

REGULATORY IMPACT STATEMENT (RIS)
SALINE WATER QUALITY STANDARDS RULE
6 NYCRR Parts 701 & 703

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended water quality standards (WQS) to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC¹ waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges and/or municipal separate stormwater sewer systems (MS4) effluents.

1. Statutory Authority

The statutory authority for these updates is found in the Environmental Conservation Law (ECL) Articles 3 and 17. ECL Article 3 provides that the Commissioner of the Department may adopt regulations to carry out the purposes of the ECL in general. ECL Article 17 directs the Department to classify the waters of the state in accordance with their best usage and maintain reasonable standards consistent with public health and public enjoyment of the waters. Specifically, ECL Section 17-0301 provides that the Department "shall group the designated waters of the state into classes. Such classification shall be made in accordance with considerations of best usage in the interest of the public" and further, that the Department "shall

¹ Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

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adopt and assign standards of quality and purity for each such classification necessary for the public use or benefit contemplated by such classification." ECL 17-0301(2), (4).

Specific to the proposed WQS to protect secondary contact recreation in Class I waters, ECL § 17-0301(5)(c)(3) requires the Department to adopt basic criteria for total coliform (TC), a fecal indicator bacteria (FIB), to protect for "Sources of water for bathing, fishing, boating, and any other usages except shellfishing for market purposes in tidal salt waters..." ECL § 17-0301(5)(c)(7) further authorizes the Department to "adopt and assign more restrictive standards for the best usages of the waters of the state." Using that authority, the Department is proposing new WQS using Enterococci as an FIB to protect secondary contact recreation in Class I waters. The new secondary contact recreation WQS specifically protects kayaking, acknowledging that it has the highest water ingestion rate among all secondary contact recreation activities, and those activities with lesser ingestion rates can all be practiced safely if the activity of kayaking is protected.

2. Legislative Objectives

The legislative objectives related to these proposed regulatory updates are "to conserve, improve and protect [the State's] natural resources and environment and to prevent, abate and control water, land, and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social wellbeing." ECL 1-0101(1). Furthermore, it is the policy of the State to guarantee that the "widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintended consequences." ECL 1-0101(3)(b). In furtherance of these broad

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policies, specific objectives are to "maintain reasonable standards of purity of the waters of the state consistent with public health and public enjoyment thereof..." ECL 17-0101.

This rule is consistent with the Climate Leadership and Community Protection Act (CLCPA). Although the proposed rule will likely result in an increase in facilities' ultraviolet (UV) disinfection use, the resulting increase in energy use is not inconsistent with and will not interfere with the attainment of the statewide greenhouse gas emissions limits established in Article 75 of the ECL, provided that the increased energy demand is met through clean energy that meets the targets in the CLCPA. Specifically, pursuant to Public Service Law Section 66-P(2), at least 70% of electric generation is required to be from renewable energy generation by 2030, and 100% zero emissions electric generation is required by 2040.

3. Needs and Benefits

For protection of the best use of shellfishing for market purposes, the Department is proposing new WQS for Class SA waters to align with the current standards for certification of shellfish lands in 6 NYCRR Part 47. The proposed amendments include WQS for fecal coliform (FC) in Class SA waters of a geometric mean (GM) of 14 MPN²/100 mL and no more than 10 percent of samples shall exceed FC of 49 MPN/100 mL, both protective of the shellfishing best use. The current TC WQS for the protection of the shellfishing best use in Class SA water will remain in effect.³

² Most Probable Number

³ ECL § 17-0301(5)(c)(4) requires the Department to establish total coliform WQS for sources of water for shellfishing for market purposes so that the median MPN in any series of representative samples shall not exceed 70/100 mL.

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The proposed rule amends the WQS for Class SA, SB, and SC waters to include Enterococci as an FIB to protect the primary contact recreation best use (Classes SA & SB) and primary contact recreation suitability (Class SC). The proposed enterococci WQS are consistent with the United States Environmental Protection Agency's (USEPA's) 2012 Recreational Water Quality Criteria (RWQC). The proposed WQS for Class SA, SB, and SC waters are an Enterococci 30-day GM of 35 CFU⁴/100 mL and a statistical threshold value (STV) of 130 CFU /100 mL. No more than ten percent of measurements shall exceed the STV. These WQS are currently only applicable to a subset of Class SA and SB "coastal recreation" waters, but the proposed amendments expand coverage to all waters within those classes and adds Class SC waters.

The Department is proposing Enterococci WQS for the protection of the secondary contact recreation best use in Class I waters. The proposed WQS are an Enterococci 30-day GM of 72 CFU/100 mL and a STV of 266 CFU/100 mL. The proposed WQS were derived based on an ingestion risk comparison to the 2012 RWQC as recommended by "An Approach for Applying EPA's 2012 Recreational Water Quality Criteria Recommendation to Non-primary Contact Exposure Scenarios White Paper" (USEPA 2022). The approach uses quantitative incidental ingestion rates found in the USEPA Exposure Factors Handbook, Chapter 3: Ingestion of Water and Other Select Liquids (USEPA, 2019) determined for primary and secondary recreation activities to derive a multiplier for adjusting the 2012 RWQC GM and STV values for protection of secondary contact recreation. The Department used the ingestion rates for kayaking to set the multiplier, recognizing that kayaking is the secondary contact recreation activity with

⁴ Colony Forming Units

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the highest risk of ingestion. If the activity of kayaking is protected, all other secondary contact uses, with lesser ingestion rates, can also be safely practiced. The proposed WQS replace the goal-based site-specific GM-only WQS for Class I waters that were a best estimate of secondary contact recreation protection at the time of adoption. The application of the STV in the proposed WQS makes them more stringent and more protective of the secondary contact recreation use than the GM alone, as confirmed by the Department's own independent analysis.

