



# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	<b>1799</b>	NAICS Code:	<b>238910</b>	SPDES Number:	<b>NY0277371</b>
Discharge Class (CL):	<b>04</b>	DEC Number:	<b>2-6304-01485/00010</b>		
Toxic Class (TX):	<b>N</b>	Effective Date (EDP):	<b>DRAFT</b>		
Major-Sub Drainage Basin:	<b>1702 - 0010</b>	Expiration Date (ExDP):	<b>DRAFT</b>		
Water Index Number:	<b>(MW2.3) ER (portion 2)</b>	Item No.:	<b>890.6 - 53</b>	Modification Dates (EDPM):	
Compact Area:	<b>IEC</b>				

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:	<b>44-02 Ventures LLC</b>			Attention:	<b>Harry Sussman</b>	
Street:	<b>515 Clifton Ave</b>					
City:	<b>Lakewood</b>			State:	<b>NJ</b>	Zip Code: <b>08701</b>
Email:	<b>4402ventures@eingroup.net</b>			Phone:	<b>732-655-3665</b>	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	<b>44-02 Vernon Blvd</b>										
Address / Location:	<b>44-02 Vernon Blvd</b>						County:	<b>Queens</b>			
City:	<b>Queens</b>				State:	<b>NY</b>		Zip Code:	<b>11101</b>		
Facility Location:	Latitude:	<b>40</b> °	<b>45</b> '	<b>04.2</b> " N	& Longitude:	<b>73</b> °	<b>57</b> '	<b>13.2</b> " W			
Primary Outfall No.:	<b>001</b>	Latitude:	<b>40</b> °	<b>45</b> '	<b>53</b> " N	& Longitude:	<b>73</b> °	<b>57</b> '	<b>15</b> " W		
Wastewater Description:	<b>Treated Groundwater</b>	Receiving Water:	<b>East River</b>			NAICS:	<b>238910</b>	Class:	<b>I</b>	Standard:	<b>I</b>

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](mailto:permit.coordinator@dec.ny.gov))
- BWP Permit Writer ([Jennifer.cetrulo@dec.ny.gov](mailto:Jennifer.cetrulo@dec.ny.gov))
- RWE ([Selvin.southwell@dec.ny.gov](mailto:Selvin.southwell@dec.ny.gov))
- RPA ([Caitlyn.nichols@dec.ny.gov](mailto:Caitlyn.nichols@dec.ny.gov))
- EPA Region II ([Region2\\_NPDES@epa.gov](mailto:Region2_NPDES@epa.gov))
- IEC ([epowers@iec-nynjct.org](mailto:epowers@iec-nynjct.org))
- NYCDOHMH ([DFung@health.nyc.gov](mailto:DFung@health.nyc.gov))

Permit Administrator:	<b>Caitlyn P. Nichols</b>	
Address:	<b>47-40 21<sup>st</sup> Street, Long Island City, NY 11101</b>	
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	Treated Groundwater	East River	DRAFT	DRAFT

