State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**9999**	NAICS Code:	**-**	SPDES Number:	**NY0313246**
Discharge Class (CL):	**01**			DEC Number:	**1-4736-09181/00002**
Toxic Class (TX):	**N**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**17 - 01**			Expiration Date (ExDP):	**ExDP**
Water Index Number:	**ER-3-22-4**	Item No.:	**935 - 25**	Modification Dates (EDPM):	
Compact Area:	**-**				

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:	**The Village of Southampton**	Attention:	**William Manger, Mayor** **Frank Piccininni, Consultant**		
Street:	**23 Main Street**				
City:	**Southampton**	State:	**NY**	Zip Code:	**11968**
Email:	**mayorsoffice@southampton.org** **frank@spadefootny.com**	Phone:	**(631) 283 – 0427** **(516) 225 – 8545**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL													
Name:	**Old Town Pond**												
Address / Location:	**Old Town Road and Duck Pond Lane**									County:	**Suffolk**		
City:	**Southampton**					State:	**NY**			Zip Code:	**11968**		
Facility Location:	Latitude:	**40**	°	**52**	’	**50**	” N	& Longitude:	**72**	°	**22**	’	**28**	” W
Primary Outfall No.: **001**	Latitude:	**40**	°	**52**	’	**50**	” N	& Longitude:	**72**	°	**22**	’	**29**	” W
Wastewater Description:	**Discharge of Microbial Consortium**	Receiving Water:	**Old Town Pond**		NAICS:	**-**	Class:	**C**	Standard:	**C**			

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)
BWP Permit Writer
RWE
RPA
EPA Region II (Region2_NPDES@epa.gov)

Permit Administrator:	Kimberly Garguilo
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.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Discharge of Microbial Consortium	Old Town Pond	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Daily Maximum	0.2	MGD			Continuous	Meter	-	X	
pH	Daily Minimum	6.5	SU			1/day	Grab	-	X	
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	ºF			1/day	Grab	X	X	
Dissolved Oxygen	Daily Minimum	Monitor	mg/L			1/month	Grab	X	X	
Nitrogen, Ammonia (as N)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Total Nitrogen (as N)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Total Kjeldahl Nitrogen (TKN) (as N)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Nitrogen, Nitrate (as N)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Nitrogen, Nitrite (as N)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Total Phosphorus (as P)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1
Orthophosphate (as P)	Daily Maximum	Monitor	mg/L			1/month	Grab	X	X	1

FOOTNOTES:

1. Single Intake Source Net Limits
   The footnoted parameter is subject to net limits. Each time the outfall is monitored for the parameter, the intake source water must also be monitored by collecting a grab sample for the parameter at a point after mechanical screening/filtration and prior to the addition of any water treatment chemicals. For each parameter, the value reported on the corresponding Discharge Monitoring Report shall be the concentration in the outfall minus the intake concentration. If the source water is not monitored, the intake concentration shall be assumed to be zero. If the intake concentration is greater than the outfall concentration (resulting in a negative net value), the value reported on the Discharge Monitoring Report shall be zero.

   If the concentration in the outfall exceeds the intake concentration, an additional monitoring requirement is triggered, and the permittee shall undertake a short-term, high-intensity, monitoring program for the footnoted parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive days and analyzed. Results shall be expressed in concentration. If levels higher than the intake concentration are confirmed in the concentration of the outfall, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may be reopened by the DEC for consideration of effluent limits. Monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the DMR data.

2. Construction cannot commence until after DEC approval of a Basis of Design Report (BODR) and plans/specifications in accordance with 6 NYCRR Part 750-2.10.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

NO EXPOSURE CERTIFICATION

The permittee submitted a Conditional Exclusion for No Exposure Form on 6/30/2025, certifying that all industrial activities and materials are completely sheltered from exposure to rain, snow, snowmelt, and stormwater runoff except as allowed under 40 CFR 122.26(g)(2). The permittee must maintain a condition of no exposure for the exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the permittee must notify the Regional Water Engineer. The permittee must recertify a condition of no exposure every five years by completing the “No Exposure Certification Form” found on the DEC website.

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 permittee shall develop and submit an initial BMP plan in accordance with the Schedule of Submittals to the Regional Water Engineer. The permittee shall implement the BMP plan within 6 months of submission, unless a different time frame is approved by the Department through a permit modification. Annually, the permittee **shall review** and modify the BMP plan 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 that the annual review has been completed in accordance with the Schedule of Submittals. 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 permittee shall consider relative toxicity of the pollutant 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 SPDES Application Procedures and Forms - NYSDEC) 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 IV

On 8/12/2025, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10.