For waters subject to short-term, periodic impairment of best usages due to untreated or partially treated CSO discharges and/or MS4 effluents, the Department proposes to establish a wet weather limited use designation. For waters assigned the wet weather limited use designation in future rule makings, the underlying WQS applicable to their assigned classification would be applied during periods of dry weather, with limited exceedances of select WQS permissible during periods of wet weather. Waterbodies assigned the wet weather limited use designation will have a "(WW)" listed with their assigned classification in the "Standards" column of the 6 NYCRR Parts 800-941 classification tables. WQS with wet weather limited application will have the (WW) designation in the "Standard" column or remark field of the tables in 6 NYCRR 703.2-703.5. Waters where the (WW) designation will be applied do not fully satisfy the section 101(a)(2) goals of the Clean Water Act (CWA); therefore, use attainability analyses (UAAs) will be required. Those UAAs, drafted in conjunction with future rule makings that apply the (WW) designation, will provide specific details of application and compliance with the (WW) standard for the covered waterbodies. At this time, no waterbodies are being assigned the (WW) designation with these proposed regulatory updates.

It is acknowledged that certain waterbodies impacted by this proposed rule making may not satisfy the section 101(a)(2) goals of the CWA. The Department's May 2020 rule making

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clarified best usages for Class I and Class SD waters by removing the “water quality shall be suitable for primary contact recreation” language from 6 NYCRR Part 701.13 (Class I) and “water quality shall be suitable for primary and secondary contact recreation” from Part 701.14 (Class SD). These ‘suitable’ clauses did not define a best usage for the waters but did align waters with the CWA swimmable goal. Therefore, consistent with the Code of Federal Regulations (CFR) (Title 40, Chapter I, Subchapter D, Part 131.10 and/or Part 131.14), the Department will eventually draft UAAs and/or variances for all non-CWA 101(a)(2) compliant waterbodies. This includes those waters of Class I, Class SD, and any water with a (WW) designation.

Following a decision to adopt this rule, the Department will immediately begin work on a second planned rule making, with the goal to be publicly noticed no later than December 2024, that will modify classifications of the State’s saline waters to better align with existing uses and water quality improvement goals for those waters. Due to present uncertainties regarding waters that will be reclassified to Class SC or higher in the second rule, and may not require a UAA and/or variance, the necessary UAAs and/or variances will be part of that latter rule making. The combined content of both rule makings along with the UAAs/variances will bring the saline waters of the State into compliance with the CWA goals.

4. Costs

The proposed updates to WQS are protective of shellfishing for Class SA waters and all discharges to SA waters. Per regulations at 6 NYCRR 47.3, samples collected from waters overlying certified shellfish lands shall have a TC geometric mean of 70 MPN/100ml or less or a FC geometric mean of 14 MPN/100ml or less, as these two criteria are equally protective. Since the TC geometric mean of 70 MPN/100ml is the current WQS and basis for current State

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Pollutant Discharge Elimination System (SPDES) effluent limits, it is not anticipated that SPDES permits for discharges to Class SA waters would need to be amended to include an additional WQBEL for FC since this is equivalent to the WQBEL for TC that is already in place.

The Department identified twelve municipal wastewater treatment facilities, ranging from 0.24 million gallons per day (MGD) to 120 MGD treatment capacity, discharging to waters subject to Class SA, SB, SC, and I Enterococci WQS amendments in this proposal. Additionally, ten Private, Commercial, and Institutional (PCI) facilities were identified as surface water sanitary dischargers to the subject saline waters. Two industrial facilities were also identified with sanitary discharges to saline primary contact recreation waters. An additional nine facilities, owned and operated by the NYC Department of Environmental Protection (DEP), were identified, but not included in the regulatory impact analysis, because they already have an Enterococci WQBEL included in their SPDES permit.

Under the proposed Enterococci WQS, twelve municipal wastewater treatment facilities, ten PCI facilities, and two industrial facilities discharging to saline waters will likely need to upgrade their existing disinfection systems or incur increased operation and maintenance (O&M) costs. The Department analyzed the costs associated with disinfection using both chlorination and UV radiation.

The Department estimated the unit cost for building a UV disinfection system to be \$634,008/MGD⁵ design flow in capital costs with an estimated O&M cost of \$12,367/MGD per year. Given that the total capital cost for conversion to UV disinfection is significantly higher than other alternatives, the estimated financial impact assumes that the impacted facilities will

⁵ All '\$/MGD' and '\$/MGD per year' rates were adjusted for inflation from 2016 to 2022 values (<https://www.usinflationcalculator.com/>).

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not choose the UV option. For facilities that already have an existing UV disinfection system, the most cost-effective alternative is to double the UV light intensity or dosing; thus, the financial impact of \$12,367/MGD per year will result solely from increased O&M expenditures. As many of the facilities considered in this analysis are currently using chlorination for disinfection, these proposed regulatory updates will likely require additional chlorination, which may result in a need to add de-chlorination to the treatment system. Because of the likelihood that additional de-chlorination will be needed, the Department determined the capital costs for constructing a de-chlorination facility. The Department estimated the construction of a de-chlorination facility to cost \$272,066/MGD. The Department used its own estimated rates of \$23,002/MGD per year average O&M cost to determine the potential financial impact associated with O&M for facilities utilizing chlorination and de-chlorination, and \$34,503/MGD per year for facilities that currently chlorinate but will need to add de-chlorination facilities. The Department estimates that two municipal facilities and seven PCI facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur increased O&M costs, collectively totaling approximately \$4.5 million per year, to cover increased chlorine dosing or increased UV intensity, as applicable to their current disinfection practices.

Additional costs for laboratory analysis of up to \$81,300 per year across all facilities may occur, depending on how the Department implements the proposed Enterococci WQS for dischargers to saline waters. Should the Department supplant TC or FC effluent limitations in SPDES permits with Enterococci, there will be no additional impact because the analytical cost for all three FIBs is roughly the same.