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Daily Maximum	1.44	MGD			Continuous	Recorder		X	
pH	Daily Minimum	6.0	SU			Daily	Grab		X	
	Daily Maximum	9.0	SU							
Total Suspended Solids (TSS)	Monthly Average	20	mg/L			Monthly	Grab		X	
Total Suspended Solids (TSS)	Daily Maximum	40	mg/L			Monthly	Grab		X	
Oil & Grease	Monthly Average	15	mg/L			Monthly	Grab		X	
Total Copper	Daily Maximum	34	ug/L			Monthly	Grab		X	
Total Lead	Daily Maximum	42	ug/L			Monthly	Grab		X	
Total Nickel	Daily Maximum	41	ug/L			Monthly	Grab		X	
Total Zinc	Daily Maximum	349	ug/L			Monthly	Grab		X	
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Benzene	Daily Maximum	5	ug/L			Monthly	Grab		X	1
Toluene	Daily Maximum	5	ug/L			Monthly	Grab		X	1
Etylbenzene	Daily Maximum	5	ug/L			Monthly	Grab		X	1
Xylene(o)	Daily Maximum	5	ug/L			Monthly	Grab		X	1, 2
Xylene(m+p)	Daily Maximum	10	ug/L			Monthly	Grab		X	1, 2
MTBE	Daily Maximum	Monitor	ug/L			Monthly	Grab		X	1
EMERGING CONTAMINANTS		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
OUTFALL 001										
Perfluorobutanoic Acid (PFBA) CAS No. 375-22-4 DMR Code: 51522	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoropentanoic Acid (PFPeA) CAS No. 2706-90-3 DMR Code: 51623	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorohexanoic Acid (PFHxA) CAS No. 307-24-4 DMR Code: 51624	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoroheptanoic Acid (PFHpA) CAS No. 375-85-9 DMR Code: 51625	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Perfluorooctanoic Acid (PFOA) CAS No. 335-67-1 DMR Code: 51521	Daily Maximum			6.7	ng/L	1/quarter	Grab	X	X	3
Perfluoro-nonanoic Acid (PFNA) CAS No. 375-95-1 DMR Code: 51626	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoro-decanoic Acid (PFDA) CAS No. 335-76-2 DMR Code: 51627	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoroundecanoic Acid (PFUnA) CAS No. 2058-94-8 DMR Code: 51628	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorododecanoic Acid (PFDoA) CAS No. 307-55-1 DMR Code: 51629	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorotridecanoic Acid (PFTriA) CAS No. 72629-94-8 DMR Code: 51630	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorotetradecanoic Acid (PFTeA) CAS No. 376-06-7 DMR Code: 51631	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorobutanesulfonic Acid (PFBS) CAS No. 375-73-5 DMR Code: 52602	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoropentanesulfonic Acid (PFPeS) CAS No. 2706-91-4 DMR Code: 52610	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorohexanesulfonic Acid (PFHxS) CAS No. 355-46-4 DMR Code: 52605	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoroheptanesulfonic Acid (PFHpS) CAS No. 375-92-8 DMR Code: 52604	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorooctanesulfonic Acid (PFOS) CAS No. 1763-23-1 DMR Code: 52606	Daily Maximum			2.7	ng/L	1/quarter	Grab	X	X	3
Perfluorononanesulfonic Acid (PFNS) CAS No. 68259-12-1 DMR Code: 52611	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorodecanesulfonic Acid (PFDS) CAS No. 335-77-3 DMR Code: 52603	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorododecanesulfonic Acid (PFDoS) CAS No. 79780-39-5 DMR Code: 52632	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluorooctanesulfonamide (FOSA) CAS No. 754-91-6 DMR Code: 51525	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
N-Methyl Perfluorooctanesulfonamidoacetic Acid (NMeFOSAA) CAS No. 2355-31-9 DMR Code: 51644	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
N-Ethyl Perfluorooctanesulfonamidoacetic Acid (NEtFOSAA) CAS No. 2991-50-6 DMR Code: 51643	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
1H,1H,2H,2H-Fluorotelomer Sulfonic Acid (4:2 FTS) CAS No. 757124-72-4 DMR Code: 52607	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
1H,1H,2H,2H- Fluorotelomer Sulfonic Acid (6:2 FTS) CAS No. 27619-97-2 ICIS Code: 52608	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
1H,1H,2H,2H- Fluorotelomer Sulfonic Acid (8:2 FTS) CAS No. 39108-34-4 ICIS Code: 52609	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
N-ethyl Perfluorooctanesulfonamide (NEtFOSA) CAS No. 4151-50-2 ICIS Code: 52642	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
N-Methyl Perfluorooctane Sulfonamide (NMeFOSA) CAS No. 31506-32-8 ICIS Code: 52641	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
N-Methyl Perfluorooctanesulfonamido Ethanol (NMeFOSE) CAS No. 24448-09-7 ICIS Code: 51642	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
N-Ethyl Perfluorooctanesulfonamido Ethanol (NEtFOSE) CAS No. 1691-99-2 ICIS Code: 51641	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS) CAS No. 756426-58-1 ICIS Code: PF003	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA or GenX) CAS No. 13252-13-6 ICIS Code: 52612	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
11-Chloroeicosafuoro-3-Oxaundecane-1-Sulfonic Acid (11Cl-PF3OUdS) CAS No. 763051-92-9 ICIS Code: PF004	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA) CAS No. 919005-14-4 ICIS Code: 52636	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
3-Perfluoropropyl Propanoic Acid (3:3FTCA) CAS No. 356-02-5 ICIS Code: PF001	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
2H,2H,3H,3H-Perfluorooctanoic Acid (5:3FTCA) CAS No. 914637-49-3 ICIS Code: PF007	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
3-Perfluoroheptyl Propanoic Acid (7:3FTCA) CAS No. 812-70-4 ICIS Code: PF005	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Nonafluoro-3,6-dioxaheptanoic Acid (NFDHA) CAS No. 151772-58-6 ICIS Code: 52626	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoro-4-Methoxybutanoic Acid (PFMBA) CAS No. 863090-89-5 ICIS Code: PF006	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoro-3-Methoxypropanoic Acid (PFMPA) CAS No. 377-73-1 ICIS Code: PF002	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3
Perfluoro(2-Ethoxyethane)Sulfonic Acid (PFEEESA) CAS No. 113507-82-7 ICIS Code: 52629	Daily Maximum	Monitor	ng/L			1/quarter	Grab	X	X	3

**FOOTNOTES:**

- Action Levels:** If the action level is exceeded, the additional monitoring requirement is triggered, and the permittee shall undertake a short-term, high-intensity, monitoring program for the respective 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 both mass and concentration. If levels higher than the action levels are confirmed, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may also be reopened by the DEC for consideration of revised action levels or effluent limits. Action level monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the monthly operating report [or DMR] data.
- Per TOGS 1.2.1 (attachment C), the technology based effluent limit-best professional judgment (TBEL-BPJ) limit applicable for facilities with carbon adsorption is 5.0 ug/l for individual Xylene isomers (o, m and p) and not the sum of (o, m and p) Xylene. The TBEL-BPJ is still protective of the water quality standard of the receiving waterbody. Due to the technical difficulty of analyzing the m & p isomers Xylene separately, the permit includes 5.0ug/l action level for o-Xylene and 10 ug/l for m+p -Xylene.
- The permittee shall collect grab samples of both the influent and effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) utilizing EPA analytical method 1633/1633A. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a quarterly basis for at least 3 consecutive months. Note that "DMR code" corresponds to the 5-digit code displayed in the top left of each parameter line on the DMR page within NetDMR.

