NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5400 | F: (585) 226-2830
www.dec.ny.gov

February 22, 2023

James Daley
NYSDEC – Caledonia Fish Hatchery
625 Broadway, Fifth Floor
Albany, NY 12233

Re: Caledonia Fish Hatchery
SPDES No. NY0035432
Water Withdrawal No. WW011896
Permitee Initiated Modification Issuance
Application ID 8-2422-00019/00004
Caledonia (T), Livingston (C)

Dear Mr. Daley:

The purpose of this letter is to transmit the modified State Pollutant Discharge Elimination System (SPDES) and water withdrawal permits for the above referenced facility. Please note the effective date of the modifications.

The following changes to the permits are included:

- Added Outfall 002 for rehabilitated fish rearing ponds 15A & 16A with effluent limits that mirror Outfall 001
- Updated Spring Creek stream classification from C(T) to C(TS), along with other administrative changes
- Converted Ammonia limit from 1.5 mg/L as NH3 to 1.2 mg/L as N to correspond with how ammonia is reported on lab forms
- Total phosphorus monitoring was removed from Outfall 001
- Increased amount of water permitted to be withdrawn from Spring Creek from 8,208,000 gallons per day (GPD) to 10,080,000 GPD

Please note that under 6 NYCRR Part 621.10 of the Uniform Procedures Act, if a permit for a project is denied, or is issued with significant conditions attached and an adjudicatory public hearing was not held, then the applicant may request that one be held. Such a request must be made within 30 calendar days of the date of the mailing of either the notice of denial or the permit with conditions.

Please also note that an application to renew the SPDES permit must be submitted to the New York State Department of Environmental Conservation (NYSDEC) at least 180 days prior to permit expiration, pursuant to 6 NYCRR Part 621.11(b). Currently, applicable regulations require you to apply to renew the water withdrawal permit at least 30 days prior to expiration; however, there is a proposed revision to the regulations that would require a renewal application to be submitted at least 180 days prior to expiration. You should keep apprised of the most up-to-date regulations regarding this to ensure you do not miss the renewal deadline for your permit.

If any questions arise or if problems develop with the facility during the life of these permits, please contact John Hornberger with the Division of Water at john.hornberger@dec.ny.gov regarding the SPDES permit, or Jonathan Tamargo with the Division of Water at jonathan.tamargo@dec.ny.gov regarding the water withdrawal permit. If you have questions about the permit issuance, you can contact me at (585)226-5412.

Sincerely,

Ashley Rubacha
Environmental Analyst Trainee 2

Enclosure: Modified SPDES Permit
Modified SPDES Fact Sheet
Modified WW Permit

CC: J. Hornberger, DOW R8
J. Tamargo, DOW R8
J. Hock, DOW CO
T. Blum, RWE, DOW R8
T. Haley, RPA R8
S. Sadek, DEC CO
R. Stein, DEC R8
G. Eckerlin, DEC CO
G. Dale, DEC CO
Permit Coordinator, DOW CO
EPA, Region 2
DOH, Livingston County
Supervisor, Town of Caledonia

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**0921**	NAICS Code:	**112511**	SPDES Number:	**NY0035432**
Discharge Class (CL):	**09**			DEC Number:	**8-2422-00019/00004**
Toxic Class (TX):	**N**			Effective Date (EDP):	**06/01/2020**
Major-Sub Drainage Basin:	**04 - 02**			Expiration Date (ExDP):	**05/31/2025**
Water Index Number:	**ONT 117-25-4**	Item No.:	**821-76**	Modification Dates (EDPM):	**02/22/2023**
Compact Area:	**IJC**				

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:	**New York State Dept. of Environmental Conservation**	Attention:	**James Daley**		
Street:	**625 Broadway**				
City:	**Albany**	State:	**NY**	Zip Code:	**12233-4753**
Email:	**Jim.daley@dec.ny.gov**	Phone:	**(518) 402-8959**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																	
Name:	**NYSDEC – Caledonia State Fish Hatchery**																
Address / Location:	**16 North Street**												County:	**Livingston**			
City:	**Caledonia**						State:	**NY**					Zip Code:	**14423**			
Facility Location:		Latitude:	**42**	°	**59**	’	**11**	” N	& Longitude:	**77**	°	**51**	’	**40**	” W		
Primary Outfall No.:	**1**	Latitude:	**42**	°	**59**	’	**11**	” N	& Longitude:	**77**	°	**51**	’	**40**	” W		
Wastewater Description:	**Fish Hatchery flow through**		Receiving Water:		**Spring Creek**				NAICS:	**112511**				Class:	**C(TS)**		

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

Permit Administrator:	Kimberly A. Merchant		
Address:	6274 East Avon-Lima Rd, Avon, NY 14414		
Signature:	Kimberly Merchant	Date:	02/22/2023

SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
002	**Fish Hatchery flow through**	**112511**	**42** ° **59** ' **10** " N	**77** ° **51** ' **38** " W
Receiving Water:	**Spring Creek**		Class:	**C(TS)**

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	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Fish Hatchery: East and West Ponds	Spring Creek	06/01/2020	05/31/2025

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Recorder	X		1
	Daily Maximum	Monitor	MGD			Continuous	Recorder	X		
pH	Daily Minimum	6.5	SU			Monthly	Grab		X	
	Daily Maximum	8.5	SU			Monthly	Grab		X	
BOD_5	Daily Maximum	Monitor	mg/L			Monthly	6-hr. Comp.		X	
Total Suspended Solids (TSS)	Daily Maximum	15	mg/L			Monthly	6-hr. Comp.		X	2,3,5
Settleable Solids	Daily Maximum	0.3	mL/L			Weekly	Grab		X	4, 10
Ammonia (as N)	Daily Maximum	1.2	mg/L			Monthly	6-hr. Comp.		X	