1. General - To reduce mercury effluent levels with the goal of achieving the water quality standard of 0.7 ng/L, the permittee must develop, implement, and maintain a written MMP plan, which includes the elements set forth below.
2. Conditional Exclusion Certification – A certification (Appendix C of DOW 1.3.10), signed in accordance with 6 NYCRR 750-1.8, must be submitted once every 5 years to the Regional Water Engineer and to the Bureau of Water Permits, certifying that the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:
   - The facility is, or receives flow from, a Combined Sewer System (CSS) or sanitary sewer system with Type II Sanitary Sewer Overflows (SSO[2]);
   - One or more effluent samples exceed 12 ng/L, including samples taken as a result of the SPDES application process;
   - Internal or tributary waste stream samples exceed the GLCA effluent limitation and the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
   - A SPDES permit application, or other information, indicates that mercury is handled on-site and could be discharged through outfalls;
   - Existence of outfalls that contain legacy mercury contamination;
   - The facility's collection system receives discharges from a dental and/or Categorical Industrial User (CIU[3]) that may discharge mercury;
   - The facility accepts hauled wastes; OR,
   - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories, which have their own individual SPDES permit.
3. Control Strategy – develop and implement with the following minimum elements:
   a. 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.
   b. Bulk Chemical Evaluation – for chemicals used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain:
      i. A manufacturer's certificate of analysis;
      ii. A chemical analysis performed by a certified laboratory; OR,
      iii. A notarized affidavit that describes the substances' mercury concentration and the detection limit achieved.

   Where practicable, the permittee must only use bulk chemicals in the wastewater treatment process which contain <10 parts per billion (ppb) of mercury.

[2] These are Overflow Retention Facilities (ORFs) and are included under the 05 and 07 permit classifications.
[3] CIUs include those listed under Federal Regulation in 40 CFR Parts 405–471.

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

1. Status Report – An **annual** status report must be developed, in accordance with the Schedule of Additional Submittals, summarizing:

    a. Review of criteria to determine if the facility has a potential mercury source;

    b. All actions undertaken, pursuant to the control strategy, during the previous year; and

    c. Actions planned, pursuant to the control strategy, for the upcoming year.

    The first status report is due in accordance with the Schedule of Additional Submittals. The permittee must maintain a file on-site with all MMP documentation.

2. MMP Modification – the permittee must submit a permittee-initiated modification request to DEC whenever:

    a. Changes at the facility, or within the collection system, increase the potential for mercury discharges; OR,
    b. A letter from DEC identifies inadequacies in the MMP.

    The permittee may use information in the status reports, as applicable in accordance with item 3 of this MMP, as a basis for the permittee-initiated modification.

DEFINITIONS:

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

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

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

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

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

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

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

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date[4]
	REPORT, PLANS, SPECIFICATIONS, AND CONSTRUCTION SCHEDULE The permittee shall submit a Basis of Design Report, plans, specifications, and a construction schedule for the treatment system for Department review and approval. The documents must be prepared and stamped by a Professional Engineer licensed to practice in New York State.	Prior to Start-up
	CONSTRUCTION COMPLETION The permittee shall provide a Construction Completion Certification[5] to the DEC (send to the Regional Water Engineer and NetDMR@dec.ny.gov) that the treatment system has been fully completed in accordance with the approved Design Documents.	Upon Construction Completion
	NOTIFICATION OF START DATE ("START-UP") The permittee shall provide the Department with the proposed start date for the treatment system. This date will be used to establish the start of compliance reporting. Notice can be provided via email to NetDMR@dec.ny.gov.	30 Days Prior to Start-up
	PILOT PROJECT QUALITY ASSURANCE PROJECT PLAN AND MONITORING PLAN The permittee shall submit an approvable Quality Assurance Project Plan (QAPP) and approvable monitoring plan to the Department prior to beginning the pilot project pre- and post-treatment monitoring activities identified below.	EDP + 3 months
	PILOT PROJECT PRE- AND POST-TREATMENT BIOLOGICAL MONITORING The permittee shall complete pre-treatment monitoring prior to the start of the treatment season within the same month each year and monitoring yearly according to established NYSDEC (DOW SOP 208, Biological Monitoring Field Methods; DOW SOP 214, Biological Monitoring Laboratory Methods: Enumeration and Identification; and DOW SOP 216, Biological Monitoring: Biomonitoring Calculations) and USEPA (National Lakes Assessment 2022 Field Operations Manual, National Lakes Assessment 2022 Laboratory Operations Manual, & National Lakes Assessment 2022 Technical Support Document) biological monitoring protocols for macroinvertebrate, phytoplankton, and zooplankton communities. Biological monitoring should be conducted within established sampling index periods (macroinvertebrate community) and the summer growing season (phytoplankton and zooplankton) within the same month each year. If pre-treatment monitoring cannot be conducted during the summer index periods and the summer growing season, pre-treatment sampling should still be conducted but yearly post-treatment biological monitoring should also be conducted during the same pre-treatment sampling 1-month period. All monitoring should be conducted according to an approved monitoring plan and covered under an approved Quality Assurance Project Plan (QAPP).	Prior to, during, and following each treatment season
	PILOT PROJECT PRE- AND POST-TREATMENT WATER QUALITY MONITORING Twice monthly sampling will take place within at least 2 representative sampling locations, for a total of eight sampling sessions from mid-June through mid-October. Water quality parameters should include, at a minimum, parameters specified in the pollutant summary table and chlorophyll-a and cyanobacteria endpoints (toxins and	To be conducted during each treatment season

