



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4952	NAICS Code:	221320	SPDES Number:	NY0036706
Discharge Class (CL):	05	DEC Number:	5-1548-00064/00001		
Toxic Class (TX):	T	Effective Date (EDP):	08/01/2021		
Major-Sub Drainage Basin:	10 - 06	Expiration Date (ExDP):	07/31/2026		
Water Index Number:	C-101	Item No.:	830 - 428	Modification Dates (EDPM):	08/01/2021,10/01/2021 01/01/2024, EDPM
Compact Area:	NEIWPCC				

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:	Town of Ticonderoga			Attention:	Town Supervisor
Street:	P.O. Box 471				
City:	Ticonderoga			State:	NY Zip Code: 12883
Email:	supervisor@townofticonderoga.org			Phone:	518-585-6265

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Ticonderoga Sewer District #5 WPCP								
Address / Location:	219 Montcalm Street						County:	Essex	
City:	Ticonderoga				State:	NY	Zip Code:	12883	
Facility Location:	Latitude:	43 °	51 '	1.5 " N	& Longitude:	73 °	24 '	56 " W	
Primary Outfall No.:	001	Latitude:	43 °	51 '	02 " N	& Longitude:	73 °	24 '	58 " W
Outfall Description:	Treated Sanitary & Stormwater		Receiving Water:	La Chute River (Lake George Outlet)			Class:	C	

and the additional outfalls listed in this permit, 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:

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Permit Administrator:	
Address:	625 Broadway Albany, NY 12233-1750
Signature	Date

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SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	Outfall Latitude				Outfall Longitude									
01A	Wet Weather Secondary Treatment Bypass (Screening, Grit Removal and Disinfection)	-	°	-	'	-	"	N	-	°	-	'	-	"	W
Receiving Water:		La Chute River (Internal to Outfall 001)								Class:		C			
Outfall	Wastewater Description	Outfall Latitude				Outfall Longitude									
003	Combined Sewer Overflow (CSO) from manhole near the corner of Lake George Ave and Father Joques Place (Coarse Screening Only)	43	°	50	'	50	"	N	73	°	25	'	40	"	W
Receiving Water:		La Chute River								Class:		C			

DEFINITIONS FOR PERMIT LIMITS, LEVELS AND MONITORING TERMS

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 12.
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 Department.
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.

PERMIT LIMITS, LEVELS AND MONITORING – OUTFALL 001

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Year-Round (unless otherwise noted)	La Chute River	EDPM	07/31/2026

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	12 MRA	1.7	MGD			1/Month	Calculated		X	1
Flow	Monthly Average	Monitor	MGD			Continuous	Recorder	X	X	1
Flow	Daily Maximum	Monitor	MGD			Continuous	Recorder	X	X	1
Flow (Secondary Treatment)	Monthly Average	Monitor	MGD			Continuous	Recorder		X	1
Flow (Secondary Treatment)	12 MRA	Monitor	MGD			Continuous	Recorder		X	1
BOD ₅	Monthly Average	30	mg/L	420	lbs/d	1/Week	24-hr. Comp.	X	X	2,3
BOD ₅	7-Day Average	45	mg/L	640	lbs/d	1/Week	24-hr. Comp.		X	3
Total Suspended Solids (TSS)	Daily Maximum	Monitor	mg/L			1/Event	Grab		X	4
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	420	lbs/d	1/Week	24-hr. Comp.	X	X	2,3,4
Total Suspended Solids (TSS)	7-Day Average	45	mg/L	640	lbs/d	1/Week	24-hr. Comp.		X	3,4
Settleable Solids	Daily Maximum	0.3	mL/L			2/Day	Grab		X	
pH	Range	6.0-9.0	SU			2/Day	Grab		X	
Nitrogen, Ammonia (as N) 6/1 – 10/31	Daily Maximum	5.9	mg/L	84	lbs/d	1/Quarter	24-hr. Comp.		X	3
Nitrogen, Ammonia (as N) 11/1 – 5/31	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/Quarter	24-hr. Comp.		X	3
Total Phosphorus (as P)	Monthly Average	1.0	mg/L	Monitor	lbs/d	1/Week	24-hr. Comp.	X	X	3,5,6
Total Phosphorus (as P)	12 MRA			8.9	lbs/d	1/Week	Calculated	X	X	3,5
Temperature	Daily Maximum	Monitor	°F			2/Day	Grab		X	
Mercury	Daily Maximum	25	ng/L			1/Quarter	Grab		X	9
Mercury	12 MRA	5.1	ng/L			1/Quarter	Calculated		X	9
Copper	Daily Maximum	Monitor	ug/L			1/Quarter	Grab		X	
Biennial Pollutant Scan						1/Two Yrs	24-hr. Comp.		X	7

EFFLUENT DISINFECTION Required Seasonal from May 1st - October 31st		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			1/Week	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			1/Week	Grab		X	

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			1.6	TUa	1/Quarter	See footnote		X	8
WET - Acute Vertebrate	See footnote			1.6	TUa	1/Quarter	See footnote		X	8
WET - Chronic Invertebrate	See footnote			9.4	TUc	1/Quarter	See footnote		X	8
WET - Chronic Vertebrate	See footnote			9.4	TUc	1/Quarter	See footnote		X	8

FOOTNOTES FOR OUTFALL 001:

- The permittee must pass all flows in accordance with CSO BMP #4. Flows reported at 001 shall be as follows:
Influent Flow = Flo-Dar Influent Flow Meter

Secondary Treatment Flow = (Montana Parshall Flume) – (Recycle Flow)

Effluent Flow = (Montana Parshall Flume) – (Recycle Flow) + (Stormwater Parshall Flume Outfall 01A)

2. Effluent shall not exceed 15% of influent concentration values for BOD₅ & TSS. Calculations may exclude days with a daily average flow >3 MGD from the calculation of percent removal.
3. All mass calculations reported at Outfall 001, for both influent and effluent, shall exclude all flows exceeding the 3 MGD required minimum wet weather flow of the secondary treatment system.
4. **Total Suspended Solids:** The TSS daily max monitoring requirement only applies to wet weather events for which there is a discharge from 01A. TSS sampling will occur once per discharge event. For all other months for which a discharge from 01A does not occur, permittee shall report NODI-9 on their DMRs for the TSS daily max. Samples collected on these days shall not be included in the Monthly Average and 7-day Average reported for TSS.
5. **Phosphorus:** Sampling for total phosphorus must occur on a day without discharge from the stormwater holding tanks (Outfall 01A). If stormwater discharge occurs on the scheduled sampling day, sampling shall be postponed until the first full day without discharge from the stormwater holding tanks.
6. **Reopener Clause:** This permit may be modified or revoked and reissued, as provided pursuant to 6 NYCRR 750-1.18 6 NYCRR 750-1.20, 40 CFR 122.62 and 124.5, to include a revised limitation if new information indicates that Phosphorus discharges under the permit have failed to ensure the attainment of applicable water quality requirements of the Lake Champlain TMDL.
7. **Biennial Pollutant Scan:** The permittee shall perform effluent sampling every two (2) years for all pollutants identified in the NY-2A Application, Tables A - D. Samples shall be collected on days without discharge from the stormwater holding tanks (Outfall 01A). Monitoring results shall not be submitted on the DMR. Data shall be submitted with the next submission of the NY-2A form.
8. **Whole Effluent Toxicity (WET) Testing:**

Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 5:1 for acute, and 9:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed quarterly (calendar quarters) during years ending in 2 and 7.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48\text{-hr LC}_{50})$ [note that Acute data is generated by both Acute and Chronic testing] and $TU_c = (100)/(7\text{-day NOEC})$ or $(100)/(7\text{-day IC}_{25})$ when Chronic testing has been performed or $TU_c = (TU_a) \times (10)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC₅₀, 7-day NOEC and/or IC₂₅ are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC₂₅ and resulting highest TU_c . For Acute results, report a TU_a of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TU_a of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC₅₀. Also, in the absence of a 48-hr LC₅₀, use 1.0 TU_a for the Chronic prediction from the Acute data, and report a TU_c of 10.0.

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a , 48-hr LC₅₀ for Acute tests and/or TU_c , NOEC, IC₂₅, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with Department guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

9. **Mercury:** 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).

PERMIT LIMITS, LEVELS AND MONITORING – OUTFALL 01A

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Year-Round Wet Weather Secondary Treatment Bypass	La Chute River (Internal to Outfall 001)	08/01/2021	07/31/2026

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS		FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	
Flow	Daily Maximum	Monitor	MGD			Continuous/Event	Recorder	1
Flow	Monthly Average	Monitor	MGD			Continuous/Event	Recorder	1
Captured, Volume	Total	Monitor	MG			1/Event	Calculated	
Overflow, Volume	Total	Monitor	MG			1/Event	Calculated	
Overflow Duration	Total	Monitor	Hour			1/Event	Estimated	
BOD ₅	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/Event	Grab	2
Total Suspended Solids (TSS)	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/Event	Grab	2
Total Phosphorus (as P)	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/Event	Grab	2
Rainfall Intensity	Total	Monitor	Inches			1/Event	Gauge Recorder	

FOOTNOTES FOR OUTFALL 01A:

1. Bypass of secondary treatment, and discharge from the stormwater holding tanks through internal Outfall 01A, is only permitted for excess flows above the 3 MGD capacity of the secondary treatment system and only after exceeding the 1.5 MG storage capacity of the stormwater holding tanks (CSO BMP #4).
2. Grab samples shall be collected a minimum of once per day of event. Sampling shall begin within 2 hours of the start of the discharge from the stormwater holding tanks.

PERMIT LIMITS, LEVELS AND MONITORING – OUTFALL 003

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Year-Round	La Chute River (Combined Sewer Overflow)	08/01/2021	07/31/2026

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS		FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	
Flow	Monthly Average	Monitor	MGD			Continuous/ Event	Recorder	
Flow	Daily Maximum	Monitor	MGD			Continuous/ Event	Recorder	
Overflow, Volume	Total	Monitor	MG			1/Event	Calculated	
Overflow Duration	Total	Monitor	Hour			1/Event	Estimated	

NOTES FOR OUTFALL 003:

1. The permittee shall not discharge more than 6 overflow events per year.
2. This outfall shall receive screening before discharge.

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS

The permittee shall implement the following Best Management Practices (BMPs). These BMPs are designed to implement operation & maintenance procedures, utilize the existing treatment facility and collection system to the maximum extent practicable, and implement sewer design, replacement and drainage planning, to maximize pollutant capture and minimize water quality impacts from combined sewer overflows. The BMPs are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy. The EPA's policy is available at <https://www.epa.gov/npdes/combined-sewer-overflows-csos>.

1. CSO Maintenance/Inspection - The permittee shall continue to maintain and inspect all CSOs. This program shall include all regulators tributary to these CSOs and shall be conducted during periods of both dry and wet weather. This is to ensure that no discharges occur during dry weather and that the maximum amount of wet weather flow is conveyed to the Ticonderoga Sewer District #5 WPCP for treatment. This program shall consist of inspections with required repair, cleaning and maintenance done as needed. This program shall consist of weekly inspections. Inspection reports shall be completed indicating visual inspection, any observed flow, incidence of rain or snowmelt, condition of equipment and work required. These reports shall be in a format approved by the Region 5 Office and submitted to the Region with the monthly operating report (Form 92-15-7).
2. Maximum Use of Collection System for Storage - The permittee shall optimize the collection system by operating and maintaining it to minimize the discharge of pollutants from CSOs. It is intended that the maximum amount of in-system storage capacity be used (without causing service backups) to minimize CSOs and convey the maximum amount of combined sewage to the treatment plant in accordance with Item 4 below. This shall be accomplished by an evaluation of the hydraulic capacity of the system but should also include a continuous program of flushing or cleaning to prevent deposition of solids and the adjustment of regulators and weirs to maximize storage.
3. Industrial Pretreatment – The Industrial Pretreatment Program is no longer applicable and has been removed from the permit. The industrial pretreatment BMP requirements no longer apply.
4. Maximize Flow to POTW - Factors cited in Item 2. above shall also be considered in maximizing flow to the POTW. Maximum delivery to the POTW is particularly critical in treatment of "first-flush" flows. The treatment plant shall be capable of receiving and treating: the peak design hydraulic loading rates for all process units; i.e., a minimum of 38 MGD through the primary treatment works (screening and grit removal) and disinfection works; and a minimum of 3.0 MGD through the secondary treatment works during wet weather. The collection system and headworks must be capable of delivering these flows during wet weather.
5. Prohibition of Dry Weather Overflow - Dry weather overflows from the combined sewer system are prohibited. The occurrence of any dry weather overflow shall be promptly abated and reported to the NYSDEC Region 5 Office in accordance with 6 NYCRR Part 750-2.7.
6. Wet Weather Operating Plan (WWOP) - The permittee shall maximize treatment during wet weather events. This shall be accomplished by having a WWOP containing procedures so as to operate unit processes to treat maximum flows while not appreciably diminishing effluent quality or destabilizing treatment upon return to dry weather operation. The WWOP shall be developed in accordance with the DEC guidance, Wet Weather Operating Practices for POTWs With Combined Sewers, (http://www.dec.ny.gov/docs/water_pdf/wwtechtran.pdf). A revised WWOP was submitted and approved in 2022.

A revised wet weather operating plan must be submitted whenever the POTW or sewer collection system is substantially replaced or modified.

