



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4952	NAICS Code:	221320	SPDES Number:	NY0024520
Discharge Class (CL):	05	DEC Number:	3-4828-00079/00001		
Toxic Class (TX):	T	Effective Date (EDP):	EDP		
Major-Sub Drainage Basin:	14 - 02	Expiration Date (ExDP):	ExDP		
Water Index Number:	D-1	Item No.:	815 - 4	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:	Town of Fallsburg			Attention:	Town Supervisor
Street:	19 Railroad Plaza, PO Box 2019				
City:	South Fallsburg			State:	NY Zip Code: 12779
Email:				Phone:	845-434-8810

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	South Fallsburg Wastewater Treatment Plant								
Address / Location:	5410 State Route 42					County:	Sullivan		
City:	South Fallsburg				State:	NY	Zip Code:	12779	
Facility Location:	Latitude:	41 °	42 '	57 " N	& Longitude:	74 °	36 '	52 " W	
Primary Outfall No.:	001	Latitude:	41 °	42 '	56 " N	& Longitude:	74 °	36 '	51 " W
Outfall Description:	Treated Sanitary	Receiving Water:	Neversink River			Class:	B	Standard:	B(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:

Permit Administrator:		
Address:	21 South Putt Corners Road New Paltz, NY 12561	
Signature		Date

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DEFINITIONS

TERM	DEFINITION
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by the number of months for which samples were collected in the 12-month period.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the 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 (During Construction)

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All year unless otherwise noted	Neversink River	EDP	Construction completion + 90 days

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	3.3	MGD			Continuous	Recorder	X		
	Daily Maximum	Monitor						X		8
UOD	7-Day Average	Monitor	mg/L	810	lbs/d	1/week	24-hr. Comp.		X	7
CBOD ₅	Monthly Average	25	mg/L	690	lbs/d	1/week	24-hr. Comp.	X	X	1
	7-Day Average	38		1000					X	6
Total Suspended Solids (TSS)	Monthly Average	25	mg/L	690	lbs/d	1/week	24-hr. Comp.	X	X	1,6,7
	7-Day Average	38		1000					X	6
Settleable Solids	Daily Maximum	0.3	mL/L			2/day	Grab		X	6
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			1/quarter	24-hr. Comp.		X	6
pH	Daily Minimum	6.0	SU			2/day	Grab		X	
	Daily Maximum	9.0							X	
Total Kjeldahl Nitrogen (TKN) (as N) from June 1 – Oct. 31	Daily Maximum	17	mg/L			1/week	24-hr. Comp.	X	X	
Total Kjeldahl Nitrogen (TKN) (as N) from Nov. 1 – May 31	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	6
Ammonia (as N) from June 1 – Oct. 31	Monthly Average	9.0	mg/L			1/week	24-hr. Comp.	X	X	
Ammonia (as N) from Nov. 1 – May 31	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Ammonia (as N)	Daily Maximum	Monitor	mg/L			1/week	24-hr. Comp.	X	X	
Ammonia (as N)	Monthly Average	4.0	mg/L			1/week	24-hr. Comp.	X	X	6
Nitrate (as N)	Daily Maximum	Monitor	mg/L			1/month	24-hr. Comp.		X	6
Nitrite (as N)	Daily Maximum	Monitor	mg/L			1/month	24-hr. Comp.		X	6
Phosphorus (as P)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.		X	
Dissolved Oxygen	Daily Minimum	4.0	mg/L			1/week	Grab		X	
Total Copper	Daily Maximum	Monitor	mg/L	1.6	lbs/d	2/month	24-hr. Comp.		X	
Total Mercury	Daily Maximum	50	ng/L			1/quarter	Grab		X	

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Total Zinc	Daily Maximum	Monitor	mg/L	3.3	lbs/d	2/month	24-hr. Comp.		X	
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	°F			2/day	Grab		X	4
EFFLUENT DISINFECTION		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Required Seasonal from May 1st - October 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./100 mL			1/week	Grab		X	2
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			1/week	Grab		X	2
Chlorine, Total Residual	Daily Maximum	0.05	mg/L			2/day	Grab		X	2,3
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				See footnote		X	5
WET - Acute Vertebrate	See footnote	1.6	TUa				See footnote		X	5
WET - Chronic Invertebrate	See footnote			9.9	TUc		See footnote		X	5
WET - Chronic Vertebrate	See footnote			9.9	TUc		See footnote		X	5

FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for CBOD₅ & TSS respectively.
- Monitoring of this parameter is only required during the period when disinfection is required.
- Applicable only when chlorine is used for disinfection.
- If the discharge temperature exceeds the Action Level of 70 degrees Fahrenheit, the permittee shall undertake the following one-day monitoring program within one week of an action level exceedance:
 - Monitoring Program – On one day, within one week following the Action Level exceedance, grab samples shall be collected twice per day, one during the A.M. time period and one during the P.M. time period and analyzed for temperature. This sampling shall be performed at each of the following locations: wastewater treatment plant influent; final effluent as close as practical to the outfall without influence from the receiving water; receiving water between 750 and 1,000 feet downstream from the outfall; and receiving water between 10 and 20 feet upstream of the outfall. The initial receiving water sampling locations shall be documented by the permittee and used for all subsequent monitoring unless a different location is approved by the Department. Each sampling event (i.e., one round of influent, effluent, upstream, and downstream samples) shall be completed within one hour.

Should the discharge temperature exceed the Action Level of 70 degrees following the one-week monitoring program, the permittee shall re-sample in accordance with the monitoring program requirements within the following week.

- Reporting – Results shall be appended to the corresponding Discharge Monitoring Report (DMR).

The permittee is not authorized to discharge wastewater at a temperature which may cause or contribute to a violation of water quality standards. If the Action Level is routinely or excessively exceeded, the permit

may be subject to modification to incorporate additional monitoring requirements and/or effluent limits. This requirement supersedes the Action Level requirements on the Permit Limits, Levels and Monitoring Definitions page for temperature.

5. **Whole Effluent Toxicity (WET) Testing:**

Testing Requirements – WET testing shall consist of “**Chronic only**” testing. WET 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 bracketing the IWC and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is 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 4.4:1 for acute, and 8.9:1 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 at the specified sample frequency during calendar years ending in **1** and **6**.

Reporting – Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48 \text{ hour LC}_{50})$ or $(100)/(48 \text{ hr EC}_{50})$ (note that Acute data is generated by both Acute and Chronic testing) and $TU_c = (100)/(NOEC)$ 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 or 48 hr EC₅₀ and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TU_c. Report a TU_a of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.

The complete test report including all corresponding results, 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 to the Toxicity Testing Unit. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a, 48 hr LC₅₀ or 48 hr EC₅₀ 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 Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

6. **Special Drought & Drought Warning Condition:** When the Neversink Reservoir capacity is reduced to a “drought” or “drought warning” condition, as defined by the capacity curves contained in 6 NYCRR Part 671, the NYCDEP has the authority to reduce the augmented conservation flow to the basic conservation release flow. These limits are applicable only during periods of reduced release flow conditions.
7. The limit for UOD is only applicable during periods of “Special Drought & Drought Warning” (refer to footnote 6). The effluent limit shall not exceed **15%** of the influent concentration values for TSS. Ultimate Oxygen Demand shall be computed as follows: $UOD = 1.5 \times CBOD_5 + 4.5 \times TKN$ (Total Kjeldahl Nitrogen). Samples for CBOD₅ and TKN are to be collected at the same time to calculate UOD.
8. Monitoring of daily maximum flow is not required during periods of “Special Drought & Drought Warning”.

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER				EFFECTIVE	EXPIRING			
001	All year unless otherwise noted	Neversink River				Construction completion + 90 days	ExDP			
PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	4.5	MGD			Continuous	Recorder	X		
	Daily Maximum	Monitor						X		
pH	Daily Minimum	6.0	SU			2/day	Grab		X	
	Daily Maximum	9.0	SU							
CBOD ₅	Monthly Average	25	mg/L	940	lbs/d	1/week	24-hr. Comp.	X	X	1
	Daily Maximum	35		1,300					X	
Total Suspended Solids (TSS)	Monthly Average	23	mg/L	860	lbs/d	1/week	24-hr. Comp.	X	X	1
	Daily Maximum	38		1,400					X	
Settleable Solids	Daily Maximum	0.3	mL/L			2/day	Grab		X	
Total Dissolved Solids (TDS)	Daily Maximum	1,000	mg/L			1/week	24-hr. Comp.		X	
Dissolved Oxygen	Daily Minimum	5.0	mg/L			1/week	Grab		X	
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	4.3	mg/L	160	lbs/d	1/week	24-hr. Comp.		X	
Ammonia (as N)	Monthly Average	2.1	mg/L	80	lbs/d	1/week	24-hr. Comp.		X	
Nitrate (as N)	Monthly Average	9.4	mg/L	350	lbs/d	1/week	24-hr. Comp.		X	
Total Phosphorus (as P)	Monthly Average	2.0	mg/L	75	lbs/d	1/week	24-hr. Comp.		X	
Total Mercury	12 MRA	23	ng/L			1/month	Calculated	X	X	5
	Daily Maximum	50	ng/L			1/month	Grab	X	X	
Total Copper	Daily Maximum	1.9	µg/L			2/month	24-hr. Comp.	X	X	8
Total Zinc	Daily Maximum	40	µg/L			2/month	24-hr. Comp.		X	8
Phenolic Compounds (total phenols)	Daily Maximum	16	µg/L			2/month	Grab		X	6
Biennial Pollutant Scan						1/Two Years	-		X	2
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	°F			2/day	Grab		X	9
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	
	7-Day Geometric Mean	400				1/week	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.03	mg/L			2/day	Grab		X	3,4
WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			0.3	TUa	1/quarter	See footnote		X	7,10
WET - Acute Vertebrate	See footnote			0.3	TUa	1/quarter	See footnote		X	7,10
WET - Chronic Invertebrate	See footnote			3.2	TUc	1/quarter	See footnote		X	7,10
WET - Chronic Vertebrate	See footnote			3.2	TUc	1/quarter	See footnote		X	7,10

FOOTNOTES:

- Effluent shall not exceed 15% of influent concentration values for CBOD₅ & TSS.
- Biennial Pollutant Scan: The permittee shall perform effluent sampling every two (2) years for all applicable pollutants identified in the NY-2A Application, Tables A - D. Sampling data shall be collected according to the guidance in the NY-2A application and maintained by the permittee. Monitoring results shall not be submitted on the DMR. Data shall be submitted with the next submission of the NY-2A form.
- 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. Otherwise, the permittee shall report NODI-9 on the DMR.
- This is a Compliance Level. The calculated WQBEL is 0.02.
- The 12-month rolling average for total mercury is defined as the sum of the current month's monthly average concentration or load added to the monthly averages from the eleven previous months, divided by the number of months for which samples were collected in the 12-month period.
- Total phenols shall be determined by colorimetric or spectrophotometric analysis using the most sufficiently sensitive method approved under 40 CFR Part 136 for total recoverable phenols.
- 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).
- This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.
- Temperature Action Level – Monitoring Program
If the discharge temperature exceeds the Action Level of 70°F the permittee shall, within one week, undertake the following sampling program. Temperature shall be measured at the following three locations, all within one hour, on the same day, once in the morning and once in the afternoon:
 - Effluent sample as close as practical to the outfall without interference from the receiving water
 - Downstream receiving water sample (as specified on the Monitoring Locations page of this permit)
 - Upstream receiving water sample (as specified on the Monitoring Locations page of this permit)

The permittee is exempt from this temperature monitoring program whenever conditions at or near the monitoring locations are unsafe due to weather.