[4] 6 NYCRR 750-1.14 (a)
[5] 6 NYCRR 750-2.10 (c)

Outfall(s)	Compliance Action	Compliance Date[4]
	species identification and enumeration). All monitoring should be conducted according to an approved monitoring plan and covered under an approved Quality Assurance Project Plan (QAPP).	
	ANNUAL MONITORING REPORT The permittee shall submit a monitoring report annually summarizing the biological community and water quality data collected throughout the sampling season and evaluated against previous results for each year following the implementation of the treatment process.	No later than January 1 following completion of each treatment season
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.

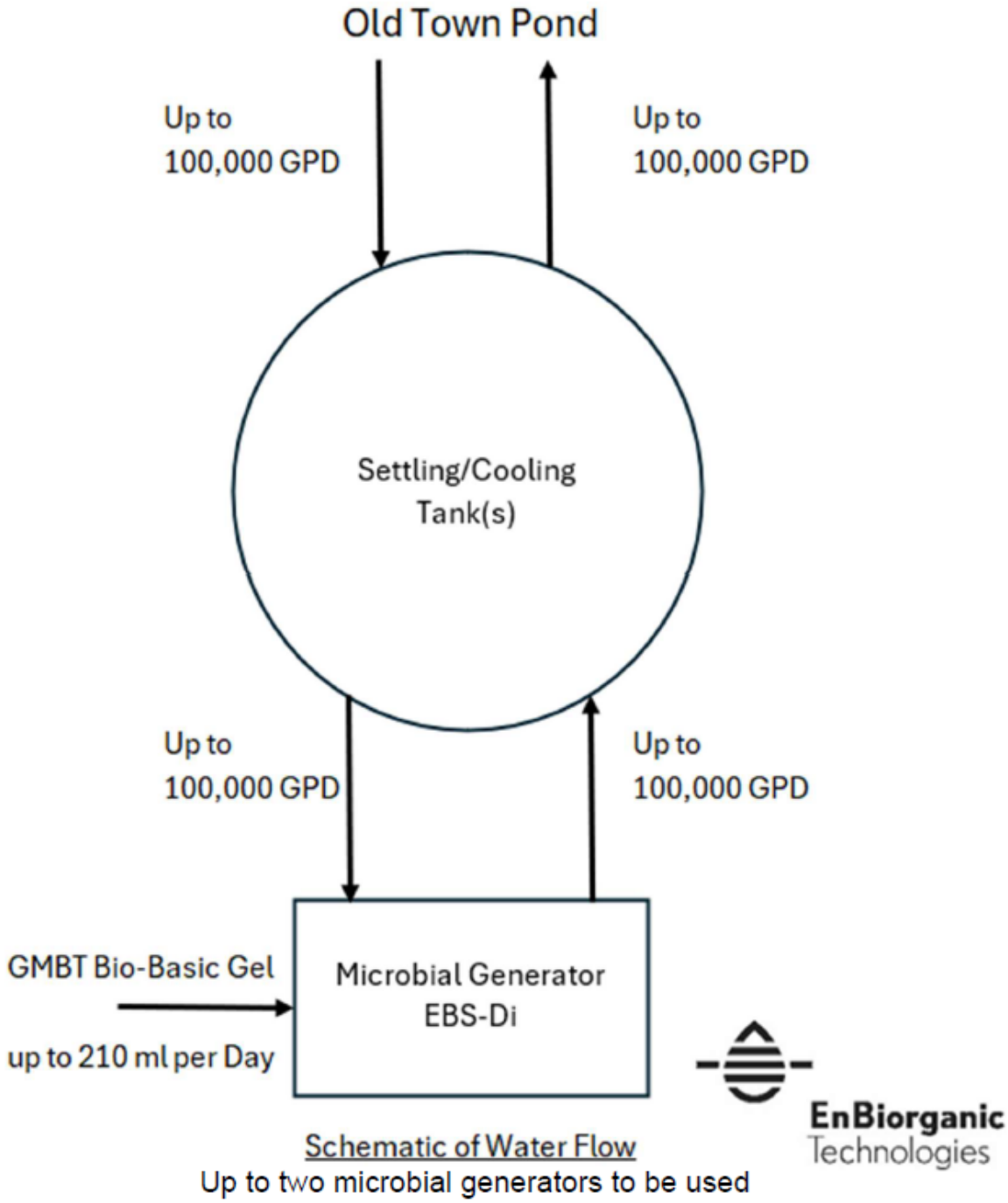
c) The permittee shall submit copies of any document required by the above schedule of compliance to the DEC Regional Water Engineer (Ryan.Omara@dec.ny.gov), the Chief of Lake Monitoring and Assessment (Brian.Duffy@dec.ny.gov), and to the Bureau of Water Permits (SPDESapp@dec.ny.gov).