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The Department does not plan on repealing the existing TC and FC WQS, and SPDES permits, subject to issuance and renewal, will be evaluated individually to determine the most appropriate discharge effluent limitations. Because the Enterococci WQS are only applicable seasonally, to minimize complexity and confusion, permitting approaches that apply a single FIB year-round may be given preference. This is typically accomplished by monitoring the discharge for multiple FIBs over an extended period and using that data to identify a single FIB and concentration level that insures no other bacterial WQS are violated. In all cases, the FIB (TC, FC, and/or Enterococci) applied in the SPDES permit will be protective of the best uses and comply with all applicable laws and regulations, while avoiding unnecessary duplication and complexity.

Certain waters, subject to the proposed Enterococci WQS, are impacted by CSOs. Most of the CSO impacts that occur in Class SB and Class I waters are in and around New York City (NYC). NYC's CSO control program is implemented through the development of Long Term Control Plans (LTCPs). The LTCPs must meet the regulatory requirements of the USEPA's CSO Control Policy as per the CWA section 402(q) and must adhere to the terms of the 2005 Consent Order between the Department and NYC (Case No. CO2-20000107-8), as modified in 2008, 2009, 2012, 2015, 2016, and 2017 (collectively the "Consent Order"), and NYC's SPDES permits. LTCPs evaluate the cost-effectiveness of a range of control options/strategies, including up to 100% CSO capture. The LTCPs are reviewed and approved by the Department based on currently applicable WQS. The yet to be completed cost of projects detailed in the approved⁶

⁶ The "Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters" (September 2020) is still under review and has not been approved by the Department. The waters covered by this LTCP were not included in the cost calculations because they were not impacted by the proposed regulatory updates (Class SD waters), or current projections show present or future attainment of the new water quality standards.

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LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM).

NYC DEP provided water quality model runs to the Department to assess compliance with the proposed Enterococci WQS in the CSO-impacted waters. The model runs indicated that the proposed Enterococci WQS will not be attained in some waters; thus, additional water quality improvements may be needed after the LTCP projects are completed. The Hutchinson River is the only CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class SB. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class I include: Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, tributaries of Jamaica Bay and Westchester Creek.

Estimating costs for these CSO-impacted waters to achieve the proposed WQS is difficult because pollutant concentrations at the overflows are unknown and variable, unlike a traditional SPDES outfall where the pollutant concentrations are monitored and the necessary controls to achieve compliance are easily calculated. Although such impacts are not immediate, as noted above, costs for CSO-impacted waters to comply with the proposed Enterococci WQS must still be estimated. Using 100% CSO capture, a highly conservative approach with respect to water quality. The Department estimated increased control costs for outfalls discharging to Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, Hutchinson River, tributaries of Jamaica Bay and Westchester Creek to meet the proposed Enterococci WQS for Class SB and Class I waters. The total cost of 100% capture for these receiving waters is \$9.7 billion.

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There are additional CSO outfalls in, and around the City of Yonkers, discharging to the Class SB portion of the Hudson River. Based on information in the 2008 and 2014 Yonkers Post Construction Monitoring Reports, no additional CSO controls will be required to meet the proposed Enterococci WQS. No other CSO communities will incur financial impacts from the proposed WQS amendments.

The (WW) designation being proposed with these regulatory updates will not be immediately applicable to any waters and, therefore, has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

A full list of facilities included in the regulatory impact analysis and per facility costs can be found in Attachment 1. A full list of facilities excluded from the regulatory impact analysis and the justification for exclusion can be found in Attachment 2.

5. Local Government Mandates

As described in this document, these proposed regulatory updates will revise and update New York State's WQS, which in turn will be incorporated into SPDES permits issued under Titles 7 and 8 of Article 17 of the ECL. When those permits are issued or renewed, any county, city, town, village, school district, fire district, or other special district with a permit-required discharge(s) will be responsible for complying with revised effluent limitations resulting from these proposed regulatory updates. The Department reviewed potentially affected permits and included the estimated costs to comply with these proposed regulatory updates discussed above. Beyond these costs, these proposed regulatory updates do not impose any additional program,

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service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork

The proposed regulations are not expected to increase or decrease the number of significant SPDES permittees (for permit classifications see the Department's Technical & Operational Guidance Series 1.2.2).

As part of the SPDES program, all significant permittees are required to periodically report monitoring data for pollutants not included in their SPDES permits. The WQS proposed through these regulatory updates would be included in that expanded reporting, but would be done so on paperwork already required under the SPDES program. These proposed regulatory updates do not require the submission of any new forms.

7. Duplication

Under federal law, promulgation of surface WQS is primarily a state responsibility. USEPA provides oversight and guidance and approves state WQS for surface water but does not promulgate WQS that apply nationwide.

The proposed Class SA WQS, protective of the shellfishing, best use mirrors current State regulation found in 6 NYCRR Part 47 used by the Department's Division of Marine Resources to certify shellfishing waters as "open" or "closed." The Part 47 regulations are exclusively for certification of shellfishing waters and cannot be used to regulate water quality. Similarly, the proposed FC WQS for Class SA waters in 6 NYCRR 703.4 are purposed to protect and regulate threats to water quality, but cannot be used to certify shellfishing waters. The

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regulation in Parts 47 and Part 703 for TC and FC may seem redundant, but each serve unique purposes and are therefore not duplicative.

The proposed Enterococci WQS to protect the primary contact recreation best use in Class SA and Class SB waters and primary contact recreation suitability in Class SC are not based on federal law or requirements, but federal 2012 RWQC were used to derive the values prescribed.

The proposed Class I WQS protective of secondary contact recreation are not based on federal law or requirements, but federal guidance was used to derive the values prescribed. State law provides the authority, and need, for the protection of secondary contact recreation best uses.