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (continued)

7. Control of Floatable and Settleable Solids - The discharge of floating solids, oil and grease, or solids of sewage origin which cause deposition in the receiving waters, is a violation of the NYS Narrative Water Quality Standards contained in Part 703. As such, the permittee shall implement best management practices in order to eliminate or minimize the discharge of these substances. All of the measures cited in Items 1, 2, 4 & 5 above shall constitute approvable "BMPs" for mitigation of this problem. If aesthetic problems persist, the permittee should consider additional BMPs including but not limited to: street sweeping, litter control laws, installation of floatables traps in catch basins (such as hoods), booming and skimming of CSOs, and disposable netting on CSO outfalls. In cases of severe or excessive floatables generation, booming and skimming should be considered an interim measure prior to implementation of final control measures. Public education on harmful disposal practices of personal hygienic devices may also be necessary including but not limited to: public broadcast television, printed information inserts in sewer bills, or public health curricula in local schools.
8. Combined Sewer System Replacement - Replacement of combined sewers shall not be designed or constructed unless approved by NYSDEC. When replacement of a combined sewer is necessary it shall be replaced by separate sanitary and storm sewers to the greatest extent possible. These separate sanitary and storm sewers shall be designed and constructed simultaneously but without interconnections to maximum extent practicable. When combined sewers are replaced, the design should contain cross sections which provide sewage velocities which prevent deposition of organic solids during low flow conditions.
9. Combined Sewer/Extension - Combined sewer/extension, when allowed should be accomplished using separate sewers. These sanitary and storm sewer extensions shall be designed and constructed simultaneously but without interconnections. No new source of stormwater shall be connected to any separate sanitary sewer in the collection system.

If separate sewers are to be extended from combined sewers, the permittee shall demonstrate the ability of the sewerage system to convey, and the treatment plant to adequately treat, the increased dry-weather flows. Upon a determination by the Regional Water Engineer an assessment shall be made by the permittee of the effects of the increased flow of sanitary sewage or industrial waste on the strength of CSOs and their frequency of occurrence including the impacts upon best usage of the receiving water. This assessment should use techniques such as collection system and water quality modeling contained in the 1999 Water Environment Federation Manual of Practice FD-17 entitled, Prevention and Control of Sewer System Overflows, 2nd edition.

10. Sewage Backups - If, there are documented, recurrent instances of sewage backing up into house(s) or discharges of raw sewage onto the ground surface from surcharging manholes, the permittee shall, upon letter notification from DEC, prohibit further connections that would exacerbate the surcharging/back-up problems.
11. Septage and Hauled Waste - The discharge or release of septage or hauled waste upstream of a CSO is prohibited.
12. Control of Runoff - It is recommended that the impacts of runoff from development and redevelopment in areas served by combined sewers be reduced by requiring compliance with the New York Standards for Erosion and Sediment Control and the quantity control requirements included in the New York State Stormwater Management Design Manual. (<http://www.dec.ny.gov/chemical/8694.html>).

CONTINUED ON NEXT PAGE

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (continued)

13. Public Notification – The permittee shall maintain identification signs at all CSO outfalls owned and operated by the permittee. The permittee shall place the signs at or near the CSO outfalls and ensure that the signs are easily readable by the public. 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 (wet weather discharge) 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: () - ### - #####

14. Characterization and Monitoring - The permittee shall characterize the combined sewer system, determine the frequency of overflows, and identify CSO impacts in accordance with Combined Sewer Overflows, Guidance for Nine Minimum Controls, EPA, 1995, Chapter 10. Characterization and monitoring shall be accomplished as part of the Post Construction Monitoring Plan under the LTCP requirements in this permit.
15. Annual Report - The permittee shall electronically submit the Combined Sewer Overflows (CSO) Annual Report using nForm (<https://www.dec.ny.gov/chemical/48595.html>), which summarizes the implementation of the above BMPs. The CSO Annual Report shall be submitted by January 31st of each year. The complete documentation shall be stored at a central location and be made available to DEC upon request.

SPECIAL CONDITIONS: CSO CONTROL POLICY

A. Water Quality Requirements for Combined Sewer Overflows

Long-Term Control Plan (LTCP)

The permittee has successfully completed all the Phase I requirements of the CSO Control Policy. The permittee submitted a LTCP on January 31, 2007 in accordance with the Guidance for Long-Term Control Plan, EPA, September 1995. The plan was approved on December 31, 2007. In accordance with the approved 2007 LTCP, the permittee was required to:

- Perform several sewer separations
- Upgrade WPCP (headworks, increase primary and secondary capacity, added disinfection at Outfall 001 and 01A)
- Upgrade Cossey Street pump station
- Added screening at Outfall 003
- Complete Mount Defiance stream daylighting project

The permittee completed construction and has implemented all necessary projects identified in the approved 2007 LTCP. Due to the recent facility upgrades the permittee was required to submit a revised LTCP. The revised LTCP (2026 LTCP) was submitted in July 2024 (amended in May 2025, January 2026, and April 2026) and approved by the Department on May 15, 2026. In accordance with the 2026 LTCP, the permittee shall complete the following LTCP actions as specified in Schedule of Compliance – LTCP of this permit:

- Pump Station Improvements
- Service Area 1 Upgrades
- Service Area 5 Upgrades

Water Quality Criterion – Presumptive Approach

The permittee shall not discharge any pollutant at a level that causes an in-stream excursion of the applicable water quality requirements. The EPA 1994 CSO Control Policy indicates that a CSO control plan that meets the criteria below would provide an adequate level on control to meet the water quality requirements of the CWA. Following implementation of the approved LTCP, the following criteria shall be an enforceable performance metric under this permit:

- The permittee shall not discharge more than an average of 6 CSO events per year.

Any additional discharges of combined sewage flow during wet weather shall receive the minimum treatment specified below:

- Primary clarification or equivalent, and
- Solids and floatables disposal, and
- Disinfection, if required to meet WQS, protect designated uses, and protect human health, including removal of harmful disinfection chemical residuals

B. Monitoring Requirements – Post Construction Compliance Monitoring Program (PCCM)

The permittee developed and submitted a post-construction monitoring program on December 4, 2007 and was approved on December 31, 2007 that (a) is adequate to ascertain the effectiveness of the CSO controls and (b) can be used to verify attainment of water quality standards. The program includes a plan that details the monitoring protocols to be followed, where appropriate, including CSO and ambient monitoring.

The sampling schedule of the receiving stream in accordance with the approved Post Construction Monitoring Plan shall be conducted for 3 months beginning on May 1st and ending on October 31st for which five rounds of scheduled sample will be collected every month. The schedule shall be effective during the **years ending in 5 and 0**. The permittee shall at least collect one sample during a wet weather event or CSO overflow in a month.