Results shall be appended to the corresponding Discharge Monitoring Report (DMR) and emailed in spreadsheet format to spdes.temperaturedata@dec.ny.gov.

10. 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 3.2:1 for acute, and 3.2:1 for chronic.

Monitoring Period - WET testing shall be performed quarterly (calendar quarters) during calendar years ending in 1 and 6.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48\text{-hr LC50})$ [note that Acute data is generated by both Acute and Chronic testing] and $TU_c = (100)/(7\text{-day NOEC})$ or $(100)/(7\text{-day IC25})$ 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 TUC. 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.

Special Conditions – Delaware River Basin Commission

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. 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.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

NO EXPOSURE CERTIFICATION

The permittee submitted a Conditional Exclusion for No Exposure Form on March 15, 2023, certifying that all industrial activities and materials are completely sheltered from exposure to rain, snow, snowmelt, and/or stormwater runoff. The permittee must maintain a condition of no exposure for the exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the permittee must notify the Regional Water Engineer. The permittee must recertify a condition of no exposure every five years by completing the "No Exposure Certification Form" found on the NYSDEC website.

DRAFT

MERCURY MINIMIZATION PROGRAM (MMP) - Type I

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:
 - a. Monitoring - Monitoring at Outfall 001, influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136¹. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

Minimum required monitoring is as follows:

- i. Sewage Treatment Plant Influent and/or Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.
- ii. Key Locations and Potential Mercury Sources – The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least semi-annually. Sampling of discharges from dental facilities in compliance with 6 NYCRR 374.4 is not required.
- iii. Hauled Wastes – The permittee must establish procedures for the acceptance of hauled waste to ensure the hauled waste is not a potential mercury source. Loads which may exceed 500 ng/L,² must receive approval from the Department prior to acceptance.
- iv. Decreased Monitoring Requirements - Facilities with EEQ at or below 12 ng/L are eligible for the following:
 - 1) Reduced requirements, through a permittee-initiated permit modification
 - a) Conduct influent monitoring, sampling quarterly, in lieu of monitoring within the collection system, such as at *key locations*; and
 - b) Conduct effluent compliance sampling quarterly.
 - 2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the Department may undertake a Department-initiated modification to remove the allowance of reduced requirements.
 - 3) Under the decreased permit requirements, the facility must continue to conduct a status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.

¹ Outfall monitoring must be conducted using the methods specified in Table 8 of DOW 1.3.10.

²A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR Part 261.11. 500 ng/L is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.

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

- v. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).
- b. **Control Strategy** - The control strategy must contain the following minimum elements:
- i. **Pretreatment/Sewer Use Law** - The permittee must review pretreatment program requirements and the Sewer Use Law (SUL) to ensure it is up-to-date and enforceable with applicable permit requirements and will support efforts to achieve a dissolved mercury concentration of 0.70 ng/L in the effluent.
 - ii. **Monitoring and Inventory/Inspections for Outfall 001** -
 - 1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must enforce its sewer use law to track down and minimize these sources.
 - 2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
 - a) **Dental Facilities**
 1. The permittee must maintain an inventory of each dental facility.
 2. The permittee must inspect each dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4. Alternatively, the permittee may develop and implement an outreach program,³ which informs users of their responsibilities, and collect the "Amalgam Waste Compliance Report for Dental Dischargers"⁴ form, as needed, to satisfy the inspection requirements. The permittee must conduct the outreach program at least once every five years and ensure the "Amalgam Waste Compliance Report for Dental Dischargers" are submitted by new users, as necessary. The outreach program could be supported by a subset of site inspections.
 3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)a) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.
 - b) **Other potential mercury sources**
 1. The permittee must maintain an inventory of other *potential mercury sources*.
 2. The permittee must inspect other *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program which informs users of their responsibilities as *potential mercury sources*. The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
 3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)b) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.
 - iii. **Systems with CSO & Type II SSO Outfalls** - Permittees must prioritize *potential mercury sources* upstream of CSOs and Type II SSOs for mercury reduction activities and/or controlled-release discharge.
 - iv. **Equipment and Materials** - Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
 - v. **Bulk Chemical Evaluation** - For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.
- c. **Status Report** - An annual status report must be developed and maintained on site, in accordance with the [Schedule of Additional Submittals](#), summarizing:
- i. All MMP monitoring results for Outfall 001 for the previous reporting period.
 - ii. A list of known and *potential mercury sources* for Outfall 001

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

⁴ The form, "Amalgam Waste Compliance Report for Dental Dischargers," can be found here:
https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf

- 1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated modification;
- iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
- iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
- v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

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

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

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

DEFINITIONS:

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

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

DISCHARGE NOTIFICATION REQUIREMENTS

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.

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

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

<p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY _____</p> <p>OUTFALL No. : _____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address: _____</p> <p>NYSDEC Division of Water Regional Phone: () - ### - #####</p>

- (d) 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.
- (e) 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.

MINI INDUSTRIAL PRETREATMENT PROGRAM

The permittee previously performed the actions described in items 1 through 4 below in order to develop a mini pretreatment program:

1. Industrial Survey
The permittee submitted the results of an industrial survey.
2. Develop Procedures
The permittee submitted documentation of procedures for obtaining and ensuring compliance with applicable standards. Such procedures include requirements and schedules for discharge permits, industrial self-monitoring, compliance monitoring of industries by the permittee, on-going POTW monitoring, and an enforcement program. Such procedures are equivalent to procedures described or referenced in the document entitled Introduction to the National Pretreatment Program, USEPA, June, 2011, (https://www3.epa.gov/npdes/pubs/pretreatment_program_intro_2011.pdf).
3. Treatment Plant/Industry Monitoring
The permittee submitted the results of industrial and POTW monitoring and a completed Fast Report On Significant Industries forms (FROSIs) for all significant industrial users (SIUs).
4. Local Sewer Use Law
The permittee submitted a draft local sewer use law equivalent to the DEC Model Sewer Use Law, NYSDEC, 1994. Local limits for substance capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options were included in the local law. Such limits were developed in accordance with document entitled Local Limits Development Guidance, US EPA, July 2004, EPA 833-R-04-002A (<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=300062Q1.txt>). After approval by the Department, dated October 24, 2022, the permittee submitted a copy of the enacted Law accompanied by proof of enactment.

Therefore, the permittee shall continue to implement the procedures developed in accordance with 2. above and approved by the Department. At a minimum, the following activities shall continue to be undertaken by the permittee:

1. Issue permits including limitations, monitoring requirements, and reporting requirements to its significant industrial users.
2. Enforce the local limits set forth in the POTW local sewer use law.
3. Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
4. Undertake enforcement actions in accordance with Department approved procedures.

In accordance with the Schedule of Additional Submittals, the permittee shall submit yearly Fast Report On Significant Industries (FROSIs) forms for each SIU to the Department. Every third year, on the same date, the permittee shall submit Industrial Chemical Survey forms completed by all SIUs to the Department. At the same time the permittee shall notify the Department of any proposed significant changes to its implementing procedures or local sewer use law.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date ⁵
	INTERIM PROGRESS REPORT The permittee shall provide a status update for the <i>Design Documents</i> .	EDP + 21 Months
	DESIGN DOCUMENTS The permittee shall submit approvable Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the selected alternative that will ensure compliance with final effluent limitation(s).	EDP + 24 Months
	INTERIM PROGRESS REPORT The permittee shall provide a status update for <i>Complete Construction</i> .	EDP + 33 Months EDP + 42 Months EDP + 51 Months
	COMPLETE CONSTRUCTION The permittee shall provide a Certificate of Completion ⁶ to the Department that the disposal system has been fully completed in accordance with the approved Design Documents.	EDP + 54 Months
	COMMENCE OPERATION Following receipt of Department acceptance of Certificate of Completion, the permittee shall comply with the final effluent limitation(s) described in this permit.	Upon Department Acceptance
001	DRAFT COPPER AND ZINC MINIMIZATION PLAN Submit an approvable DRAFT Copper and Zinc Minimization Plan, including an implementation schedule, designed to meet final copper and zinc effluent limits for Department review and approval.	Upon Construction Completion + 18 months
001	IMPLEMENT COPPER AND ZINC MINIMIZATION PLAN Implement the approved Copper and Zinc Minimization Plan and schedule. The Permittee shall update the approved Copper and Zinc Minimization Plan whenever: (a) changes at the facility increase the potential for discharge of total copper and/or total zinc, (b) actual discharges indicate the Copper and Zinc Minimization Plan is inadequate, or (c) a letter from the Department identifies inadequacies in the Copper and Zinc Minimization Plan.	Upon Department Acceptance
001	PRELIMINARY ENGINEERING REPORT TO MEET FINAL COPPER AND ZINC EFFLUENT LIMITS Pending the results of the Copper and Zinc Minimization Plan, the permittee shall submit an approvable ⁷ Preliminary Engineering Report (PER) that meets the requirements of the EFC/DEC Engineering Report Outline (https://www.dec.ny.gov/permits/6054.html). The report shall describe treatment alternatives or other control mechanisms (i.e., pretreatment program / Sewer Use Law) that may be used to comply with the final effluent limitation(s).	Upon Completion of Implementation of Copper Minimization Plan + 6 months
001	COPPER AND ZINC MINIMIZATION PLAN ANNUAL REPORT The permittee must complete an annual Copper and Zinc Minimization status report in accordance with the requirements of the approved Copper and Zinc Minimization Plan.	December DMR (January 28 th)
Unless noted otherwise, the above actions are one-time requirements.		