8. Alternatives

The "no action" alternative for updating the WQS for shellfishing protection in Class SA waters was rejected because these proposed regulatory updates are already included elsewhere in State regulation (6 NYCRR Part 47). The Part 47 regulations are exclusively for certification of shellfishing waters and cannot be used to regulate water quality, but the Department's overall regulatory approach still requires compliance with them. Tools used to protect and restore the waters, like SPDES permits and total maximum daily loads (TMDLs), rely on the authority of the WQS regulations for implementation, and cannot use 6 NYCRR Part 47 as a basis.

The Department considered the "no action" alternative regarding the proposed Enterococci WQS to protect the primary contact recreation best use in Class SA and Class SB waters and primary contact recreation suitability in Class SC waters. The no action alternative was rejected as it fails to satisfy USEPA 304(a) recommendations or requirements, as applicable,

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and was determined to be less protective of recreation waters than the proposed regulatory updates.

The Department considered the "no action" alternative regarding Class I WQS amendments for the protection of secondary contact recreation. Unlike the WQS for the protection of primary contact recreation in Class SA/SB/SC waters there are no criteria recommendations for secondary contact recreation. That said, USEPA's newest guidance, "An Approach for Applying EPA's 2012 Recreational Water Quality Criteria Recommendation to Non-primary Contact Exposure Scenarios White Paper" (USEPA 2022), does provide sound science and basis for setting WQS protective of secondary contact recreation. Ignoring that guidance, or using alternate criteria, does not provide the optimum level of public protection for those participating in secondary contact recreation in Class I waters.

Although not applied to any specific waters with this proposal, the Department considered the "no action" alternative for the wet weather limited designated use (WW). The (WW) designation allows the Department to assign a higher classification to a waterbody where water quality is near, or making progress towards, water quality goals protective of best usages not included in its current classification. The strategy of the (WW) limited use is to apply WQS of the higher classification in standard permitting and enforcement actions, and only allow limited excursions from those WQS during periods of wet weather. The wet weather excursions allowed will be evaluated periodically towards a goal of minimizing such excursions, with an ultimate goal of eliminating the excursions, bringing the waterbody into full attainment of uses assigned. Absent the (WW) designation, waters nearing attainment of higher best usages would not make any progress towards attaining those higher best usages and lack the dry weather protections of the higher classification.

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9. Federal Standards

The Enterococci WQS proposed for Class SA, SB, and SC waters follow USEPA's 2012 RWQC. The Class SA WQS updates for FC follow United States Department of Agriculture (USDA) guidance, indirectly, by aligning with Part 47. There is no federal minimum standard protective of secondary contact recreation that the Class I WQS would need to meet.

10. Compliance Schedule

These proposed regulatory updates will take effect on the date specified in the Notice of Adoption. However, the Department recognizes that it may be unreasonable, both physically and fiscally, to expect regulated parties to comply with the regulations immediately. After these regulatory updates become effective, they will be implemented in SPDES permits when the SPDES permits are issued or renewed. Permit renewals, including the integration of the proposed WQS, will follow the Department's Environmental Benefit Permit Strategy that prioritizes renewals to permits having the greatest potential for environmental impact. If new or modified treatment is required to meet the proposed WQS (see Costs sections), a compliance schedule may be included in the SPDES permit on a case-by-case basis. The compliance schedule in the SPDES permit may require the permittee to submit a report describing their treatment strategy to meet the WQS and include a schedule for construction of that treatment strategy. Under such a scenario, the Department would review and, if appropriate, approve the report before construction could commence.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls

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through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

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Attachment 1 - SPDES Facilities Included in Regulatory Impact Analysis							
SPDES ID	Discharge Class	Facility Name	Permittee Name	Waterbody	Current Waterbody Class	Total Capital Costs	Annual O&M Costs
NY0006645	01	Lafarge North America Buchanan Plant	Lafarge North America	Hudson River	SB	-	\$92.01
NY0226459	01	Long Island Aquarium	Atlantis Marine World LLC	Peconic River	SC	-	\$439.34
NY0090999	02	Bear Mt Wastewater Treatment Plant	Palisades Interstate Park Commission	Hudson River	SB	\$68,016.50	\$8,625.75
NY0201341	02	Teardrop Park	Hugh L. Carey Battery City Authority	Hudson River	I	-	\$690.06
NY0260282	02	Sharp Street Corp Property	Sharp Street Corp	Hudson River	SB	\$179.56	\$22.77
NY0270920	02	P&N Tomkevich Residence	P & N Tomkevich Residence	Hudson River	SB	\$136.03	\$17.25
NY0037036	09	Coachlight Square WWTP a.k.a Kings Ferry	Coachlight Square Sewer Association, Inc.	Hudson River	SB	\$13,603.30	\$1,725.15
NY0075175	09	Springvale Wastewater Treatment Plant	Springvale Sewerage Disposal Corporation	Furnace Brook (tidal portion)	SC	-	\$2,990.26
NY0140864	02	Barge Music LTD	Bargemusic, LTD	East River	I	\$408.10	\$51.75
NY0028533	05	Haverstraw Joint Regional STP	Haverstraw Joint Regional Sewerage Board	Hudson River	SB	\$2,176,528.00	\$276,024.00
NY0026051	05	Orangetown Sewer District #2 STP	Town of Orangetown	Hudson River	SB	-	\$299,026.00
NY0031895	05	Rockland County Sewer District #1 Wastewater Treatment Plant	Rockland County Sewer District #1	Hudson River	SB	-	\$667,058.00
NY0028851	05	Town of Stony Point Sewage Treatment Plant	Town of Stony Point	Hudson River	SB	-	\$12,367.00
NY0108324	05	Ossining Sanitary S.D. Wastewater Treatment Plant	Westchester County Department of Environmental Facilities	Hudson River	SB	-	\$161,014.00
NY0100803	05	Peekskill Sanitary Sewer District WWTP	Westchester County	Hudson River	SB	-	\$123,670.00
NY0026689	05	Yonkers Joint Wastewater Treatment Plant	Westchester County	Hudson River	SB	-	\$2,760,240.00