PARAMETER	MAX DURATION OF APPLICATION	DAILY MAXIMUM IN-STREAM CONCENTRATION	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
Hatchery Flow	-	Monitor	gpm	Per Application	Instantaneous	
Stream Flow	-	Monitor	cfs	Per Application	Instantaneous	
Hatchery Flow Treated	-	Monitor	gpm	Per Application	Instantaneous	
Formalin	6 hours	47	mg/l	Per Application	Calculated	6,7,8
Chloride	1 hour	1300	mg/l	Per Application	Calculated	6,7,8
Potassium Permanganate	1 hour	3.4	mg/l	Per Application	Calculated	6,7,8
Hydrogen Peroxide	1 hour	11.5	mg/l	Per Application	Calculated	6,7,8
Chloramine (T)	1 hour	5.6	mg/l	Per Application	Calculated	6,7,8
Terramycin	6 hours	84	mg/l	Per Application	Calculated	6,7,8,9

Footnotes Found on Page 6

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Fish Hatchery: Annex ponds	Spring Creek	02/22/2023	05/31/2025

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Recorder		X	
	Daily Maximum	Monitor	MGD			Continuous	Recorder		X	
pH	Daily Minimum	6.5	SU			Monthly	Grab		X	
	Daily Maximum	8.5	SU			Monthly	Grab		X	
BOD_5	Daily Maximum	Monitor	mg/L			Monthly	6-hr. Comp.		X	
Total Suspended Solids (TSS)	Daily Maximum	15	mg/L			Monthly	6-hr. Comp.		X	2,3,5
Settleable Solids	Daily Maximum	0.3	mL/L			Weekly	Grab		X	4, 10
Ammonia (as N)	Daily Maximum	1.2	mg/L			Monthly	6-hr. Comp.		X	

PARAMETER	MAX DURATION OF APPLICATION	DAILY MAXIMUM IN-STREAM CONCENTRATION	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
Hatchery Flow	-	Monitor	gpm	Per Application	Instantaneous	
Stream Flow	-	Monitor	cfs	Per Application	Instantaneous	
Hatchery Flow Treated	-	Monitor	gpm	Per Application	Instantaneous	
Formalin	6 hours	47	mg/l	Per Application	Calculated	6,7,8
Chloride	1 hour	1300	mg/l	Per Application	Calculated	6,7,8
Potassium Permanganate	1 hour	3.4	mg/l	Per Application	Calculated	6,7,8
Hydrogen Peroxide	1 hour	11.5	mg/l	Per Application	Calculated	6,7,8
Chloramine (T)	1 hour	5.6	mg/l	Per Application	Calculated	6,7,8
Terramycin	6 hours	84	mg/l	Per Application	Calculated	6,7,8,9

Footnotes Found on Page 6

FOOTNOTES:

1. Influent Flow is considered to be the total of all process wastewater at Outfall 001.

2. To be sampled shortly after feeding.

3. To be sampled during the cleaning of each holding tank.

4. Limitation applies to cleaning culturing units containing fish or cleaning after fish have been removed.

5. Net Limits:

   The footnoted parameter is subject to net limits. Each time the outfall is monitored for the parameter, the intake source water must also be monitored by collecting a grab sample for the parameter at a point after mechanical screening/filtration and prior to the addition of any water treatment chemicals.

   For each parameter, the value reported on the corresponding Discharge Monitoring Report shall be the concentration in the outfall minus the intake concentration.

   If the source water is not monitored, the intake concentration shall be assumed to be zero. If the intake concentration is greater than the outfall concentration (resulting in a negative net value), the value reported on the Discharge Monitoring Report shall be zero.

6. The in-stream concentration shall be calculated as: the concentration of therapeutic chemical applied to the fish divided by the dilution factor. The dilution factor shall be calculated as follows:

$$Dilution\ Factor = \frac{Total\ Hatchery\ Flow + Stream\ Flow}{Treated\ Hatchery\ Flow}$$

7. There shall be no re-treatment with the same chemical within any 24-hour period.

8. Therapeutic chemical usage, including in-stream concentrations, shall be reported on the Therapeutic Chemical Usage Form and appended to the DMR.

9. The discharge duration is limited to 1 hour.

10. Grab samples of each of the active discharges from the culturing units contributing to Outfall 001 shall be analyzed for this parameter. The highest value shall be reported on the DMR for this parameter. All results shall be summarized as an attachment to the DMR.

SPECIAL CONDITIONS – BEST MANAGEMENT PRACTICES PLAN

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.

2. **Compliance Deadlines –** An updated BMP plan shall be submitted in accordance with the Schedule of Submittals to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. 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 Department identifies inadequacies in the plan.

   The permittee shall certify in writing, as an attachment to the March Discharge Monitoring Report (DMR), that the annual review has been completed. The certification will also include the total annual production of aquatic animals raised at the facility in pounds per year for the previous year.