## SPECIAL CONDITIONS

### 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.

- 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.
- Compliance Deadlines** –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.
- 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](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf)) or that are required to be monitored for by the SPDES permit.
- 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    | 6. Security   | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents       | 7. Preventive Maintenance                             | 11. Erosion & Sediment Control  |
| 3. Risk Identification & Assessment | 8. Good Housekeeping                                  | 12. Management of Runoff        |
| 4. Employee Training                | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping             |
| 5. Inspections and Records          |   |                                 |

## 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:

<p><b>N.Y.S. PERMITTED DISCHARGE POINT</b></p> <p><b>SPDES PERMIT No.: NY_____</b></p> <p><b>OUTFALL No. : _____</b></p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone:       ( ) - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: ( ) - ### - #####</p>
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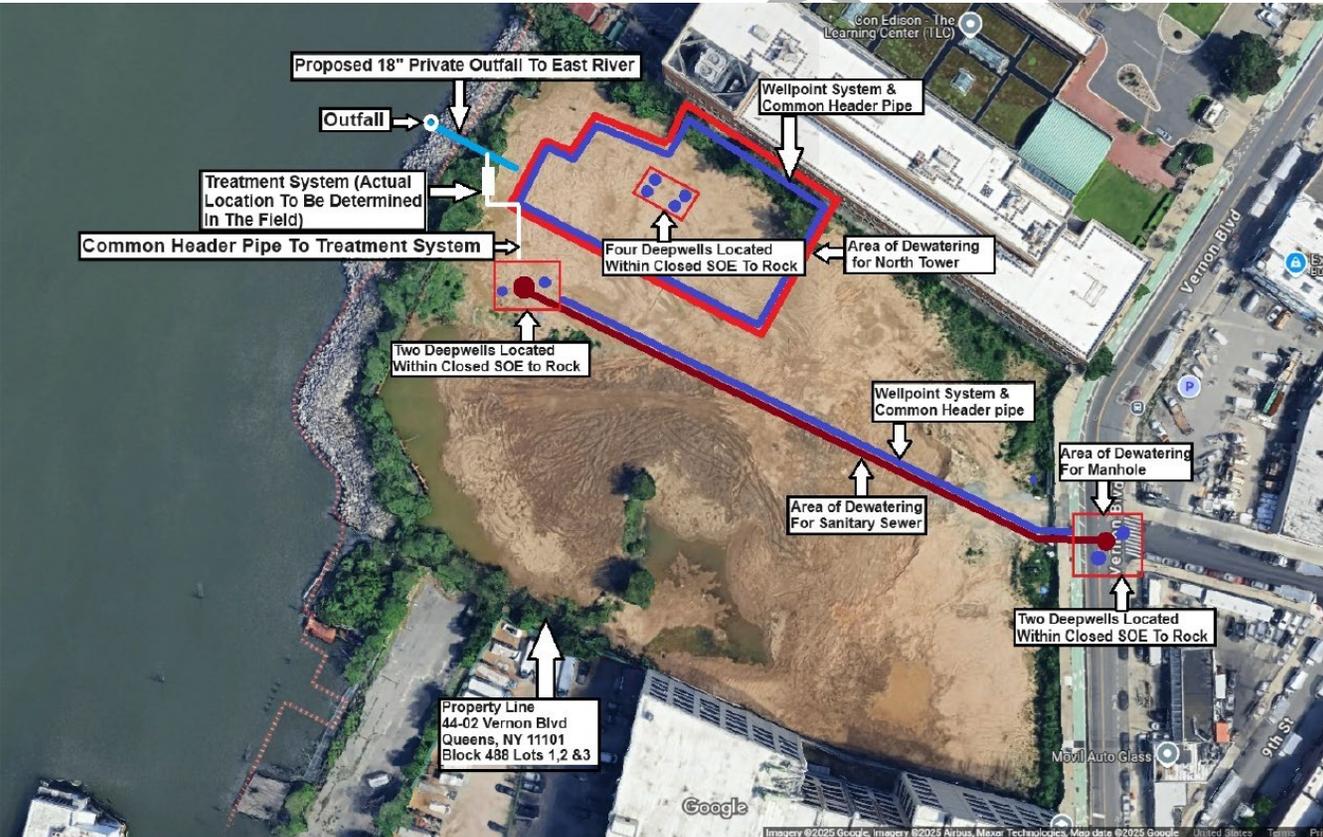
- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

# MONITORING LOCATIONS

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

Influent: Prior to settling tank. Sample for emerging contaminants only.

Effluent: After the Effluent Pump



**44-02 Vernon Blvd  
Queens, NY 11101**

**Dewatering System :**  
8 Deepwells, (1) 2hP pump Per Well, Radius of Influence : 0' Due To Closed SOE  
180 Wellpoints, (1) 50 hP Pump, Radius of Influence : 607' Due To Open SOE