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NY0029971	07	Village of Buchanan Wastewater Treatment Plant	Village of Buchanan	Hudson River	SB	\$136,033.00	\$17,251.50
NY0030503	09	Camp Smith	N.Y.S. Division of Military and Naval Affairs	Putnam Creek (Tidal Portion)	SC	-	\$8,280.72
NY0021326	09	F.D.R. VA Hospital	US Veterans Administration Hudson Valley - Montrose	Hudson River	SB	-	\$4,946.80
NY0200271	09	NYC DOS – SI 3 Garage Boro Repair Shop	NYC Dept of Sanitation	Unnamed Trib to Richmond Creek	SC	\$2,448.59	\$310.53
NY0281212	02	Bruce Property	Rebecca and Jeffrey Bruce	Hudson River	SB	\$119.71	\$15.18
NY0026620	05	Glen Cove Wastewater Treatment Facility	Nassau County	Glen Cove Creek	SC	-	\$68,018.50
NY0026999	05	Great Neck Water Pollution Control District STP	Great Neck Water Pollution Control District	Manhasset Bay	SC	-	\$65,545.10
NY0020061	05	Riverhead Sewer District WWTF	Riverhead, Town of	Peconic River	SC	-	\$16,077.10

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Attachment 2 - SPDES Facilities Excluded from Regulatory Impact Analysis

SPDES ID	Discharge Class	Facility Name	Waterbody	Current Waterbody Class	Justification
NY0008117	01	PLUM ISLAND ANIMAL DISEASE CTR	GARDINERS BAY	SA	Coastal receiving water
NY0020079	05	V-GREENPORT WASTEWATER TREATMENT PLANT	LONG ISLAND SOUND	SA	Coastal receiving water
NY0020168	07	OCEAN BEACH SEWAGE TREATMENT PLANT	GREAT SOUTH BAY	SA	Coastal receiving water
NY0021342	05	HUNTINGTON SEWER DISTRICT STP	HUNTINGTON HARBOR	SA	Coastal receiving water
NY0021750	05	SCSD #1 - PORT JEFFERSON STP	PORT JEFFERSON HARBOR	SA	Coastal receiving water
NY0021814	09	SHELTER ISLAND HEIGHTS PROPERTY OWNERS CORP	SHELTER ISLAND SOUND	SA	Coastal receiving water
NY0021822	05	OYSTER BAY SEWAGE TREATMENT PLANT	OYSTER BAY HARBOR	SA	Coastal receiving water
NY0023311	05	SCSD #6 - KINGS PARK STP	SMITHTOWN BAY	SA	Coastal receiving water
NY0024881	07	NORTHPORT STP	NORTHPORT HARBOR	SA	Coastal receiving water
NY0026115	05	JAMAICA WASTEWATER RESOURCE RECOVERY FACILITY	JAMAICA BAY	SB	Coastal receiving water
NY0026166	05	OWLS HEAD WASTEWATER RESOURCE RECOVERY FACILITY	UPPER BAYS	SB	Coastal receiving water
NY0026174	05	OAKWOOD BEACH WASTEWATER RESOURCE RECOVERY FACILITY	LOWER NEW YORK BAY	SB	Coastal receiving water
NY0026182	05	CONEY ISLAND WASTEWATER RESOURCE RECOVERY FACILITY	ROCKAWAY INLET	SB	Coastal receiving water
NY0026221	05	ROCKAWAY WASTEWATER RESOURCE RECOVERY FACILITY	JAMAICA BAY	SB	Coastal receiving water
NY0026450	05	SOUTH SHORE WATER RECLAMATION FACILITY	REYNOLDS CHANNEL	SB	Coastal receiving water
NY0026697	05	NEW ROCHELLE STP	LONG ISLAND SOUND	SB	Coastal receiving water
NY0026701	05	MAMARONECK WWTP	LONG ISLAND SOUND	SB	Coastal receiving water

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NY0026719	05	BLIND BROOK WWTP	LONG ISLAND SOUND	SB	Coastal receiving water
NY0026778	05	PORT WASHINGTON WATER POLLUTION CONTROL PLANT	MANHASSET BAY	SB	Coastal receiving water
NY0026786	05	PORT CHESTER WASTEWATER TREATMENT FACILITY	LONG ISLAND SOUND	SB	Coastal receiving water
NY0026841	05	BELGRAVE WPCD	LITTLE NECK BAY	SB	Coastal receiving water
NY0026859	05	CEDAR CREEK WPCP	ATLANTIC OCEAN	SA	Coastal receiving water
NY0028908	07	SAG HARBOR STP	SHELTER ISLAND SOUND	SA	Coastal receiving water
NY0030104	09	JONES BEACH STATE PARK	ATLANTIC OCEAN	SA	Coastal receiving water
NY0020567	05	LONG BEACH WATER POLLUTION CONTROL PLANT	REYNOLDS CHANNEL	SB	Coastal receiving water
NY0023523	05	GREATER ATLANTIC BEACH WASTEWATER TREATMENT PLANT	REYNOLDS CHANNEL	SA	Coastal receiving water
NY0088510	09	SEAWANHAKA CORINTHIAN YACHT CLUB PROPERTY	OYSTER BAY HARBOR	SA	Coastal receiving water
NY0104809	05	BERGEN POINT WWTP	ATLANTIC OCEAN	SA	Coastal receiving water
NY0206644	05	SUFFOLK SEWER DISTRICT #21/SUNY STONY BROOK SD	PORT JEFFERSON HARBOR	SA	Coastal receiving water
NY0096172	02	WESTCHESTER COUNTRY CLUB	LONG ISLAND SOUND	SB	Coastal receiving water
NY0078701	09	ECHO BAY YACHT CLUB INC	LONG ISLAND SOUND	SB	Coastal receiving water
NY0004502	01	380 DEVELOPMENT LLC PROPERTY MATRIX	OLD PLACE CK	SD	No sanitary discharge
NY0004472	03	INDIAN POINT ENERGY CENTER	HUDSON RIVER	SB	No sanitary discharge
NY0004588	01	MOUNT VERNON AD FACILITY	EASTCHESTER CK	SB	No sanitary discharge
NY0004596	01	KM PHOENIX HOLDINGS LLC - BROOKLYN TERMINAL	NEWTOWN CK	SD	No sanitary discharge
NY0004961	01	PORT MOBIL	ARTHUR KILL	SD	No sanitary discharge
NY0005100	03	ARTHUR KILL GENERATING STATION	ARTHUR KILL	SD	No sanitary discharge
NY0005118	03	ASTORIA GENERATING STATION	EAST RIVER	I	No sanitary discharge