   All BMP plan revisions must be submitted to the RWE. Note that the permittee is not required to obtain Department approval of the BMP plan (or of any SWPPPs) unless notified otherwise. 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. **BMP Plan Documentation –** The BMP plan shall be documented in narrative form and shall include the listed 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 Department as required above and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

   At a minimum, the permittee shall develop a written BMP plan to comply with the following requirements:

   (1) Carcass removal. The permittee shall remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the State, except in cases, for flow-through and recirculating systems only, where the Department authorizes such discharge in order to benefit the aquatic environment.

   (2) Materials storage. (a) The permittee shall ensure proper storage of drugs, pesticides and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the State and; (b) Implement procedures for properly containing, cleaning, and disposing of any spilled material.

   (3) Structural Maintenance. (a) The permittee shall inspect the production system, and the wastewater treatment systems of flow-through and recirculating facilities, on a routine basis in order to identify and promptly repair any damage, and; (b) conduct regular maintenance of those systems in order to ensure that it is [they are] properly functioning.

   (4) Recordkeeping. The permittee shall develop a recordkeeping system that will document the: (1) calculated representative feed conversion ratios; (2) feed amounts for each lot; (3) estimates of the numbers and weight of aquatic animals; (4) frequency of cleaning of settling units and recirculating units, or, for net pen facilities, the frequency of net changes; (5) frequency of inspections, maintenance, and repairs; and (6) dates and dosages of therapeutic drugs used at the facility.

   (5) Training. The permittee shall develop a training program that will adequately train all relevant facility personnel in: (1) spill prevention and how to respond in the event of a spill; (2) the proper operation and cleaning of production and, if applicable, wastewater treatment systems; and (3) feeding procedures and proper use of equipment.

   (6) Solids control. (a) The permittee shall employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth; and (b) Identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting of aquatic animals in the production system.

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: ( ) - ### -####

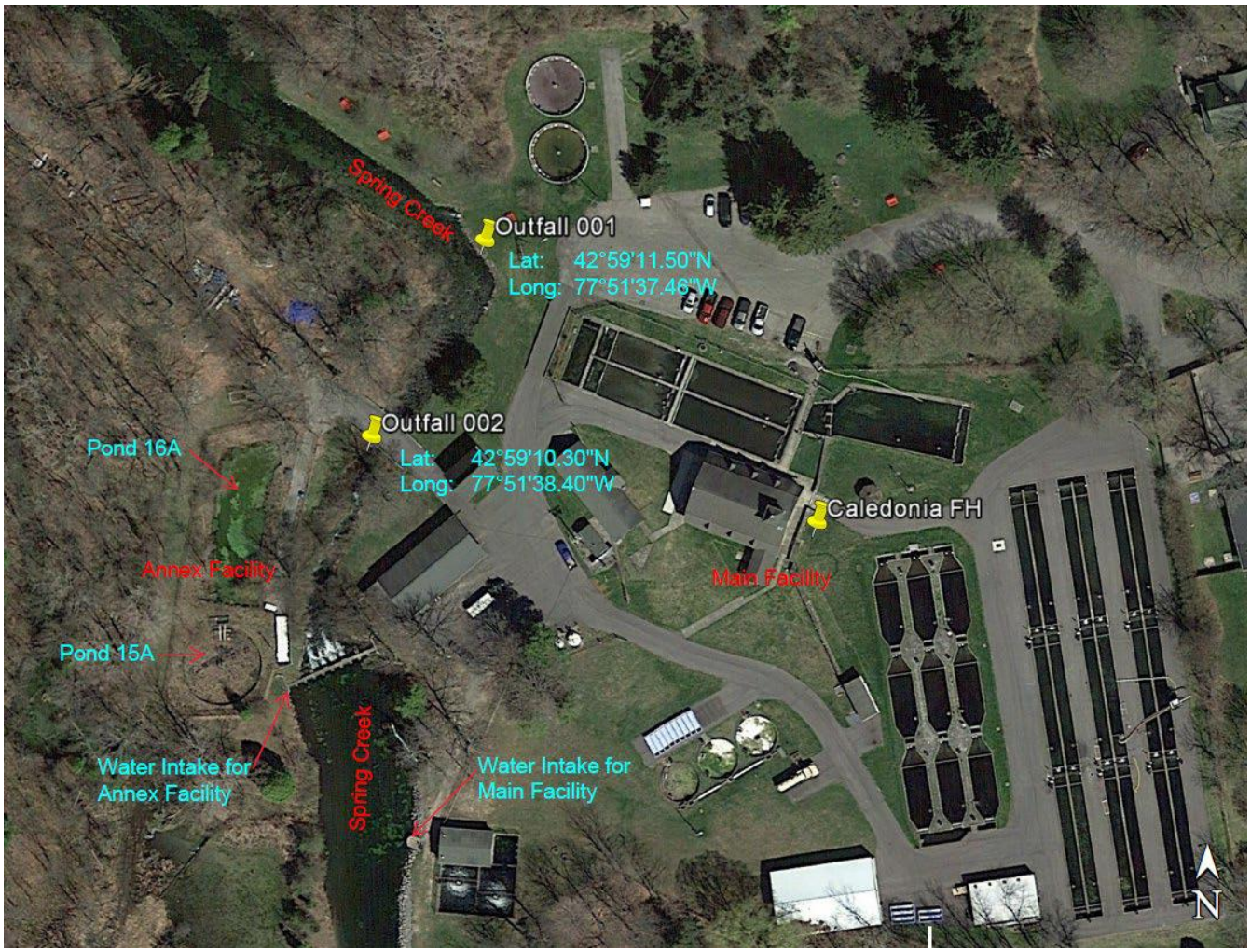
(e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for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

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:

(1) Main Hatchery Flow is measured on 2 flow meters in the Intake Building.
(2) Treated Hatchery Flow is measured at the inflow or outflow of the rearing units being treated.
(3) Stream Flow is measured on the 8 weirs of the Spring Creek dam.
(4) All annex pond flow is measured at the discharge weir of Pond 16A.