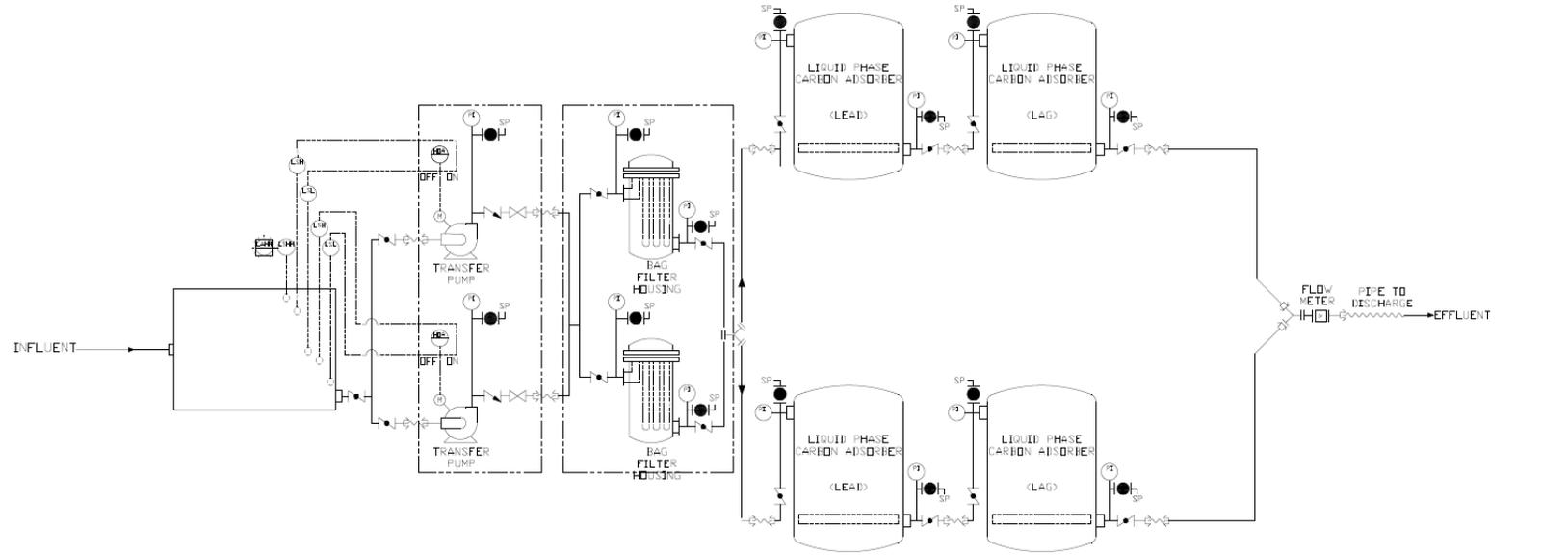
Dewatering System Schematic

# 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 settling tank. Sample for emerging contaminants only.

Effluent: After the Effluent Pump



18,000-GALLON  
FRAC TANK

DUPLEX 30 HP  
PUMP SKID,  
460V, 3 PHASE

DUPLEX BAG  
FILTRATION SKID

(4x) 10,000 LB  
GRANULAR ACTIVATED  
CARBON VESSELS

- NOTES:**
1. MAXIMUM FLOWRATE = 1,000 GPM
  2. SYSTEM FOOTPRINT APPROX. 25'X100'
  3. NOT ALL VALVES, INSTRUMENTATION AND PIPING, ETC. SHOWN FOR CLARITY
  4. GENERATOR BY OTHERS - 460V, 3 PHASE, 70 AMPS

