State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**4952**	NAICS Code:	**237110**	SPDES Number:	**NY0280283**
Discharge Class (CL):	**01**			DEC Number:	**1-2820-05050/00017**
Toxic Class (TX):	**N**			Effective Date (EDP):	
Major-Sub Drainage Basin:	**17 - 01**			Expiration Date (ExDP):	
Water Index Number:	**MDB-RC**	Item No.:	**885 - 168**	Modification Dates (EDPM):	
Compact Area:	**IEC**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**County of Nassau, NY Department of Public Works**	Attention:	**Christopher Vella**		
Street:	**1194 Propsect Avenue**				
City:	**Westbury**	State:	**NY**	Zip Code:	**11590**
Email:	**cvella@nassaucountyny.gov**	Phone:	**516-571-7523**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																	
Name:	**Long Beach Water Pollution Control Facility Consolidation Forcemain**																
Address / Location:	**National Boulevard and Bay Drive**											County:	**Nassau**				
City:	**Long Beach**						State:	**NY**				Zip Code:	**11561**				
Facility Location:		Latitude:	**40**	°	**35**	'	**34**	" N	& Longitude:	**73**	°	**39**	'	**57**	" W		
Primary Outfall No.:	**POD 1**	Latitude:	**40**	°	**35**	'	**36.996**	" N	& Longitude:	**73**	°	**40**	'	**11.86**	" W		
Wastewater Description:	**Dewatering**	Receiving Water:	**Reynolds Channel**				NAICS:	**221310**	Class:	**SB**		Standard:	-				

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:
BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
RWE
RPA
EPA Region II (Region2_NPDES@epa.gov)

Permit Administrator:	
Address:	50 Circle Road, Stony Brook NY 11790
Signature	Date

DEFINITIONS

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

SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Dewatering Location	Latitude	Longitude	Receiving Water Name	Water Class
POD1	Long Beach STP	40° 35' 36.996" N	73° 40' 11.856" W	Reynolds Channel	SB
POD2	Black Banks Hassock	40° 35' 52.224" N	73° 40' 30.467"W	Hewlett Bay	SA
POD3	Pearsalls Hassock	40° 36' 42.768" N	73° 40' 4.8"W	Hewlett Bay	SA
POD4	Bay Park STP	40° 37' 29.352" N	73° 39' 45.144" W	East Rockaway Channel	SC
POD5	Bay Park STP	40° 37' 41.844" N	73° 39' 42.012" W	East Rockaway Channel	SC
POD6	Bay Park STP	40° 37' 43.86" N	73° 40' 4.26" W	Hewlett Bay	SA

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 1	Dewatering Discharge – Long Beach STP	Reynolds Channel	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Daily Maximum	3.60	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Zinc, Total	Daily Maximum	40	ug/L	-	-	1/Month	Grab	-	X	-
Benzo(a)pyrene	Daily Maximum	0.0064	ug/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Month	Grab	-	X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 2	Dewatering Discharge – Black Banks Hassock	Hewlett Bay	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Daily Maximum	0.72	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Month	Grab	-	X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 3	Dewatering Discharge -Pearsalls Hassock	Hewlett Bay	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	1.584	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Month	Grab	-	X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 4	Dewatering Discharge – Bay Park STP	East Rockaway Channel	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	3.60	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Month	Grab	-	X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 5	Dewatering Discharge – Bay Park STP	East Rockaway Channel	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	3.60	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Benzene	Daily Maximum	5.0	ug/L	-	-	1/Month	Grab	-	X	-
Chlorobenzene	Daily Maximum	5.0	ug/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Week	Grab	-	X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
POD 6	Dewatering Discharge – Bay Park STP	Hewlett Bay	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	3.60	MGD	-	-	1/Day	Totalizer	-	X	-
pH	Daily Minimum	6.5	SU	-	-	1/Day	Grab	-	X	-
	Daily Maximum	8.5	SU	-	-					-
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	-	-	1/Month	Grab	-	X	-
	Daily Maximum	40	mg/L	-	-	1/Month	Grab	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/Month	Grab	-	X	-
Mercury, Total	Daily Maximum	200	ng/L	-	-	1/Week	Grab	-	X	1

FOOTNOTES:

1. See Schedule of Compliance on page 13.
2. Visual observations of the discharge must be recorded daily in a logbook kept onsite. See Special Condition 5 and 6

SPECIAL CONDITIONS

1. **Coordination with Other Permits**
   This permit is issued in conjunction with LI Well Permit W5991 for the dewatering project relating to the construction of a permanent pump station, bypass station, and adjacent piping at the Long Beach WPCP. The permittee must adhere to permit conditions stated in both this SPDES Permit NY0280283 and LI Well Permit W5991.

2. **Authorized Discharge**
   If during the excavation/dewatering process it is discovered that the groundwater to be discharged has been contaminated with petroleum or any other deleterious matter, the work must cease, and the Department must be notified immediately.

3. **Discharge from Dewatering Only**
   Only waters generated during the dewatering activities from the construction/installation of a new force main from Long Beach WPCP to Bay Park STP are authorized for discharge.

4. **Prevent Contamination of Groundwater**
   Any contamination of surface or subsurface water must be prevented.

5. **Monitor Dewatering Discharge for Plume**
   The proposed discharge points to Reynolds Channel, Hewlett Bay and East Rockaway Channel shall be monitored by the permittee or his agent. If a plume is visible from the dewatering effluent, dewatering shall cease, and the Department must be notified immediately.

6. **Monitor Dewatering Discharge for Visible Contrast**
   If a substantial visible contrast to the natural conditions of the water is observed from the dewatering effluent, dewatering shall cease, and the Department must be notified immediately.

7. **Storm Drain**
   The use of any proposed storm drain for the discharge of the water resulting from the dewatering project is not allowed without prior approval from the proprietor of the storm drain.

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

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

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.

2. **Compliance Deadlines** – The initial BMP plan 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 DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in the SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.

4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002.. As a minimum, the plan shall include the following BMPs:

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

BMPs FOR INDUSTRIAL FACILITIES (continued)

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

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

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

MERCURY MINIMIZATION PROGRAM (MMP) - Type III

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

2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:

   a. Monitoring - Monitoring at **POD 1 – POD 6**, influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136[2]. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

      Minimum required monitoring is as follows:

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

      ii. *Key Locations* and *Potential Mercury Sources* –The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least annually.

      iii. Decreased Monitoring Requirements - Facilities with EEQ at or below 12 ng/L are eligible for the following:

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

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

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

      i. Monitoring and Inventory/Inspections for **POD 1 – POD 6** -

         1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must track down and minimize these sources.
         2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
            a) *Potential mercury sources*
               1. The permittee must maintain an inventory of *potential mercury sources.*
               2. The permittee must inspect *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program[3] which informs users of their responsibilities as *potential mercury sources.* The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
               3. A file shall be maintained containing documentation demonstrating compliance with 2.b.i.2)a) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.

      ii. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.

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

[3] For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.

