State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**8999**	NAICS Code:	**721214**	SPDES Number:	**NY0100358**
Discharge Class (CL):	**02**			DEC Number:	**3-4826-00031/00001**
Toxic Class (TX):	**N**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**14 - 01**			Expiration Date (ExDP):	**ExDP**
Water Index Number:	**D-53-1**	Item No.:	**815 - 347**	Modification Dates (EDPM):	
Compact Area:	**DRBC**				

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:	**Bnos Rochel**	Attention:	**Brian Lefkowitz, Trustee**		
Street:	**1274 49th St.**				
City:	**Brooklyn**	State:	**NY**	Zip Code:	**11219**
Email:	**hotelbnos@gmail.com**	Phone:	**347-452-2140**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																
Name:	**Bnos Rochel**															
Address / Location:	**222 Swiss Hill Road N.**											County:	**Sullivan**			
City:	**Delaware**					State:	**NY**					Zip Code:	**12745**			
Facility Location:		Latitude:	**41**	°	**44**	'	**47**	" N	& Longitude:	**74**	°	**56**	'	**25**	" W	
Primary Outfall No.:	**001**	Latitude:	**41**	°	**44**	'	**52.53**	" N	& Longitude:	**74**	°	**56**	'	**24.95**	" W	
Outfall Description:	**Treated Sanitary**	Receiving Water:	**Trib. of East Branch Callicoon Creek**					Class:	**C**	Standard:	**C(T)**					

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
BWP Permit Writer
RWE
RPA

Permit Administrator:	
Address:	
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 DEC 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 NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

INTERIM PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All year unless otherwise noted	Trib of East Branch Callicoon Creek	EDP	Upon completion of the treatment facilities in accordance with the Schedule of Compliance

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Average	0.0225	MGD			Instantaneous	Estimate	X or X		
pH	Daily Minimum	6.0	SU			1/Week	Grab		X	
	Daily Maximum	9.5	SU							
Temperature	Daily Maximum	Monitor	ºF			Quarterly	Grab		X	
BOD_5	Daily Maximum	5	mg/L	0.94	lbs/d	Quarterly	Grab	X	X	(1)
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	1.88	lbs/d	Quarterly	Grab	X	X	(1)
Ammonia (as NH_3)	Daily Maximum	2	mg/L			Quarterly	Grab		X	
Settleable Solids	Daily Maximum	0.1	mL/L			1/ Week	Grab		X	
Dissolved Oxygen	Daily Minimum	7	mg/L			Quarterly	Grab		X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from May 1st – Oct. 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			Quarterly	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			Quarterly	Grab		X	
Chlorine, Total Residual	Daily Maximum	2.0	mg/L			1/ Day	Grab		X	

FOOTNOTE:

1. Effluent shall not exceed 15% and 15% of influent concentration values for BOD_5 & TSS respectively.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All year unless otherwise noted	Trib of East Branch Callicoon Creek	Upon completion of the treatment facilities in accordance with the Schedule of Compliance	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	0.0225	MGD			Instantaneous	Meter	X		
pH	Daily Minimum	6.5	SU			Daily	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	ºF			Daily	Grab		X	
BOD_5	Daily Maximum	5	mg/L	0.94	lbs/d	Quarterly	Grab	X	X	1,2
Total Suspended Solids (TSS	Daily Maximum	10	mg/L	1.88	lbs/d	Quarterly	Grab	X	X	1,2
Settleable Solids	Daily Maximum	0.1	mL/L			Daily	Grab		X	
Dissolved Oxygen	Daily Minimum	7.0	mg/L			Daily	Grab		X	
Ammonia (as N) (June 1 – Oct 31)	Daily Maximum	0.98	mg/L			Quarterly	Grab		X	2
Ammonia (as N) (Nov 1 – May 31)	Daily Maximum	1.81	mg/L			Quarterly	Grab		X	2
Total Phosphorus	Daily Maximum	Monitor	lbs/d			1/ Month	Grab		X	
Nitrate - N	Daily Maximum	Monitor	lbs/d			1/ Month	Grab		X	
Total Nitrogen	Daily Maximum	Monitor	lbs/d			1/ Month	Grab		X	
TKN	Daily Maximum	Monitor	lbs/d			1/ Month	Grab		X	
Total Dissolved Solids (TDS)	Daily Maximum	500	mg/L			Quarterly	Grab		X	5
Effluent Disinfection required: [X] All Year [ ] Seasonal from May 1st – Oct. 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			Quarterly	Grab		X	2
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			Quarterly	Grab		X	2
Chlorine, Total Residual	Daily Maximum	0.03	mg/L			Daily	Grab		X	3,4

FOOTNOTES:

1 Effluent shall not exceed 15% and 15% of influent concentration values for BOD_5 & TSS respectively.

2. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).

3. Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine.