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NY0005126	03	CON ED-EAST RIVER GENERATING STATION	EAST RIVER	I	No sanitary discharge
NY0005134	03	CONSOLIDATED EDISON COMPANY OF NEW YORK 59TH STREET STATION	HUDSON RIVER	I	No sanitary discharge
NY0005151	03	CON EDISON - HUDSON AVE STATION	EAST RIVER	I	No sanitary discharge
NY0005177	03	CON ED-74TH STREET STA	EAST RIVER	I	No sanitary discharge
NY0005193	03	RAVENSWOOD GENERATING STATION	EAST RIVER	I	No sanitary discharge
NY0005231	01	TILCON QUARRIES HAVERSTRAW PLANT	HUDSON RIVER	SB	No sanitary discharge
NY0005878	01	COMMANDER TERMINAL	OYSTER BAY HARBOR	SA	No sanitary discharge
NY0005894	01	GLENWOOD BLACK START GT FACILITY	HEMPSTEAD HARBOR & GW	SB	No sanitary discharge
NY0005908	03	EF BARRETT POWER STATION	BARNUM'S CHANNEL	SC	No sanitary discharge
NY0005916	01	GLENWOOD COMBUSTION TURBINE FACILITY	HEMPSTEAD HARBOR	SB	No sanitary discharge
NY0005932	03	PORT JEFFERSON POWER STATION	PORT JEFFERSON HARBOR	SA	No sanitary discharge
NY0005941	03	NORTHPORT POWER STATION	LONG ISLAND SOUND	SA	No sanitary discharge
NY0006033	01	PORT AUTHORITY OF NY & NJ - WORLD TRADE CENTER	HUDSON RIVER	I	No sanitary discharge
NY0006131	01	ZENITH ENERGY TERMINALS BROOKLYN	NEWTOWN CK	SD	No sanitary discharge
NY0006297	01	BAYSIDE FUEL OIL DEPOT- 1776 SHORE PKWY	GRAVESEND BAY	SB	No sanitary discharge
NY0006301	01	FORMER BAYSIDE FUEL OIL DEPOT CORPORATION - N 12TH ST	EAST RIVER	I	No sanitary discharge
NY0006432	04	STONY POINT FACILITY	HUDSON RIVER	SB	No sanitary discharge
NY0006629	01	AMERICAN SUGAR REFINING INC	HUDSON RIVER	SB	No sanitary discharge
NY0006823	01	SHELL OIL PRODUCTS US - LONG ISLAND TERMINAL	JAMAICA BAY	SB	No sanitary discharge
NY0006866	01	METRO-NORTH RAILROAD HARMON YARD	HUDSON RIVER	SB	No sanitary discharge
NY0007145	01	1900 SOUTH AVE LOGISTICS	ARTHUR KILL	SD	No sanitary discharge

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NY0007641	01	BAYSIDE FUEL OIL DEPOT- 1100 GRAND ST	ENGLISH KILLS	SD	No sanitary discharge
NY0007650	01	BUCKEYE TERMINALS LLC - BRONX TERMINAL	EAST RIVER	I	No sanitary discharge
NY0007668	01	SPRAGUE OPERATING RESOURCES LLC - 939 E 138TH ST	EAST RIVER	I	No sanitary discharge
NY0007676	01	UNITED METRO TERM-498 KINGSLAND AVE	NEWTOWN CREEK	SD	No sanitary discharge
NY0008010	03	BOWLINE POINT GENERATING STATION (UNITS 1 & 2)	HUDSON RIVER	SB	No sanitary discharge
NY0008109	01	JFK INTERNATIONAL AIRPORT	BERGEN BASIN	I	No sanitary discharge
NY0008133	01	PORT AUTH OF NY & NJ - LAGUARDIA AIRPORT	EAST RIVER (BOWERY BAY)	I	No sanitary discharge
NY0025569	01	MEENAN OIL CO	HUDSON RIVER	SB	No sanitary discharge
NY0028495	01	SPRAGUE OPERATING RESOURCES LLC	JAMAICA BAY	SB	No sanitary discharge
NY0028606	01	BAYSIDE FUEL OIL DEPOT - SMITH	GOWANUS CANAL	SD	No sanitary discharge
NY0030872	01	SPRAGUE RESOURCES INWOOD FACILITY	JAMAICA BAY	SC	No sanitary discharge
NY0032816	01	LEFFERTS OIL FLUSHING TERMINAL	FLUSHING CREEK	I	No sanitary discharge
NY0072281	01	NEW YORK PLAZA BUILDING	EAST RIVER	I	No sanitary discharge
NY0098264	04	WESTCHESTER INDUSTRIES INC	HUDSON RIVER	SB	No sanitary discharge
NY0102211	01	PARADISE FUEL TERMINAL	HUDSON RIVER	SB	No sanitary discharge
NY0104175	04	UNITED NATIONS	EAST RIVER	I	No sanitary discharge
NY0104701	04	METALLIZED CARBON CORPORATION	HUDSON RIVER	SB	No sanitary discharge
NY0106372	04	NWJWW CATSKILL AQUEDUCT WATER TREATMENT FACILITY	MCGREGORY BROOK (TIDAL PORTION)	SC	No sanitary discharge
NY0106721	01	LIDO BOULEVARD WELL FIELD	REYNOLDS CHANNEL	SA	No sanitary discharge
NY0106879	01	NEW YORK AMERICAN WATER PLANT #6	REYNOLDS CHANNEL	SA	No sanitary discharge
NY0108651	01	GLOBAL COMPANIES LLC - GLENWOOD TERMINAL	HEMPSTEAD HARBOR	SB	No sanitary discharge