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

iii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

c. **Status Report - A semiannual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
   i. All MMP monitoring results for **POD 1 – POD 6** for the previous reporting period;
   ii. A list of known and *potential mercury sources* for **POD 1 – POD 6**
      1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the DEC for a permittee-initiated modification;
   iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
   iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
   v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

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

3. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility increase the potential for mercury discharges;
   b. Effluent discharges exceed the current permit limitation(s); or
   c. A letter from the DEC identifies inadequacies in the MMP.

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

DEFINITIONS:

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

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

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

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

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

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

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

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

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date[4]
POD 1 – POD 6	SHORT-TERM HIGH-INTENSITY MONITORING (STHIM) PROGRAM The permittee shall collect 10 samples representative of normal discharge conditions and treatment operations over a 8-week period for Total Mercury. The permittee shall use approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of Total Mercury. The permittee shall submit a summary of the results and the laboratory analytical reports for these sampling events. The Department will use the results of the STHIM to calculate the Equivalent Effluent Quality (EEQ), at which time the permit may be reopened and modified to include a more stringent effluent limit for Total Mercury that is equal to the EEQ.	EDP + 10 Weeks
Unless noted otherwise, the above actions are one-time requirements.		

b) The permittee shall submit a Report of Non-compliance Event form with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All notifications shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. Any details which tend to explain or mitigate an instance of non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

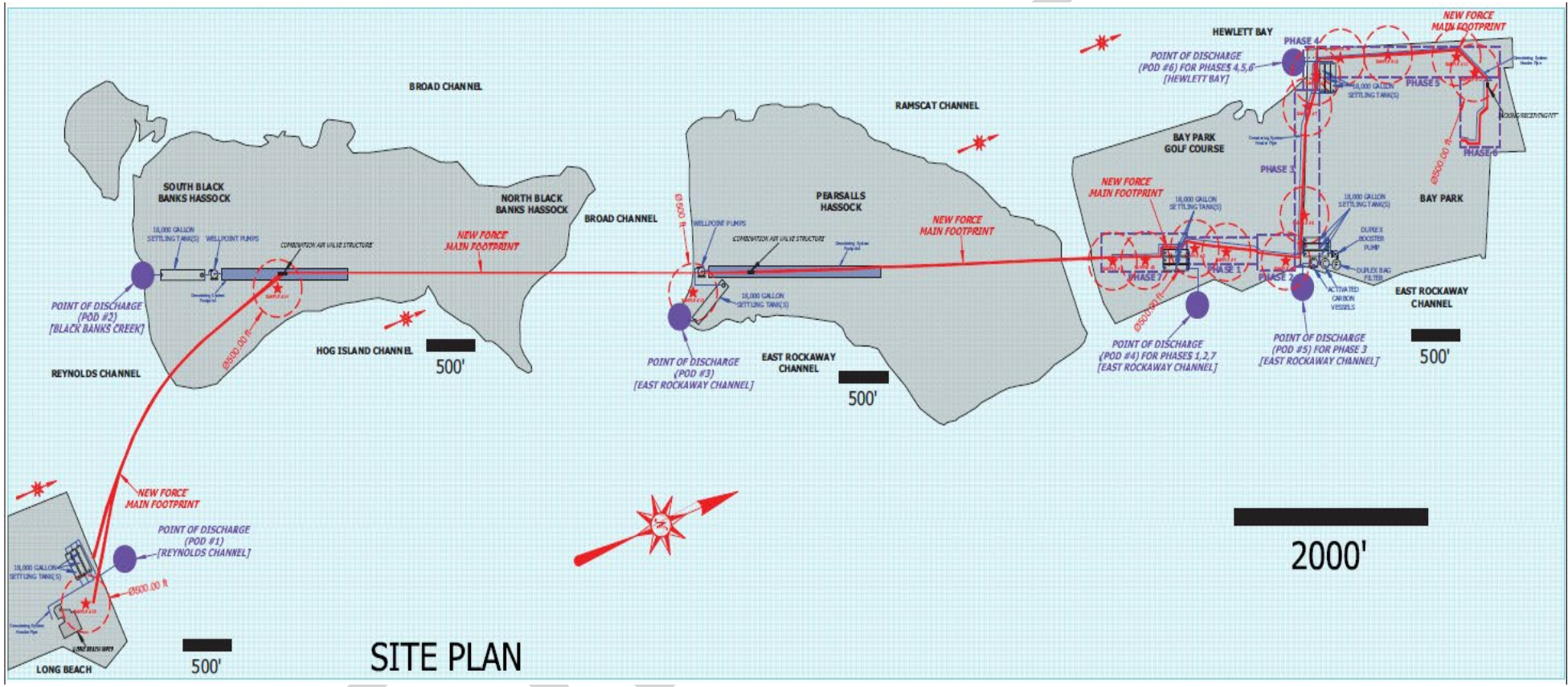
c) The permittee shall submit copies of any document required by the above schedule of compliance to the DEC Regional Water Engineer and to the Bureau of Water Permits.

[4] 6 NYCRR 750-1.14 (a)

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:

Effluent : Prior to discharge into POD 1 – POD 6



GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

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

D. Monitoring and Records

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

E. Reporting Requirements

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

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

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

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

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

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

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 1
50 Circle Road, Stony Brook, New York, 11790-3409 Phone: (631) 444-0405

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
POD 1 – POD 6	BMP PLAN The permittee shall submit and annually review the completed BMP plan, submitted on an annual basis. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	EDP + 6 Months, Annually thereafter on January 28th
POD 1- POD 6	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite a semiannual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite***

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

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

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.

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NASSAU COUNTY
1 WEST ST
MINEOLA, NY 11501

Facility:
HEMPSTEAD BAY MARSH ISLANDS
MARSH ISLANDS WEST OF ISLAND PARK
Hempstead, NY 11550

Facility Location: in HEMPSTEAD in NASSAU COUNTY
Facility Principal Reference Point: NYTM-E: 612.6 NYTM-N: 4497.2
Latitude: 40°37'04.7" Longitude: 73°40'07.7"

Authorized Activity: Install and operate a temporary well point dewatering system to facilitate with the construction of a new 24" forcemain that will connect the Long Beach Water Pollution Control Plant to the Bay Park Wastewater Treatment Plant. Dewatering will occur at the Long Beach Water Pollution Control Plant, Black Banks Hassocks, Pearsalls Hassocks and the Bay Park Wastewater Treatment Plant, in accordance with the dewatering specifications outlined in Special Condition 1. All water shall pass through a settling tank prior to discharging into the corresponding points of discharge (POD) identified in Special Condition 1. If required, additional treatment(s) consisting of filter bags and/or carbon vessels following the settling tank will be implemented to meet the effluent limits specified in SPDES Permit NY0280283.

This permit is issued in conjunction with SPDES Permit 1-2820-05050/00017.