PCCM SAMPLING LOCATION (see CSO monitoring locations)	LATITUDE/LONGITUDE	DESCRIPTION
UP B: Background Sampling	43° 50' 47" / 73 25' 42"	Hydroelectric power plant overflow. Upstream of Outfall 003.
MID B: Between Outfalls 003 & 001	43° 50' 58" / 73 25' 16"	Frasier footbridge. Downstream of Outfall 003 and upstream of Outfall 001.
DOWN B: Downstream of Outfall 001	43° 50' 48" / 73 24' 34"	La Chute River at the bridge of St. Route 22.
DOWN B (Backup): Downstream of Outfall 001	43° 51' 00" / 73 24' 50"	Montcalm Avenue bridge (backup site)

PCCM SAMPLING PARAMETERS	MONITORING REQUIREMENTS			FN
	Type	Units	Sample Type	
Flow	Average	MGD		
Coliform, Fecal	30-day geometric mean	#/100ml	Grab	1,2
Dissolved Oxygen	Minimum	mg/L	Grab	1,2
Floatables	Visual Observation	-	-	1,2
Phosphorus	Average	mg/L	Composite	1,2
Solids, Suspended	Maximum	mg/L	Composite	1,2

PCCM FOOTNOTES:

- 1) The sampling program shall include a Quality Assurance Project Plan (QAPP) as outlined in the EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations, EPA QA/R-5.
- 2) All chemical analyses must be conducted by a laboratory certified by the NYS Health Department under the National Environmental Laboratory Approval Program (NELAP) for test or sample results which require certificates of approval. Tests for dissolved oxygen and settleable solids do not require certificates of approval but a description of the equipment used and the calibration schedule of appropriate equipment is required.
 - a. The permittee shall identify the laboratory that will be performing the analysis and the format in which the result will be delivered.

C. Special Conditions**A. Reopener**

This permit may be modified or revoked and reissued, as provided pursuant to 6 NYCRR 750-1.18 6 NYCRR 750-1.20, 40 CFR 122.62 and 124.5, for the following reasons:

- I. To include new or revised conditions developed to comply with any state or federal law or regulation that addresses CSOs that are adopted or promulgated subsequent to the effective date of this permit.
- II. To include new or revised conditions if new information, not available at the time of permit issuance, indicates that CSO controls imposed under the permit have failed to ensure the attainment of applicable water quality requirements.

B. Sensitive Area Reassessment

The permittee shall reassess the feasibility of eliminating or relocating CSO Outfalls 003 discharging to the La Chute River 1.5 miles upstream of Lake Champlain which is impaired for phosphorus. In accordance with the Department Water Quality Classification, Lake Champlain is also a Class B water at this location. The permittee shall consider new or improved techniques to eliminate or relocate overflows or changed circumstances that influence economic achievability. The permittee shall prepare and submit to the Regional Water Engineer a report that presents the results of this reassessment, including the permittee's recommendation regarding the elimination or relocation of these outfalls. The permittee shall submit such reports every five years, in **years ending in 5 and 0**.

STORMWATER POLLUTION PREVENTION REQUIREMENTS**NO EXPOSURE CERTIFICATION**

The permittee submitted a Conditional Exclusion for No Exposure Form on 9/13/2024, certifying that all industrial activities and materials are completely sheltered from exposure to rain, snow, snowmelt, and/or stormwater runoff. The certification was assigned SPDES No. NYR00H056. The permittee must maintain a condition of no exposure for the exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the permittee must notify the Regional Water Engineer. The permittee must recertify a condition of no exposure every five years by completing the "MSGP No Exposure Certification" on nForm.

MERCURY MINIMIZATION PROGRAM (MMP) - Type I

1. General – To reduce mercury effluent levels with the goal of achieving the water quality standard of 0.7 ng/L, the permittee must develop, implement, and maintain a written MMP plan, which includes the elements set forth below.
2. Relevant Documents – incorporate by reference documents already prepared, if any, for the wastewater treatment facility.
3. Drawings or Maps – for the facility and collection system identifying key locations and other areas identified in the MMP Plan.
4. Monitoring Plan – All mercury outfall monitoring must be conducted using the methods specified in Table 8 of DOW 1.3.10. Monitoring at influent and other locations tributary to compliance points may be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations and conducted with the following frequencies:
 - a. Influent/Effluent – sampled in accordance with the SPDES permit limitations table for Outfall 001; and
 - b. Key Locations – For permittees with an EEQ at or below 12 ng/L, influent monitoring will be required in lieu of monitoring at key locations within the collection system. If the facility reports discharges above 12 ng/L for 2 of 4 consecutive effluent samples, DEC may undertake a Department-initiated permit modification to remove the allowance of reduced requirements.
5. Hauled Wastes Procedures – establish procedures for the acceptance of hauled waste to ensure it is not a potential mercury source. The permittee must notify the DEC prior to acceptance of loads which may exceed 500 ng/L¹.
6. Control Strategy –
 - a. Pretreatment/Sewer Use Law (SUL) – develop, include, and enforce pretreatment and SUL conditions which will support efforts to achieve the water quality standard of 0.7 ng/L in the effluent.
 - b. Inventory – develop and maintain an inventory of known and potential mercury sources, including a subset list of dental facilities.
 - c. Dental Facilities Requirements – once every five years, conduct and document either:
 - i. Inspections at each dental facility to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4; OR,
 - ii. An outreach program², which informs new and existing users of their responsibilities, and collection of the “Amalgam Waste Compliance Report for Dental Dischargers”³ form. Ensure the “Amalgam Waste Compliance Report for Dental Dischargers” is submitted by new users. The permittee should conduct site inspections to support the outreach program.
 - d. Other Potential Mercury Sources – once every five years, conduct and document either:
 - i. Inspections at each identified location with potential mercury source(s), other than dental facilities; OR,
 - ii. An outreach program which informs users of their responsibilities as identified locations with potential mercury source(s). The permittee should conduct site inspections to support the outreach program.

¹ A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR 261.11. The 500 ng/L amount is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.

² For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.

³ The form, “Amalgam Waste Compliance Report for Dental Dischargers,” can be found here:
https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf.

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

- e. Equipment and Materials – evaluate equipment and materials (e.g., thermometers, thermostats) used by the permittee for potential mercury contribution to the discharge. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
- f. Bulk Chemical Evaluation – for chemicals used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain:
 - iii. A manufacturer's certificate of analysis;
 - iv. A chemical analysis performed by a certified laboratory; OR,
 - v. A notarized affidavit that describes the substance's mercury concentration and the detection limit achieved.

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

- g. Systems with CSO and Type II SSO Outfalls – prioritize locations, with potential mercury sources upstream of CSOs and Type II SSOs, for mercury reduction activities and/or controlled-release discharge.
7. Status Report – the permittee must develop **an annual** report, in accordance with the [Schedule of Additional Submittals](#), summarizing:
- a. All MMP monitoring results for Outfall 001 since the previous report;
 - b. A list of known mercury sources and potential mercury sources for Outfall 001;
 - c. All actions undertaken by the permittee, pursuant to the control strategy, since the previous report;
 - d. Actions planned by the permittee, pursuant to the control strategy, for the upcoming reporting period; and,
 - e. Progress toward achieving a dissolved mercury concentration of 0.7 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation or installation/modification of a treatment system).