⁵ 6 NYCRR 750-1.14 (a)

⁶ 6 NYCRR 750-2.10 (c)

⁷ 6 NYCRR 750 1.2 (a)(8)

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
									Inf.	Eff.	
001	Total Copper	Daily Max	Monitor	µg/L	1.6	lbs/day	2/Month	24-hr. Composite	-	X	1
001	Total Zinc	Daily Max	Monitor	µg/L	3.3	lbs/day	2/Month	24-hr. Composite	-	X	1
Notes:	1. Interim limits expire upon completion of implementation of all elements identified in the Copper and Zinc Minimization Plan and approval by the Department										

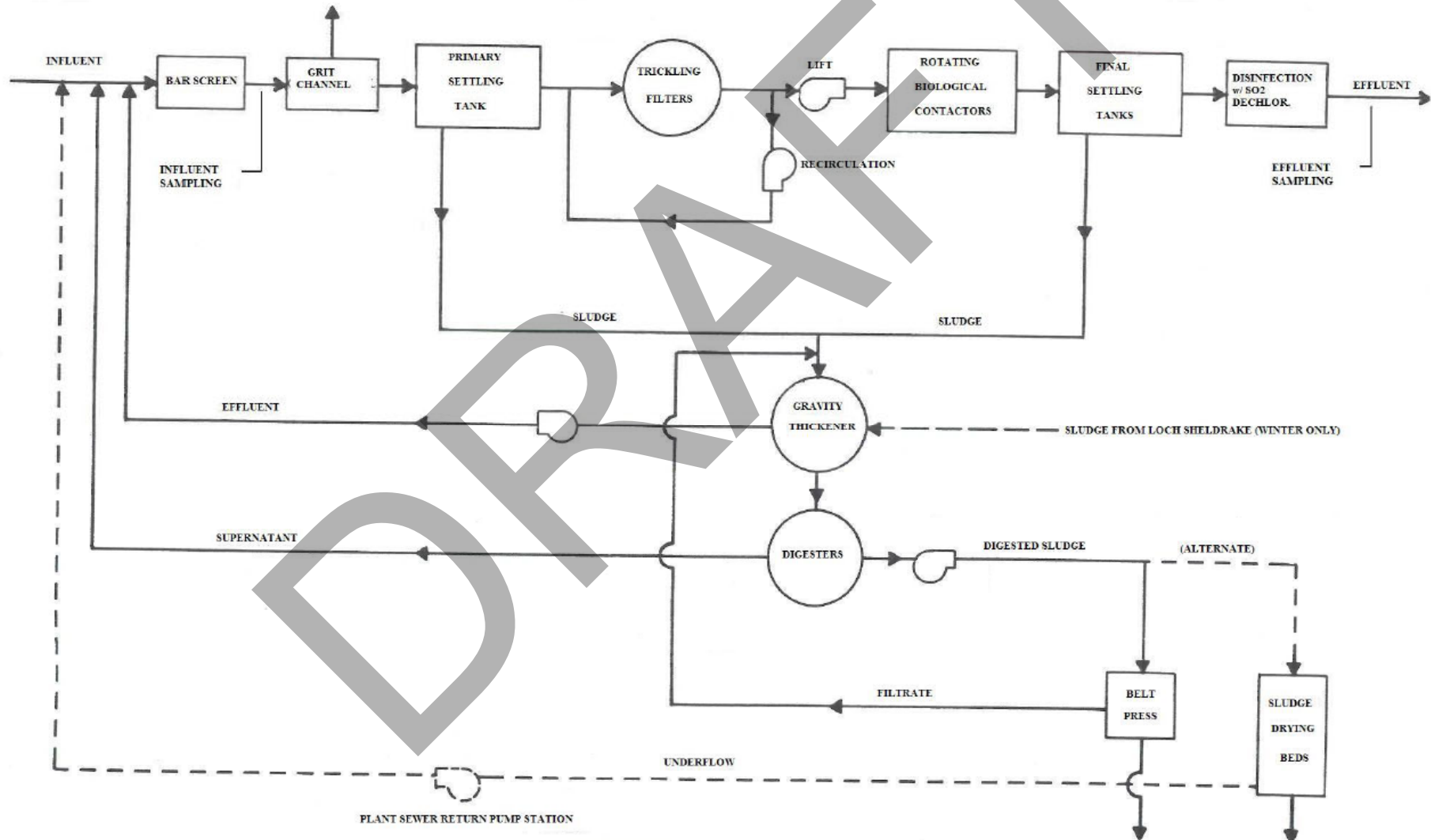
- b) The permittee shall submit a notice of non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All notifications shall be sent to the locations listed 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 NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