Permit Authorizations

Long Island Well Temporary Dewatering - Under Article 15, Title 15
Permit ID 1-2820-05050/00016
New Permit Proposed Effective Date: _____ Proposed Expiration Date: No Exp. Date
Tidal Wetlands - Under Article 25
Permit ID 1-2820-05050/00018
New Permit Proposed Effective Date: _____ Proposed Expiration Date: No Exp. Date

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: ELYSSA E SCOTT, Deputy Regional Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____ Date ___/____/____

Permit Components

LONG ISLAND WELL TEMPORARY DEWATERING PERMIT CONDITIONS

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

LONG ISLAND WELL TEMPORARY DEWATERING PERMIT CONDITIONS

1. Dewatering Specifications

Dewatering Location	Point of Discharge (POD)	Treatment System	Receiving Water	Maximum Daily Discharge (MGD)	Duration (days)
Long Beach WPCP	POD 1	Settling Tank ; Bag Filter	Reynolds Channel	3.60	77
Black Banks Hassock	POD 2	Settling Tank ; Filter Bags	Hewlett Bay	0.720	63
Pearsalls Hassock	POD 3	Settling Tank ; Filter Bags	Hewlett Bay	1.584	56
Bay Park WWTP	POD 4	Settling Tank ; Bag Filters	East Rockaway Channel	3.60	98
Bay Park WWRP	POD 5	Settling Tank; Bag Filters	East Rockaway Channel	3.60	
Bay Park WWTP	POD 6	Settling Tank; Bag Filters, Carbon Vessels	Hewlett Bay	3.60	

2. **SPDES Permit NY0280283** This permit is issued is conjunction with SPDES Permit NY0280283 for the dewatering project referenced above. The permittee must adhere to permit conditions stated in both SPDES Permit NY0280283 and LI Well Permit W5991.

3. **Dewatering** The dewatering installation as proposed shall be carried out by a well driller duly registered in accordance with Section 15-1525 of the Environmental Conservation Law.

4. **Dewatering System** The dewatering system is to be installed and operated in accordance with the Proposed Dewatering Plan Long Island Well Permit (DW-1.0 to DW-5.0) prepared by AMC Engineering dated 9/24/2024 and the Dewatering Layout (Drawings 01 and 01A to 01F) prepared by Griffin Dewatering on 3/15/2024.

5. **Flow Meter** A flow meter must be installed to measure the amount of water being discharged into Reynolds Channel, Hewlett Bay and East Rockaway Channel. The total daily discharge (gallons per day) must be recorded and a log kept onsite.

6. **Notification** Before beginning any dewatering, the permittee must notify the Department, Water Supply Unit, at (631) 444-0405 or at R1DOW@dec.ny.gov, of the proposed starting date.

7. **Start Date** If dewatering has not begun by XXXXXX (6 months from permit date), new groundwater samples must be submitted to this Department, and an approval must be granted.

8. **Authorized Discharge** The authorized discharge is limited to dewatering of uncontaminated groundwater. If during the excavation/dewatering process, it is discovered that the water to be discharged has been contaminated with petroleum or any other deleterious matter, the work must cease and the Department must be notified immediately.

9. **Discharge from Dewatering Only** Only waters generated during the dewatering activities from the construction of the new 24" forcemain that will connect the Long Beach Water Pollution Control Plant to the Bay Park Wastewater Treatment Plant are authorized for discharge.

10. **Prevent Contamination of Groundwater** Any contamination of surface or subsurface water must be prevented.

11. **Monitor Dewatering Discharge for Plume** Each proposed discharge point into Reynolds Channel, Hewlett Bay and East Rockaway Channel shall be monitored by the permittee or his agent while it is being used to discharge dewatering effluent. If a plume is visible from the dewatering effluent, dewatering shall cease and the Department must be notified immediately.

12. **Monitor Dewatering Discharge for Visible Contrast** If a substantial visible contrast to the natural conditions of the water is observed from the dewatering effluent, dewatering shall cease and the Department must be notified immediately.

13. **Storm Drain** The use of any proposed storm drain for the discharge of the water resulting from the dewatering project is not allowed without prior approval from the proprietor of the storm drain.

14. **Well Abandonment** Upon completion of the dewatering project, wells permitted herein shall be properly sealed and decommissioned in accordance with the NYSDEC well decommissioning specifications.

15. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

16. Notice of Commencement At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS

1. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by * blank1 *.

3. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

4. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

5. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

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 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY11790 -3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Long Island Well Temporary Dewatering.

5. 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.

6. 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.

SPDES Permit Fact Sheet
Nassau County DPW
Long Beach WPCP (Forcemain)
NY0280283

Contents

Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for Nassau County Department of Public Works for the discharge of groundwater resulting from the dewatering works that will take place as part of the Long Beach WPCP Consolidation Forcemain Project. Dewatering will be performed at the Long Beach WPCP, Black Banks Hassock, Pearsall Hassock and Bay Park WPCP.

This fact sheet 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 fact sheet.

Administrative History

10/29/2024 The Nassau County DPW submitted a NY-2C permit application for the dewatering discharge resulting from the construction of the Long Beach WPCP Consolidation Forcemain Project.