4. This is a Compliance Level. The calculated WQBEL is 0.005 mg/L.

5. See special condition # 10.

SPECIAL CONDITIONS FOR WASTEWATER DISCHARGES WITHIN THE DELAWARE RIVER BASIN WATERSHED

1. Prior to the permittee initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Delaware River Basin Commission's Water Quality Regulations (18CFR Part 410), a No Measurable Change to Existing Water Quality Analysis must be conducted by the Delaware River Basin Commission. The No Measurable Change to Existing Water Quality Analysis shall be conducted prior to final design to ensure that the Commission can provide the permittee with proposed effluent limitations to be included in a future SPDES permit for Special Protection Waters specific parameters as guidance for treatment design purposes. The permittee is encouraged to contact DRBC staff during the planning stages of any project that meets the definition of substantial alteration or additions, as per DRBC.

2. Except as otherwise authorized by this permit, if the permittee seeks relief from any limitation based upon a Delaware River Basin Commission water quality standard or minimum treatment requirement, the permittee shall apply for approval from the Delaware River Basin Commission Executive Director and NYSDEC for a permit revision.

3. Prior to accepting for treatment and discharge 50,000 gallons per day or more (as a daily average) of wastewater that is imported from outside the Delaware River Basin, the permittee shall first apply to and obtain approval from the Delaware River Basin Commission.

4. The permittee may conduct a study to determine if specific conductance may be substituted for TDS in the permit. The study should include effluent specific data to be used to determine a correlation between TDS and specific conductance. Upon review, the Delaware River Basin Commission will determine if the permit may be modified to allow the substitution of specific conductivity for TDS monitoring. The TDS limit would then be supplanted by a specific conductance limit in the permit.

5. The WWTP shall have available standby power facilities unless it can be shown that a proposed discharge can be interrupted for an extended period with no threat to the water quality of Delaware River Basin Commission (DRBC)-designated Special Protection Waters (SPW)." 18 CFR Part 410 Section 3.10.3. A. 2.d.1.

6. "In the event that the WWTP is not staffed 24 hours every day, the WWTP shall have a remote alarm that will continuously monitor plant operations whenever the plant is not staffed. The alarm system shall be designed to alert someone available with authority and knowledge to take appropriate action." 18 CFR Part 410 Section 3.10.3. A. 2.d.2.

7. "The permittee shall prepare and implement an emergency management plan (EMP) following the guidance provided in the Water Pollution Control Federation's Manual of Practice SM-8, Emergency Planning for Municipal Wastewater Facilities, the U.S. EPA's Design Criteria for Mechanical, Electric and Fluid System and Component Reliability or other suitable manuals. Emergency management plans shall include an emergency notification procedure covering all affected downstream users." 18 CFR Part 410 Section 3.10.3. A. 2.d.4.

8. According to DRBC Water Quality Regulations (WQR) Section 3.10.4.F., as the proposed project will discharge to an intermittent stream, before the project can be approved, the project sponsor must first demonstrate that there is no reasonable economical alternative to discharging to an intermittent stream, the project is environmentally acceptable, and would not violate the stream quality objectives set forth in the WQR Section 3.10.3B.1.a.

9. According to WQR Section 3.10.3.A.2.c.2), Within the drainage area to Special Protection Waters, a new WWTP or substantial alterations and additions to an existing WWTP may be approved only after the applicant demonstrates that it has fully evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility. When evaluating natural treatment alternatives, the applicant shall consider alternatives to any and all loadings – both existing and proposed – in excess of actual loadings at the time of SPW designation.

   "Natural Wastewater Treatment Systems" are soil-based, vegetative and/or aquatic wastewater treatment systems characterized by the use of low energy treatment processes that use and simulate "natural" environmental processes such as primary and secondary productivity, crop production, wetlands, ponds and others.

   DRB Compact Section 3.8 Determination - Based upon the written recommendation of the DRBC staff, when the discharge is operated in accordance with the provisions and conditions established by this permit, then with respect to effluent quality and stream quality objectives, the project does not substantially impair or conflict with the Commission's Comprehensive Plan.

10. The Delaware River Basin Commission (DRBC) has a permit requirement of 1000 mg/L for TDS. When compared to NYSDEC water quality standard of 500 mg/L, the NYSDEC limit is more stringent than the DRBC requirement and therefore NYSDEC limit will go in the permit.

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[1]
001	DESIGN SUBMITTAL The permittee shall submit an approvable Basis of Design Report, Engineering Plans, Specifications, and Construction Schedule prepared by a Professional Engineer licensed to practice engineering in New York State to detail the designs that will be used to comply with the final effluent limitations for Nitrogen, Ammonia (as N), pH and TRC. All approvable engineering submissions must include the seal and signature of the professional engineer. Department approval is subject to SEQR and other permits, as needed.	EDP + 12 Months
	BEGIN CONSTRUCTION The permittee shall begin construction of the treatment facilities in accordance with the Department approved schedule.	
	COMPLETE CONSTRUCTION & COMMENCE OPERATION The permittee shall complete construction of the treatment facilities and commence operation of the system and comply with the final effluent limitations for Nitrogen, Ammonia (as N), pH and TRC.	ExDP
	Install the outfall sign as per the Discharge Notification Requirements on page 8	June 1, 2025
Unless noted otherwise, the above actions are one-time requirements.		