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

8. MMP Modification – the permittee must submit a permittee-initiated modification request to DEC whenever:
- a. The permittee meets the criteria for another MMP type;
 - b. Changes at the facility, or within the collection system, increase the potential for mercury discharges; OR,
 - c. Effluent discharges exceed the current permit limitation(s).

The permittee may use information in the status reports, as applicable in accordance with item 7, as a basis for the permittee-initiated modification.

DEFINITIONS:

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

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

DISCHARGE NOTIFICATION REQUIREMENTS

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

- a) The permittee shall comply with the following schedule:

Compliance Action	Compliance Date ⁴
<u>PUMP STATION IMPROVEMENTS:</u> Pump station improvements for Hague Road, Homelands, Delano Point, Baldwin Road, Alexandria Ave, Wiley Steet, Commerce Park, Claymore, and Black Point. Design Completion Commence Construction Complete Construction	7/2/2027 6/5/2028 10/26/2029
<u>SERVICE AREA 1 UPDATES</u> Design Completion Commence Construction Complete Construction	10/1/2027 6/5/2028 3/15/2030
<u>SERVICE AREA 5 UPDATES</u> Design Completion Commence Construction Complete Construction	10/1/2027 6/5/2028 3/15/2030
Unless noted otherwise, the above actions are one-time requirements.	

- a) The permittee shall submit a written notice of compliance or non-compliance 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 such compliance or non-compliance notification 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.
- b) The permittee shall submit copies of any document required by the above schedule of compliance to the NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

⁴ 6 NYCRR 750-1.14 (a)

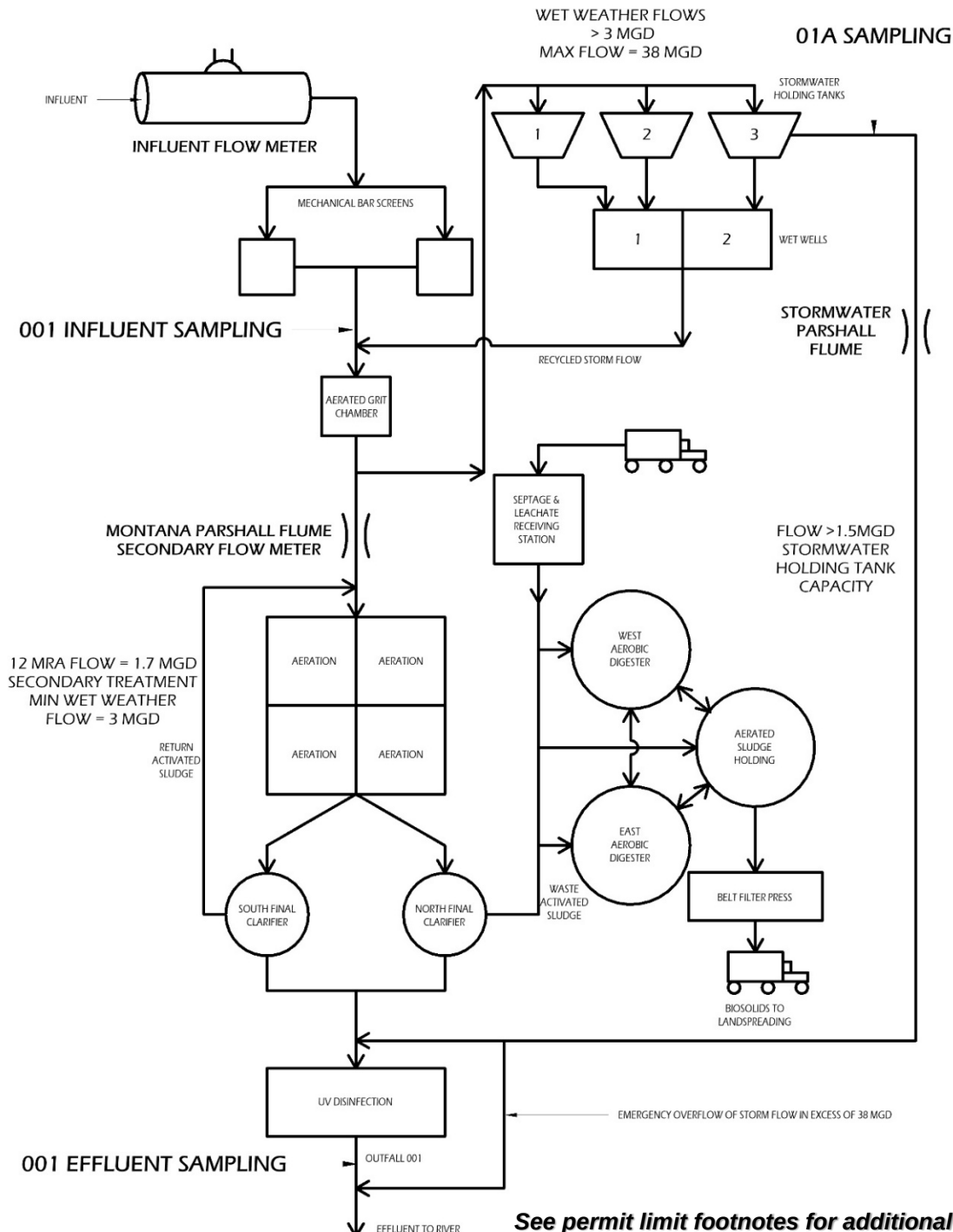
MONITORING LOCATIONS

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

Outfall 001 Influent: Sample shall be collected on the influent before addition of any recycled/ return flows.