MONITORING LOCATIONS

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

Influent: Prior to entering the treatment system

Effluent: Prior to discharging to Old Town Pond



Schematic of Water Flow
Up to two microbial generators to be used

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 series.

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 under the current permit. The 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: SPDES Permitting of Water Treatment Chemicals.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The permittee shall retain the monitoring information required by this permit for a period of at least five years from the date of the sampling.

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

The permittee must submit DMRs 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
	INITIAL BMP PLAN The permittee shall develop and submit an initial BMP plan to the Regional Water Engineer.	EDP + 6 Months
	WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	
	MERCURY START-UP SAMPLE The permittee must collect a sample for mercury of the effluent of the treatment system upon start-up and submit the results to the Regional Water Engineer. If the sample exceeds 12 ng/L, the permit may be reopened for consideration of an effluent limit.	Upon start-up of the treatment system

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite a mercury minimization plan and subsequent annual mercury minimization status reports in accordance with MMP item 2.c above.	***Maintained Onsite*** EDP + 12 months, annually thereafter
	MERCURY - CONDITIONAL EXCLUSION CERTIFICATION Permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status.	8/12/2030 and every 5 years thereafter
	STORMWATER NO EXPOSURE CERTIFICATION Permittee must recertify every five years a condition of no exposure to stormwater in order to continue to qualify for the no exposure exclusion. The No Exposure Certification Form can be found on the DEC website.	6/30/2030 and every 5 years thereafter

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.

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

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

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

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

SPDES Permit Fact Sheet
Village of Southampton
Old Town Pond
NY0313246

Contents

Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Old Town Pond.