**PIPING & INSTRUMENT DIAGRAM  
FOR  
1,000 GPM WATER TREATMENT SYSTEM**

**LEGEND**

—	PROCESS PIPING	○	LEVEL FLOAT
~~~~~	FLEXIBLE HOSE	Ⓜ	MOTOR
→	FLOW DIRECTION	Ⓜ	FLOW METER
—/—	PIPE CROSSOVER	Ⓜ	WYE
●	BALL VALVE (NORMALLY CLOSE)	Ⓜ	LEVEL ALARM HIGH HIGH
⌵	BUTTERFLY VALVE	Ⓜ	LEVEL SWITCH HIGH
⌵	CHECK VALVE	Ⓜ	LEVEL SWITCH HIGH HIGH
⌵	GATE VALVE (OPEN)	Ⓜ	LEVEL SWITCH LOW
⌵	CAM LOCK COUPLING	Ⓜ	LEVEL SWITCH LOW
Ⓜ	PRESSURE GAUGE	Ⓜ	HAND OPERATED SWITCH

## Water Treatment System Schematic

## 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 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 2

One Hunters Point Plaza, Long Island City, New York, 11101-5407 Phone: (718) 482-4933

- D. 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.
- E. 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.
- F. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- G. 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.
- H. 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**

## **44-02 Ventures LLC**

### **44-02 Vernon Blvd**

### **NY0277371**

**DRAFT**



**Department of  
Environmental  
Conservation**

## Contents

Administrative History .....	3
Facility Information .....	3
Site Overview .....	4
Effluent Quality .....	5
Receiving Water Information .....	5
Impaired Waterbody Information .....	5
Critical Receiving Water Data & Mixing Zone .....	5
Permit Requirements .....	5
Antidegradation .....	5
Discharge Notification Act Requirements .....	6
Best Management Practices (BMPs) for Industrial Facilities .....	6
Emerging Contaminant Monitoring .....	6
Special Conditions .....	6
OUTFALL AND RECEIVING WATER SUMMARY TABLE .....	7
POLLUTANT SUMMARY TABLE .....	7
Outfall 001 .....	7
POLLUTANT SUMMARY TABLE .....	11
Outfall 001 (Emerging Contaminants) .....	13
Appendix: Regulatory and Technical Basis of Permit Authorizations .....	14
Regulatory References .....	14
Outfall and Receiving Water Information .....	14
Existing Effluent Quality .....	15
Permit Requirements .....	15

## Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit is proposed for the discharge of treated groundwater generated from temporary construction dewatering activities at 44-02 Vernon Blvd project site to complete construction of a new sanitary sewer and multi-story building. The project is expected to last approximately 12 months. The treated dewatering water will be discharged to the East River via an 18" private outfall 001. The draft permit includes the reporting requirements for the following parameters: Flow, pH, total suspended solids (TSS), oil & grease, copper, lead, nickel, zinc, benzene, toluene, ethylbenzene, xylene(o), xylene(m+p), MTBE, PFOS, and PFAS.

**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

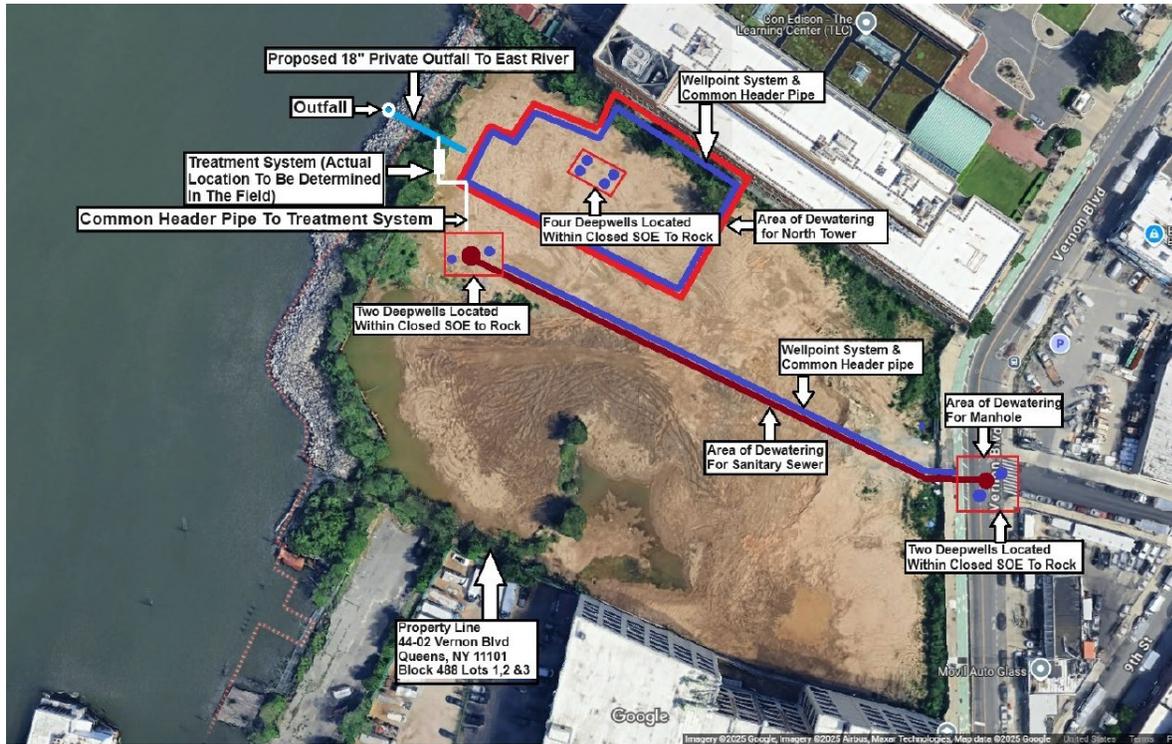
3/25/2025 The 44-02 Ventures LLC submitted a NY-2C permit application.

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

## Facility Information

This is an industrial facility (SIC code 1799) that produces effluent. Effluent consists of treated groundwater. Permittee proposes to discharge water from construction dewatering into the East River via outfall 001. Treatment will be provided prior to discharge. The treatment system includes sedimentation, filtration, and carbon adsorption.

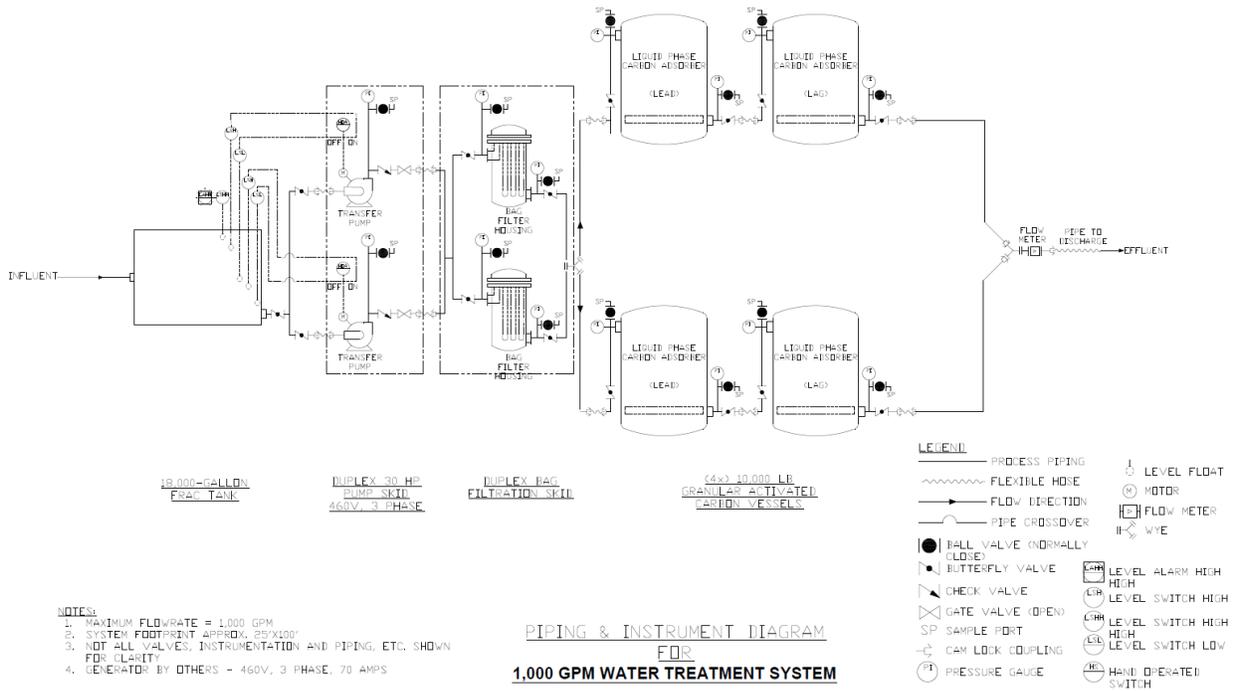
### Site Overview



**44-02 Vernon Blvd  
 Queens, NY 11101**

**Dewatering System :**  
 8 Deepwells, (1) 2HP pump Per Well, Radius of Influence : 0' Due To Closed SOE  
 180 Wellpoints, (1) 50 hP Pump, Radius of Influence : 607' Due To Open SOE

### Dewatering System Schematic



### Water Treatment System Schematic

## Effluent Quality

The [Pollutant Summary Table](#) presents the untreated groundwater sampling results and effluent limitations. The untreated groundwater sampling results, taken on 07/30/2025, were included in the application submitted by the permittee.

## Receiving Water Information

The facility proposes to discharge via the following private outfall:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	1799	Treated groundwater	East River, Class I

## Impaired Waterbody Information

The East River segment (PWL No. 1702-0010) was first listed on the 1998 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters as impaired due to PCBs, and other toxics from Historical Data Source. The segment continues to be listed as of the 2020 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

The treated construction dewatering discharges to the East River, which is a tidal estuary. The Department Guidance TOGS 1.3.1 limits tidal dilution for mixing that is determined to be incomplete to 10:1. The outfall terminus is at the shoreline (bank discharge). Previous Cormix modeling efforts have indicated the effluent mixing with the tidal waterbody is anticipated to be incomplete and will occur along the shoreline rather than the open waters of the estuary. Therefore, a reduced dilution ratio of 5:1 for acute, chronic, and HEW protections is appropriate.”

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	5:1	5:1	5:1	TOGS 1.3.1

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](#).

## 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)<sup>1</sup> determination.

## [Appendix Link](#)

<sup>1</sup> As prescribed by 6 NYCRR Part 617

### Discharge Notification Act Requirements

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

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