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 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.

H. 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 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 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 one 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/103774.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.**

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 8
6274 E. Avon-Lima Road, Avon, New York, 14414-9519 Phone: (585) 226-5450

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
001 & 002	BMP PLAN The permittee shall submit a revised BMP Plan that includes the rehabilitated annex ponds. Thereafter the permittee shall review the completed BMP plan 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 Department 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.	EDP + 6 Months, Annually thereafter on January 28th

Unless noted otherwise, the above actions are one-time requirements. The permittee shall submit the results of the above 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 above submittal(s), unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

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.

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.

SPDES Permit Fact Sheet
NYSDEC
Caledonia State Fish Hatchery
NY0035432

Contents

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Caledonia State Fish Hatchery. The changes to the permit are summarized below:

General Permit Changes

- Updated permit format, definitions, and general conditions
- Updated footnotes
- Updated schedule of submittals
- Updated monitoring locations page

Outfall 001

- Updated Spring Creek stream classification from C(T) to C(TS)
- Converted Ammonia limit from 1.5 mg/L (as NH3) to 1.2 mg/L (as N) to correspond with how ammonia is reported on lab reports
- Total Phosphorus monitoring was removed from Outfall 001
- Diquat limits were removed based on then NY-2C application
- Requirement to submit an updated Best Management Practices Document that includes the rehabilitated fish rearing ponds 15A & 16A

Outfall 002

- Added Outfall 002 for rehabilitated fish rearing ponds, 15A & 16A on the west side of Spring Creek; effluent limitations mirror Outfall 001

This factsheet summarizes the information used to determine the effluent limitations (limits) and other conditions contained in the permit. General background information including the regulatory basis for the effluent limitations and other conditions are in the Appendix linked throughout this factsheet.

Administrative History

6/1/2015 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 5/31/2020. The 2015 permit, along with all subsequent modifications, has formed the basis of this permit.

The permit was administratively renewed in 2020. The current permit's administrative renewal is effective until 5/31/2025.

5/24/2021 The NYSDEC Division of Fisheries submitted a request to modify the permit to rehabilitate and put back into service fish rearing ponds not used since 1994.

The Notice of Complete Application, published in the Environmental Notice Bulletin and newspapers, contains information on the public notice process.

Facility Information

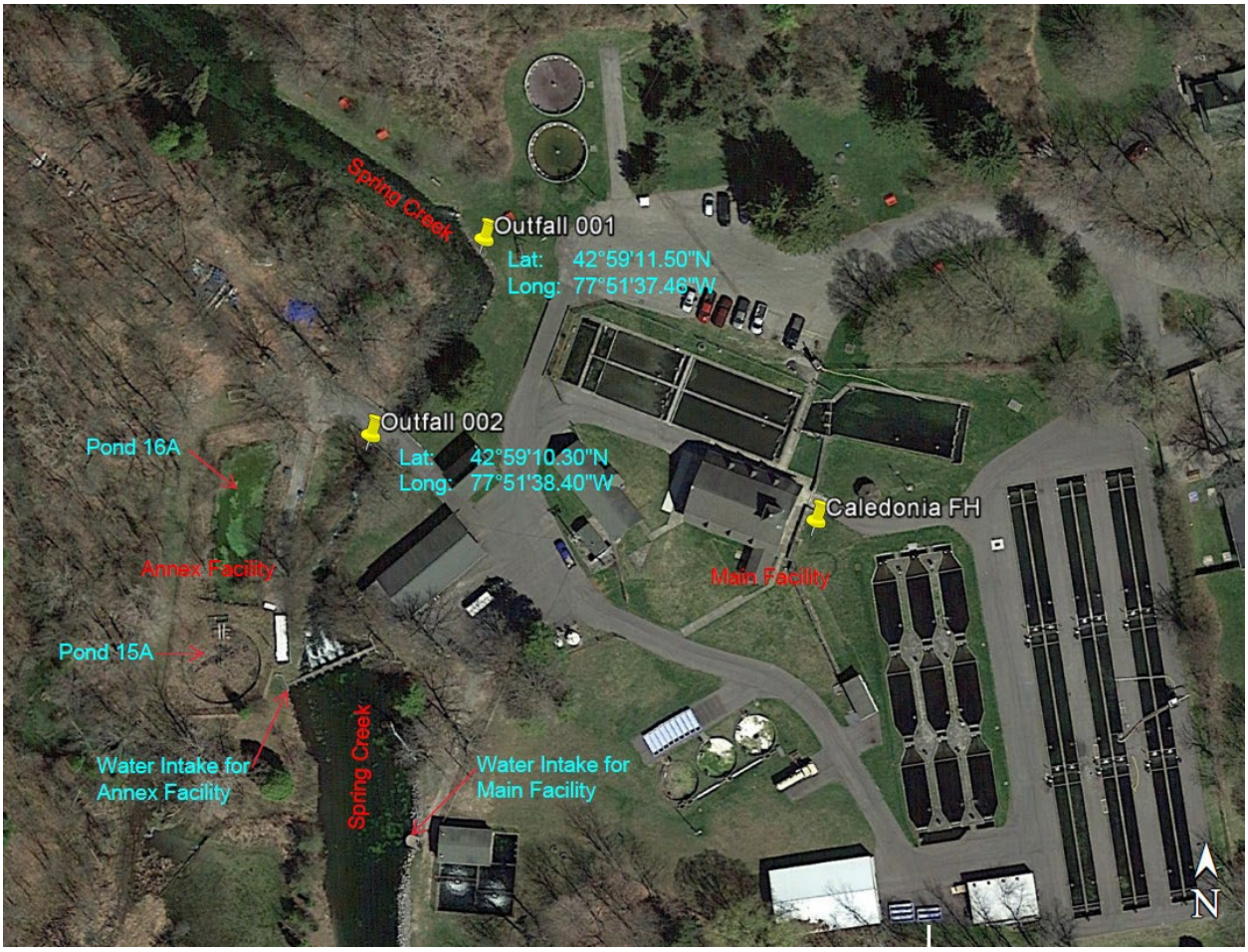
This is an industrial facility (SIC code 0921) that produces fish to be released in streams for public recreation. The Caledonia Fish Hatchery, established by Seth Green in 1864, is the first fish hatchery in the western hemisphere. Water from Spring Creek is diverted to the hatchery from an impoundment created by a weir dam. The diverted stream water passes through screening, is aerated, and distributed through rearing ponds before flowing through quiescent zones for