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

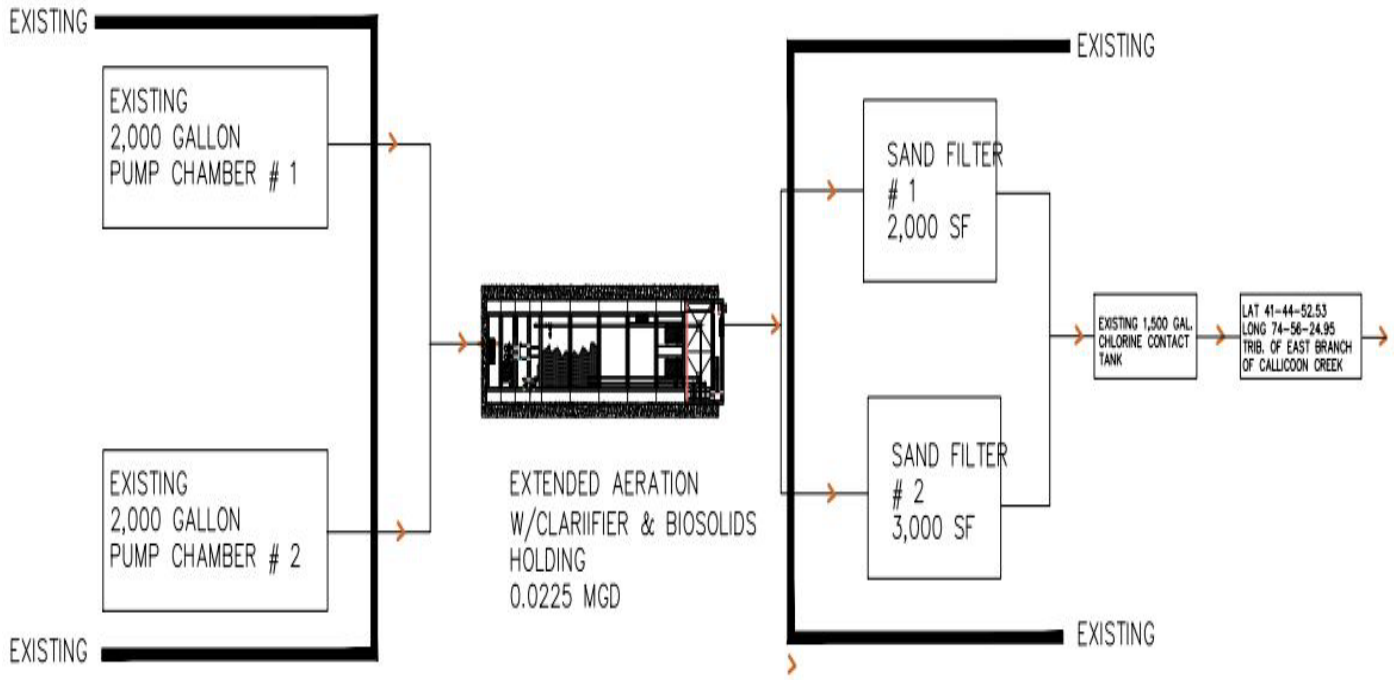
1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. Any details which tend to explain or mitigate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

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

[1] 6 NYCRR 750-1.14 (a)

MONITORING LOCATIONS

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



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 I 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	6 NYCRR 750-2.5, 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. Planned Changes

1. The permittee shall give notice to the DEC as soon as possible of planned physical alterations or additions to the permitted facility when:

   a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

In addition to the DEC, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

GENERAL REQUIREMENTS (continued)

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

H. SPDES Permit Program Fee
The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the 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.

I. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing 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 that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: http://www.dec.ny.gov/permits/93245.html

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

B. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC's website.

Hard copy submission of the Annual Report shall be submitted to the Regional Water Engineer at the address below:

Department of Environmental Conservation
Regional Water Engineer, Region 3
21 South Putt Corners Road, New Paltz, New York, 12561-1620 Phone: (845) 256-3000

Electronic copy is to be submitted to: DOW.R3@dec.ny.gov

C. 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.

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

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

F. 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
Bnos Rochel
Bnos Rochel
NY0100358

Contents

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Bnos Rochel. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Updated Permit Limits, Levels and Monitoring Definitions page
- Updated footnotes for Permit Limits, Levels and Monitoring page
- Changed limit for Ammonia (as NH3) of 2.0 mg/l to 0.98 mg/l (as N) (Summer) and 1.81 mg/l (as N) (Winter)
- Changed limit for pH from 6.0-9.5 SU to 6.5-8.5 SU
- Added 30 day & 7 Day Geometric Mean effluent limitations for Fecal Coliform of 200 & 400 No./100 mL
- Added daily max effluent limitation for total residual chlorine (TRC) of 0.03 mg/l

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

7/1/1977 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 7/1/1982.