MONITORING LOCATIONS – During Construction

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

Influent: After the bar screen

Effluent: After disinfection

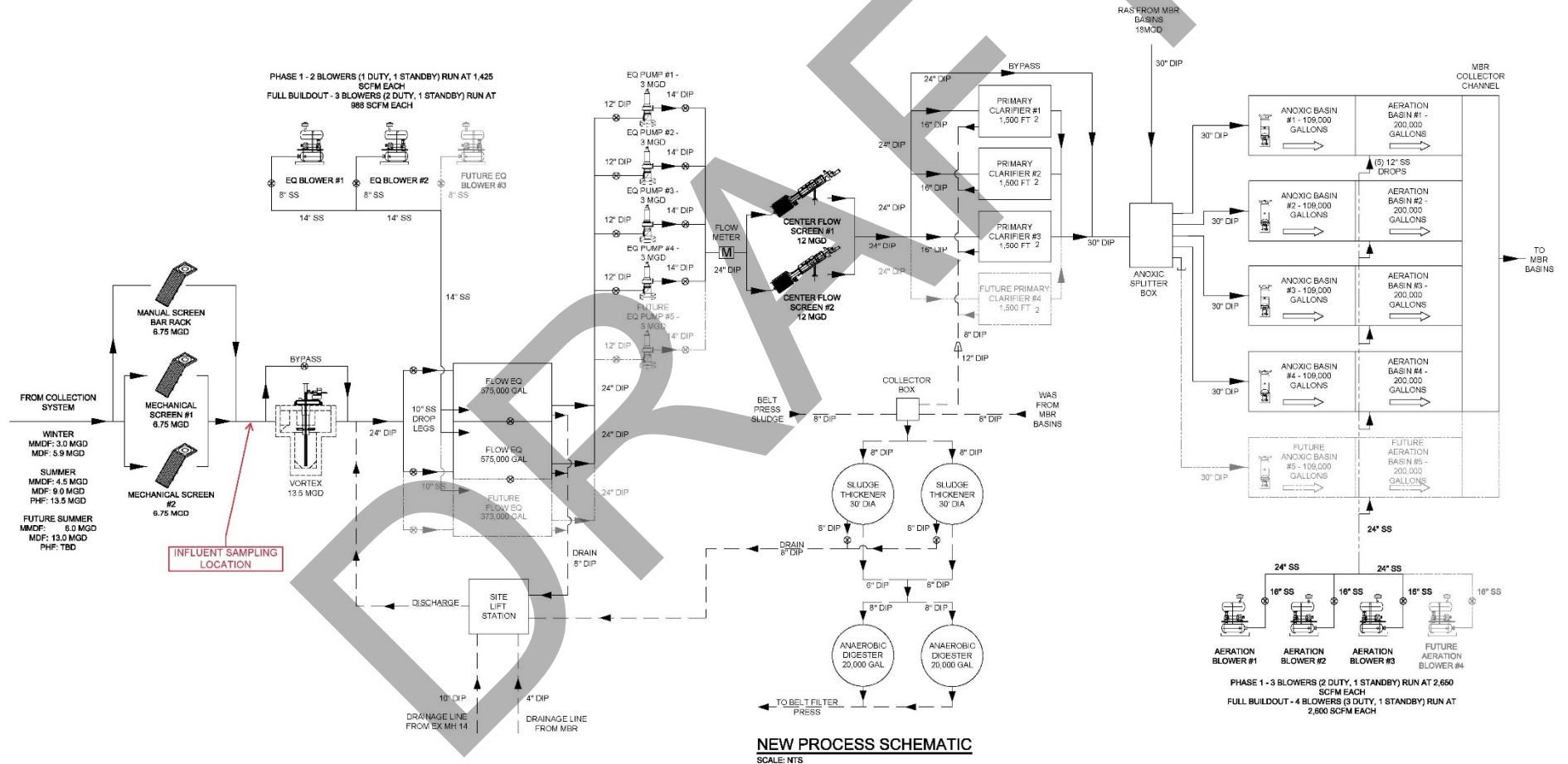


MONITORING LOCATIONS – Post Construction

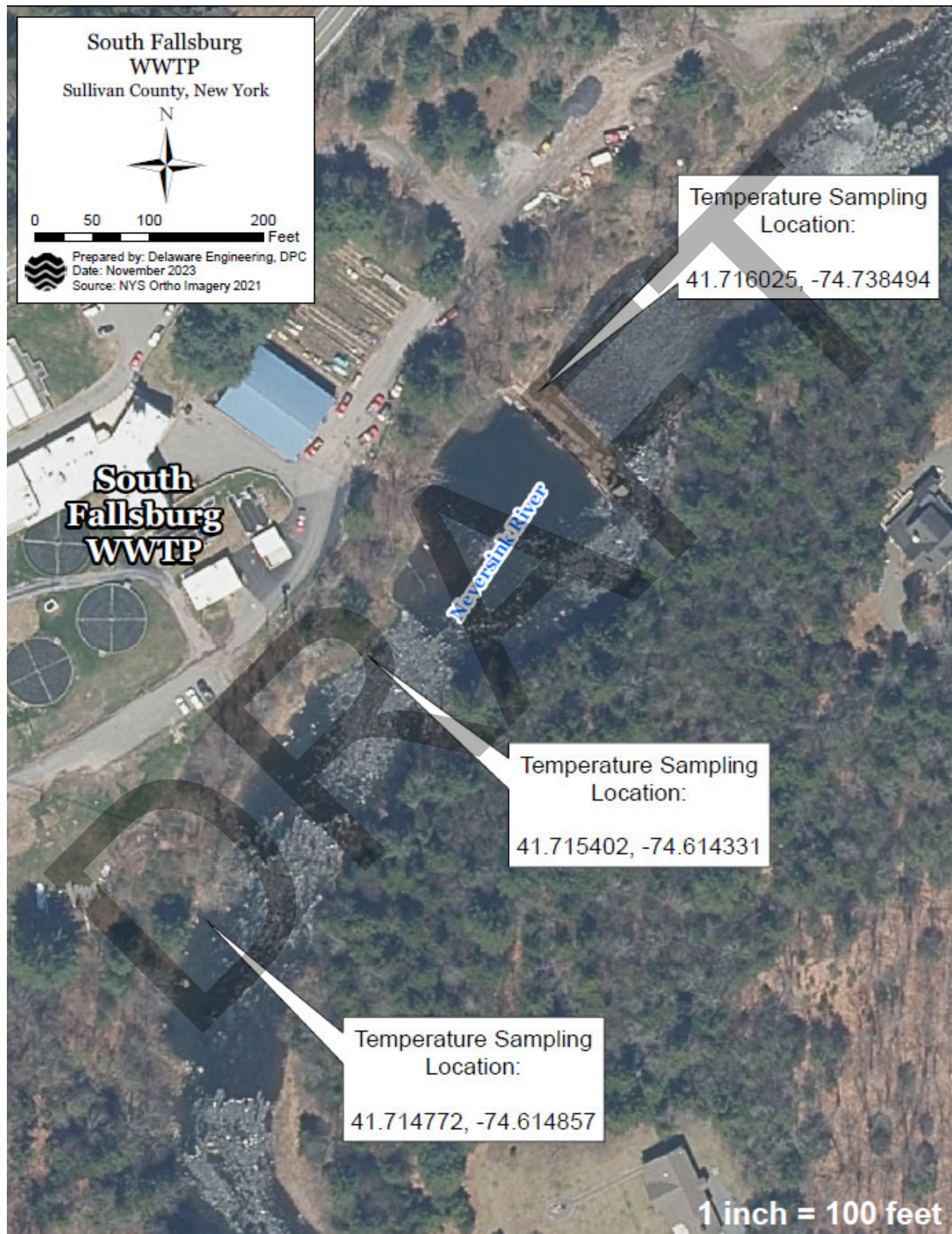
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:

Influent: After the mechanical screens, before the vortex grit chamber

Effluent: After the post aeration tanks



MONITORING LOCATIONS – Temperature Action Level Monitoring Program



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 **one (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 NYSDEC. 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 Regional Water Engineer and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505

Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 3
21 South Putt Corners Road, New Paltz, New York, 12561

Phone: (845) 256-3000

- 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 the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
	<p><u>EMERGING CONTAMINANT SHORT-TERM MONITORING PROGRAM</u> The permittee shall collect grab samples of both the influent and effluent from the facility's treatment system(s) associated with the identified outfall for Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane (1,4-D), unless permittee receives written notification from the Department during this time that sampling can be discontinued. Samples must be analyzed utilizing EPA draft analytical method 1633 and EPA Method 8270D SIM or 8270E SIM, respectively. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a quarterly basis for at least 4 consecutive quarters, unless written notification from the Department indicates otherwise. The results shall be reported through the "Emerging Contaminants Survey for POTWs" found at: https://www.dec.ny.gov/chemical/127939.html.</p> <p>The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for POTWs" available at the above link. The Department may periodically request updates and/or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.</p>	<p>Upon construction completion + 18 months</p> <p>Within 90 days of DEC written notification</p>
	<p><u>SHORT-TERM HIGH-INTENSITY MONITORING PROGRAM</u> The permittee shall collect 12 samples representative of normal discharge conditions and treatment operations over one year for nitrite. The permittee shall use approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters listed. The permittee shall submit a summary of the results.</p>	<p>Upon construction completion + 14 months</p>
	<p><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 attached to the February DMR or submitted through nForm.</p>	<p>February DMR (March 28th)</p>
	<p><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.</p>	<p>Retain and submit with next NY-2A Application</p>
	<p><u>WHOLE EFFLUENT TOXICITY (WET) TESTING</u> WET testing shall be performed as required in the footnote of the permit limits table. 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.</p>	<p>Within 60 days following the end of each monitoring period</p>
	<p><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 No Exposure Certification Form can be found on the NYSDEC website.</p>	<p>March 15, 2028, and every 5 years thereafter</p>
	<p><u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.</p>	<p>Maintained Onsite January 31st, annually thereafter</p>

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
	<u>MINI PRETREATMENT PROGRAM - FROSI</u> Submit completed Fast Report On Significant Industries forms (FROSI) for each SIU to the Department, or notification letter that no new significant industrial users have been added.	July 28 th of each year
	<u>MINI PRETREATMENT PROGRAM – Industrial Chemical Survey (ICS) Forms</u> Submit Industrial Chemical Survey forms completed by all SIUs to the Department. Notify the Department of any proposed significant changes to its implementing procedures or local sewer use law.	July 28 th 2027 and every three 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.

Permittee: Town of Fallsburg
Facility: South Fallsburg Wastewater Treatment Plant
SPDES Number: NY0024520
USEPA Major/Class 05 Municipal

Date: April 22, 2025 v.1.13
Permit Writer: Kirsten Jedd-Barry
Water Quality Reviewer: Kirsten Jedd-Barry
Full Technical Review

SPDES Permit Fact Sheet Town of Fallsburg South Fallsburg Wastewater Treatment Plant NY0024520



**Department of
Environmental
Conservation**

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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the South Fallsburg Wastewater Treatment Plant. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Updated the Permits Limits, Levels and Monitoring table to reflect effluent limits during construction
- Added a new Permits Limits, Levels and Monitoring table with effluent limits effective post construction
 - Changed the monthly average flow limit from 3.3 MGD to 4.5 MGD
 - Removed the 7-day average UOD monitor only limit
 - Reduced the 7-day average CBOD₅ concentration limit from 38 mg/L to 35 mg/L
 - Changed the monthly average CBOD₅ load limit from 690 lb/day to 940 lb/day based on the new flow limit
 - Changed the 7-day average CBOD₅ load limit from 1,000 lb/day to 1,300 lb/day based on the new flow limit
 - Reduced the monthly average TSS concentration limit from 25 mg/L to 23 mg/L
 - Changed the monthly average TSS load limit from 690 lb/day to 860 lb/day based on the new flow limit
 - Changed the 7-day average TSS load limit from 1,000 lb/day to 1,400 lb/day based on the new flow limit
 - Changed the daily maximum TDS limit from monitor only to 1,000 mg/L
 - Changed the daily minimum Dissolved Oxygen limit from 4.0 mg/L to 5.0 mg/L
 - Removed the seasonal TKN limits
 - Changed the monthly average TKN concentration limit from monitor only to 4.3 mg/L
 - Added the monthly average TKN load limit of 160 lb/day
 - Removed the seasonal Ammonia limits
 - Removed the daily maximum Ammonia monitor only limit
 - Added a monthly average Ammonia concentration limit of 2.1 mg/L and load limit of 80 lb/day
 - Removed the daily maximum Nitrate monitor only limit
 - Added a monthly average Nitrate concentration limit of 9.4 mg/L and load limit of 350 lb/day
 - Changed the monthly average Phosphorus concentration limit from monitor only to 2.0 mg/L
 - Added the monthly average Phosphorus load limit of 75 lb/day
 - Added the 12-month rolling average Mercury limit of 23 ng/L
 - Changed the daily maximum Copper concentration limit from monitor only to 1.9 µg/L
 - Removed the daily maximum Copper load limit
 - Changed the daily maximum Zinc concentration limit from monitor only to 40 µg/L
 - Removed the daily maximum Zinc load limit
 - Added the daily maximum Phenolic Compounds limit of 16 µg/L
 - Added the Biennial Pollutant Scan
 - Reduced the daily maximum Total Residual Chlorine limit from 0.05 mg/L to 0.03 mg/L
 - Removed the WET Acute Invertebrate and Acute Vertebrate limits
 - Added WET Acute Invertebrate and Acute Vertebrate action levels of 0.3 TUa

- Reduced the WET Chronic Invertebrate and Chronic Vertebrate action levels from 9.9 TUC to 3.2 TUC
- Removed Outfall 002
- Removed Outfall 003
- Removed the Special Drought & Drought Warning Conditions and limits
- Updated the Stormwater Pollution Prevention Requirements
- Added a Schedule of Compliance
- Updated the Monitoring Location schematic to reflect sampling points during construction
- Added a new Monitoring Location schematic to reflect sampling points post construction
- Updated the Monitoring Location map for ambient temperature monitoring locations
- Added a Schedule of Additional Submittals

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

- 7/1/2018 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 6/30/2023. The 2018 permit has formed the basis of this permit.
- 12/31/2021 The Town of Fallsburg submitted a request in the form of a NY-2A application form to modify the permit to expand the WWTP capacity and increase the design flow.
- 2/10/2022 The Department issued a Notice of Incomplete Application (NOIA).
- 4/29/2022 The Town of Fallsburg responded to the NOIA.
- 6/30/2023 The current permit was allowed to stay in effect pursuant to SAPA¹.
- 10/18/2024 The Department issued a NOIA.
- 11/19/2024 The Town of Fallsburg responded to the NOIA.
- 1/31/2025 The Department issued a NOIA.
- 3/26/2025 The Town of Fallsburg responded to the NOIA.

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 publicly owned treatment works that receives flow from domestic and industrial users, including waste from categorical industrial users, with effluent consisting of treated sanitary wastewater. The collection system consists of separate sewers. The facility accepts flow from significant industrial users (SIUs).