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

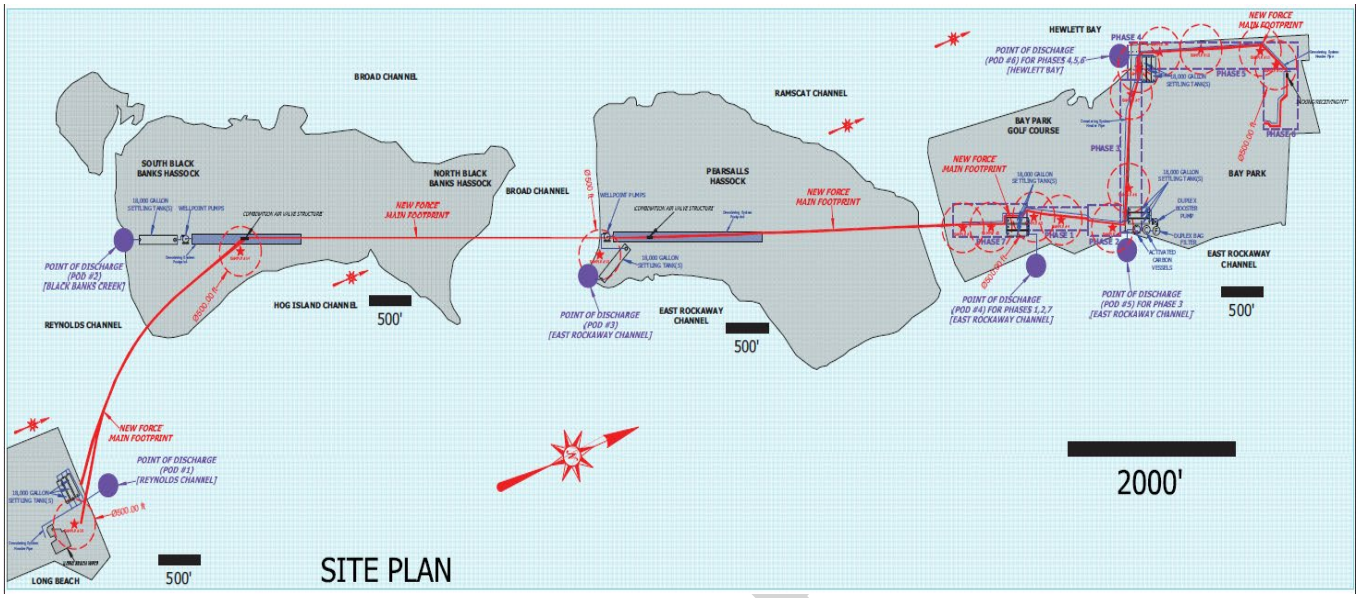
Facility Information

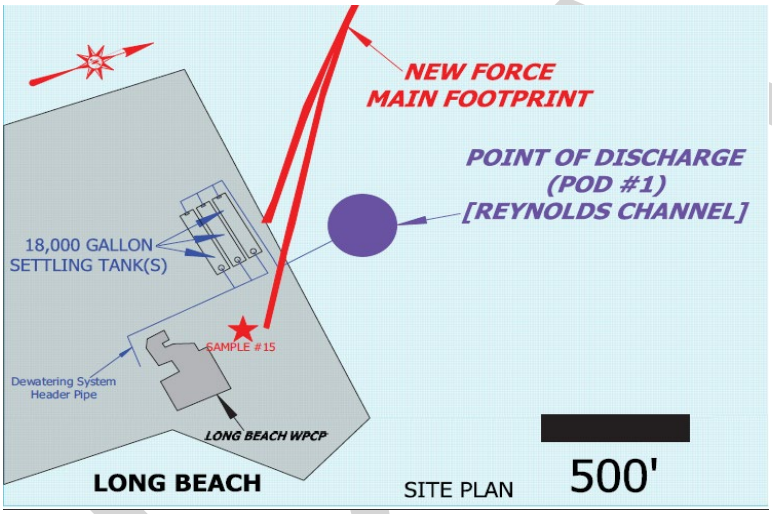
This is an industrial process water discharge associated with the dewatering of groundwater for the construction/installation of a new force main that will span over the Long Beach WPCP, Black Bank Hassock, Pearsall Hassock and Bay Park STP. Each location may have multiple points of discharge and the treatment for each dewatering system will include at least one or a combination of the following units.

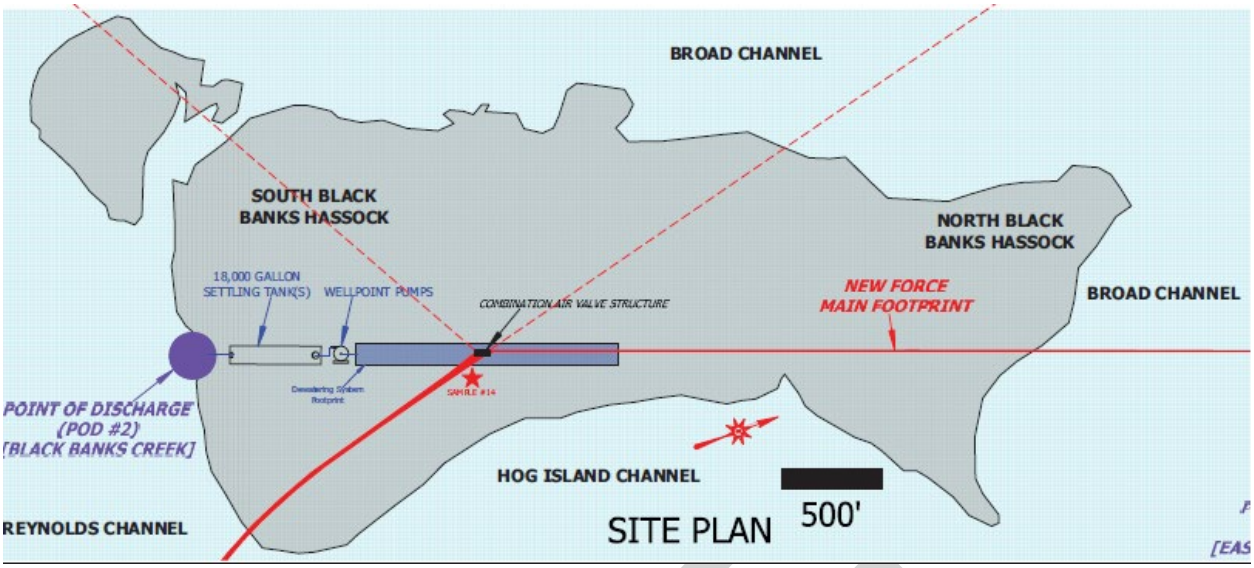
- Settling Tank
- Bag Filters
- Carbon Vessels

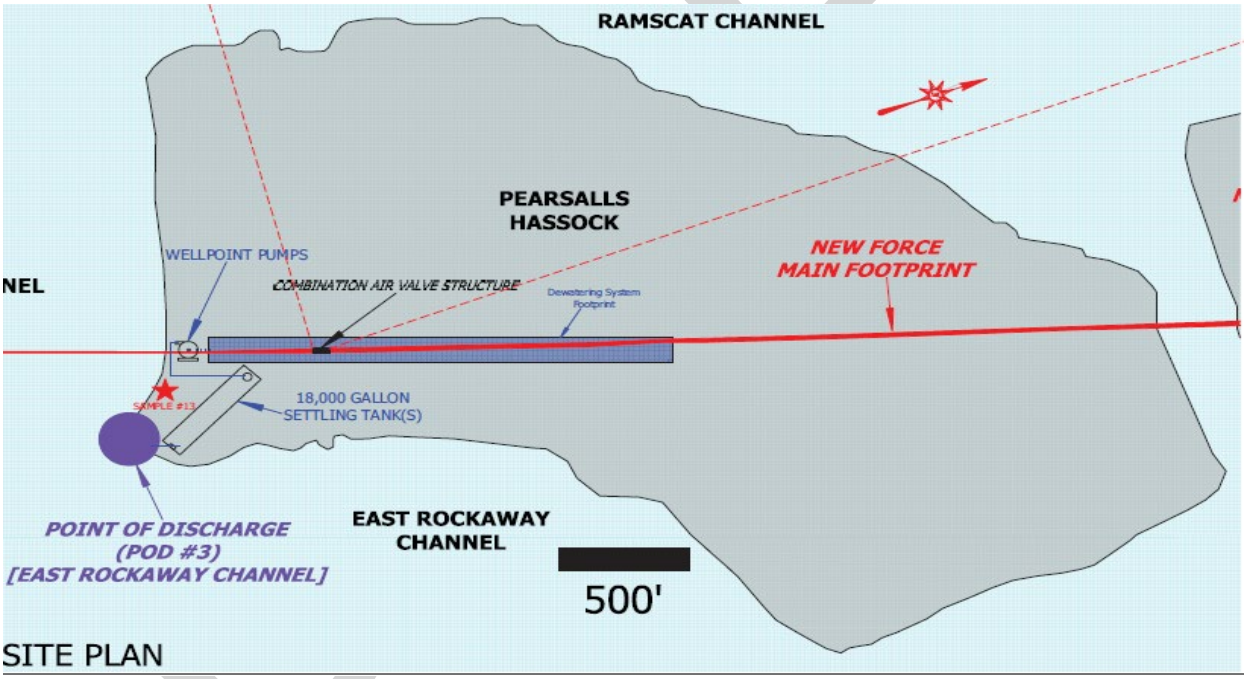
Dewatering effluent at each location is proposed to be discharged either directly into surface water or into onsite catch basins that discharge to surface water and are identified as Point of Discharge (POD) 1 (Long Beach WPCP), POD 2 (Black Bank Hassock), POD 3 (Pearsall Hassock) and POD4 - POD6 (Bay Park STP).