3/23/1989 The current permit was allowed to stay in effect pursuant to SAPA[1].
The permit was expired, 10/30/2012.

7/9/2024 The Bnos Rochel submitted a PCI form.

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

Facility Information

This facility is a temporary residential summer camp, private facility that receives flow from domestic users, with effluent consisting of treated sanitary sewage. The collection system consists of separate sewers. The facility does not have any significant industrial users (SIUs).

The proposed 22,500 GPD treatment plant consists of:

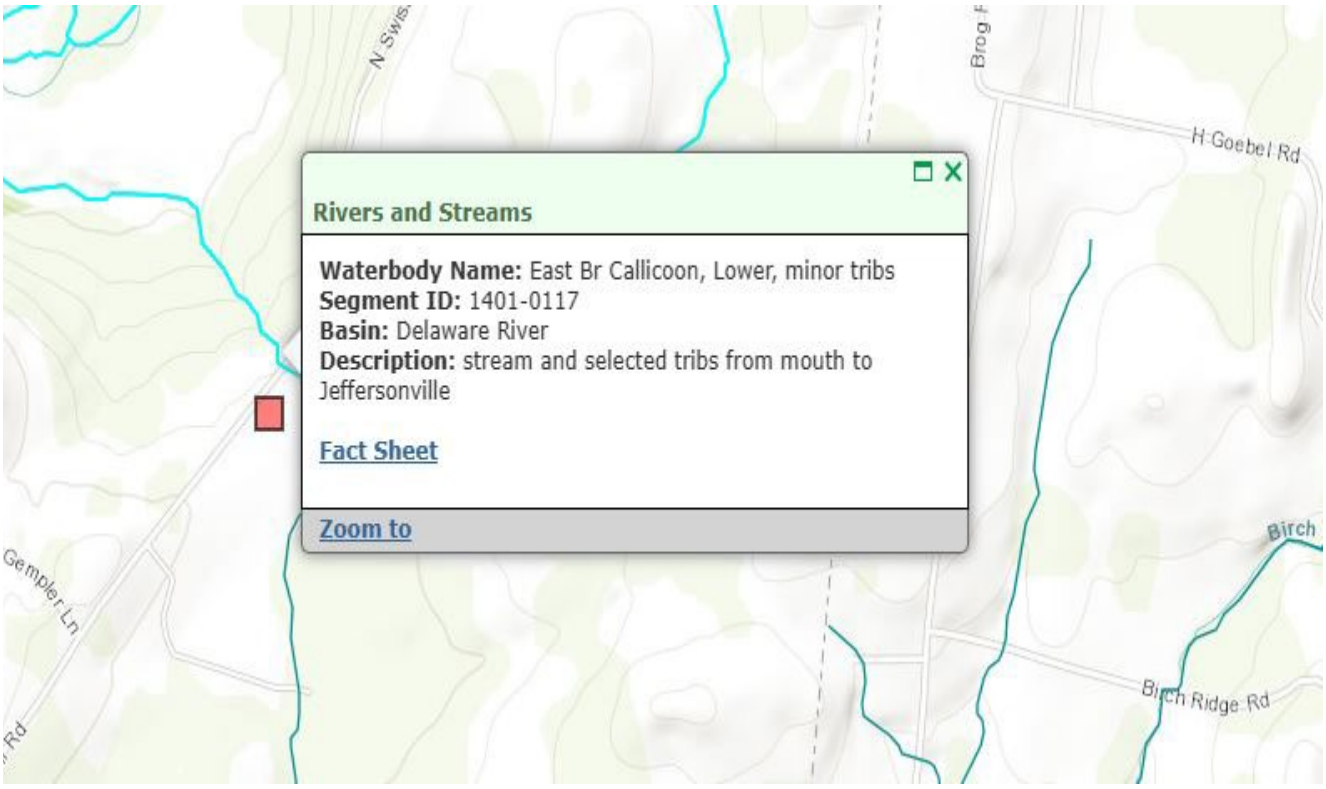
- Preliminary Treatment: Existing septic tanks
- Primary Treatment: Existing septic tank
- Secondary Treatment: Extended aeration plant with clarifier added after two existing pump stations
- Tertiary Treatment: Sand beds
- Disinfection: UV disinfection

Sludge is hauled offsite.