¹ State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(f)

Permittee: Town of Fallsburg
Facility: South Fallsburg Wastewater Treatment Plant
SPDES Number: NY0024520
USEPA Major/Class 05 Municipal

Date: April 22, 2025 v.1.13
Permit Writer: Kirsten Jedd-Barry
Water Quality Reviewer: Kirsten Jedd-Barry
Full Technical Review

The current 3.3 MGD treatment plant consists of:

- Preliminary Treatment: Bar Screen, Grit Removal
- Primary Treatment: Primary Clarification
- Secondary Treatment: Trickling Filters, Rotating Biological Contactors (RBCs), Final Clarification
- Disinfection: Chlorination/Dechlorination

Sludge is sent to a gravity thickener before being digested anaerobically. The digested sludge is then sent to a belt press to be pressed. The sludge is then hauled to an offsite landfill for disposal.

The primary outfall (Outfall 001) is located 25' from the bank of the Neversink River and consists of an 18" pipe partially submerged at normal flow conditions.

The facility is planning the following upgrades/improvements:

- Increase design flow to 4.5 MGD
- Expand headworks
- Add equalization tanks
- Construct new primary clarifiers
- Construct new Membrane Bioreactors (MBR)
- Add post-aeration tank
- Construct new gravity thickener and refurbish existing gravity thickener
- Install UV disinfection
- Replace current outfall pipe with a new 24" pipe

The facility accepts wastewater from the following municipalities:

Municipality	POSS # or SPDES #	Collection System
Town of Fallsburg	NY0024520	Separate

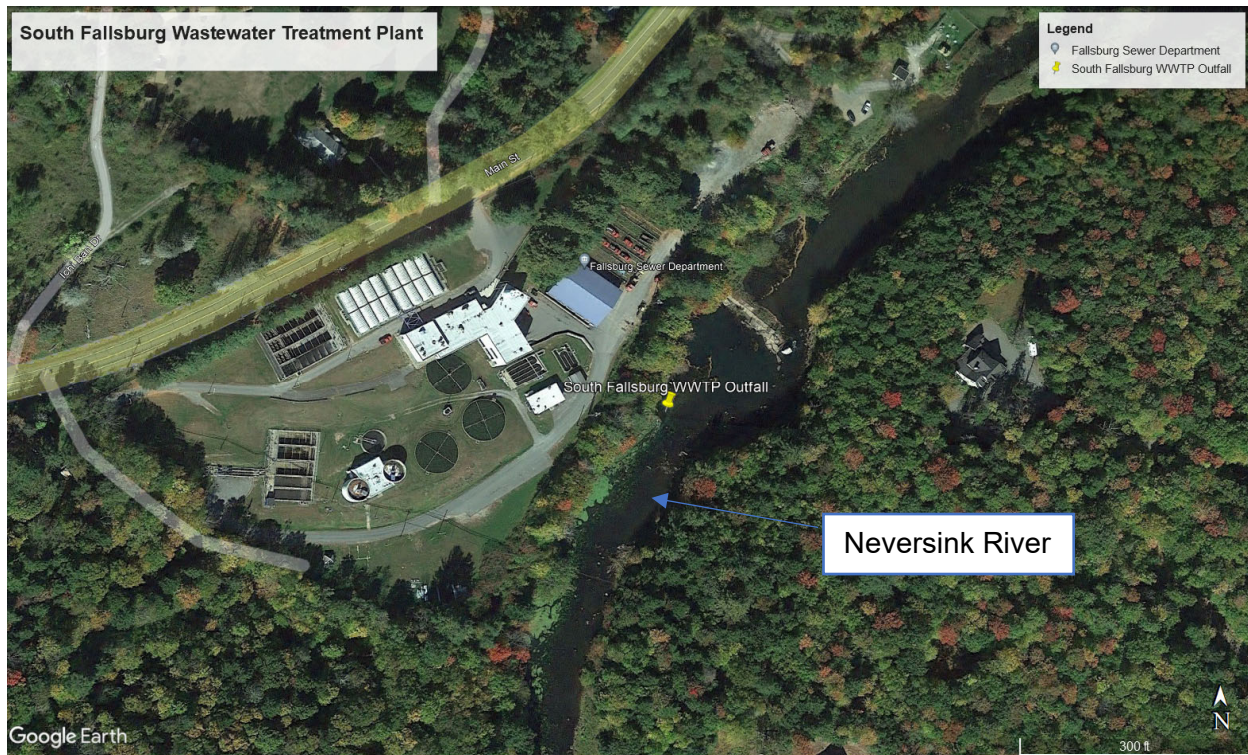
The facility accepts wastewater from the following significant industrial users (SIUs):

Significant Industrial User (SIU)	SIC Code	Categorical Reference (if applicable to 40 CFR)
Murray's Chicken	2015	432

Permittee: Town of Fallsburg
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Full Technical Review

Site Overview



Reach Overview



Enforcement History

The facility is operating under USEPA Order on Consent CWA-02-2023-3006 dated 11/2/2022. The Order requires the following compliance actions:

- Submit a Short-Term Plan of Action (POA) along with an expeditious schedule to address the non-compliance with the General Requirements of the Permit that require a minimum of an annual calibration of the continuous flow meter. (*Completed*)
- Submit written certification that all corrective actions specified in the Short-Term POA are implemented and is in full compliance with the Order, the Permit, and Sections 301 and 402 of the Clean Water Act. (*Completed*)
- Submit a Long-Term POA along with an expeditious schedule with interim milestones to complete the planned plant upgrades and achieve full compliance with the Permit.
- Submit written certification that the Long-Term POA has been implemented and operation of all proposed units specified in the Long-Term POA has commenced and is in full compliance with the Permit and Sections 301 and 402 of the Clean Water Act.
 - If compliance has not been achieved, submit a detailed report indicating the reason for noncompliance and the schedule for attaining compliance with the Order.

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

Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period 9/1/2018 to 8/31/2023. [Appendix Link](#)

Interstate Water Pollution Control Agencies

Outfall 001 is located within the Delaware River Basin Commission (DRBC) compact area which places additional requirements in the SPDES permit. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated Sanitary Sewage	Neversink River, Class B(T)
002		Stormwater	Neversink River, Class B(T) – Outfalls removed from permit
003			

Reach Description: The Neversink River (D-1) is a tributary of the Delaware River and part of the Delaware River Basin. The segment of the Neversink River at the point of discharge is classified as B(T) (6NYCRR 815.6 – Table I - Item 4)

See the [Outfall and Receiving Water Summary Table](#) and [Appendix](#) for additional information.

Impaired Waterbody Information

The Neversink River segment (PWL No. 1402-0021) is not listed on the 2020 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters, and therefore, there are no applicable wasteload allocations (WLAs) for this discharge.

Critical Receiving Water Data & Mixing Zone

Consistent with TOGS 1.3.1, the outfall information submitted in the application and mixing zone form was used to develop a mixing zone model to establish dilution ratios for the water quality analysis. The model showed the mixing is largely constrained by the interaction with the right bank, the minimal availability of ambient volume, and low velocity.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	3.2:1	3.2:1	3.2:1	CORMIX

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

An evaluation of the discharge indicates the potential for toxicity based on the following criteria: [Appendix Link](#)

- Treatment plants which equal or exceed a discharge of 1MGD. (#7)

Consistent with TOGS 1.3.2, a reasonable potential analysis was performed using the existing WET data for this facility (see data below). It was determined that while the analysis indicated no potential for toxicity in the effluent, WET testing is required based on the criteria listed above and WET action levels are being maintained in the permit. Given the dilution available and location outside of the Great Lakes basin, the permit requires chronic only WET testing. Samples will be collected quarterly every five years. WET testing action levels of 0.3 TUa and 3.2 TUC have been included in the permit for each species. The acute dilution ratio is less than 3.3 so the acute action level has been set equal to the default value of 0.3 TUa². The chronic action levels represent the chronic dilution ratio.

Test Date	¹ MSS 48H LC50 (%Effluent)	² MSS TUa	³ TUa Action Level	⁴ MSS Survival 100% Effluent	⁵ Acute Test Result	⁶ MSS RPD TUa	⁷ Acute WET Limit Required	⁸ MSS 7D NOEC/IC25 (%Effluent)	⁹ MSS NOEC/IC25 TUC	¹⁰ TUC Action Level	¹¹ Chronic Test Result NOEC/IC25	¹² MSS RPD IC25 TUC	¹³ Chronic WET Limit Required
01/21	>100% (FI)	<0.3 (FI)	1.6	100% (FI)	Pass	<0.8	No	>100% (FI)/>100% (FI)	<1.0 (FI)/<1.0 (FI)	9.9	Pass/Pass	<2.6	No
04/21	>100% (FI)	<0.3 (FI)	1.6	100% (FI)	Pass	<0.8	No	>100% (FI)/>100% (FI)	<1.0 (FI)/<1.0 (FI)	9.9	Pass/Pass	<2.6	No
07/21	>100% (FI)	<0.3 (FI)	1.6	90% (I)	Pass	<0.8	No	>100% (FI)/>100% (FI)	<1.0 (FI)/<1.0 (FI)	9.9	Pass/Pass	<2.6	No
10/21	>100% (FI)	<0.3 (FI)	1.6	100% (FI)	Pass	<0.8	No	>100% (FI)/>100% (FI)	<1.0 (FI)/<1.0 (FI)	9.9	Pass/Pass	<2.6	No

¹Most Sensitive Species 48-hour Lethal Concentration: (F=Fish; I=Invertebrate) is the concentration or percentage of effluent that is lethal to 50% of the exposed organisms over a 48-hour period, and often indicates one species is more sensitive than the other during effluent testing.

²Most Sensitive Species Toxic Units Acute: is calculated as (100 / MSS 48H LC50). However, because ≤ 0.3 TUa is defined as the acceptable amount of acute toxicity at the edge of the acute mixing zone, and mathematically $100 / 100 = 1.0$ (i.e. a "failing result"), non-toxic acute test results are indicated as < 0.3 .

³Toxic Unit Acute Action Level/Limit: is calculated as [Acute Dilution Factor x 0.3 TUa] representing the maximum allowable effluent TUa at the edge of the acute mixing zone using the seven-day once-in-ten year low flow (7Q10) ensuring acute protection of the receiving water. When the Acute Dilution Factor is < 3.3 , the default Acute Action Level of 0.3 TUa is used representing the maximum allowable effluent TUa at the end of pipe.