solids removal. The clear water returns to the stream below the impoundment via Outfall 001. Fish Culturalists vacuum the settled solids from the quiescent zones and pump them to primary clarifiers. Clarified water is returned to the stream through the pipe shared with the raceway discharge via Outfall 001. The primary clarifier was constructed in 1991.

Sludge pumped from the primary clarifier is land applied at a nearby farm to enhance crop or hay production. In accordance with 6 NYCRR 361-2.2(c), land application of fish related material generated form a New York State-owned fish hatchery is an exempt activity from Part 360 permitting so long as the waste is applied at or below agronomic rates. Outfall 001 is located on the east shore of Spring Creek, and the proposed Outfall 002 would discharge on the west shore of Spring Creek, upstream of Outfall 001.

In May 2021, the Division of Fisheries proposed to rehabilitate Pond 15A and Pond 16A. A concrete bottom was added to Pond 15A, while Pond 16A will continue to have an earthen bottom. Flow will be diverted to these ponds directly from the dam to a distribution box, then through Pond 15A used for fish rearing. The flow will then be conveyed to Pond 16A where solids will settle, and the clear water will be returned to the stream via Outfall 002.

Site Overview



Enforcement History

Compliance and enforcement information can be found on the EPA's Enforcement and Compliance History Online (ECHO) website.

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports submitted by the permittee for the period 1/1/2017 to 2/28/2022.

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	0921	Stream water that flows through fish rearing ponds	Spring Creek, Class C(TS)
002	0921	Stream water that flows through fish rearing ponds	Spring Creek, Class C(TS)

Impaired Waterbody Information

The Spring Creek segment (PWL No. 0402-0027) is not listed on the 2018 New York State Section 303(d) List of Impaired/TMDL Waters, and therefore, there are no applicable waste load allocations (WLAs) for this discharge.

Critical Receiving Water Data & Mixing Zone

The 7Q10 flow and drainage area at the gage were found from the USGS/NYSDEC Bulletin 74, 1979. The 1Q10 flow was estimated as half the 7Q10 and the 30Q10 flow was estimated as 1.2 x 7Q10.

Gage Name: Spring Creek at Mumford
Gage ID: 04230490
Drainage Area at Gage (mi^2): 3.91
Drainage Area at Facility (mi^2): 3.91
7Q10 Flow at Gage (CFS): 9.2 Source: Bulletin 74
Calculated 7Q10 Flow at Facility (CFS): 9.2
Estimated 1Q10 (CFS): 4.6
Estimated 30Q10 (CFS): 11.04

The hatchery is approximately 2,000' upstream of the gaging station with no stream confluences between the hatchery and the gage. Flow conditions, therefore, are expected to be the same at both locations. The dam at the hatchery is used to divert stream water into the hatchery. All stream flow diverted into the hatchery ponds is returned to Spring Creek about 100 yards downstream of the hatchery dam. During critical low flow conditions, it is assumed the hatchery diverts all of the stream flow through the facility. Therefore, no dilution is being given to the facility.

Critical receiving water data are listed in the Pollutant Summary Table at the end of this fact sheet. Appendix Link

Permit Requirements

The technology based effluent limitations (TBELs), water quality-based effluent limitations (WQBELs), Existing Effluent Quality and a discussion of the selected effluent limitation for each pollutant present in the discharge are provided in the Pollutant Summary Table.

Whole Effluent Toxicity (WET) Testing

None of the seven criteria that are indicative of potential toxicity are applicable to this facility; therefore, WET testing is not included in the permit. Appendix Link

Anti-backsliding

The limitations contained in the permit are at least as stringent as the previous permit limits and there are no instances of backsliding. Appendix Link

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[1] determination. Appendix Link

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. This requirement is being continued from the previous permit. Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is being continued from the previous permit.

Best Management Practices (BMPs) for Industrial Facilities

In accordance with 6 NYCRR 750-1.14(f) and 40 CFR 122.44(k), the permittee is required to develop and implement a BMP plan that prevents, or minimizes the potential for, the release of toxic or hazardous pollutants to state waters. The BMP plan requires annual review by the permittee.