### 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. [Appendix Link](#)

### Emerging Contaminant Monitoring

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), all 38 Per-and Polyfluoroalkyl Substances (PFAS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial product as well as in manufacturing processes for decades. These contaminants do not break down easily, therefore their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the DEC Division of Water web page: [Emerging Contaminants In NY's Waters - NYSDEC](#).

Pursuant to 6 NYCRR Part 750-1.13(a), the permit includes a monitoring requirement for Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and all 38 Per-and Polyfluoroalkyl Substances (PFAS), to evaluate the influent and effluent discharge levels. This monitoring program is consistent with guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

[Appendix Link](#)

### Special Conditions

The permittee shall submit to the Department a letter requesting for permit discontinuance upon completion of the dewatering activities.

<sup>1</sup> As prescribed by 6 NYCRR Part 617

## 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° 45' 5.3" N	73° 57' 15" W	East River	I	(MW2.3) ER (portion2) PWL: 1702-0010	17/02	-	-	-	-	1.44	5:1	5:1	5:1

## POLLUTANT SUMMARY TABLE

### Outfall 001

Effluent Parameter	Units	Averaging Period	Untreated Groundwater Samples			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement		
			Permit Limit	Untreated groundwater	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis				
<b>Outfall #</b>	001	<b>Description of Wastewater:</b> Treated groundwater															
		<b>Type of Treatment:</b> Settling, Filtration, Carbon Adsorption															
<p><b>General Notes:</b> Untreated groundwater samples from 07/30/2025 were obtained from the application provided by the permittee. 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 H (carbon adsorption) treatment systems.</p>																	
Flow Rate	MGD	Daily Max	Monitor	001 Actual Average	-	1.44	Design Flow	No alterations that will impair the waters for their best usages.						703.2	-	Monitor	
Consistent with 40 CFR Part 133.102 and TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant has been specified.																	
pH	SU	Minimum	-	7.62 Actual Min	2/0	6.0	40 CFR 133.102	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	TBEL		
		Maximum	-	7.77 Actual Max	2/0	9.0											
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS. Additionally, consistent with NYCRR 703.3, the normal range shall not be extended by more than one-tenth (0.1) of a pH unit.																	
Total Suspended Solids (TSS)	mg/L	Monthly Avg	-	-	0/0	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	-	2490	2/0	40	TOGS 1.2.1										
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL, and consistent with TOGS 1.3.3, is protective of water quality standards.																	

Outfall #	Description of Wastewater: Treated groundwater														
	Type of Treatment: Settling, Filtration, Carbon Adsorption														
Effluent Parameter	Units	Averaging Period	Untreated Groundwater Samples			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Untreated groundwater	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Oil & Grease	mg/L	Monthly	-	1.20	2/0	15	TOGS 1.2.1	-	-	-	Narrative: No residue attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules of grease.	703.2	-	TBEL	
This limit is based on the statewide effluent guideline with similar pollutants such as oil terminals. The department has established that the Oil & Grease TBEL limit of 15 mg/l is sufficient to meet narrative water quality standards of no visible oil film nor globules of grease															
Additional Pollutants Detected															
Total Copper	ug/L	Daily Max	-	250	2/0	1300/610	TOGS 1.2.1	-	-	5.6(c); 7.9(a)	A(C); A(A)	33.74 (Total)	703.5	-	WQBEL
Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 5:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.205 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.															
Total Lead	ug/L	Daily Max	-	42.3	2/0	280/130	TOGS 1.2.1	-	-	8.0(c); 204(a)	A(C); A(A)	42.08 (Total)	703.5	-	WQBEL
Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 5:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.052 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.															
Total Nickel	ug/L	Daily Max	-	37.8 Max	2/0	550/370	TOGS 1.2.1	-	-	8.2(c); 74(a)	A(C); A(A)	41.41 (Total)	703.5	-	WQBEL
Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 5:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.010 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.															
Total Zinc	ug/L	Daily Max	-	141 Max	2/0	1000/420	TOGS 1.2.1	-	-	66	A(C)	348.81 (Total)	703.5	-	WQBEL
Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 5:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.057 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.															

Outfall #	Description of Wastewater: Treated groundwater														
	Type of Treatment: Settling, Filtration, Carbon Adsorption														
Effluent Parameter	Units	Averaging Period	Untreated Groundwater Samples			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Untreated groundwater	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Benzene	ug/L	Daily Max	-	2.4	2/0	5	TOGS 1.2.1	-	-	10	H(FC)	-	703.5	-	Action Level
<p>There has been history of leaking underground storage tanks at commercial gas stations and other sources of petroleum pollution of soil and groundwater in the project area, Brooklyn. Volatile organic compounds (VOCs) such as <b>benzene, toluene, ethylbenzene, and xylene compounds (BTEX)</b> are normally found at relatively high concentrations in gasoline and light distillate products (e.g., diesel fuel). BTEX concentrations typically decrease in the heavier grades of petroleum distillate products (e.g., fuel oils). Since many petroleum spills involve gasoline or diesel fuel, the State regulates petroleum related contaminants by setting limits on the individual BTEX components. To ensure that contaminants may not be drawn during the dewatering operations, reporting requirements for BTEX has been added in the draft permit. Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 5 ug/l limit for individual Benzene, ethylene and individual Xylene isomers. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.</p>															