² EPA's Technical Support Document Section 5.7.4

⁴Most Sensitive Species Survival in 100% Effluent: is the lowest percentage of surviving organisms in 100% effluent, providing additional evidence of unacceptable acute toxicity when the necessary 50% or greater mortality required to generate an LC50 has not been attained. *Denotes statistically significant mortality in 100% effluent as compared to the control.

⁵Acute Test Result: $MSS\ TUa \leq TUa\ Action\ Level/Limit$ for passing effluent test result and $MSS\ TUa > TUa\ Action\ Level/Limit$ for a failing effluent test result. If unacceptable mortality (i.e. statistically significant as compared to the control) is noted in 100% effluent, this may also be considered a failing test result.

⁶Most Sensitive Species Reasonable Potential Determination Toxic Units Acute: is calculated as $(MSS\ TUa \times 2.6)$, the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based action level.

⁷Acute Whole Effluent Toxicity Limit Required: $MSS\ RPD\ TUa \leq TUa\ Action\ Level$, then no toxicity-based limit is required, and the action level remains in place. If $MSS\ RPD\ TUa > TUa\ Action\ Level$, then a toxicity-based limit is required, and the action level becomes the limit. **In low dilution situations, the application of the RPD to the acute results often mathematically suggests the need for acute WET limits even when there is no toxicity evident in 100% effluent (a non-detect). Therefore, this data cannot be used to implement a WET limit.

⁸Most Sensitive Species 7-day No Observed Effect Concentration or 25% Inhibition Concentration: is the highest concentration or percentage of effluent tested that causes no statistically significant effect to the exposed test organisms as compared to the control over a 7-day period, or the concentration or percentage of effluent that causes a 25% reduction in reproduction or growth for the test population.

⁹Most Sensitive Species Toxic Units Chronic: is calculated as $(100 / MSS\ 7D\ NOEC)$ or $(100 / MSS\ 7D\ IC25)$.

¹⁰Toxic Unit Chronic Action Level/Limit: is calculated as $[Chronic\ Dilution\ Factor \times 1.0\ TUC]$ representing the maximum allowable effluent TUC at the edge of the chronic mixing zone using the seven-day once-in-ten year low flow (7Q10) ensuring chronic protection of the receiving water.

¹¹Chronic Test Result: $MSS\ NOEC/IC25\ TUC \leq TUC\ Action\ Level/Limit$ for passing effluent test result and $MSS\ NOEC/IC25\ TUC > TUC\ Action\ Level/Limit$ for a failing effluent test result.

¹²Most Sensitive Species Reasonable Potential Determination Toxic Units Chronic: is calculated as $(MSS\ IC25\ TUC \times 2.6)$, the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based action level.

¹³Chronic Whole Effluent Toxicity Limit Required: $MSS\ RPD\ IC25\ TUC \leq TUC\ Action\ Level$, then no toxicity-based limit is required, and the action level remains in place. If $MSS\ RPD\ IC25\ TUC > TUC\ Action\ Level$, then a toxicity-based limit is required, and the action level becomes the limit. ***In low dilution situations, the application of the RPD to the chronic results often mathematically suggests the need for chronic WET limits even when there is no toxicity evident in 100% effluent (a non-detect). Therefore, this data cannot be used to implement a WET limit.

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)³ 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.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is being continued from the previous permit.

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).

Under 40 CFR 122.26 (b)(14), the definition of stormwater discharge associated with industrial activity which needs to be permitted excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and parking lots, as long as the drainage from

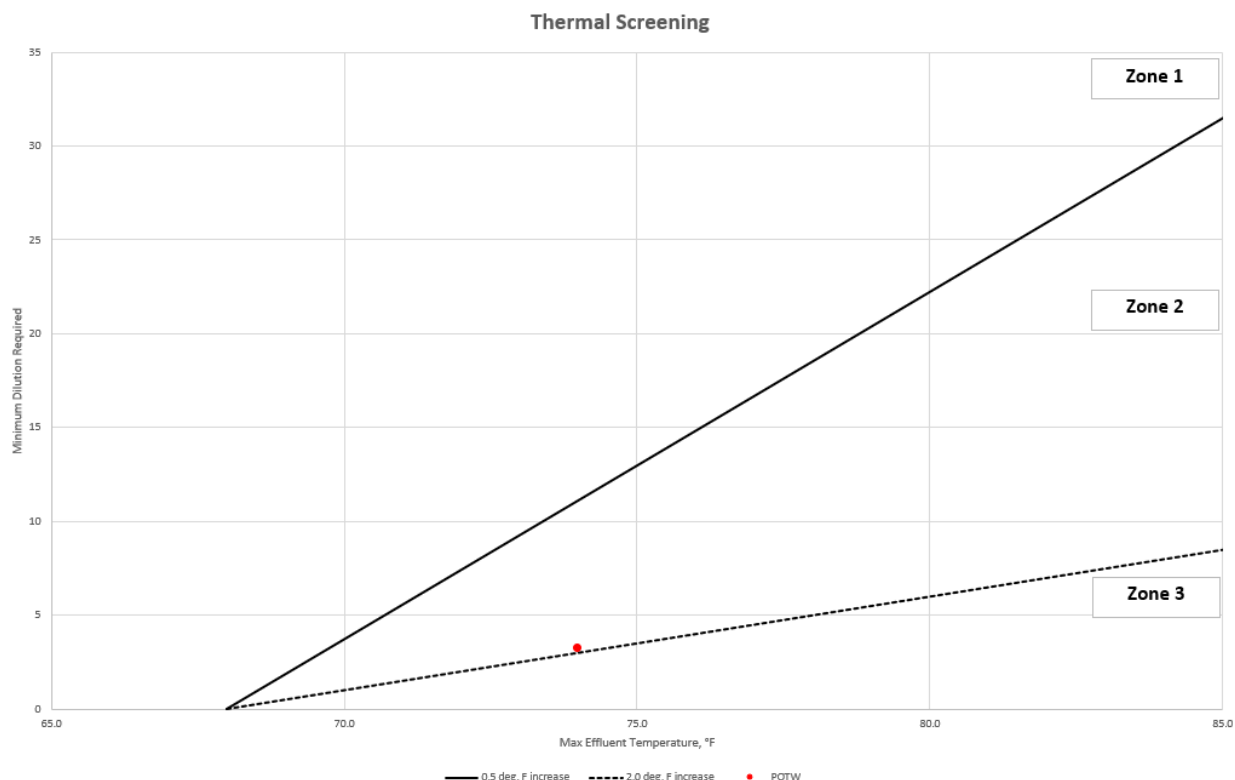
³ As prescribed by 6 NYCRR Part 617

the excluded areas is not mixed with stormwater drained from industrial activities. Therefore, existing Outfalls 002 and 003 will be removed from the permit.

On March 15, 2023, the permittee submitted a Conditional Exclusion for No Exposure Form, certifying that all industrial activities and materials are completely sheltered from exposure. This condition must be maintained for the exclusion to remain applicable. The schedule of submittals also includes a due date for re-certification every five years as required by 40 CFR 122.26(g)(iii). This requirement is new.

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.



The facility will require a temperature action level. While the discharge temperature is not expected to contravene the standard in 6 NYCRR Part 704, the 70°F action level will provide data to assess the actual effect of the discharge. As described in the permit, if the action level is exceeded, the permittee will be required to collect ambient stream temperature data both upstream and downstream of the outfall during the exceedance. Data collected by this monitoring program may be used later to determine the applicability of additional limitations or modifications in accordance with 6 NYCRR 704.4.

Mercury⁴

The multiple discharge variance (MDV) for mercury provides the framework for NYSDEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. [Appendix Link](#)

The facility is not located within the Great Lakes Basin, however it is an EPA Major Class 05 POTW and the permit will continue to include requirements for the implementation of MMP Type I.

The permit includes a daily max total mercury effluent limitation of 50 ng/L, sampled monthly. The facility has ≥10 effluent mercury data points and the existing effluent quality (EEQ) of 23 ng/L was calculated from the lognormal 99th percentile of 17 mercury effluent samples collected from June 2019 to June 2023. A mercury minimization program consisting of the following is also required:

- Additional monitoring
- Control strategy for implementation of the MMP
- Annual status report (maintained onsite)

The facility is located outside the Great Lakes Basin and the EEQ is >12 ng/L; therefore, the permit includes a 12-month rolling average total mercury effluent limitation equal to the EEQ.

Biennial Pollutant Scan

Three effluent samples for applicable parameters must be submitted with an NY-2A Application⁵. The permit includes a requirement to perform biennial sampling (once every two years) of the WWTP effluent for the parameters in the NY-2A Application, Tables A – D. This requirement ensures the data is representative of effluent conditions over the permit term and will be available for the next application submittal and permit review. This requirement is new.

Mini Industrial Pretreatment Program

The permittee is required to continue implementation of a Mini-Pretreatment Program because it serves Significant Industrial Users (SIUs). The program requires implementation of an industrial user compliance program, submission of user information, modification of local sewer use law (if necessary), and periodic reporting. [Appendix Link](#)

Schedule(s) of Compliance

A Schedule of Compliance is being included⁶ for the following items ([Appendix Link](#)):

- Submittal of interim progress reports to provide status updates on engineering design documents and construction progression in accordance with 6 NYCRR 750-1.14 (b)
- Submittal of approvable engineering design documents, including a basis of design report, with the details of the upgrades needed to comply with the final effluent limitations.
- Submittal of a Certificate of Completion that the system has been fully completed in accordance with the approved design documents
- Compliance with the final effluent limitations following Department acceptance of the Certificate of Completion
- Implementation of a Copper and Zinc Minimization Plan to meet the final copper and zinc effluent limits at Outfall 001.

⁴ In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

⁵ Pursuant to 40 CFR 122.21(j)(4)(vi).

⁶ Pursuant to 6 NYCRR 750-1.14

Emerging Contaminant Monitoring

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial product as well as in manufacturing processes for decades. These contaminants do not break down easily, therefore their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the NYSDEC Division of Water web page: <https://www.dec.ny.gov/chemical/127939.html>.

Pursuant to 6 NYCRR Part 750-1.13(b), the permit includes a short-term monitoring program listed in the Schedule of Additional Submittals to evaluate the influent and effluent discharge levels of Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane. This monitoring program is consistent with PFAS guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

The Department will review the monitoring results and pursuant to 6 NYCRR 750-2.1(i) may notify the permittee of the need for further monitoring to identify potential sources as specified in the Emerging Contaminants Investigation Checklist for POTWs to determine whether cause exists to modify the permit to incorporate a pollutant minimization program per 6 NYCRR 750-1.14(f).