Mercury[2]

The multiple discharge variance (MDV) for mercury provides the framework for NYSDEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. Appendix Link

The Caledonia Fish Hatchery, however, is a flow through facility, the only influent source is Spring Creek. The Department determined that the MDV addresses “treated wastewater from wastewater treatment facilities and combined sewer overflow (CSO) collection systems” and was not intended to address flow through systems where no additional mercury in added through their processes. Therefore, the MDV is not applicable to fish hatcheries, and the MMPs and mercury monitoring requirements were not included in the permit.

Schedule(s) of Additional Submittals

A schedule of additional submittals has been included for the following (Appendix Link):

- BMP Plan

[1] As prescribed by 6 NYCRR Part 617
[2] In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

Permittee: NYSDEC
Facility: Caledonia State Fish Hatchery
SPDES Number: NY0035432
USEPA Non-Major/Class 09 PCI

Date: June 29, 2022
Permit Writer: Donald K. Cardinal
Water Quality Reviewer: Abigail Johnson

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
002	42° 59' 11" N	77° 51' 40" W	Spring Creek	C(TS)	ONT 117-25-4	04 / 02	471[3]	During critical low flow conditions, it is assumed the hatchery diverts all of the stream flow through the facility. Therefore, no dilution is being given to the facility.						

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater:** Fish Hatchery Flow through water													
		Type of Treatment: Screened Quiescent zones and Primary Clarifiers													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 01/01/2017 to 02/28/2022 was obtained from Discharge Monitoring Reports provided by the permittee. Only select parameters for Outfall 001 were reviewed during this modification.															
Diquat Product (up to 1-hour application)	mg/l	Daily Max	0.35	-	0/0	-	-	-	**0.35**	'In stream' limits are provided by the division of Fish and Wildlife				-	**Discontinued**
	The facility no longer uses or proposes to use this product; therefore, the therapeutic chemical is being removed from the permit. Prior to using this or any other new therapeutic chemical(s) not permitted in the SPDES permit, the permittee is required to submit a new permit application.														
Total Phosphorus	mg/L	Daily Max	Monitor	0.04	62/0	Monitor	750-1.13 Monitor	Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.					-	-	**Discontinued**
	The total phosphorus monitoring was added to the permit to gather information about phosphorus loadings to the Genesee River Basin from point sources for the implementation of the 9 elements plan. The facility has sampled for many years and sufficient data has been collected. The hatchery uses low phosphorus food and will continue to do so, therefore, this monitoring requirement is being discontinued in the permit. This does not constitute backsliding as it was a monitor only parameter.														

[3] Ambient hardness data was obtained from 6 data points collected from RIBS Site 04-BSPR-0.2 on Spring Creek during 2015.

[4] Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Outfall #	001	**Description of Wastewater:** Fish Hatchery Flow through water														
		Type of Treatment: Screened Quiescent zones and Primary Clarifiers														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Nitrogen, Ammonia (as N)	mg/L	Daily Max	1.2 as N 1.5 as NH_3	0.13 as N 0.16 as NH_3	62/0	-	-	-	-	1.2	A(C)	**1.2**	-	-	WQBEL
	Reporting for Ammonia has been changed from (as NH_3) to (as N) for simpler data reporting, as this is consistent with the laboratory reporting units. Values can be converted using the equation: Ammonia (as N) = Ammonia (as NH_3) x 0.8224.														

Outfall 002

Outfall #	002	**Description of Wastewater:** Fish Hatchery Flow through water														
		Type of Treatment: Quiescent zone														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[5]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data is not available as this is a new outfall. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	MGD	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor
	MGD	Daily Max	-	-	-	**Monitor**	750-1.13 Monitor								Monitor
	Flow will be monitored for informational purpose and to calculate the Treated Hatchery Flow for the Dilution Factor calculation.														
pH	SU	Minimum	-	-	-	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	**6.5 - 8.5**	703.3	-	WQBEL
		Maximum	-	-	-	9.0									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given that adequate dilution is not available, an effluent limitation equal to the WQS is appropriate.														

[5] Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Permittee: NYSDEC
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SPDES Number: NY0035432
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Date: June 29, 2022
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Outfall #	002	**Description of Wastewater:** Fish Hatchery Flow through water													
		Type of Treatment: Quiescent zone													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[5]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
5-day Biochemical Oxygen Demand (BOD_5)	mg/L	Daily Max	-	-	-	**Monitor**	750-1.13 Monitor	-	-	-	-	-	703.3	-	Monitor
	BOD_5 levels are is not expected to be significant in hatchery discharges as observed in Outfall 001, therefore, consistent with 6 NYCRR750-1.13(a), monitoring is required and may be used to inform future permitting decisions														
Total Suspended Solids (TSS)	mg/L	Daily Max	-	-	-	20	TOGS 1.2.1	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			**15**	TOGS 1.3.1	-	WQBEL
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. Outfall 001 has the same limit and no detriment to the receiving stream has been observed, therefore, an effluent limitation of 15 mg/L is reasonably protective of water quality standards.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.3**	TOGS 1.2.1	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	TBEL
	Consistent with TOGS 1.2.1 Attachment C, the TBEL is reflective of the treatment technology and is reasonably protective of the WQS. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. Outfall 001 has the same limit and no detriment to the receiving stream has been observed, therefore, an effluent limitation of 0.3 mL/L is reasonably protective of water quality standards.														
Nitrogen, Ammonia (as N)	mg/L	Daily Max	-	-	-	-	-	-	-	1.2	Narrative	**1.2**	-	-	WQBEL
	The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.5 and a temperature of 25°C. Given that adequate dilution is not available in the receiving stream, an effluent limitation equal to the water quality standard is specified.														
Formalin (up to 6-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**47**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
	In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix for more information.														
Chloride (up to 1-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**1300**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
	In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix.														