Toluene	ug/L	Daily Max	-	71	2/0	5	TOGS 1.2.1	-	-	6,000	H(FC)	-	703.5	-	Action Level
<p>There has been history of leaking underground storage tanks at commercial gas stations and other sources of petroleum pollution of soil and groundwater in the project area, Brooklyn. Volatile organic compounds (VOCs) such as <b>benzene, toluene, ethylbenzene, and xylene compounds (BTEX)</b> are normally found at relatively high concentrations in gasoline and light distillate products (e.g., diesel fuel). BTEX concentrations typically decrease in the heavier grades of petroleum distillate products (e.g., fuel oils). Since many petroleum spills involve gasoline or diesel fuel, the State regulates petroleum related contaminants by setting limits on the individual BTEX components. To ensure that contaminants may not be drawn during the dewatering operations, reporting requirements for BTEX has been added in the draft permit. Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 5 ug/l limit for individual Benzene, ethylene and individual Xylene isomers. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.</p>															
Ethylbenzene	ug/L	Daily Max	-	4.3 Max	2/0	5	TOGS 1.2.1	-	-	5	H(WS)	-	TOGS 1.1.1	-	WQBEL
<p>There has been history of leaking underground storage tanks at commercial gas stations and other sources of petroleum pollution of soil and groundwater in the project area, Brooklyn. Volatile organic compounds (VOCs) such as <b>benzene, toluene, ethylbenzene, and xylene compounds (BTEX)</b> are normally found at relatively high concentrations in gasoline and light distillate products (e.g., diesel fuel). BTEX concentrations typically decrease in the heavier grades of petroleum distillate products (e.g., fuel oils). Since many petroleum spills involve gasoline or diesel fuel, the State regulates petroleum related contaminants by setting limits on the individual BTEX components. To ensure that contaminants may not be drawn during the dewatering operations, reporting requirements for BTEX has been added in the draft permit. Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 5 ug/l limit for individual Benzene, ethylene and individual Xylene isomers. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.</p>															
Xylene (o)	ug/L	Daily Max	-	-	0/0	5	TOGS 1.2.1	-	-	19(c); 170(a)	A(C); A(A)	-	TOGS 1.1.1	-	Action Level
<p>There has been history of leaking underground storage tanks at commercial gas stations and other sources of petroleum pollution of soil and groundwater in the project area, Brooklyn. Volatile organic compounds (VOCs) such as <b>benzene, toluene, ethylbenzene, and xylene compounds (BTEX)</b> are normally found at relatively high concentrations in gasoline and light distillate products (e.g., diesel fuel). BTEX concentrations typically decrease in the heavier grades of petroleum distillate products (e.g., fuel oils). Since many petroleum spills involve gasoline or diesel fuel, the State regulates petroleum related contaminants by setting limits on the individual BTEX components. To ensure that contaminants may not be drawn during the dewatering operations, reporting requirements for BTEX has been added in the draft permit. Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 5 ug/l limit for individual Benzene, ethylene and individual Xylene isomers. The xylene limit has been changed from total xylene to individual xylene isomers. Due to the technical difficulty of analyzing the m &amp; p isomers xylene separately, the permit includes 5.0ug/l limit for o-Xylene and 10 ug/l for m+p -Xylene. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.</p>															

Permittee: 44-02 Ventures LLC  
 Facility: 44-02 Vernon Blvd  
 SPDES Number: NY0277371  
 USEPA Non-Major/Class 04 Industrial

Date: December 23, 2025 v.1.36  
 Permit Writer: Jennifer Cetrulo  
 Water Quality Reviewer: NA

Outfall #	Description of Wastewater: Treated groundwater														
	Type of Treatment: Settling, Filtration, Carbon Adsorption														
Effluent Parameter	Units	Averaging Period	Untreated Groundwater Samples			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Untreated groundwater	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Xylene (m+p)	ug/L	Daily Max	-	-	0/0	10	TOGS 1.2.1	-	-	19(c); 170(a)	A(C); A(A)	-	TOGS 1.1.1	-	Action Level
<p>There has been history of leaking underground storage tanks at commercial gas stations and other sources of petroleum pollution of soil and groundwater in the project area, Brooklyn. Volatile organic compounds (VOCs) such as <b>benzene, toluene, ethylbenzene, and xylene compounds (BTEX)</b> are normally found at relatively high concentrations in gasoline and light distillate products (e.g., diesel fuel). BTEX concentrations typically decrease in the heavier grades of petroleum distillate products (e.g., fuel oils). Since many petroleum spills involve gasoline or diesel fuel, the State regulates petroleum related contaminants by setting limits on the individual BTEX components. To ensure that contaminants may not be drawn during the dewatering operations, reporting requirements for BTEX has been added in the draft permit. Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 5 ug/l limit for individual Benzene, ethylene and individual Xylene isomers. The xylene limit has been changed from total xylene to individual xylene isomers. Due to the technical difficulty of analyzing the m &amp; p isomers xylene separately, the permit includes 5.0ug/l limit for o-Xylene and 10 ug/l for m+p -Xylene. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.</p>															