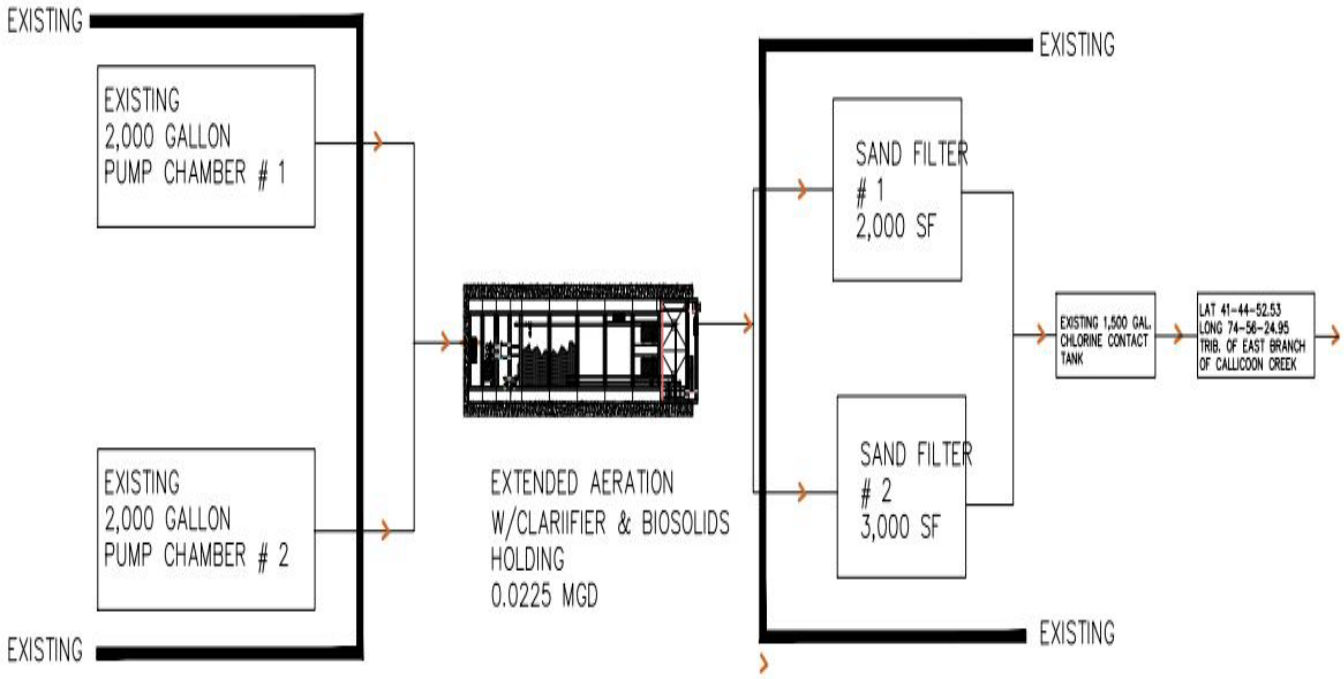
The primary outfall is Outfall 001.

[1] State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(*l*)

Site Overview



NYSDEC Info Locator


EXISTING
EXISTING
2,000 GALLON
PUMP CHAMBER # 1
EXISTING
2,000 GALLON
PUMP CHAMBER # 2
EXISTING
EXTENDED AERATION
W/CLARIIFIER & BIOSOLIDS
HOLDING
0.0225 MGD
EXISTING
SAND FILTER
1
2,000 SF
SAND FILTER
2
3,000 SF
EXISTING
EXISTING 1,500 GAL.
CHLORINE CONTACT
TANK
LAT 41-44-52.53
LONG 74-56-24.95
TRIB. OF EAST BRANCH
OF CALLICOON CREEK

Interstate Water Pollution Control Agencies

Outfall(s) 001 is located within the Delaware River Basin Commission (DRBC) compact area which places additional requirements in the SPDES permit.

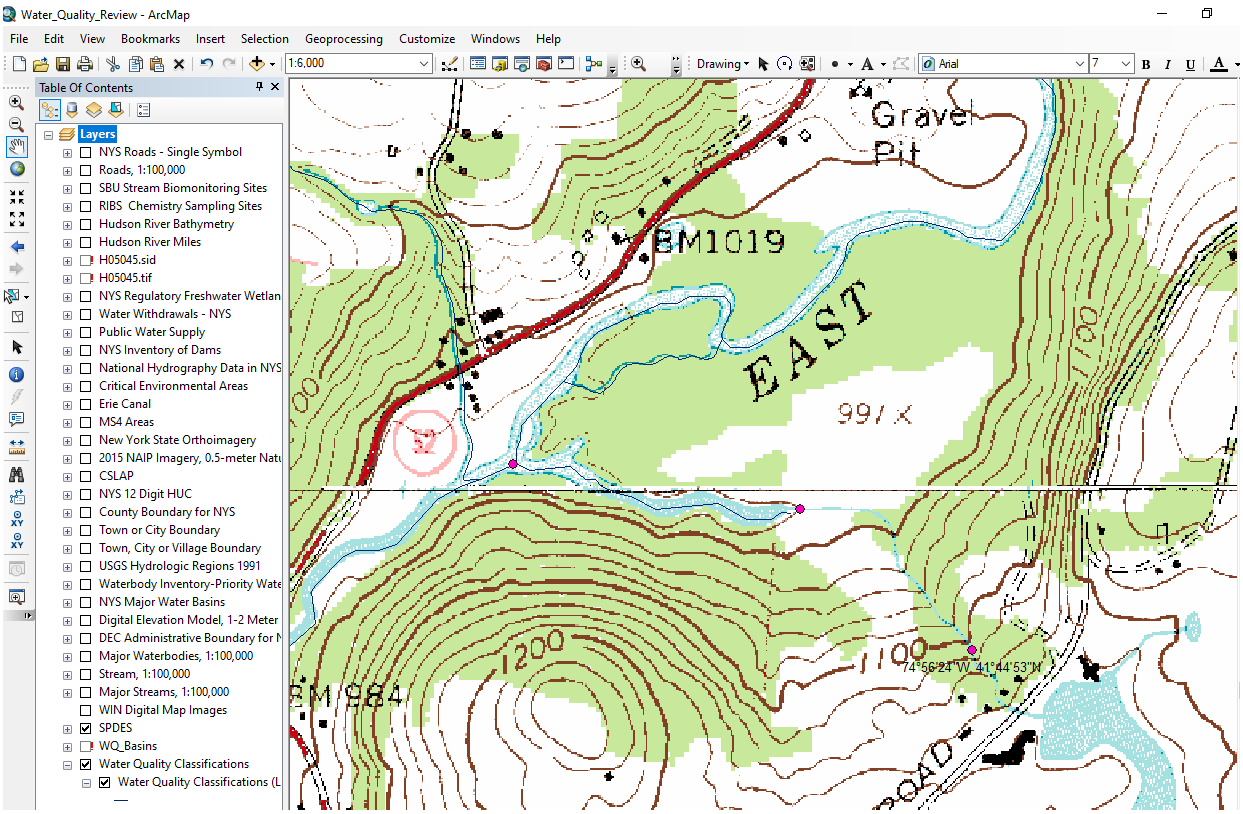
Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	8999	Treated Sanitary Sewage	Tributary of East Branch Callicoon Creek, Class C(T)