The Department will consider this information and progress made to track down and reduce or eliminate the source of the identified pollutants in determining if a permit modification is needed.

Schedule(s) of Additional Submittals

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

- Emerging Contaminant Monitoring
- Short-Term High-Intensity Monitoring for Nitrite
- Annual Flow Certification
- Biennial Pollutant Scan
- Whole Effluent Toxicity (WET) Testing
- Stormwater No Exposure Certification
- Mercury Minimization Plan Annual Status Report (maintained onsite)
- Mini Pretreatment Program – Fast Report On Significant Industries (FROSI) form
- Mini Pretreatment Program – Industrial Chemical Survey (ICS)

Special Conditions

Additional conditions set forth by the Delaware River Basin Commission can be found in the Special Conditions Section of the permit.

Additionally, the permit previously had Special Drought Conditions which stated: “When the Neversink Reservoir capacity is reduced to a ‘drought’ or ‘drought warning’ condition, as defined by the capacity curves contained in 6 NYCRR Part 671, the New York City Department of Environmental Protection (NYCDEP) has the authority to reduce the augmented conservation flow to the basic conservation release flow.” Previously, there were some permit limits applicable only during periods of augmented release flow conditions. However, this permit review has demonstrated that these limits are no longer necessary.

Although 6 NYCRR contains reservoir capacity curves and minimum release flows, an agreement for a Flexible Flow Management Program (FFMP) was reached in 2017 between New York State, Pennsylvania, New Jersey, Delaware, and NYC. This FFMP was intended to meet water supply demands, protect fisheries habitat downstream of the NYC Delaware Basin reservoirs, enhance

flood mitigation, and repel the upstream movement of salt water in the Delaware Estuary. The Delaware Basin reservoirs currently operate under the guidance of the FFMP in lieu of regulations set in 6 NYCRR. This FFMP affects the development of the South Fallsburg SPDES permit because the facility is located downstream of the Neversink Reservoir, which is a part of NYC Delaware Basin reservoirs.

Table 3 in Appendix A of the FFMP (see below) contains the minimum releases from the NYC Delaware Basin reservoirs for different levels of drought conditions. According to Table 3, during a Drought Emergency condition, which is the most stringent drought level established, the minimum release for the Neversink Reservoir from September 1st through May 31st is 20 cubic feet per second (cfs). The critical low flow used in the CORMIX model to develop the mixing zone and dilution ratios was 17 cfs. Therefore, all dilution based effluent limits developed for this permit review are more stringent than any effluent limits that would be developed specifically for any drought conditions. This allows for the removal of the Special Drought Conditions effluent limits.

FFMP2017 OPERATIONS PLAN

Table 3
Schedule of Releases (cfs) during Drought Operations

Cannonsville	Summer			Fall			Winter		Spring	
	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May
L3	135	135	135	85	85	55	55	55	85	85
L4	100	100	100	50	50	50	50	50	60	60
L5	90	90	90	40	40	40	40	40	40	40

Pepacton	Summer			Fall			Winter		Spring	
	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May
L3	75	75	75	45	45	45	45	45	60	60
L4	65	65	65	40	40	40	40	40	50	50
L5	60	60	60	35	35	35	35	35	35	35

Neversink	Summer			Fall			Winter		Spring	
	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May
L3	55	55	55	30	30	30	30	30	40	40
L4	45	45	45	25	25	25	25	25	30	30
L5	40	40	40	20	20	20	20	20	20	20

Permittee: Town of Fallsburg	Date: April 22, 2025 v.1.21
Facility: South Fallsburg Wastewater Treatment Plant	Permit Writer: Kirsten Jedd-Barry
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USEPA Major/Class 05 Municipal	Full Technical Review

Permittee: Town of Fallsburg
 Facility: South Fallsburg Wastewater Treatment Plant
 SPDES Number: NY0024520
 USEPA Major/Class 05 Municipal

Date: April 22, 2025 v.1.21
 Permit Writer: Kirsten Jedd-Barry
 Water Quality Reviewer: Kirsten Jedd-Barry
 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° 42' 56" N	74° 36' 51" W	Neversink River	B(T)	D-1 PWL: 1402-0021	14 / 02	10.52 ⁷	13.8	17.1	22.6	4.5	3.2:1	3.2:1	3.2:1
002	41° 42' 57" N	74° 36' 52" W	Outfalls removed from permit.											
003	41° 42' 55" N	74° 36' 53" W												

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from September 2018 to August 2023 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.															
Flow Rate	MGD	Monthly Avg	3.3	2.0 Actual Average	60 / 0	4.5	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				703.2	-	TBEL	
		Daily Max	Monitor	7.8 Actual Max	51 / 0	Monitor	750-1.13 Monitor								
	Consistent with TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant is specified.														
pH	SU	Minimum	6.0	5.4 Actual Min	59 / 0	6.0	TOGS 1.3.3	6.6 ⁹	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	TBEL
		Maximum	9.0	8.3 Actual Max	59 / 0	9.0									
	Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. Given the available dilution an effluent limitation equal to the TBEL is reasonably protective of the WQS.														

⁷ Ambient hardness data obtained from RIBS Station 14-NEVR-36.8.

⁸ Existing Effluent Quality: 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)

⁹ Ambient pH obtained from RIBS Station 14-NEVR-36.8.

Permittee: Town of Fallsburg
 Facility: South Fallsburg Wastewater Treatment Plant
 SPDES Number: NY0024520
 USEPA Major/Class 05 Municipal

Date: April 22, 2025 v.1.21
 Permit Writer: Kirsten Jedd-Barry
 Water Quality Reviewer: Kirsten Jedd-Barry
 Full Technical Review

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage																
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection																
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement			
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL					
Temperature	°F	Daily Max	70 Action Level	74 Actual Max	60 / 0	-	-	68	Narrative (Trout): No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout				704.2	-	Action Level			
	This requirement is continued from the previous permit. See the Temperature Requirements for Municipal Discharges to Trout Streams section of the factsheet for a full discussion.																	
Dissolved Oxygen (DO)	mg/L	Daily Min	4.0	7.0 Actual Min	60 / 0	-	-	10	7.3 End of Reach DO	(T) 5.0 mg/L	Narrative	5.0	703.3	-	WQBEL			
	The downstream DO concentration was modeled using the Streeter-Phelps equations and the following assumptions: Effluent DO = 4 mg/L (previous permit limit), Effluent CBOD ₅ = 38 mg/L (previous permit limit), Effluent NOD = 15.6 mg/L (proposed ammonia limit converted to NOD).																	
	Reach Description: The model included the Village of Woodridge Avon WWTP located ~1.75 miles downstream, the additional flow from the confluence with a minor tributary that contains the discharge from Riverside Estates and Davos Sewer District, and Deb-El Foods located ~4.18 miles downstream of South Fallsburg WWTP. The model ends at the confluence with the Sheldrake Stream ~1.3 miles downstream of Deb-El Foods.																	
Ultimate Oxygen Demand (UOD)	mg/L	7 Day Avg	Monitor	-	-	-	-	-	-	-	-	-	-	-	Discontinued			
	lbs/d		810	-	-	-	-	-	-	-	-	-	-					
	UOD monitoring was require only during drought conditions, which are no longer in the permit. See Special Conditions section of this Factsheet.																	
5-day Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	mg/L	Monthly Avg	25	12	60 / 0	30	TOGS 1.3.3	-	See Dissolved Oxygen			25	703.3	-	WQBEL			
		Daily Max	38	22	9 / 0	45						35						
	lbs/d	Monthly Avg	690	238	60 / 0	1100						940						
		Daily Max	1000	449	9 / 0	1700						1300						
	% Rem	Minimum	85	87 Actual Min	60 / 0	85						-						
Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. See justification for Dissolved Oxygen.																		
Total Suspended Solids (TSS)	mg/L	Monthly Avg	25	17	9 / 0	25	TOGS 1.3.3	Standards used to develop the TSS WQBEL are aligned with those used by DRBC for their No Measurable Change Evaluation.			23	DRBC	-	WQBEL				
	lbs/d		690	289	9 / 0	940					860			TBEL				
	mg/L	Daily Max	38	28	9 / 0	38		-				703.2						

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 Full Technical Review

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
	lbs/d		1000	565	9 / 0	1400		Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.							
	% Rem	Minimum	85	80 Actual Min	60 / 0	85									
	This is a Delaware River Basin Commission (DRBC) requirement.														
Settleable Solids	mL/L	Daily Max	0.3	0.0	0 / 9	0.3	TOGS 1.3.3	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	TBEL
	Consistent with TOGS 1.3.3, the effluent limitation is equal to the TBEL of 0.3 mL/L for POTWs providing secondary treatment without filtration. Given that adequate dilution is available the TBEL is reasonably protective of WQS.														
Total Dissolved Solids (TDS)	mg/L	Daily Max	Monitor	509	15 / 0	-	-	Standards used to develop the TDS WQBEL are aligned with those used by DRBC for their No Measurable Change Evaluation.				1,000	DRBC	-	TBEL
	This is a DRBC requirement.														
Nitrogen, Ammonia (as N)	mg/L	Monthly Avg	9.0	17	23 / 0	-	-	0.02	6.4	0.9	A(C)	2.9	703.5	-	No Limitation
	The WQBEL was calculated using the chronic water quality standard, an ambient upstream concentration of 0.02 mg/L and application of the HEW dilution ratio. Although the existing permit limit is greater than the calculated WQBEL, DRBC has developed a more stringent, year-round ammonia limit that will be implemented.														
Nitrogen, Ammonia (as N)	mg/L	Monthly Avg	Monitor	9.1	38 / 0	-	-	0.02	2.0	1.8	A(C)	5.8	703.5	-	No Limitation
	The WQBEL was calculated using the chronic water quality standard, an ambient upstream concentration of 0.02 mg/L and application of the HEW dilution ratio. Although the existing permit limit is greater than the calculated WQBEL, DRBC has developed a more stringent, year-round ammonia limit that will be implemented.														
Nitrogen, Ammonia (as N)	mg/L	Monthly Avg	-	7.5	60 / 0	-	-	Standards used to develop the ammonia WQBEL are aligned with those used by DRBC for their No Measurable Change Evaluation.				2.1	DRBC	-	WQBEL
	lbs/d		-	-	-							80			
	This is a DRBC requirement.														
	mg/L	Daily Max	Monitor	34	51 / 0	-	-	-	-	-	-	-	-	-	Discontinued