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

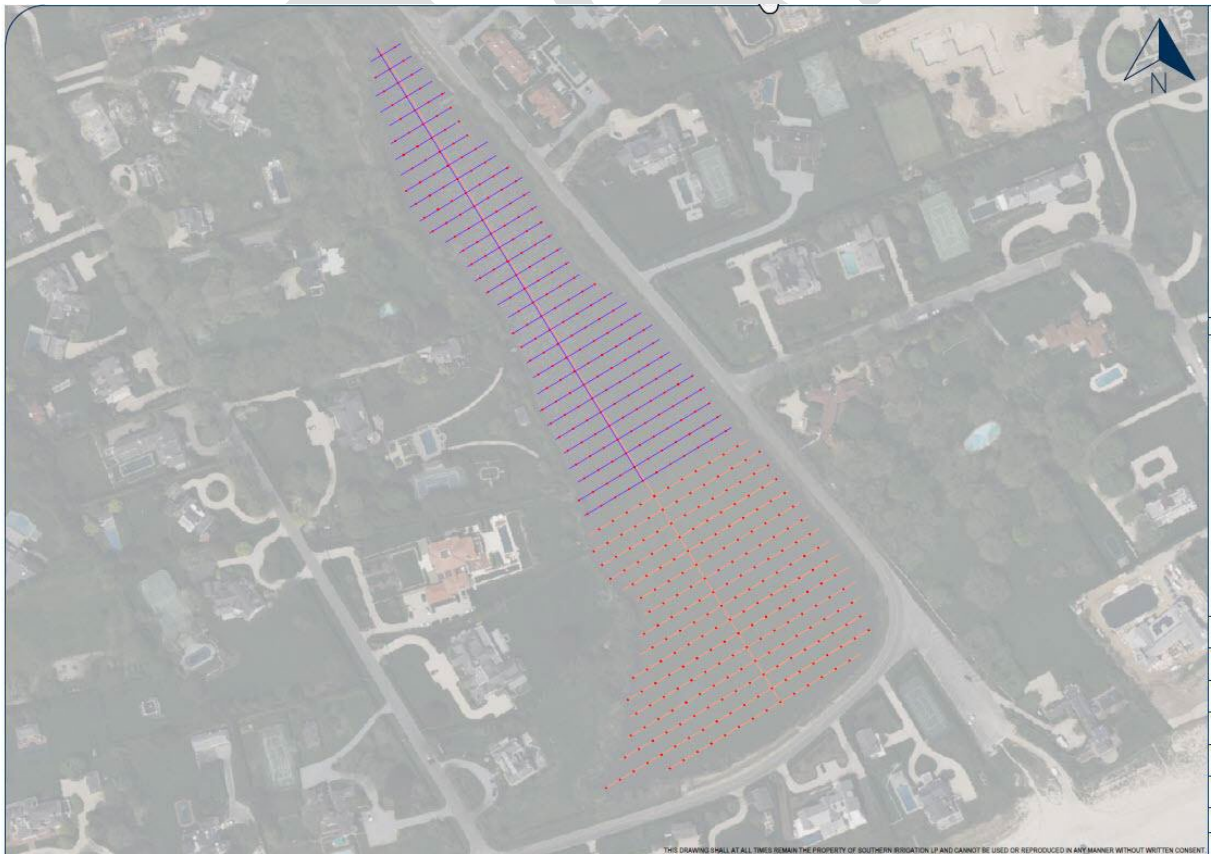
6/30/2025 The Village of Southampton submitted a NY-2C permit application.

