recertify every five years a condition of no exposure to stormwater in order to continue to qualify for the no exposure exclusion. The No Exposure Certification Form can be found on the NYSDEC website.	4/25/2027 + 5 Years, and every 5 years thereafter
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*** EDP + 12 months, annually thereafter
001	MINI PRETREATMENT PROGRAM – FROSI Submit completed Fast Report on Significant Industries form (FROSIs) for each SIU to the Department, or notification letter that no new significant industrial users have been added.	EDP + 1 month, yearly thereafter
001	MINI PRETREATMENT PROGRAM – Industrial Chemical Survey (ICS) Forms Submit Industrial Chemical Survey forms completed by all SIUs to the Department. Notify the Department of any proposed significant changes to its implementing procedures or local sewer use law.	EDP + 3 years and every three years thereafter

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

F. 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.

G. 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.

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

I. 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.

J. 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.