Reach Description:

The facility discharges through a tributary that is an intermittent stream that flows into the East Branch of Callicoon Creek. The Callicoon water (D-53-1) is classified as C (6 NYCRR Part 815, Table I, Item 347) class C stream with class C(T) standard. The East Branch of Callicoon Creek does not flow to a p classified ponded water body before emptying into the Delaware River The East Branch of Callicoon Creek is not listed on the 2022 New York State Section 303(d) List of Impaired/TMDL Waters, and therefore, there are no applicable waste load allocations (WLAs) for this discharge. The tributary is an intermittent stream with flow less than 0.1 cfs.



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

Critical Receiving Water Data & Mixing Zone

The 1Q10, 7Q10, and 30Q10 flows were used to calculate the acute, chronic, and human, aesthetic, wildlife (HEW) dilution ratios, respectively.

Consistent with TOGS 1.3.1B for large rivers, the acute and chronic dilution ratios are limited to a max of 50:1 and 100:1, respectively.

Dilution Ratio = (Facility Flow + Low Flow) / Facility Flow

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

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[2] determination.
Appendix Link

Discharge Notification Act Requirements

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

Temperature Requirements for Municipal Discharges to Trout Streams

For municipal discharges to streams classified as trout (T) or trout spawning (TS), the Department has reviewed the dilution and maximum reported effluent temperature.

[2] As prescribed by 6 NYCRR Part 617

The facility does not have a reasonable potential to cause or contribute to an excursion above the thermal criteria of 6 NYCRR 704. Therefore, the permit includes “monitor only” for effluent temperature as a year-round requirement.

Schedule(s) of Compliance

A Schedule of Compliance is being included for the following items:

- Compliance period for attainment of final effluent limits for Ammonia (as N), pH, and Total Residual Chlorine.
- Submittal of an approvable Basis of Design Report, Engineering Plans, Specifications, and Construction Schedule prepared by a Professional Engineer licensed to practice engineering in New York State to detail the designs that will be used to comply with the final effluent limitations for Nitrogen, Ammonia (as N), pH and TRC.
- Construction milestones for the facility upgrades – comply with final effluent limits in accordance with the Schedule of Compliance contained in the permit.
- Install the outfall sign as per the Discharge Notification Requirements by June 1, 2025.

Special Conditions for Wastewater Discharges Within the Delaware River Basin Watershed

1. Prior to the permittee initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Delaware River Basin Commission’s Water Quality Regulations (18CFR Part 410), a No Measurable Change to Existing Water Quality Analysis must be conducted by the Delaware River Basin Commission. The No Measurable Change to Existing Water Quality Analysis shall be conducted prior to final design to ensure that the Commission can provide the permittee with proposed effluent limitations to be included in a future SPDES permit for Special Protection Waters specific parameters as guidance for treatment design purposes. The permittee is encouraged to contact DRBC staff during the planning stages of any project that meets the definition of substantial alteration or additions, as per DRBC.

2. Except as otherwise authorized by this permit, if the permittee seeks relief from any limitation based upon a Delaware River Basin Commission water quality standard or minimum treatment requirement, the permittee shall apply for approval from the Delaware River Basin Commission Executive Director and NYSDEC for a permit revision.

3. Prior to accepting for treatment and discharge 50,000 gallons per day or more (as a daily average) of wastewater that is imported from outside the Delaware River Basin, the permittee shall first apply to and obtain approval from the Delaware River Basin Commission.