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

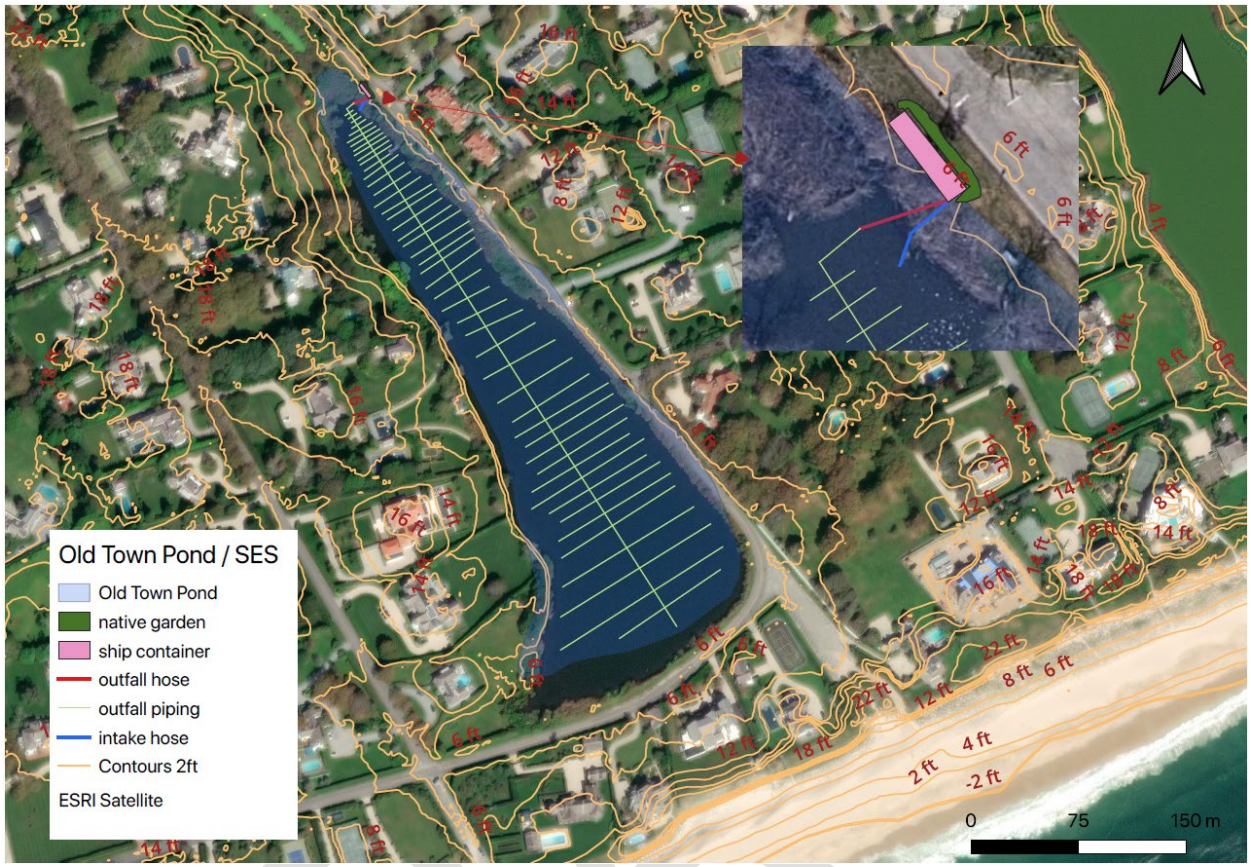
Facility Information

This is a proposed industrial facility (SIC code(s) 9999) that seeks to remediate Old Town Pond by introducing microbiology, specifically bacilli, in milliliter doses into the pond water. Effluent will consist of process wastewater.

The proposed outfall will consist of a distribution piping network which will include approximately 450 outlets in two zones, supported on anchored floats and laid out evenly across the entire pond as shown below. Recirculation outlets will be spaced on a grid pattern approximately 30 feet apart and fed by ~13,000 feet of ½" branch piping connected to 2,500 feet of two main 1-1/4" pipes.



Site Overview



Enforcement History

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

Existing Effluent Quality

The Pollutant Summary Table presents the proposed effluent limitations. The proposed effluent limitations were determined from the application submitted by the permittee. Appendix Link

Additional Site-Specific Concerns

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 no water purveyors within 3 miles of the proposed facility.

Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	9999	Process wastewater	Old Town Pond, Class C

See the Outfall and Receiving Water Summary Table and Appendix for additional information.

Impaired Waterbody Information

The Old Town Pond segment (PWL No. 1701-0118) was first listed on the 2018 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to dissolved oxygen. 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

The concept of a mixing zone does not exist for this project as the entire pond will become a biological reactor based on the proposed treatment process. Therefore, dilution is not applicable.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	End-of-pipe limitations	End-of-pipe limitations	End-of-pipe limitations	BPJ

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Antidegradation

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

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained.

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.

[1] As prescribed by 6 NYCRR Part 617

Stormwater Pollution Prevention Requirements

On 6/30/2025, the permittee submitted a Conditional Exclusion for No Exposure Form, certifying that all industrial activities and materials are completely sheltered from exposure. This condition must be maintained for the exclusion to remain applicable. The Schedule of Additional Submittals also includes a due date for re-certification every five years as required by 40 CFR 122.26(g)(iii).

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

The facility is located outside of the Great Lakes Basin, is a Class 01 industrial facility, and does not have a mercury source. On 8/12/2025, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10. Therefore, consistent with DOW 1.3.10, the permit includes requirements for the implementation of MMP Type IV and does not include mercury effluent limitations. The Schedule of Additional Submittals includes a mercury minimization plan annual status report (maintained onsite), and re-certification of the exclusion every five years. As part of the re-certification, the effluent must be sampled and continue to measure <12 ng/L.

Additionally, the Schedule of Additional Submittals includes a requirement for the permittee to collect a mercury sample following start-up of the treatment system. If the sample exceeds 12 ng/L, the permit may be reopened for consideration of an effluent limit.