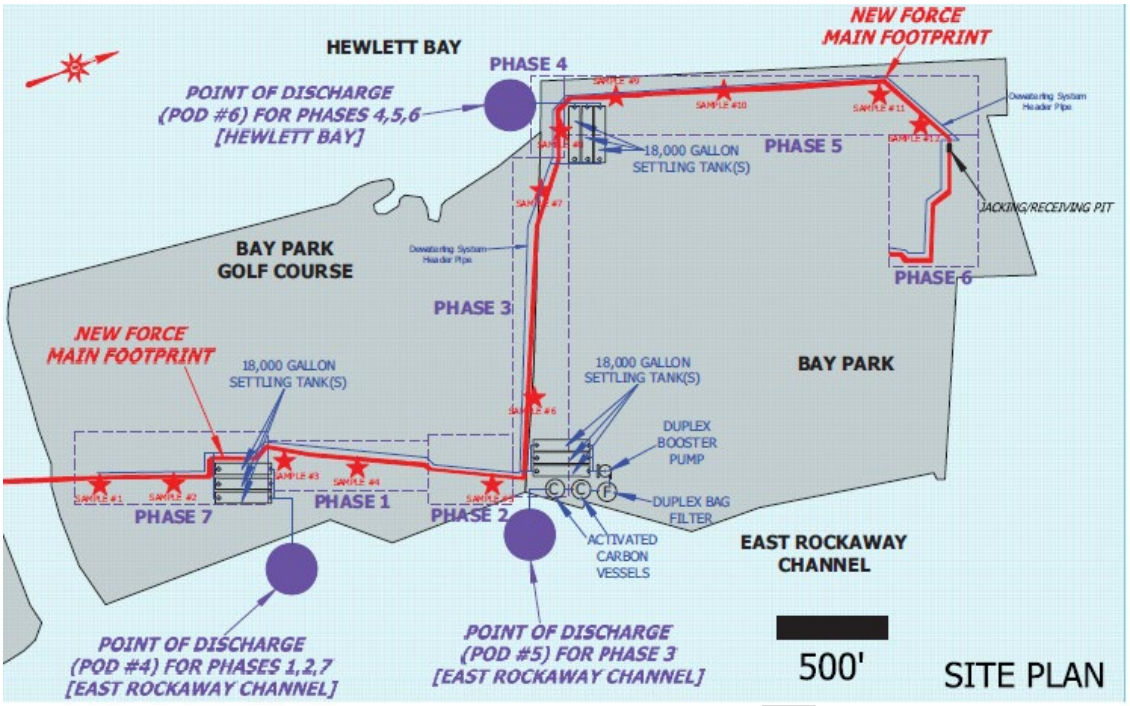
Site Overview






BROAD CHANNEL
SOUTH BLACK BANKS HASSOCK
NORTH BLACK BANKS HASSOCK
18,000 GALLON SETTLING TANK(S)
WELLPOINT PUMPS
COMBINATION AIR VALVE STRUCTURE
NEW FORCE MAIN FOOTPRINT
BROAD CHANNEL
POINT OF DISCHARGE (POD #2) [BLACK BANKS CREEK]
HOG ISLAND CHANNEL
REYNOLDS CHANNEL
SITE PLAN
500'


RAMSCAT CHANNEL
PEARSALLS HASSOCK
WELLPOINT PUMPS
COMBINATION AIR VALVE STRUCTURE
NEW FORCE MAIN FOOTPRINT
18,000 GALLON SETTLING TANK(S)
POINT OF DISCHARGE (POD #3) [EAST ROCKAWAY CHANNEL]
EAST ROCKAWAY CHANNEL
SITE PLAN
500'



Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality. The existing effluent quality was determined from the groundwater sample results that were submitted with the application by the permittee on October 2024. Samples were collected from monitoring wells at each of the dewatering locations on 3/26/2024. Additional groundwater samples (metals and mercury) were requested to be collected from Bay Park STP. The table below summarizes the sampled monitoring wells, point of discharges and their corresponding dewatering locations:

Dewatering Location	Point of Discharge (POD)	Monitoring Wells (MW)
Long Beach STP	POD 1	MW 15
Black Banks Hassock	POD 2	MW 14
Pearsalls Hassock	POD 3	MW 13
Bay Park STP	POD 4- POD6	MW 1- MW12

The facility is located in a sole source aquifer. As required by ECL 17-0828, the permittee submitted a completed *Application Supplement B: Discharges within Sole Source Aquifers* form identifying the following water purveyors within a three-mile radius of the facility: City of Long Beach, Liberty New York Water, and Town of Hempstead.

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
POD1	4952	Groundwater Dewatering Effluent	Reynolds Channel, Class SB
POD2	4952	Groundwater Dewatering Effluent	Hewlett Bay, Class SA
POD3	4952	Groundwater Dewatering Effluent	Hewlett Bay, Class SA
POD4 & POD5	4952	Groundwater Dewatering Effluent	East Rockaway Channel, Class SC
POD6	4952	Groundwater Dewatering Effluent	Hempstead Bay, Class SA

Impaired Waterbody Information

The Reynolds Channel segment (PWL No. 1701-0216) was first listed on the 2014 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to Nitrogen from Municipal, Bay Park. The segment continues to be listed as of the 2020/2022 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

The Hewlett Bay segment (PWL No.1701-0382) was first listed on the 1998 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to Fecal Coliform and Nitrogen. The segment continues to be listed as of the 2020/2022 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

The East Rockaway Channel segment (PWL No.1701-0381) was first listed on the 2014 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to Nitrogen. The segment continues to be listed as of the 2020/2022 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data & Mixing Zone

Consistent with TOGS 1.3.1, the outfall information previously submitted in the Long Beach Water Pollution Control Plant (NY0020567) NY-2A application and mixing zone form was used to develop a mixing zone model to establish dilution ratios for the water quality analysis. The previous model developed for Long Beach WPCP determined an acute dilution ratio of 7:1 and a chronic dilution ratio of 10.7:1. As the dewatering effluent is proposed to be discharged through the existing WPCP outfall, the previous dilution ratios determined are appropriate.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
POD1	7:1	10.7:1	10.7:1	CORMIX

POD4 – POD 6	5:1	5:1	5:1	BPJ See below

The Outfalls, POD-4, POD-5 and PD-6 are partially submerged or on the bank and these outfall cannot be modeled using existing mixing/plume models. Due to low momentum (discharge velocity) of discharge, the effluent will not mix rapidly and completely with the ambient waters but rather will attach to the shoreline/bank. Therefore, a dilution of 5:1 is suggested using best professional judgement.

The outfalls POD 2 – POD 3 do not contain any toxic pollutants and therefore dilution was not determined.

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.

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT), and New Source Performance Standards (NSPS) limitations are based on Effluent Limitation Guidelines developed by USEPA for specific industries[1]. For this facility there are no promulgated effluent guidelines. 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.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request.