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Outfall #	002	**Description of Wastewater:** Fish Hatchery Flow through water **Type of Treatment:** Quiescent zone													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[5]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis for WQBEL	ML	Basis for Permit Requirement
Potassium Permanganate (up to 1-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**3.4**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix.															
Hydrogen Peroxide (up to 1-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**11.5**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix.															
Chloramine (up to 1-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**5.6**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix.															
Terramycin (up to 6-hour application)	mg/l	Daily Max	-	-	-	-	-	-	**84**	'In stream' limits are provided by the division of Fish and Wildlife				-	WQBEL
In Stream concentrations shall be calculated as concentration of chemical applied to the fish divided by the dilution factor. The Dilution factor shall be based on real time conditions, and calculated as: Dilution Factor = (Total Hatchery Flow + Stream Flow)/Treated Hatchery Flow This therapeutic chemical is used on a short term and intermittent basis to medicate the fish. Refer to Therapeutic Chemicals in the Appendix.															
Hatchery Flow	GPM	Per Application	-	-	-	-	-	-	-	-	-	-		-	Monitor
Hatchery flow data is needed to calculate compliance with the therapeutic drug "in stream" limits.															
Treated Hatchery Flow	GPM	Per Application	-	-	-	-	-	-	-	-	-	-		-	Monitor
Treated hatchery flow data is needed to calculate compliance with the therapeutic drug "in stream" limits.															
Stream Flow	CFS to GPM	Per Application	-	-	-	-	-	-	-	-	-	-		-	Monitor
Stream flow data is needed to calculate compliance with the therapeutic drug "in stream" limits.															

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the factsheet for multiple types of SPDES permits. Portions of this Appendix may not be applicable to this specific permit.

Regulatory References

The provisions of the permit are based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750 and include monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits. Below are the most common citations for the requirements included in SPDES permits:

- Clean Water Act (CWA) 33 section USC 1251 to 1387
- Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations
  - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
  - 6 NYCRR Part 621
  - 6 NYCRR Part 750
  - 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
  - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, referred to as Technical and Operational Guidance Series (TOGS)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E

The following is a quick guide to the references used within the factsheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Best Management Practices (BMPS) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25,2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (DOW 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRTK)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

Outfall and Receiving Water Information

Impaired Waters

The NYS 303(d) List of Impaired/TMDL Waters identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a WLA of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed to

determine the existing capabilities of the wastewater treatment plants and to assure that wasteload allocations (WLAs) are allocated equitably.

Interstate Water Pollution Control Agencies

Some POTWs may be subject to regulations of interstate basin/compact agencies including: Interstate Sanitation Commission (ISC), International Joint Commission (IJC), Delaware River Basin Commission (DRBC), Ohio River Valley Water Sanitation Commission (ORSANCO), and the Susquehanna River Basin Commission (SRBC). Generally, basin commission requirements focus principally on water quality and not treatment technology. However, interstate/compact agency regulations for the ISC, IJC, DRBC and NYC Watershed contain explicit effluent limits which must be addressed during permit drafting. 6 NYCRR 750-2.1(d) requires SPDES permits for discharges that originate within the jurisdiction of an interstate water pollution control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95th (monthly average) and 99th (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program. The Pollutant Summary Table identifies the number of sample data points available.

Permit Requirements

Basis for Effluent Limitations

Sections 101, 301, 304, 308, 401, 402, and 405 of the CWA and Titles 5, 7, and 8 of Article 17 ECL, as well as their implementing federal and state regulations, and related guidance, provide the basis for the effluent limitations and other conditions in the permit.

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, and/or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this factsheet. Consistent with current case law[6] and USEPA interpretation[7] anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

[6] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[7] U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

Antidegradation Policy

New York State implements the antidegradation portion of the CWA based upon two documents: (1) Organization and Delegation Memorandum #85-40, "Water Quality Antidegradation Policy" (September 9, 1985); and, (2) TOGS 1.3.9, "Implementation of the NYSDEC Antidegradation Policy – Great Lakes Basin (Supplement to Antidegradation Policy dated September 9, 1985) (undated)." The permit for the facility contains effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, SPDES applications have been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies and/or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and/or Best Professional Judgment (BPJ).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the USEPA Effluent Limitation Guideline Calculations Table.

Best Professional Judgement (BPJ)

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the Department is authorized to issue a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11. The BPJ limitation considers the existing technology present at the facility, the statistically calculated existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1,

1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

In accordance with TOGS 1.3.1., the Department may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:
"EPA Technical Support Document for Water Quality-Based Toxics Control" (March 1991); EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1, "Total Maximum Daily Loads and Water Quality-Based Effluent Limitations" (July 1996); "CORMIX v11.0" (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

The Reasonable Potential Analysis (RPA) is a statistical estimation process, outlined in the 1991 USEPA Technical Support Document for Water Quality-based Toxics Control (TSD), Appendix E. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility. This projected instream concentration (PIC) is calculated using the appropriate ratio and compared to the water quality standard (WQS). When the RPA process determines the WQS may be exceeded, a WQBEL is required. The procedure for developing WQBELs includes the following steps:

1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the Department;

2) identify water quality criteria applicable to these pollutants;

3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,

4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The Department uses modeling tools to estimate the expected concentrations of the pollutant in the receiving water and develop WQBELs. These tools were developed in part using the methodology referenced above. If the estimated concentration of the pollutant in the receiving water is expected to exceed the ambient water quality standard or guidance value (i.e. numeric interpretation of a narrative water quality standard), then there is a reasonable potential that the discharge may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. If a TMDL is in place, the facility's WLA for that pollutant is applied as the WQBEL.