Schedule of Compliance

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

- Reports, Plans, Specifications, and Construction Schedule
- Construction Completion
- Notification of Start Date (“Start-Up”)
- Pilot Project Quality Assurance Project Plan and Monitoring Plan
- Pilot Project Pre- and Post-Treatment Biological Monitoring
- Pilot Project Pre- and Post-Treatment Water Quality Monitoring
- Annual Monitoring Report

Schedule of Additional Submittals

A Schedule of Additional Submittals has been included for the following (Appendix Link):

- Initial BMP Plan
- Water Treatment Chemical (WTC) Annual Report Form
- Mercury Start-Up Sample
- Mercury Minimization Plan
- Mercury – Conditional Exclusion Certification
- Stormwater No Exposure Certification

[2] In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.
[3] Pursuant to 6 NYCRR 750-1.14

Permittee: Village of Southampton
Facility: Old Town Pond
SPDES Number: NY0313246
USEPA Non-Major/Class 01 Industrial

Date: February 10, 2026 v.1.30
Permit Writer: Gwendolyn Wynkoop

Full Technical Review

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/L)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	40° 52' 0" N	72° 22' 9" W	Old Town Pond	C	935-25 PWL: 1701-0118	17/01	-	-	-	-	0.2	End-of-pipe limitations	End-of-pipe limitations	End-of-pipe limitations

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater:** Process wastewater														
		Type of Treatment: Settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality	# 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: All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.																
Flow Rate	MGD	Daily Max	-	-	-	**0.2**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	**Design Flow**	
	The flow limit has been set at the design flow of the wastewater treatment facility.															
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 TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. An effluent limitation equal to the WQS is appropriate as no dilution is applicable.															
Temperature	°F	Daily Max	-	-	-	**Monitor**	750-1.13 Monitor	-	(Lake): The water temperature at the surface of a lake shall not be raised more than 3F over the temperature that existed before the addition.				704.2	-	**Monitor**	
	Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions.															

Outfall #	001	**Description of Wastewater:** Process wastewater **Type of Treatment:** Settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Dissolved Oxygen (DO)	mg/L	Daily Min	-	-	-	**Monitor**	750-1.13 Monitor	-	-	(Non-Trout) 4.0 mg/L		-	703.3	-	**Monitor**
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Dissolved Oxygen would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to assess the effect of the treatment technology on the ambient Dissolved Oxygen.														
Nitrogen, Ammonia (as N)	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	-	1.2	A(C)	-	703.5	-	**Monitor**
	The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.0 SU and a summer temperature of 25 °C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E. The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Nitrogen, Ammonia (as N) would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Nitrogen, Ammonia (as N) in Old Town Pond.														
Total Nitrogen	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.				703.2	-	**Monitor**
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Total Nitrogen would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Nitrogen in Old Town Pond.														

Outfall #	001	**Description of Wastewater:** Process wastewater **Type of Treatment:** Settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
Total Kjeldahl Nitrogen	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	-	-	-	-	-	-	**Monitor**	
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Total Kjeldahl Nitrogen would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Kjeldahl Nitrogen in Old Town Pond.															
Nitrogen, Nitrate (as N)	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	-	-	-	-	-	-	**Monitor**	
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Nitrogen, Nitrate (as N) would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Nitrogen, Nitrate (as N) in Old Town Pond.															
Nitrogen, Nitrite (as N)	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	-	100	-	-	703.5	-	**Monitor**	
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Nitrogen, Nitrite (as N) would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Nitrogen, Nitrite (as N) in Old Town Pond.															

Outfall #	001	**Description of Wastewater:** Process wastewater														
		Type of Treatment: Settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
Total Phosphorus (as P)	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.				703.2	-	**Monitor**	
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Total Phosphorus (as P) would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Phosphorus (as P) in Old Town Pond.															
Orthophosphate (as P)	mg/L	Monthly Avg	-	-	-	**Monitor**	750-1.13 Monitor	-	-	-	-	-	-	-	**Monitor**	
	The applicant is proposing to pull influent water from Old Town Pond, introduce bacilli bacteria into the process water through a series of tanks, and then discharge the process water back into the pond through a distribution piping network. The bacilli bacteria are intended to consume excess nutrients, organic sediments, and cyanotoxins within the pond. It is presumed that any detection of Orthophosphate (as P) would be resulting from its presence in the ambient waterbody and not occurring because of a treatment process or water treatment chemical (WTC). Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Orthophosphate (as P) in Old Town Pond.															
Total Mercury	ng/L	Daily Max	-	-	-	-	-	-	-	0.7	H(FC)	-	-	-	DOW 1.3.10	
	See Mercury section of this fact sheet.															

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[4] and USEPA interpretation[5] 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.

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

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.

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.

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.