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 DEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. Appendix Link

[1] As promulgated under 40 CFR Parts 405 - 471
[2] In accordance with DOW 13.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

The 6 Point of Discharge (POD 1- POD6) are not located in the Great Lakes watershed. Mercury samples obtained for POD 1 - POD3 were analyzed via EPA Method 245.1 and were non-detect based on the method detection limit of 0.0002 mg/L; however, the method used is not sufficiently sensitive to determine whether a mercury source exists at these discharge points.

POD 4 - POD 6 were analyzed via EPA Method 1633 and were found to contain a mercury source as defined in TOGS 1.3.10. Consistent with TOGS 1.3.10, the permit includes requirements for the implementation of MMP Type III for POD 1 – POD 6.

Based on the available data for POD 1 - POD 6, POD 1 – POD 6 are not expected to meet the general level currently achievable (GLCA) of 50 ng/L. Therefore, the permit includes an interim effluent limitation equal to the individual level currently achievable (ILCA) of 200 ng/L as the daily max total mercury effluent limitation with weekly monitoring and Short-Term High-Intensity Monitoring. The ILCA was determined from sampling data submitted as part of the application. The data collected will be used to calculate the Equivalent Effluent Quality (EEQ).

A mercury minimization program consisting of the following is also required:

- Additional monitoring of key locations, as defined in the MMP
- Control strategy for implementation of the MMP
- Semi-annual status report (maintained onsite)

Schedule of Compliance

A Schedule of Compliance is being included[3] for the following items (Appendix Link):

- Short Term High Intensity Monitoring for Total Mercury

Schedule of Additional Submittals

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

- BMP Plan
- Mercury Minimization Program

Special Conditions

The following special conditions are being added into this permit.

1. **Coordination with Other Permits**
   This permit is issued in conjunction with LI Well Permit W5991 for the dewatering project relating to the construction of a permanent pump station, bypass station, and adjacent piping at the Long Beach WPCP. The permittee must adhere to permit conditions stated in both this SPDES Permit NY0280283 and LI Well Permit W5991.

2. **Authorized Discharge**
   If during the excavation/dewatering process it is discovered that the groundwater to be discharged has been contaminated with petroleum or any other deleterious matter, the work must cease, and the Department must be notified immediately.

3. **Discharge from Dewatering Only**
   Only waters generated during the dewatering activities from the construction/installation of a new force main from Long Beach WPCP to Bay Park STP are authorized for discharge.

[3] Pursuant to 6 NYCRR 750-1.14

4. **Prevent Contamination of Groundwater**
   Any contamination of surface or subsurface water must be prevented.

5. **Monitor Dewatering Discharge for Plume**
   The proposed discharge points to Reynolds Channel, Hewlett Bay and East Rockaway Channel shall be monitored by the permittee or his agent. If a plume is visible from the dewatering effluent, dewatering shall cease, and the Department must be notified immediately.

6. **Monitor Dewatering Discharge for Visible Contrast**
   If a substantial visible contrast to the natural conditions of the water is observed from the dewatering effluent, dewatering shall cease, and the Department must be notified immediately.

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Dewatering Location	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	1Q10/7Q10/30Q10 FLOWS	Critical Effluent Flow (MGD)	Dilution Ratio		
										A(A)	A(C)	HEW
POD1	Long Beach STP	40° 35' 36.996" N	73° 40' 11.856" W	Reynolds Channel	SB	MDB-RC portion PWL: 1701-0216	17/01	Tidal water	3.60	7:1	10:7	10:7
POD2	Black Banks Hassock	40° 35' 52.224" N	73° 40' 30.467"W	Hewlett Bay	SA	PWL:1701-0382	17/01	Tidal water	0.720	Not Applicable		
POD3	Pearsalls Hassock	40° 36' 42.768" N	73° 40' 4.8"W	Hewlett Bay	SA	PWL:1701-0382	17/01	Tidal water	1.584	Not Applicable		
POD4	Bay Park STP	40° 37' 29.352" N	73° 39' 45.144" W	East Rockaway Channel	SC	PWL:1701-0381	17/01	Tidal water	3.60	5:1 BPJ (Bank Discharge)		
POD5	Bay Park STP	40° 37' 41.844" N	73° 39' 42.012" W	East Rockaway Channel	SC	PWL:1701-0381	17/01	Tidal water	3.60	5:1 BPJ (Bank Discharge)		
POD6	Bay Park STP	40° 37' 43.86" N	73° 40' 4.26" W	Hewlett Bay	SA	PWL:1701-0382	17/01	Tidal water	3.60	5:1 BPJ (Bank Discharge)		

Permittee: Nassau County DPW
Facility: Long Beach WPCP (Forcemain)
SPDES Number: NY0280283
USEPA Non-Major/Class 01 Industrial

Date: May 5, 2025 v.1.27
Permit Writer: Helen Cheng
Water Quality Reviewer: Aslam Mirza
Full Technical Review

POLLUTANT SUMMARY TABLE

Outfall POD1

Outfall # POD 1	POD 1	**Description of Wastewater:** Treated Groundwater Dewatering Discharge													
		Type of Treatment: Settling Tank and Bag Filters													
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		
General Notes: Sample data collected on 3/26/2024 from monitoring well MW15 at Long Beach STP . All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**3.6**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	6.91	1/1	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	100	1/1	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
Copper, Total	ug/L	Daily Max		11	1/1	**210**	TOGS 1.2.1	-	-	4.8 A(A)	DM	40.49	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														

[4] Existing Effluent Quality: Unless otherwise stated, 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 # POD 1	POD 1	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Bag Filters													
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		
Nickel, Dissolved	ug/L	Daily Max		7	1/1	**210**	TOGS 1.2.1	-	-	8.2 A(C)	DM	88.62-Total	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Lead, Total	ug/L	Daily Max		13	1/1	**40**	TOGS 1.2.1	-	-	8.0 A(C)	-	85.	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Zinc, Total	ug/L	Daily Max		68	1/1	**40**	TOGS 1.2.1	-	-	95.0 A(A)	-	665	703.5		**TBEL**
	Consistent with TOGS 1.2.1 Attachment C, the TBEL is reflective of the treatment technology and is protective of the WQS.														
Benzo(a)pyrene	ug/L	Daily Max		0.29	1/1	**10**	TOGS 1.2.1	-	-	6.00E-04 H(FC)	MA	0.0064	703.5		**WQBEL**
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Mercury, Total	ng/L	Daily Max		< 200 (per EPA 245.1)	1/1	**0.25**	TOGS 1.2.1	-	-	0.0007 A(C)	MA	0.0041	703.5		**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included														

Outfall POD2

Outfall # POD2	POD2	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags													
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	ML	Basis for Permit Requirement
General Notes: Sample data collected on 3/26/2024 from monitoring well MW14 at Black Banks Hassock . All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**0.72**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	7.5	1/1	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	52	1/1	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
Mercury, Total	ug/L	Daily Max		< 200 (per EPA 245.1)	1/1	**0.25-20**	TOGS 1.2.1	-	-	0.0007 A(C)	MA	0.0041	703.5		**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included.														