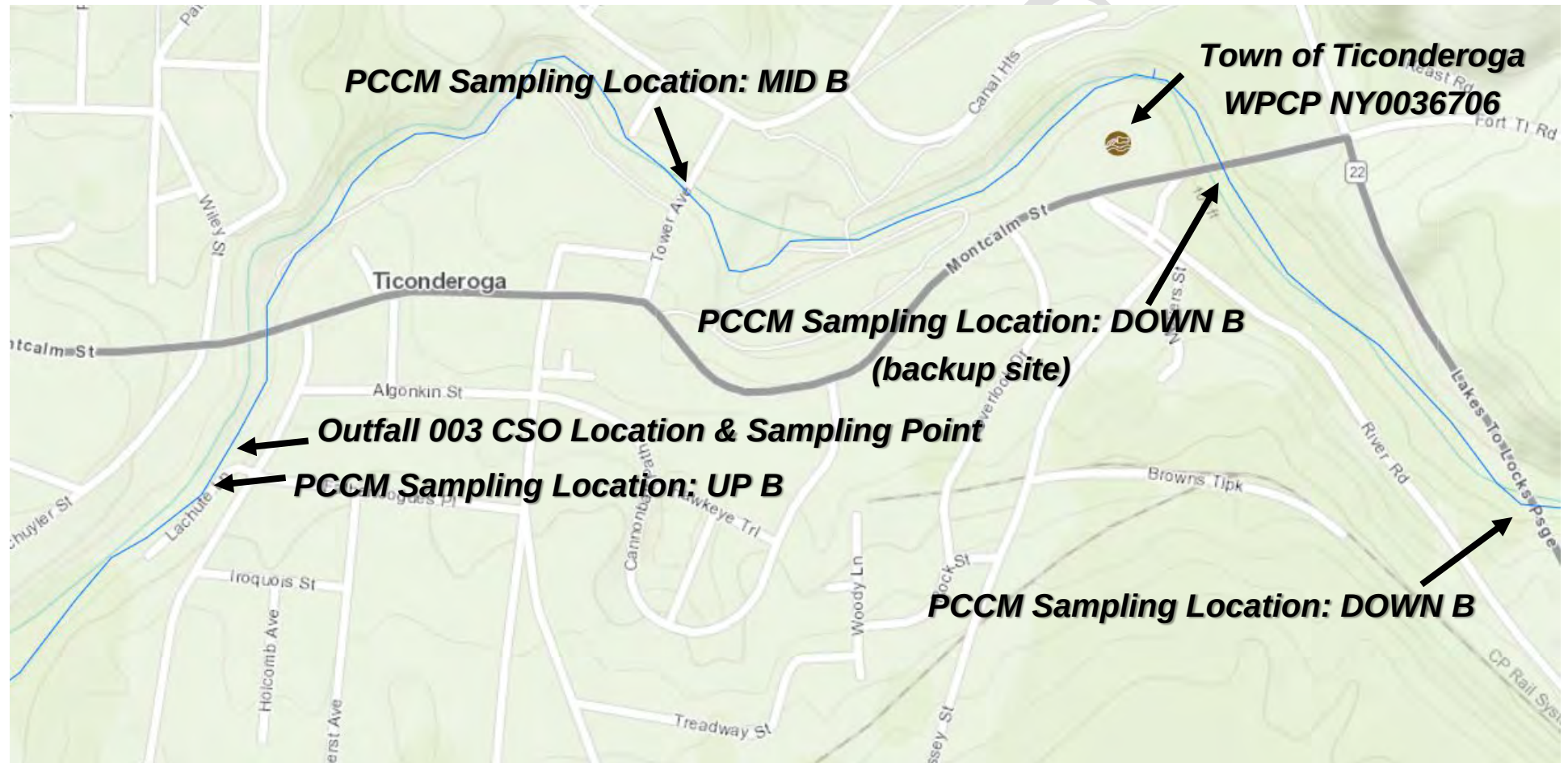
Outfall 001 Effluent: Sample shall be collected after disinfection and before combining with any other flows, including the receiving waterbody.

Outfall 01A: Sample shall be collected after the stormwater holding tanks and before merging with the effluent from the secondary treatment process.



See permit limit footnotes for additional sampling conditions

CSO MONITORING LOCATIONS



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) |
| 9. Additional conditions applicable to a POTW | 6 NYCRR 750-2.9 |
- F. Planned Changes
1. The permittee shall give notice to the Department 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 Department, 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)

2. Notification Requirement for POTWs

All POTWs shall provide adequate notice to the Department and the USEPA of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice shall include information on:
 - i. the quality and quantity of effluent introduced into the POTW, and
 - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

POTWs 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

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 Department, 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 Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department 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 Department. 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 Department.
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 Department's website at: <http://www.dec.ny.gov/permits/93245.html>

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/8461.html>. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

Attach the monthly "Wastewater Facility Operation Report" (form 92-15-7) and any required DMR attachments electronically to the DMR or with the hardcopy submittal.

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 RWE 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 5

232 Golf Course Road, Warrensburg, New York, 12885-1172 Phone: (518) 623-1200

- D. Bypass and Sewage Pollutant Right to Know Reporting: In accordance with the Sewage Pollutant Right to Know Act (ECL § 17-0826-a), Publicly Owned Treatment Works (POTWs) are required to notify DEC and Department of Health within two hours of discovery of an untreated or partially treated sewage discharge and to notify the public and adjoining municipalities within four hours of discovery. Information regarding reporting and other requirements of this program may be found on the Department's website. In addition, POTWs are required to provide a five-day incident report and supplemental information to the DEC in accordance with Part 750-2.7(d) by utilizing the Division of Water Report of Noncompliance Event form unless waived by DEC on a case-by-case basis.

- E. Schedule of Additional Submittals:

The permittee shall submit as a hardcopy the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
001	<u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	December DMR (January 28 th)
	<u>ANNUAL FLOW CERTIFICATION</u> The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(c)(4). The form shall be submitted through nForm.	February DMR (March 28 th)
	<u>ANNUAL CYBERSECURITY CONTROLS CERTIFICATION</u> The permittee shall submit a certification of compliance with the cybersecurity controls requirements in accordance with 6 NYCRR 750-2.9(e) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28 th , each year

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	<u>ANNUAL EMERGENCY RESPONSE PLAN CERTIFICATION</u> The permittee shall submit a certification of compliance with the Emergency Response Plan requirements in accordance with 6 NYCRR 750-2.9(d) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28th, each year
	<u>BIENNIAL POLLUTANT SCAN</u> The permittee shall implement an ongoing monitoring program and perform effluent sampling every two years as specified in footnote of the permit limits table.	Retain and submit with next NY-2A Application
	<u>MERCURY MINIMIZATION PLAN – MMP Type I</u> The permittee shall maintain onsite an annual mercury minimization program status report. The report shall follow the guidelines detailed in the Mercury section of this permit.	Maintained Onsite August 1 st annually
001	<u>WHOLE EFFLUENT TOXICITY (WET) TESTING</u> WET testing shall be performed on a Chronic basis, but report both the acute and chronic results, quarterly for a period of one year in years ending in 2 and 7. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address. See permit limit table for Outfall 001 for more information.	Within 60 days following the end of each monitoring period
	<u>COMBINED SEWER OVERFLOW (CSO) ANNUAL REPORT</u> The permittee shall submit a Combined Sewer Overflows (CSO) Annual Report as detailed in the BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS section of this permit.	January 31 st Each Year
	<u>POST CONSTRUCTION COMPLIANCE MONITORING (PCCM)</u> Permittee will conduct sampling in accordance with the approved post construction compliance monitoring program, as detailed in the SPECIAL CONDITIONS: CSO CONTROL POLICY section of this permit.	Every five years in years ending in 5 and 0
003	<u>SENSITIVE AREA REASSESSMENT REPORT</u> The permittee shall submit a report that presents the results of the reassessment and feasibility of elimination or relocation of CSO Outfall 003, as detailed in the SPECIAL CONDITIONS: CSO CONTROL POLICY section of this permit.	Every five years in years ending in 5 and 0
	<u>STORMWATER NO EXPOSURE CERTIFICATION</u> Permittee must recertify every five years a condition of no exposure to stormwater in order to continue to qualify for the no exposure exclusion. The form shall be submitted through nForm.	9/16/2029, and every 5 years thereafter