4. The permittee may conduct a study to determine if specific conductance may be substituted for TDS in the permit. The study should include effluent specific data to be used to determine a correlation between TDS and specific conductance. Upon review, the Delaware River Basin Commission will determine if the permit may be modified to allow the substitution of specific conductivity for TDS monitoring. The TDS limit would then be supplanted by a specific conductance limit in the permit.

5. The WWTP shall have available standby power facilities unless it can be shown that a proposed discharge can be interrupted for an extended period with no threat to the water

quality of Delaware River Basin Commission (DRBC)-designated Special Protection Waters (SPW)." 18 CFR Part 410 Section 3.10.3. A. 2.d.1.

6. "In the event that the WWTP is not staffed 24 hours every day, the WWTP shall have a remote alarm that will continuously monitor plant operations whenever the plant is not staffed. The alarm system shall be designed to alert someone available with authority and knowledge to take appropriate action." 18 CFR Part 410 Section 3.10.3. A. 2.d.2.

7. "The permittee shall prepare and implement an emergency management plan (EMP) following the guidance provided in the Water Pollution Control Federation's Manual of Practice SM-8, Emergency Planning for Municipal Wastewater Facilities, the U.S. EPA's Design Criteria for Mechanical, Electric and Fluid System and Component Reliability or other suitable manuals. Emergency management plans shall include an emergency notification procedure covering all affected downstream users." 18 CFR Part 410 Section 3.10.3. A. 2.d.4.

8. According to DRBC Water Quality Regulations (WQR) Section 3.10.4.F., as the proposed project will discharge to an intermittent stream, before the project can be approved, the project sponsor must first demonstrate that there is no reasonable economical alternative to discharging to an intermittent stream, the project is environmentally acceptable, and would not violate the stream quality objectives set forth in the WQR Section 3.10.3B.1.a.

9. According to WQR Section 3.10.3.A.2.c.2), Within the drainage area to Special Protection Waters, a new WWTP or substantial alterations and additions to an existing WWTP may be approved only after the applicant demonstrates that it has fully evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility. When evaluating natural treatment alternatives, the applicant shall consider alternatives to any and all loadings – both existing and proposed – in excess of actual loadings at the time of SPW designation.

   “Natural Wastewater Treatment Systems” are soil-based, vegetative and/or aquatic wastewater treatment systems characterized by the use of low energy treatment processes that use and simulate "natural" environmental processes such as primary and secondary productivity, crop production, wetlands, ponds and others.

   DRB Compact Section 3.8 Determination - Based upon the written recommendation of the DRBC staff, when the discharge is operated in accordance with the provisions and conditions established by this permit, then with respect to effluent quality and stream quality objectives, the project does not substantially impair or conflict with the Commission’s Comprehensive Plan.

10. The Delaware River Basin Commission (DRBC) has a permit requirement of 1000 mg/L for TDS. When compared to NYSDEC water quality standard of 500 mg/L, the NYSDEC limit is more stringent than the DRBC requirement and therefore NYSDEC limit will go in the permit.

Permittee: Bnos Rochel
Facility: Bnos Rochel
SPDES Number: NY0100358
USEPA Non-Major/Class 02 PCI

Date: February 27, 2025
Permit Writer: Vijay Gandhi
Water Quality Reviewer: Aseem Kumar
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	41° 44' 52.53" N	74° 56' 24.95" W	Trib. of East Branch Callicoon Creek	C(T)	D-53-1 PWL: 1401-0117	14/01	-	Intermittent Stream Flow <0.1 cfs			0.0225	1:1		

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater: Treated Sanitary Waste**														
		Type of Treatment: Septic tanks, extended-aeration with sand beds and the UV disinfection system														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[3]	# 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	30 Day Avg	-	Actual Average	-	0.0225	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	Design Flow
	The flow limit is set at the design flow of the wastewater treatment facility.														
pH	SU	Minimum	-	- Actual Min	-	6.0	40 CFR 133.102	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	ISEL
		Maximum	-	- Actual Max	-	9.5									
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution.														
Temperature	°F	Daily Max	-	- Actual Max	-	Monitor	750-1.13 Monitor	No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout					704.2	-	Monitor
	The temperature is indicated to meet class C(T) standard of Trib. of East Branch Callicoon Creek.														