MTBE	ug/L	Daily Max	-	-	0/0	50	TOGS 1.2.1	-	-	-	-	-	-	-	Action Level
<p>Per TOGS 1.2.1 Attachment, the carbon adsorption treatment process can meet 50 ug/l limit for MTBE. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS. However, if the action level is exceeded, the additional monitoring requirement is triggered, and the permittee shall undertake a short-term, high-intensity, monitoring program for the respective parameter.</p>															

**POLLUTANT SUMMARY TABLE**  
**Outfall 001 [EMERGING CONTAMINANTS]**

Emerging Contaminants: Outfall # 001 (PR-622), 002 (PR-014), 003															
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		
<b>Notes:</b> See <a href="#">Emerging Contaminant Monitoring</a> section above. Effluent samples were analyzed for Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and all 38 Per-and Polyfluoroalkyl Substances (PFAS).															
Perfluorooctanoic Acid (PFOA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluorooctanesulfonic Acid (PFOS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-butanoic Acid (PFBA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-pentanoic Acid (PFPeA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-hexanoic Acid (PFHxA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-heptanoic Acid (PFHpA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-nonanoic Acid (PFNA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-decanoic Acid (PFDA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-undecanoic Acid (PFUnA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-dodecanoic Acid (PFDoA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-tridecanoic Acid (PFTriA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-tetradecanoic Acid (PFTeA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-butanesulfonic Acid (PFBS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-pentanesulfonic Acid (PFPeS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-hexanesulfonic Acid (PFHxS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor

Perfluoro-heptanesulfonic Acid (PFHpS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-nonanesulfonic Acid (PFNS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-decanesulfonic Acid (PFDS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-dodecane-sulfonic Acid (PFDoS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-octane-sulfonamide (FOSA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-methyl Perfluoro-octanesulfon-amidoacetic Acid (NMeFOSAA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-ethyl Perfluoro-octanesulfon-amidoacetic Acid (NEtFOSAA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
4:2 Fluorotelomer Sulfonic Acid (FTS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
6:2 Fluorotelomer Sulfonic Acid (FTS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
8:2 Fluorotelomer Sulfonic Acid (FTS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-ethyl Perfluoro-octanesulfon-amide (NEtFOSA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-methyl Perfluoro-octanesulfon-amide (NMeFOSA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-methyl Perfluoro-octanesulfon-amidoethanol (NMeFOSE) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
N-ethyl Perfluoro-octanesulfon-amidoethanol (NEtFOSE) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
9-Chlorohexadeca-fluoro-3-oxanonane-1-sulfonic Acid (9Cl-PF3ONS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Hexafluoro-propylene Oxide Dimer Acid (HFPO-DA or GenX) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic Acid (11Cl-PF3OUdS) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor

4,8-Dioxa-3H-perfluorononanoic Acid (ADONA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
3-Perfluoropropyl Propanoic Acid (3:3 FTCA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
2H,2H,3H,3H-Perfluoro-octanoic Acid (5:3 FTCA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
3-Perfluoroheptyl Propanoic Acid (7:3 FTCA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Nonafluoro-3,6-dioxaheptanoic Acid (NFDHA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-4-methoxy-butanoic Acid (PFMBA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro-3-methoxy-propanoic Acid (PFMPA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluoro(2-ethoxyethane)sulfonic Acid (PFEESA) <sup>1</sup>	ng/L	Daily Max	-	-	0/0	-	-	-	-	-	-	-	-	-	Monitor

<sup>1</sup> Monitoring has been added to support establishment of future standards or TBELs.

## 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.

### 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 95<sup>th</sup> (monthly average) and 99<sup>th</sup> (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.

#### 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).

#### 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 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 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).

#### 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.

#### *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.

Permittee: 44-02 Ventures LLC  
Facility: 44-02 Vernon Blvd  
SPDES Number: NY0277371  
USEPA Non-Major/Class 04 Industrial

Date: December 23, 2025 v.1.36  
Permit Writer: Jennifer Cetrulo  
Water Quality Reviewer: NA

## Other Conditions

### 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.

DRAFT