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

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

DRAFT

SPDES Permit Fact Sheet

Town of Ticonderoga

Ticonderoga Sewer District #5 Water Pollution Control Plant (WPCP)

NY0036706



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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Ticonderoga Sewer District #5 Water Pollution Control Plant (WPCP). The changes to the permit are summarized below:

- Removed Daily Maximum monitoring for Phosphorous.
- Added Phosphorus reopener clause footnote
- Reduced Mercury Daily Maximum limit from 50 ng/L to 25 ng/L.
- Added 12 Month Rolling Average limit of 5.1 ng/L for Mercury.
- Reduced sample frequency for Mercury from Monthly to Quarterly.
- Updated Mercury Minimization Program language.
- Updated Stormwater Pollution Prevention Requirements to reference latest certification.
- Added Schedule of Compliance for LTCP project completion.
- Removed completed one-time items from Schedule of Additional Submittals.
- Added to Schedule of Additional Submittals: Annual Flow Certification, Annual Emergency Response Plan Certification Annual Cybersecurity Controls Certification, and Biennial Pollution Scan.

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

8/1/2021	The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 7/31/2026. The 2021 permit, along with all subsequent modifications, has formed the basis of this permit.
10/1/2021	Permit was modified to remove footnote #2 for Outfall 01A and footnote #1 for Outfall 003. The footnotes specified that the sampling data was to be submitted as an attachment to the monthly DMR. The sampling information is submitted electronically through NetDMR and requesting as an attachment was duplicative.
7/25/2023	The Town of Ticonderoga submitted a request to modify the permit to extend the milestone date for the Revised LTCP in the Schedule of Additional Submittals.
7/25/2024	The Town initially submitted the Revised LTCP to the Department, as required by the 2021 permit.
2/23/2026	The Town of Ticonderoga submitted a Form NY-2A application.
5/15/2026	The Department approved the Town's Revised LTCP, dated 1/29/2026 (as amended 4/22/26). This permit modification is to incorporate the approved implementation schedule.

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

Facility Information

This is a municipal facility that receives flow from domestic users only. The sewage collection system consists of both separate and combined sewers and wastewater consists of both sanitary and stormwater. The Ticonderoga Sewer District #5 Water Pollution Control Plant (WPCP) was constructed in 1979 to provide secondary treatment for a design flow 1.0 MGD. The WPCP was significantly upgraded in 2010 and again in 2019 to increase the wet-weather throughput of the secondary treatment process and add disinfection. The current 1.7 MGD facility consists of screening, grit removal, activated sludge process (aeration and clarification), phosphorus removal, and UV disinfection, prior to discharge from Outfall 001 to the La Chute River. The facility accepts both septage and leachate. Sludge is dewatered in a filter press and taken off site for either land application or landfilling. During wet-weather events, combined sewage is also permitted, under special conditions, to be directed through secondary bypass (stormwater holding ponds) and discharge through internal Outfall 01A. This bypass receives screening, grit removal (sedimentation equivalent to primary settling), and is then blended with secondary effluent prior to UV disinfection and discharged via Outfall 001. CSO Outfall 003 receives coarse screening, and the discharges to the La Chute River.

Enforcement History

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

Site Overview



Aerial Photo of Ticonderoga Sewer District #5 WPCP

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated Sanitary and Stormwater	La Chute River, Class C
01A	4952	Partially Treated Sanitary and Stormwater (CSO-related bypass)	La Chute River, Class C (internal to Outfall 001)
003	4952	Combined Sewer Overflow (CSO)	La Chute River, Class C

Impaired Waterbody Information

The La Chute River (Lake George Outlet) segment (PWL No. 1006-0017) is not listed on the 2020/2022 [New York State Section 303\(d\) List](#) of Impaired/Total Maximum Daily Load (TMDL) Waters. However, this waterbody segment is located within the Lake Champlain Watershed and is subject to the applicable requirements of the [Lake Champlain Phosphorus TMDL](#), as discussed below.

Lake Champlain TMDL Watershed Information

On 9/25/2002, a TMDL was approved for the Lake Champlain watershed to address phosphorus. As part of the TMDL, the discharges from the following outfalls are subject to the listed wasteload allocations (WLA) for the following parameters:

Outfall No.	Parameter	Wasteload Allocation
001	Total Phosphorus as P	8.9 lb/d (12 MRA)

The Town of Ticonderoga is required to sample and report Total Phosphorus as P. The Total Phosphorus 12-month rolling average is defined as the sum of the current month's monthly average in lbs/day added to the monthly average in lbs/day from the eleven previous months divided by 12. The allocation was given to the facility flow only and does not include wet weather flow. Therefore, sampling for total phosphorus can only be collected when bypass flow is not present (see permit footnote).

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](#).

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)¹ determination.

¹ As prescribed by 6 NYCRR Part 617
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Requirements for Combined Sewer Overflows (CSOs)

[Appendix Link](#)

Best Management Practices (BMPs) for Combined Sewer Overflows (CSOs)

The BMPs for CSOs require the permittee to implement operation and maintenance procedures²; use the existing treatment plant and collection system to the maximum extent practicable; effect sewer design replacement and drainage planning; maximize pollutant capture; and minimize water quality impacts from combined sewer overflows. The submittal requirements are summarized in the [Schedule of Additional Submittals](#). This requirement has been continued from the previous permit.

Long-Term Control Plan (LTCP)

CSO discharges from the permittee were initially addressed under the LTCP approved by the DEC on 12/31/2007 and implementation of the LTCP was completed in 2019. The 2021 permit required submission of a revised LTCP, which was approved by DEC on 5/15/2026. The Revised LTCP (2026 LTCP) implementation schedule includes combined sewer separation, repair and replacement of sanitary sewer, inflow and infiltration reduction, stormwater management and green infrastructure installment, storm sewer installment, and pump station improvements including complete rebuild/redesign and upgrading current components. The permittee is required to meet the following implementation schedule which has been included in the Schedule of Compliance – LTCP:

Compliance Action	Compliance Date ³
Pump Station Improvements	
Design Completion	July 2, 2027
Commence Construction	June 5, 2028
Complete Construction	October 26, 2029
Service Area 1 Upgrades	
Design Completion	October 1, 2027
Commence Construction	June 5, 2028
Complete Construction	March 15, 2030
Service Area 5 Upgrades	
Design Completion	October 1, 2027
Commence Construction	June 5, 2028
Complete Construction	March 15, 2030

Stormwater Pollution Prevention Requirements

The facility is a publicly owned treatment works ≥ 1 MGD that requires SPDES permit coverage under 40 CFR 122.26 (b)(14)(ix).

On 9/16/2019, the permittee submitted a Conditional Exclusion for No Exposure Form, certifying that all industrial activities and materials are completely sheltered from exposure. The certification was assigned SPDES No. NYR00H056. This condition must be maintained for the exclusion to remain applicable. This requirement has been updated from the previous permit to acknowledge re-certification on 9/13/2024.