For carbonaceous and nitrogenous oxygen demanding pollutants, the Department uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

A Watershed Maximum Daily Load (WMDL) may be developed by the Department to account for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments. The WMDL uses a simple dilution model, assuming full mix in the receiving stream, to calculate the maximum allowable pollutant load that can be discharged and still meet water quality standards during critical low flow in downstream segments such as those with sensitive receptors (e.g. public water supply) or higher water classification. WQBELs are established to ensure that the cumulative mass load from point source discharges does not exceed the maximum allowable load to ensure permit limits are protective of water quality.

Therapeutic Chemicals

The Food and Drug Administration (FDA) has instructed the DEC to regulate the use of therapeutic chemicals used in fish hatcheries, where the fish are ultimately to be consumed by humans. A therapeutic chemical is a chemical used to prevent or treat disease in fish. A therapeutic chemical reporting table was developed in cooperation with the Division of Fish, Wildlife and Marine Resources and is incorporated into SPDES permits for fish hatcheries using these chemicals to report that use. All DEC hatcheries, and any other hatcheries that use these chemicals, must adhere to limits (ambient guidance values) for these chemicals in their SPDES permits. All fish hatcheries and farms are also required to report the use of investigational new drugs and extra label drugs when those drugs may be released into the waters of the state.

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when the method's minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

Monitoring Requirements

CWA section 308, 40 CFR 122.44(i), 6 NYCRR 750-1.13, and 750-2.5 require that monitoring be included in permits to determine compliance with effluent limitations. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required. The permittee is responsible for conducting the monitoring and reporting results on Discharge Monitoring Reports (DMRs). The permit contains the monitoring requirements for the facility. Monitoring frequency is based on the minimum sampling necessary to adequately monitor the facility's performance and characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than

relatively constant effluent flow and pollutant levels (6 NYCRR 750-1.13). For industrial facilities, sampling frequency is based on guidance provided in TOGS 1.2.1. For municipal facilities, sampling frequency is based on guidance provided in TOGS 1.3.3.

Other Conditions

Schedule(s) of Additional Submittals

Schedules of Additional Submittals are used to summarize the deliverables required by the permit not identified in a separate Schedule of Compliance.

Best Management Practices (BMP) for Industrial Facilities

BMP plans are authorized for inclusion in NPDES permits pursuant to Sections 304(e) and 402 (a)(1) of the Clean Water Act, and 6 NYCRR 750-1.14(f). The regulations pertaining to BMPs are promulgated under 40 CFR Part 125, Subpart K. These regulations specifically address surface water discharges.

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NYS Dept of Environmental Conservation
625 BROADWAY
ALBANY, NY 12233

Facility:
CALEDONIA FISH HATCHERY
16 NORTH ST
CALEDONIA, NY 14423

Facility Location: in CALEDONIA in LIVINGSTON COUNTY
Facility Principal Reference Point: NYTM-E: 266.874 NYTM-N: 4763.194
Latitude: 42°59'08.5" Longitude: 77°51'33.8"
Authorized Activity: This permit authorizes the withdrawal of a supply of water up to 10,080,000 gallons per day (GPD) from Spring Creek for the Caledonia Fish Hatchery operations in accordance with the terms and conditions of this permit.

Permit Authorizations

Water Withdrawal Non-public - Under Article 15, Title 15
Permit ID 8-2422-00019/00022

New Permit	Effective Date: 5/21/2015	Expiration Date: 5/20/2025
Modification # 1	Effective Date: 2/22/2023	Expiration Date: 5/31/2025

NYSDEC Approval

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

Permit Administrator: KIMBERLY A MERCHANT, Deputy Regional Permit Administrator
Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: Kimberly Merchant Date 02/22/2023

Permit Components

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

1. Source Approval Table

This table summarizes all system source approvals				
Well Field or Source of Water Supply	**Status**	**Past WWA Number**	**Individual Source Capacities (gpm)**	**Maximum Permitted Well Field or Supply of Water (gpd)**
Spring Creek (Main Facility Intake)	Active	This Permit	5,700	8,208,000
Spring Creek (Annex Facility Intake)	Active	-	1,300	1,872,000
Total Approved				**10,080,000 GPD**

2. Approval of Completed Works from NYS P.E. Any new works constructed or modified pursuant to this water withdrawal permit shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with the issued permit.

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

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

5. Minimize Erosion During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.

6. **Meter All Sources** The permittee must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The permittee must maintain records of water withdrawn and consumptive use for each calendar year.

7. **Source Meter Calibration** All source meters or measuring devices shall be calibrated for accuracy at least once each year.

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

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

10. **Leak Detection and Repair** The permittee must develop and implement a leak detection and repair program using visual inspection of above ground piping and fittings and sonic detection equipment, meter-to-meter readings reconciliation or other methods acceptable to the Department for the inspection of the facility's underground piping in a systematic fashion. Leaking pipes and fittings shall be repaired in a timely manner.

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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

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

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

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

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

Regional Permit Administrator
NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

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

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

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

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.