[5] Existing Effluent Quality: Unless otherwise stated, 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 POD3

Outfall # POD3	POD3	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[6]	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	ML	Basis for Permit Requirement
General Notes: Sample data collected on 3/26/2024 from monitoring well MW13 at Pearsalls Hassock . All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**1.584**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	7.86	1/1	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	25	1/1	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
Mercury, Total	ug/L	Daily Max		< 200 (per EPA 245.1)	1/1	**0.25-20**	TOGS 1.2.1	-	-	0.0007 A(C)	MA	0.0041	703.5		**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included.														

[6] Existing Effluent Quality: Unless otherwise stated, 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: Nassau County DPW
Facility: Long Beach WPCP (Forcemain)
SPDES Number: NY0280283
USEPA Non-Major/Class 01 Industrial

Date: May 5, 2025 v.1.27
Permit Writer: Helen Cheng
Water Quality Reviewer: Aslam Mirza
Full Technical Review

Outfall POD4

Outfall # POD4	POD4	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
General Notes: Sample data collected on 3/26/2024 (VOCs and SVOCs only) and 12/30/2024 (Metals and Mercury only) from monitorings wells MW1 – MW12 at Bay Park STP. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**3.6**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	-	-	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	-	-	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
Copper, Total	ug/L	Daily Max		0.0779	4/5	**210**	TOGS 1.2.1	-	-	3.4 A(C)	DM	20.49	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Copper, Dissolved	ug/L	Daily Max		0.022	2/5				See Copper, Total						

[7] Existing Effluent Quality: Unless otherwise stated, 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 # POD4	**POD4**	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Nickel, Total	ug/L	Daily Max		0.0086	5/5	**210**	TOGS 1.2.1	-	-	8.2 A(C)	DM	41.41	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Nickel, Dissolved	ug/L	Daily Max		0.019	5/5			-	See Nickel, Total						
Lead, Total	ug/L	Daily Max		0.0107	5/5	**40**	TOGS 1.2.1	-	-	8.0 A(C)	-	42-	-		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Zinc, Total	ug/L	Daily Max		0.043	5/5	**40**	TOGS 1.2.1	-	-	66.0 A(C)	-	330-	-		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Mercury, Total	ug/L	Daily Max		0.182	5/5	**0.25-20**	TOGS 1.2.1	-	-	0.0007 A(C)	MA	0.0041	703.5		**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included.														
Mercury, Dissolved	ug/L	Daily Max		0.0252	5/5				See Mercury, Total						

Outfall POD5

Outfall # POD5	POD5	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank,Filter Bags and Carbon Vessels													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[8]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
General Notes: Sample data collected on 3/26/2024 (VOCs and SVOCs only) and 12/30/2024 (Metals and Mercury only) from monitoring wells MW1 – MW12 at Bay Park STP. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**3.6**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	-	-	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	-	-	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
1,2 Dichlorobenzene	ug/L	Daily Max		0.65	1/2	**10-50**	TOGS 1.2.1		No Std./Guidance value						
1,3 Dichlorobenzene	ug/L	Daily Max		1.8	1/2	**10**	TOGS 1.2.1	-	-	5.0	-	-			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														

[8] Existing Effluent Quality: Unless otherwise stated, 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 # POD5	**POD5**	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank,Filter Bags and Carbon Vessels													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[8]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
1,4 Dichlorobenzene	ug/L	Daily Max		7.6	1/2	**10**	TOGS 1.2.1	-	No Std./Guidance value						
Benzene	ug/L	Daily Max		6	2/2	**5**	TOGS 1.2.1	-	-	10.0	-	-			**TBEL**
	Consistent with TOGS 1.2.1 Attachment C, the TBEL is reflective of the treatment technology and is protective of the WQS.														
Chlorobenzene	ug/L	Daily Max		340	2/2	**10-25**	TOGS 1.2.1	-	-	5.0	-	-			**WQBEL**
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Arsenic, Total	ug/L	Daily Max		0.0297	2/2	**1400**	TOGS 1.2.1	-	-	36.0		180.0	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Chromium, Total	ug/L	Daily Max		0.03	2/2	**210**	TOGS 1.2.1	-	No Std./Guidance value						
Copper, Total	ug/L	Daily Max		0.044	2/2	**210**	TOGS 1.2.1	-	-	3.4 A(C)		20.49	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Nickel, Total	ug/L	Daily Max		0.0422	2/2	**210**	TOGS 1.2.1	-	-	8.2 A(C)		41.41	703.5		**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Nickel, Dissolved	ug/L	Daily Max		0.015	2/2			-	See Nickel, Total						
Lead, Total	ug/L	Daily Max		0.118	2/2	**40**	TOGS 1.2.1	-	-	8.0 A(C)	-	42			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Zinc, Total	ug/L	Daily Max		0.079	2/2	**40**	TOGS 1.2.1	-	-	66.0 A(C)	-	330			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Mercury, Total	ug/L	Daily Max		0.125	2/2	**0.25-20**	TOGS 1.2.1	-	-	0.0007 H(FC)	0.0041	703.5			**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included.														

Outfall # POD5	**POD5**	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank,Filter Bags and Carbon Vessels

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[8]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Mercury, Dissolved	ug/L	Daily Max		0.0017	2/2				See Mercury, Total						

Outfall POD6

Outfall #	POD6	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[9]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
General Notes: Sample data collected on 3/26/2024 (VOCs and SVOCs only) and 12/30/2024 (Metals and Mercury only) from monitoring wells MW1 – MW12 at Bay Park STP. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.															
Flow Rate	MGD	Daily Max	-	-	-	**3.6**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**
	The flow limit is set at the design flow of the dewatering system.														
pH	SU	Minimum	-	-	-	6.0	40 CFR 133.102	-	-	6.5-8.5	Range	**6.5 - 8.5**	703.3	-	**WQBEL**
		Maximum	-	-	-	9.0									
	Consistent with 6 NYCRR Part 703.3, an effluent limit equal to the WQS is appropriate.														
Total Suspended Solids	mg/L	Monthly Avg	-	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	**TBEL**
		Daily Max	-	-	-	**40**	TOGS 1.2.1								
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.														

[9] Existing Effluent Quality: Unless otherwise stated, 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 #	POD6	**Description of Wastewater:** Treated Groundwater Dewatering Discharge **Type of Treatment:** Settling Tank and Filter Bags													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[9]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Settleable Solids	mL/L	Daily Max	-	-	-	**0.1**	TOGS 1.2.1	-	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 protective of the WQS.														
Copper, Total	ug/L	Daily Max		0.0196	5/5	**210**	TOGS 1.2.1	-	-	3.40 A(C)	DM	20.49			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Nickel, Dissolved	ug/L	Daily Max		0.004	5/5				See Nickel, Total						
Nickel, Total	ug/L	Daily Max		0.014	5/5	**210**	TOGS 1.2.1	-	-	8.2 A(C)	DM	41.41			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Lead, Total	ug/L	Daily Max		0.0076	5/5	**40**	TOGS 1.2.1	-	-	8.0 A(C)	-	42.08			**No Limitation**
	Based on the existing concentration and the calculated WQBEL, there is no reasonable potential for water quality standards to be violated, as such no limitation will be applied.														
Mercury, Total	ug/L	Daily Max		0.112	5/5/	**0.25-20**	TOGS 1.2.1	-	-	0.0007 H(FC)	MA	0.0041	703.5		**TOGS 1.3.10**
	Consistent with TOGS 1.3.10, the Individual Level Currently Achievable (ILCA) of 200-ng/l is being added to this permit and a Type III Mercury Minimization Plan is being included.														
Mercury, Dissolved	ug/L	Daily Max		0.0046	4/5				See Mercury, Total						

Translators:

Parameter	Dissolve-to-total
Arsenic	1.0
Copper	1.205
Lead	1.052
Mercury	1.176
Nickel	1.010
Zinc	1.057

The WQBEL was developed by multiply dilution, translator and the WQ standard for each parameter.