² See 6 NYCRR 750-2.8(a)(2)

³ 6 NYCRR 750-1.14 (a)

Mercury

The DOW 1.3.10 Mercury – Multiple Discharge Variance (MDV), dated December 31, 2025, provides the framework for DEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. All of the following permit conditions are consistent with the MDV. [Appendix Link](#)

The facility is a Class 05 municipal with a design flow greater than 1 MGD and is located outside of the Great Lakes Basin. The permit includes requirements for the implementation of MMP Type I.

The new daily max limit of 25 ng/L represents the general level currently achievable (GLCA). Based on 53 data points with a max of 6.8 ng/L, the facility is expected to meet the limit (with quarterly sampling frequency). The facility has also been given a 12-Month Rolling Average (12-MRA) equal to the existing effluent quality (EEQ) of 5.1 ng/L. DEC calculated the EEQ from the lognormal 95th percentile of 53 mercury effluent samples collected from August 2021 to December 2025.

As the EEQ is ≤ 12 ng/L (i.e., the concentration found in natural atmospheric deposition), the sampling frequency in the permit has been reduced from monthly to quarterly. The permit language also reflects additional reductions in the MMP requirements, including influent monitoring quarterly in lieu of monitoring at key locations within the collection system.

Schedule of Compliance

A Schedule of Compliance has been included⁴ for the following items ([Appendix Link](#)):

- Completing projects included in the Town's Revised Long-Term Control Plan.

Schedule of Additional Submittals

Annual Flow Certification

In accordance with 6 NYCRR 750-2.9(c)(4), the chief fiscal officer of the municipality shall submit an Annual Flow Certification form, located on DEC's website at [Wastewater forms](#), as an attachment to its February DMR or through nForm. The municipal chief fiscal officer may also submit an explanation for a deviation, where compliance certification cannot be provided.

Annual Emergency Response Plan Certification

In accordance with 6 NYCRR 750-2.9(d), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) shall submit an Annual Emergency Response Plan Certification form electronically using a NYSDEC approved form.

Annual Cybersecurity Controls Certification

In accordance with 6 NYCRR 750-2.9(e), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) shall submit an Annual Cybersecurity Controls Certification form electronically using a NYSDEC approved form.

Biennial Pollutant Scan

In accordance with 40 CFR 122.21(j)(4)(vi), SPDES permit applicants must provide data from a minimum of three samples taken within four and one-half years prior to the date of the permit application. To ensure sufficient effluent samples will be available for the next application submittal and permit review, the permittee shall implement an ongoing monitoring program and perform three effluent sampling every two years. Please see [Biennial Pollutant Scan](#) above.

⁴ Pursuant to 6 NYCRR 750-1.14
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POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage and Stormwater														
		Type of Treatment: Screening, Grit Removal, Activated Sludge, Phosphorous Removal, Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality ⁵	# 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: Existing discharge data from January 1, 2021 to January 1, 2026 was obtained from Discharge Monitoring Reports 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 permit limits applied as part of this permit review are bolded.																
Total Phosphorus	mg/L	Daily Max	Monitor	3.8	60 / 0	Monitor	750-1.13 Monitor	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.	703.2	-	-	Discontinued			
	lb/d		Monitor	34	60 / 0	Monitor	750-1.13 Monitor						Discontinued			
	mg/L	Monthly Avg	1.0	1.0	60 / 0	1.0	Anti-backsliding						TMDL			
	lb/d		Monitor	8.3	60 / 0	Monitor	750-1.13 Monitor									
	lb/d	12 Month Rolling Average	8.9	7.8 Actual Max	60 / 0	8.9	TMDL									
	Consistent with the TMDL, and to maximize phosphorus removal ⁶ to improve the water quality of Lake Champlain, the permit continues to include a total phosphorus concentration limit of 1.0 mg/L expressed as a monthly average, and 12-month rolling average limitation of 8.9 lbs/day. Daily loading limits are provided in the Lake Champlain TMDL discussion in this fact sheet. A reopener footnote was added to acknowledge the potential for reductions in limitations because of new information.															
Total Mercury	ng/L	Daily Max	50	12	53 / 0	25	TOGS 1.3.10	-	-	0.7	H(FC)	25	GLCA	-	TOGS 1.3.10	
	ng/L	12 MRA	-	-	-	5.1	TOGS 1.3.10	-	-	-	-	-	-	-	TOGS 1.3.10	
	See Mercury section of this fact sheet .															

⁵ Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

⁶ Consistent with NYCRR 750-2.8(a)(5).

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
 - o 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
 - o 6 NYCRR Part 621
 - o 6 NYCRR Part 750
 - o 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
 - o 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 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 wasteload allocations (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 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.

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, and/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 law⁷ and USEPA interpretation⁸ 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.

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

⁷ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

⁸ 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)

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.

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.

Requirements for Combined Sewer Overflows (CSOs)

Pollution from combined sewer overflows is controlled with implementation of SPDES permit conditions in accordance with the Division of Water CSO Control strategy (TOGS 1.6.3) and the USEPA CSO Control Policy issued April 11, 1994.

CWA Section 402(q) requires that each permit for a discharge from a municipal combined storm and sanitary sewer shall conform to EPA's Combined Sewer Overflow Control Policy.^[1] The CSO Control Policy identifies specific requirements for Phase I and Phase II permits. Phase I permits must include requirements for the implementation of the Nine Minimum Controls (NMCs) and development of the Long-Term CSO Control Plan (LTCP).

The 15 CSO Best Management Practices (BMPs) required by NYS under TOGS 1.6.2 are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy (33 USC section 1342(q)). BMPs are technology-based requirements developed in accordance with best professional judgement. These are largely non-structural measures which are designed to maximize pollutant capture and removal from the combined sewer system and the POTW as a whole.

Phase II permits must include requirements to implement the technology-based controls including the NMCs determined on a BPJ basis, as well as requirements which ensure that the selected CSO controls are implemented, operated, and maintained as described in the long-term CSO control plan (LTCP). These requirements are critical to meeting the objectives of the Policy, including to bring all CSO discharge points into compliance with the technology-based and water quality-based requirements of the CWA, and to minimize the water quality, aquatic biota, and human health impacts from CSOs.

Additionally, the 1994 CSO Control Policy requires permits include a requirement for CSO communities who have developed an approved LTCP to reassess overflows to sensitive areas in those cases where elimination or relocation of the overflows is not physically possible and economically achievable. The reassessment should

^[1] Available at <https://www.epa.gov/sites/production/files/2015-10/documents/owm0111.pdf>

be based on consideration of new or improved techniques to eliminate or relocate overflows or changed circumstance that influence economic achievability.

Other Conditions

Mercury

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

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

Schedules of Compliance

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

Schedule(s) of Additional Submittals

Schedules of Additional Submittals are used to summarize the deliverables required by the permit not identified in a separate Schedule of Compliance.