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NY0109690	01	WHEELABRATOR WESTCHESTER LP	HUDSON RIVER	SB	No sanitary discharge
NY0109932	01	WORLD FINANCIAL CENTER	HUDSON RIVER	I	No sanitary discharge
NY0276880	04	M&H Realty West St Redevelopment- B 2570 L 1	EAST RIVER	I	No sanitary discharge
NY0199508	01	GLOBAL COMPANIES LLC - INWOOD TERMINAL	HEAD OF BAY	SB	No sanitary discharge
NY0200328	01	WCS - NEW YORK AQUARIUM	ATLANTIC OCEAN	SB	No sanitary discharge
NY0200484	01	CLEAN WATER OF NEW YORK WASTE OIL REPROCESSING AND STORAGE FACILITY	NEWARK BAY	SD	No sanitary discharge
NY0200506	04	PATH TUNNELS A & B	HUDSON RIVER	I	No sanitary discharge
NY0200778	01	CON ED-EAST 60TH STREET STEAM PLANT	EAST RIVER	I	No sanitary discharge
NY0200794	04	NYC DEP-SHAFTS 15B TUNNEL #3	EAST RIVER	I	No sanitary discharge
NY0200808	01	NARROWS GENERATING STATION	CONEY ISLAND CREEK	I	No sanitary discharge
NY0200841	01	QUEENS DISTRICT 5/5A GARAGE	NEWTOWN CREEK	SD	No sanitary discharge
NY0200859	01	CROTON AQUEDUCT-SHAFT 24 & 25	HARLEM RIVER	I	No sanitary discharge
NY0200867	03	NYCDOS - FRESH KILLS LANDFILL	ARTHUR KILL	SD	No sanitary discharge
NY0201006	01	GOWANUS GENERATING STATION	GOWANUS BAY	SD	No sanitary discharge
NY0201120	01	866 UNITED NATIONS PLAZA	EAST RIVER	I	No sanitary discharge
NY0201138	01	CON ED-11TH STREET CONDUIT	NEWTOWN CREEK	SD	No sanitary discharge
NY0201219	01	CON ED - ASTORIA FACILITY	EAST RIVER	I	No sanitary discharge
NY0201227	01	RAVENSWOOD STEAM PLANT	EAST RIVER	I	No sanitary discharge
NY0201235	01	ASTORIA GAS TURBINE POWER	EAST RIVER	I	No sanitary discharge
NY0201243	01	ASTORIA CENTRAL WTF	EAST RIVER	I	No sanitary discharge
NY0201278	01	TULLY ENVIRONMENTAL INC	FLUSHING CREEK	I	No sanitary discharge

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NY0201375	01	NYC DEP-JAMAICA WATER SUPPLY WELLS	THURSTON BASIN	I	No sanitary discharge
NY0225665	01	ROCKVILLE CENTRE POWER PLANT	MILL RIVER	SC	No sanitary discharge
NY0225916	01	LIDO BLVD WELL FIELD	REYNOLDS CHANNEL	SA	No sanitary discharge
NY0226416	01	FREEPORT POWER PLANT #2	TRIB OF FREEPORT CREEK	SC	No sanitary discharge
NY0226530	01	FREEPORT POWER PLANT #1	FREEPORT CREEK SD	SC	No sanitary discharge
NY0226661	04	UNITED STATES MERCHANT MARINE ACADEMY	LONG ISLAND SOUND	SB	No sanitary discharge
NY0235067	01	PANCO PETROLEUM COMPANY	HUDSON RIVER	SB	No sanitary discharge
NY0250414	04	INDIAN POINT 2 LLC AND INDIAN POINT 3 LLC	HUDSON RIVER	SB	No sanitary discharge
NY0251488	01	WESTMORE FUEL CO	BYRAM RIVER	SC	No sanitary discharge
NY0251577	01	BROOKLYN NAVY YARD COGENERATION PLANT	EAST RIVER	I	No sanitary discharge
NY0260312	01	CITY OF MOUNT VERNON DPW GARAGE	HUTCHINSON R	SB	No sanitary discharge
NY0264393	04	BEAR MOUNTAIN BRIDGE MAINTENANCE FACILITY	HUDSON RIVER	SB	No sanitary discharge
NY0267180	01	PICCOZZI PROPERTY	DERING HARBOR	SA	No sanitary discharge
NY0267236	01	RASON ASPHALT PLANT	GLEN COVE CREEK	SC	No sanitary discharge
NY0267503	01	NYPA - Astoria Campus	EAST RIVER	I	No sanitary discharge
NY0267538	01	ASTORIA ENERGY LLC & ASTORIA ENERGY II LLC	EAST RIVER	I	No sanitary discharge
NY0267724	03	EXXONMOBIL GREENPOINT REMEDIATION PROJECT	NEWTOWN CREEK	SD	No sanitary discharge
NY0267732	01	AMTRAK - LIC VENTILATION BUILDING	EAST RIVER	I	No sanitary discharge
NY0267805	01	CEDAR STREET SUBSTATION	LONG ISLAND SOUND	SA	No sanitary discharge
NY0276642	04	NYC DEP - SHAFT 26B, CITY TUNNEL #3	HUDSON RIVER	I	No sanitary discharge
NY0276499	01	FRESH KILLS PARK	FRESH KILLS	SD	No sanitary discharge
NY0276669	04	NYS DOT- KOSCIUSZKO BRIDGE	NEWTOWN CREEK	SD	No sanitary discharge