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Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Nitrogen, Ammonia (as N)	Reasonable potential analysis indicated that only a monthly average ammonia (as N) limit is protective of water quality, therefore the daily maximum ammonia limit is discontinued.														
Nitrogen, TKN (as N)	mg/L	Daily Max	17	50	25 / 0	-	-	-	-	-	-	-	-	-	Discontinued
June 1 st – Oct. 31 st	A more stringent numeric TKN monthly average limit was developed by DRBC for year-round monitoring. Therefore, the seasonal daily max limit is no longer necessary and will be discontinued.														
Nitrogen, TKN (as N)	mg/L	Monthly Average	Monitor	8.4	35 / 0	-	-	-	-	-	-	-	-	-	Discontinued
Nov. 1 st – May 31 st	A more stringent numeric TKN monthly average limit was developed by DRBC for year-round monitoring. Therefore, the seasonal monitor limit is no longer necessary and will be discontinued.														
Nitrogen, TKN (as N)	mg/L	Monthly Average	-	15	60 / 0	-	-	Standards used to develop the TKN WQBEL are aligned with those used by DRBC for their No Measurable Change Evaluation.				4.3	DRBC	-	WQBEL
	lb/d		-	-	-	-						160			
	This is a DRBC requirement.														
Nitrogen, Nitrate (as N)	mg/L	Daily Max	Monitor	21	9 / 0	-	-	-	-	-	-	-	-	-	Discontinued
	A more stringent numeric Nitrate monthly average limit was developed by DRBC for year-round monitoring. Therefore, the daily maximum monitor limit is no longer necessary and will be discontinued.														
Nitrogen, Nitrate (as N)	mg/L	Monthly Average	-	-	-	-	-	Standards used to develop the Nitrate WQBEL are aligned with those used by DRBC for their No Measurable Change Evaluation.				9.4	DRBC	-	WQBEL
	lb/d		-	-	-	-						350			
	This is a DRBC requirement.														
Nitrogen, Nitrite (as N)	mg/L	Daily Max	Monitor	14	9 / 0	-	-	-	15	0.02	A(C)	0.06	703.5	-	STHIM
	The WQBEL was calculated using the chronic water quality standard, a negligible ambient upstream concentration and application of the chronic dilution ratio. A comparison of the instream concentration to the WQS indicates reasonable potential to cause or contribute to a WQS violation. However, very limited data is available to accurately evaluate reasonable potential to cause or contribute to a WQS violation. Consistent with TOGS 1.3.3, short-term high-intensity monitoring (STHIM) is being required post-construction for nitrite to generate the data necessary to perform a future reasonable potential analysis. See the Schedule of Additional Submittals.														
Total	mg/L		Monitor	3.6	60 / 0	2.0	DRBC	-	-			-	-	-	TBEL

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 Full Technical Review

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Phosphorus (as P)	lb/d	Monthly Avg	-	-	-	75		-	-	Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.		-	-		
			This is a DRBC requirement.												
Total Mercury	ng/L	Daily Max	50	23	17 / 0	-	-	-	-	0.7	H(FC)	50	GLCA	-	DOW 1.3.10
		12 MRA	-	-	-	23	EEQ	-	-	0.7	H(FC)	12	-		
See Mercury section of this factsheet.															
Coliform, Fecal	#/100 ml	30d Geo Mean	200	173	25 / 3	200	TOGS 1.3.3	-	Narrative: The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				703.4	-	TBEL
		7d Geo Mean	400	3,849	27 / 0	400		-							
Consistent with TOGS 1.3.3, effluent disinfection is required seasonally from May 1st - October 31st, due to the class of the receiving waterbody. Fecal coliform limits equal to the TBEL are specified.															
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.05	2.3	23 / 5	2.0	TOGS 1.3.3	-	0.74	0.005	A(C)	0.02	703.5	0.03	ML
		Effluent disinfection is currently required seasonally and will remain a permit requirement. Due to the low dilution, the calculated WQBEL is less than the TBEL and less than the minimum level of detection. Therefore, an effluent limitation equal to the minimum level of detection of 0.030 mg/L is appropriate.													
Total Copper	µg/L	Daily Max	Monitor	600	51 / 0	-	-	1.07	12,780	1.3	A(C)	1.9	703.5	-	WQBEL
	lb/d		1.6	16	60 / 0	-	-	-	-	-		-			
The WQBEL was calculated from the chronic water quality standard and through applying the chronic dilution ratio. An upstream ambient concentration of 1.07 µg/L was used. A metals translator of 1.042 was applied to convert between the total and dissolved form in accordance with the EPA Document 823-B-96-007. The existing permit limit is greater than the calculated WQBEL and is being decreased to equal the WQBEL to protect water quality															
Total Zinc	µg/L	Daily Max	Monitor	510	49 / 2	-	-	-	7,395	12.17	A(C)	40	703.5	-	WQBEL
	lb/d		3.3	14	59 / 1	-	-	-	-	-		-			
The WQBEL was calculated from the chronic water quality standard and through applying the chronic dilution ratio. A negligible upstream ambient concentration was assumed. A metals translator of 1.014 was applied to convert between the total and dissolved form in accordance with the EPA Document 823-B-96-007. The existing permit limit is greater than the calculated WQBEL and is being decreased to equal the WQBEL to protect water quality.															
Additional Pollutants Detected															

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Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Grit Removal, Primary Clarification, Equalization, MBR Treatment, Final Clarification, Post Aeration, UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Total Cyanide	µg/L	Daily Max	-	13 Actual Max	3 / 31	-	-	-	4.9	9,000	H(FC)	No Reasonable Potential	703.5	-	No Limitation
	Total Cyanide was detected in the effluent as reported in the NY-2A application. The permittee performed a Short-Term High-Intensity monitoring program from December 2022 through July 2023 to gather more data for a reasonable potential analysis. The projected instream concentration was calculated using the maximum (reported or measured) effluent concentration of 13 µg/L and a negligible ambient upstream concentration. A multiplier, as recommended in EPA's Technical Support Document Chapter 3.3, of 1.2 was applied to the projected effluent to account for the number of samples. A comparison of the projected instream concentration to the WQS indicates no reasonable potential to cause or contribute to a WQS violation. Therefore, no WQBEL is specified.														
Phenolic Compounds (total phenols)	µg/L	Daily Max	-	528 Actual Max	5 / 29	-	-	-	198	5	A(C)	16	703.5	-	WQBEL
	Phenolic compounds were detected in the effluent as reported in the NY-2A application. The permittee performed a Short-Term High-Intensity monitoring program from December 2022 through July 2023 to gather more data for a reasonable potential analysis. The projected instream concentration was calculated using the maximum (reported or measured) effluent concentration of 528 µg/L and a negligible ambient upstream concentration. A multiplier, as recommended in EPA's Technical Support Document Chapter 3.3, of 1.2 was applied to the projected effluent to account for the number of samples. A comparison of the projected instream concentration to the WQS indicates a reasonable potential to cause or contribute to a WQS violation and therefore a WQBEL is specified.														

Outfall 002

Outfall #	002	Description of Wastewater: Stormwater													
		Type of Treatment: None													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ¹⁰	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from September 2018 to August 2023 was obtained from Discharge Monitoring Reports provided by the permittee.															
Flow	GPD	Daily Max	Monitor	20,571 Actual Max	4 / 0	Monitor	750-1.13 Monitor	-				-	-	-	Discontinued
	This outfall is being removed from the permit. See the Stormwater Pollution Prevent Requirements section of this factsheet.														

¹⁰ Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Permittee: Town of Fallsburg
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Outfall #	002	Description of Wastewater: Stormwater													
		Type of Treatment: None													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ¹⁰	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Chemical Oxygen Demand (COD)	mg/L	Daily Max	Monitor	60	4 / 0	Monitor	750-1.13 Monitor	-	-	-	-	-	-	-	Discontinued
This outfall is being removed from the permit. See the Stormwater Pollution Prevent Requirements section of this factsheet.															

Outfall 003

Outfall #	003	Description of Wastewater: Stormwater													
		Type of Treatment: None													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ¹¹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from Jul 2017 to June 2022 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.															
Flow	GPD	Daily Max	Monitor	15,364 Actual Max	4 / 0	Monitor	750-1.13 Monitor	-				-	-	Discontinued	
	This outfall is being removed from the permit. See the Stormwater Pollution Prevent Requirements section of this factsheet.														
Chemical Oxygen Demand (COD)	mg/L	Daily Max	Monitor	173	4 / 0	Monitor	750-1.13 Monitor	-	-	-	-	-	-	-	Discontinued
	This outfall is being removed from the permit. See the Stormwater Pollution Prevent Requirements section of this factsheet.														

¹¹ Existing Effluent Quality: 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)

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 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.

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, 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 law¹² and USEPA interpretation¹³ 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.

¹² American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

¹³ 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.

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 Department 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 Department 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 $1.2 \times 7Q10$ 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 Department;
- 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 Department 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 Department uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

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

Whole Effluent Toxicity (WET) Testing:

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity testing should be included in SPDES permits. The authority to require toxicity testing is in 6NYCRR 702.9. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

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

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when the method's minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

Monitoring Requirements

CWA section 308, 40 CFR 122.44(i), 6 NYCRR 750-1.13, and 750-2.5 require that monitoring be included in permits to determine compliance with effluent limitations. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required. The permittee is responsible for conducting the monitoring and reporting results on Discharge Monitoring Reports (DMRs). The permit contains the monitoring requirements for the facility. Monitoring frequency is based on the minimum sampling necessary to adequately monitor the facility's performance and characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels (6 NYCRR 750-1.13). For industrial facilities, sampling frequency is based on guidance provided in TOGS 1.2.1. For municipal facilities, sampling frequency is based on guidance provided in TOGS 1.3.3.

Other Conditions

Mercury

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

Mini Industrial Pretreatment Program

Pretreatment requirements are intended to protect a WWTP from receiving pollutants that cause pass through or interference to the operations of the POTW receiving such wastes. When necessary, the Department, in accordance 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.