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the fact sheet 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 fact sheet:

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 waste load allocation (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 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, 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 fact sheet. Consistent with current case law[10] and USEPA interpretation[11] 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.

[10] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[11] 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 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 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 DEC 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.

Technology-based Effluent Limitations (TBELs)

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/L, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated

above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

Technology-based Effluent Limitations (TBELS) for Discharges to Groundwater

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls for POTWs discharging to surface waters, known as secondary treatment. The applicable regulations are specified in 40 CFR 133.102 and 6 NYCRR 750-1.11. These and other requirements are summarized in TOGS 1.3.3 and below:

- Secondary treatment requirements of 40 CFR Part 133 will typically not be included unless the facility discharges to a surface water prior to entering the groundwater or if, in the permit writer's judgement, limitations are necessary to prevent nuisance conditions or enhance plant operation.
- Since nitrogen is a component of all domestic wastewater, permits for facilities discharging 30,000 GPD or greater include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent. When this occurs, disinfection requirements and effluent limitations for chlorine residual are developed in accordance with TOGS 1.3.3.

Technology-based Effluent Limitations (TBELS) for Industrial Facilities to Groundwater

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. Requirements for discharges from industrial facilities to groundwater are summarized in TOGS 1.2.1. In accordance with TOGS 1.2.1, for facilities discharging to groundwater:

- Discharges will typically be limited to the more stringent of the groundwater effluent standards in 6 NYCRR 703.6 or the applicable treatment technology listed in TOGS 1.2.1 Attachment (C).
- Discharges from industrial facilities which contain nitrogen or nitrogen compounds include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent.

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. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. 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 at the point of discharge and in downstream waters 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 DEC 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 DEC 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 DEC;

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 DEC 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 DEC 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.

The Division of Water has been using the TMDL approach in permit limit development for the control of toxic substances. Since the early 1980's, the loading capacity for specific pollutants has been determined for each drainage basin. Water quality-limiting segments and pollutants have been identified, TMDLs, wasteload allocations and load allocations have been developed, and permits with water quality-based effluent limits have been issued. In accordance with TOGS 1.3.1, the Division of Water implements a Toxics Reduction Strategy which is committed to the application of the TMDL process using numeric, pollutant-specific water quality standards through the Watershed Approach. The Watershed Approach accounts for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments.

Water Quality-Based Effluent Limitations (WQBELs) for Discharges to Groundwater

The procedure for developing WQBELs includes identifying the pollutants present in the discharge(s), identifying water quality criteria applicable to these pollutants, determining if WQBELs are necessary (reasonable potential), and calculating the WQBELs. For groundwater discharges, if the expected concentration of the pollutant of concern in the receiving water may exceed the ambient groundwater quality standard or guidance value, then there is reasonable potential that the discharge may cause or contribute to a violation of the water quality, and a WQBEL for the pollutant is required.

WQBELs for groundwater discharges are based on the groundwater effluent limits set forth in 6 NYCRR Part 703 (Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations) except as noted in 6 NYCRR 702.21. TOGS 1.1.1 provides a listing of groundwater effluent limitations for substances having an ambient water quality standard or guidance value. Groundwater effluent limitations are applied at the point of discharge to the groundwater distribution system.

For land treatment systems with no accessible final sampling points, such as constructed wetland treatment systems or buried sand filters, permit limitations for groundwater discharges are typically based on ambient groundwater quality standards or guidance values applied at representative down gradient monitoring well(s). Limitations at the downgradient sampling point are set at the Class GA ambient groundwater standards, rather than at the groundwater effluent limits promulgated under 6 NYCRR 703.6, as compliance is determined based upon the concentrations present in the downgradient groundwater monitoring well at the groundwater interface.

Class GA standards are established for the protection of sources of drinking water designated as Health (Water Source) or H(WS) in TOGS 1.1.1. As such, effluent limitations based on aquatic life criteria and WET testing requirements are not applicable to groundwater discharges.

Whole Effluent Toxicity (WET) Testing:

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity

testing should be included in SPDES permits. The authority to require toxicity testing is in 6NYCRR 702.9. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

1. There is the presence of substances in the effluent for which ambient water quality criteria do not exist.
2. There are uncertainties in the development of TMDLs, WLAs, and WQBELs, caused by inadequate ambient and/or discharge data, high natural background concentrations of pollutants, available treatment technology, and other such factors.
3. There is the presence of substances for which WQBELs are below analytical detectability.
4. There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five.
5. There are observed detrimental effects on the receiving water biota.
6. Previous WET testing indicated a problem.
7. POTWs which exceed a discharge of 1 MGD. Facilities of less than 1 MGD may be required to test, e.g., POTWs <1 MGD which are managing industrial pretreatment programs.

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

Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) "to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed." The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality-based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The DEC has determined that the MDV is consistent with the

protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

All surface water SPDES permittees are eligible for authorization by the MDV provided they meet the requirements specified in DOW 1.3.10.

There have been a number of changes to DOW 1.3.10, December 2020 (e.g., the criteria for mercury sources, the MMP Decision tree, and the MMPs themselves) which could result in less stringent effluent limitations. There are now criteria to determine if a facility has sources of mercury. Additionally, the types of MMPs have been restructured. MMP Type IV is appropriate for facilities that are not sources of mercury. A similar MMP type was not included in the 2010 or 2015 versions of DOW 1.3.10. DOW 1.3.10, Figure 1, is a decision tree, which includes the criteria used to determine if a facility has source of mercury and which MMP is appropriate for a facility.

Schedules of Compliance

Schedules of compliance are included in accordance with 40 CFR Part 132 Attachment F, Procedure 9, 40 CFR 122.47 and 6 NYCRR 750-1.14. Schedules of compliance are intended to, in the shortest reasonable time, achieve compliance with applicable effluent standards and limitations, water quality standards, and other applicable requirements. Where the time for compliance is more than nine months, the schedule of compliance must include interim requirements and dates for their achievement. If the time necessary to complete the interim milestones is more than nine months, and not readily divisible into stages for completion, progress reports must be required.

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.

Pollutant Minimization Programs

Pollutant Minimization Programs are included when a pollutant is being discharged from the facility at detectable levels and the ML for the most sensitive method is greater than the calculated WQBEL. These programs typically include an on-going potential source identification, evaluation, and prioritization program to demonstrate progress towards meeting the goal of the WQBEL. Pollutant Minimization Plan requirements are based on 40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1.