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NY0276740	04	LAGUARDIA AIRPORT CENTRAL TERMINAL BUILDING REPLACEMENT	FLUSHING BAY	I	No sanitary discharge
NY0276758	04	CORNELL NYCTECH CAMPUS - BLOOMBERG CENTER	EAST RIVER (WEST BRANCH)	I	No sanitary discharge
NY0276766	02	NYC PARKS - ASTORIA PARK POOL FACILITY	EAST RIVER	I	No sanitary discharge
NY0276782	04	NYC EDC - CONEY ISLAND INFRASTRUCTURE PROJECT PHASE 3B	CONEY ISLAND CREEK	I	No sanitary discharge
NY0276847	04	NYC DDC - SEQ200524 SEWERS (DEERFIELD RD, COLLIER AVE, NEW HAVEN AVE)	NORTON BASIN	SB	No sanitary discharge
NY0276855	04	ROCKAWAY BEACH HOTEL	JAMAICA BAY	SB	No sanitary discharge
NY0276863	04	NYC DDC - HWR1132B STREET RECONSTRUCTION AND IMPROVEMENTS IN SOUTH BEACH	LOWER NEW YORK BAY	SB	No sanitary discharge
NY0276871	04	DELTA AIR LINES INC	FLUSHING BAY	I	No sanitary discharge
NY0276898	04	WASA PROPERTIES 2505 CONEY ISLAND AVE DEVELOPMENT	CONEY ISLAND CREEK	I	No sanitary discharge
NY0276901	04	NYC DDC CONEY ISLAND OUTFALLS & SEWERS	CONEY ISLAND CREEK	I	No sanitary discharge
NY0276928	04	NYC-HH - CONEY ISLAND HOSPITAL	CONEY ISLAND CREEK	I	No sanitary discharge
NY0276936	04	NYCDDC -COLLEGE POINT SOUTH DRAINAGE IMPROVEMENTS (SE807)	FLUSHING CREEK	I	No sanitary discharge
NY0276944	04	FLUSHING POINT HOLDING LLC - B 5066, L 110	FLUSHING CREEK	I	No sanitary discharge
NY0277011	03	G M D SHIPYARD - BROOKLYN NAVY YARD	WALLABOUT BAY, EAST RIVER	I	No sanitary discharge
NY0277037	04	QBDK HURON LLC PROP - 1 HURON ST	EAST RIVER	I	No sanitary discharge
NY0277045	04	101 LINCOLN AVE	HARLEM RIVER	I	No sanitary discharge

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NY0277053	04	NYCDDC- RECONSTRUCTION OF STM, SAN SEWERS & WM IN CONEY ISLAND (CONISPH3A)	CONEY ISLAND CREEK	I	No sanitary discharge
NY0277061	04	WATERVIEW AT GREENPOINT	NEWTOWN CREEK	SD	No sanitary discharge
NY0277088	04	NYC DDC - DUMBO/VINEGAR HILL SEWER RECONSTRUCTION (HWKKP005)	EAST RIVER	I	No sanitary discharge
NY0277118	04	126-20 WILLETS POINT BLVD REDEVELOPMENT	FLUSHING CREEK	I	No sanitary discharge
NY0277126	04	NYCDDC-RECONSTRUCTION OF BROOKLYN WATERFRONT GREENWAY HAMILTON AVE/GOWANUS SECTION (HWK1048D)	GOWANUS CANAL	SD	No sanitary discharge
NY0277151	04	NYCDDC - EAST SIDE COASTAL RESILIENCY	EAST RIVER	I	No sanitary discharge
NY0279935	01	COSTCO	HOG ISLAND CHANNEL	SB	No sanitary discharge
NY0281514	01	LINCOLN RENAISSANCE APARTMENTS	LONG ISLAND SOUND	SB	No sanitary discharge
NY0026247	05	NORTH RIVER WASTEWATER RESOURCE RECOVERY FACILITY	HUDSON RIVER	I	Existing Entero limit
NY0026204	05	NEWTOWN CREEK WASTEWATER RESOURCE RECOVERY FACILITY	LOWER EAST RIVER	I	Existing Entero limit
NY0026131	05	WARDS ISLAND WASTEWATER RESOURCE RECOVERY FACILITY	EAST RIVER	I	Existing Entero limit
NY0026191	05	HUNTS POINT WASTEWATER RESOURCE RECOVERY FACILITY	UPPER EAST RIVER	I	Existing Entero limit
NY0027073	05	RED HOOK WASTEWATER RESOURCE RECOVERY FACILITY	EAST RIVER	I	Existing Entero limit
NY0026158	05	BOWERY BAY WASTEWATER RESOURCE RECOVERY FACILITY	UPPER EAST RIVER (BOWER BAY)	I	Existing Entero limit
NY0026239	05	TALLMAN ISLAND WASTEWATER RESOURCE RECOVERY FACILITY	UPPER EAST RIVER	I	Existing Entero limit

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NY0026107	05	PORT RICHMOND WASTEWATER RESOURCE RECOVERY FACILITY	KILL VAN KULL	SD	Existing Entero limit
NY0026212	05	26TH WARD WASTEWATER RESOURCE RECOVERY FACILITY	HENDRIX CREEK	I	Existing Entero limit
NY0166456	01	LOVETT SOLID WASTE MANAGEMENT FACILITY	HUDSON RIVER	SB	Negligible impact