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

Outfall #	001	**Description of Wastewater: Treated Sanitary Waste**													
		Type of Treatment: Septic tanks, extended-aeration with sand beds and the UV disinfection system													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[3]	# 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) (DO)	mg/L	Daily Min	-	-	-	7.0	-	-	-	(T) 5.0 mg/L		7/0	703.3	-	ISEL
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. The ISEL represents the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. The WQ model also indicates that DO of 7.0 mg/l is required year-round. *- At the confluence with the East Branch Callicoon Creek														
5-day Biochemical Oxygen Demand (BOD_5)	mg/L	Daily Max	-	-	-	5	40 CFR 133.102	-	DO= 7.0 Surrogate Standard			5.0 mg/L Daily Max	703.3	-	ISEL
		7 Day Avg	-	-	-	-	-					0.94			
	lbs/d	Daily Max	-	-	-	0.94	40 CFR 133.102					-			
		7 Day Avg	-	-	-	-	-					-			
	% Rem	Minimum	-	-	-	85	40 CFR 133.102					-			
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards in ECL 17-0509.														
Total Suspended Solids (TSS)	mg/L	Daily Max	-	-	-	10	40 CFR 133.102	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			10.0 mg/L Daily Max	703.2	-	ISEL
		7 Day Avg	-	-	-	-	-								
	lbs/d	Daily Max	-	--	-	1.88	40 CFR 133.102					1.88			
		7 Day Avg	-	-	-	-	-								
	% Rem	Minimum	-	-	-	85	40 CFR 133.102								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards in ECL 17-0509.														
Settleable Solids	mL/L	Daily Max	-	-	-	0.1	ECL 17-0509	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	TBEL
	Consistent with ECL 17-0509, TBELs for facilities treating sanitary sewage are reflective of secondary treatment standards. In the absence of dilution, the TBEL is protective of the WQS.														

Outfall #	001	**Description of Wastewater: Treated Sanitary Waste**														
		Type of Treatment: Septic tanks, extended-aeration with sand beds and the UV disinfection system														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[3]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
Nitrogen, Ammonia (as N) SUMMER 6/1 – 10/31	mg/L	Daily Max	-	-	-	2 (as NH_3)	-	-	0.98	0.98	A(C)	0.98	703.5	-	ISEL	
WINTER 11/1 – 5/31	mg/L	Daily Max	-	-	-	2 (as NH_3)	-	-	1.81	1.81	A(C)	1.81				
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution. The WQS for Ammonia was determined from TOGS 1.1.1 for a pH of 7.5 and temperatures of 24ºC and 10°C (default values-TOGS 1.3.1) for summer and winter periods, respectively.															
Coliform, Fecal	#/100 ml	30d Geo Mean	-	-	-	**200**	703.4	-	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				703.4	-	TBEL	
		7d Geo Mean	-	-	-	**400**	703.4	-								
	Consistent with TOGS 1.3.3, effluent disinfection is required year-round due to the class of the receiving waterbody. Fecal coliform effluent limitations equal to the TBEL are specified.															
Total Residual Chlorine (TRC)	mg/L	Daily Max	-	-	-	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.005	703.5	0.03	ISEL/ML	
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution.															
Additional Pollutants Detected																
Total Dissolved Solids (TDS)	mg/L	Daily Max	-	-	-	1000	DRBC	-	-	500	A(C)	500	703.3	-	WQBEL	
	The Delaware River Basin Commission (DRBC) has a permit requirement of 1000 mg/L for TDS. When compared to NYSDEC water quality standard of 500 mg/L, the NYSDEC limit is more stringent than the DRBC requirement and therefore NYSDEC limit will go in the permit.															
Total Phosphorus	lbs/d	Daily Max	-	-	-	-	DRBC	-	-	-	-	Monitor	-	-	DRBC	
	The Delaware River Basin Commission (DRBC) has a permit requirement of 'monitor' for TP.															
Total Nitrogen	lbs/d	Daily Max	-	-	-	-	DRBC	-	-	-	-	Monitor	-	-	DRBC	
	The Delaware River Basin Commission (DRBC) has a permit requirement of 'monitor' for Total Nitrogen.															
Nitrate - N	lbs/d	Daily Max	-	-	-	-	DRBC	-	-	-	-	Monitor	-	-	DRBC	

Outfall #	001	**Description of Wastewater: Treated Sanitary Waste**														
		Type of Treatment: Septic tanks, extended-aeration with sand beds and the UV disinfection system														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[3]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
	The Delaware River Basin Commission (DRBC) has a permit requirement of 'monitor' for Nitrate - N														
TKN	lbs/d	Daily Max	-	-	-	-	DRBC	-	-	-	-	Monitor	-	-	DRBC
	The Delaware River Basin Commission (DRBC) has a permit requirement of 'monitor' for TKN.														

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

Technology-based Effluent Limitations (TBELs)

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/L, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

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

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

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

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

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

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

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The DEC considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

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

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for

aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

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

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

2) identify water quality criteria applicable to these pollutants;

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

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

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

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

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

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.

or relocation of the overflows is not physically possible and economically achievable. The reassessment should be based on consideration of new or improved techniques to eliminate or relocate overflows or changed circumstance that influence economic achievability.

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.

with TOGS 1.3.3. and through issued SPDES permits, requires WWTPs to develop and implement mini or partial pretreatment programs. These requirements are consistent with regulations in 6 NYCRR §750-2.9(b)(1), ECL 17-0811, ECL 17-0825, and 40 CFR §403.5.

As part of the mini pretreatment program, a WWTP must identify industrial users; determine whether legal authority controls (e.g. sewer use laws) are adequate; require, issue, and enforce industrial user permits; and, implement the program.