



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4952	NAICS Code:	221320	SPDES Number:	NY0035645
Discharge Class (CL):	07	DEC Number:	3-4846-00196/00001		
Toxic Class (TX):	N	Effective Date (EDP):	9/1/2024		
Major-Sub Drainage Basin:	14 - 02	Expiration Date (ExDP):	8/31/2029		
Water Index Number:	D-1-35	Item No.:	815 - 93	Modification Dates (EDPM):	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 Thompson	Attention:	Town Supervisor		
Street:	4052 State Route 42				
City:	Monticello	State:	NY	Zip Code:	12701
Email:	supervisor@townofthompson.com	Phone:	845-745-5280		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Emerald Green-Lake Louise Marie S&W District								
Address / Location:	4052 State Route 42						County:	Sullivan	
City:	Monticello				State:	NY	Zip Code:	12701	
Facility Location:	Latitude:	41 °	35 '	16 " N	& Longitude:	74 °	35 '	16 " W	
Primary Outfall No.:	001	Latitude:	41 °	37 '	08 " N	& Longitude:	74 °	35 '	20 " W
Outfall Description:	Treated Sanitary		Receiving Water: McKee Brook				Class:	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:

CO BWP - Permit Coordinator
CO BWC - SCIS
RWE
RPA
EPA Region II
NYSEFC

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

DEFINITIONS

7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by 12.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the Department.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

INTERIM PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year unless otherwise noted	McKee Brook	EDP	Upon Commencement of Operation of the Expanded WWTP +30-days

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	0.410	MGD	-	-	Continuous	Recorder	-	X	2
pH	Range	6.5-8.5	SU	-	-	Daily	Grab	-	X	-
CBOD ₅	Daily Maximum	5	mg/L	17.1	lbs/d	2/Month	6-hr. Comp.	X	X	1
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	34.2	lbs/d	2/Month	6-hr. Comp.	X	X	1
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	Daily	Grab	-	X	-
Dissolved Oxygen	Daily Minimum	7.0	mg/L	-	-	Daily	Grab	-	X	-
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	-	mg/L	Monitor	lbs/d	Daily	6-hr. Comp.	-	X	2
Ammonia (as NH ₃) (June 1 to October 31)	Monthly Average	1.1	mg/L	-	lbs/d	Daily	6-hr. Comp.	-	X	2
Ammonia (as NH ₃) (November 1 to May 31)	Monthly Average	2.2	mg/L	-	lbs/d	Daily	6-hr. Comp.	-	X	2
Total Phosphorus (as P)	Monthly Average	0.5	mg/L	-	lbs/d	Daily	6-hr. Comp.	-	X	2
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	°F	-	-	Daily	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	-	-	2/Month	Grab	-	X	-
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL	-	-	2/Month	Grab	-	X	-
Chlorine, Total Residual	Daily Maximum	2.0	mg/L	-	-	Daily	Grab	-	X	2,3

FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD₅ & TSS respectively.
- This is an interim effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.
- Reporting for Total Residual Chlorine is only applicable if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine.

4. 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:

1. Effluent sample as close as practical to the outfall without interference from the receiving water
2. Downstream receiving water sample (as specified on the Monitoring Locations page of this permit)
3. 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.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year unless otherwise noted	McKee Brook	Upon Commencement of Operation of the Expanded WWTP +30-days	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	0.475	MGD	-	-	Continuous	Recorder	-	X	2
pH	Range	6.5-8.5	SU	-	-	Daily	Grab	-	X	-
CBOD ₅	Daily Maximum	5	mg/L	17.1	lbs/d	1/Month	6-hr. Comp.	X	X	1
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	34.2	lbs/d	1/Month	6-hr. Comp.	X	X	1
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	Daily	Grab	-	X	-
Dissolved Oxygen	Daily Minimum	7.0	mg/L	-	-	1/Month	Grab	-	X	-
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	-	mg/L	8.39	lbs/d	1/Month	6-hr. Comp.	-	X	2
Ammonia (as N)	Monthly Average	-	mg/L	2.85	lbs/d	1/Month	6-hr. Comp.	-	X	2
Nitrate	Monthly Average	-	mg/L	15.62	lbs/d	1/Month	6-hr. Comp.	-	X	2
Total Phosphorus (as P)	Monthly Average	-	mg/L	1.7	lbs/d	1/Month	6-hr. Comp.	-	X	2
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	°F	-	-	Daily	Grab	-	X	5
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/Month	Grab	-	X	-
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL	-	-	1/Month	Grab	-	X	-
Chlorine, Total Residual	Daily Maximum	0.03	mg/L	-	-	Daily	Grab	-	X	2,3,4

FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD₅ & TSS respectively.
- This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.
- Final effluent limit for Total Residual Chlorine will become effective 1-month after the completion and commencement of the Phase 1 disinfection improvements project.
- Reporting for Total Residual Chlorine is only applicable if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine.

5. 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:

1. Effluent sample as close as practical to the outfall without interference from the receiving water
2. Downstream receiving water sample (as specified on the Monitoring Locations page of this permit)
3. 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.

TEMPERATURE MANAGEMENT FOR POTWs DISCHARGES TO TROUT WATERS

The permittee is required to develop, maintain, and implement a temperature management plan. The purpose of this plan is to minimize the thermal impacts to the receiving water. The goal of the temperature management plan will be to reduce effluent temperature below the 70 degrees Fahrenheit Action Level. The permittee shall submit a plan which incorporates the following items:

1. **Thermal Track Down** – Permittee must conduct a thermal assessment of the current collection and treatment system. This is to include influent and effluent temperature monitoring data from the treatment system and each unit within the system. Any process or input source that adds heat to the system must be identified.
2. **Passive Cooling Measures** – Permittee shall assess passive cooling measures (e.g. shading of tankage) which may be implemented to reduce effluent temperature to the maximum extent practical. Such measures can be operational or physical modifications which the permittee believes will prove effective.
3. **Implementation** – The temperature management plan shall contain action items to address the assessments noted in 1 and 2 above as well as a schedule for implementation and shall be submitted to the Department for approval. The temperature management plan and schedule will become an enforceable part of the permit upon approval by the Department.
4. **Compliance Deadlines** – The permittee shall submit the temperature management plan by **12/31/2023**, to the Regional office listed on the Recording, Reporting and Additional Monitoring page of this permit and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505, and in electronic format to spdes.temperaturedata@dec.ny.gov.

SPECIAL CONDITIONS - Delaware River Basin Commission (DRBC)

1. Prior to the permittee initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Delaware River Basin Commission's *Water Quality Regulations (18CFR Part 410)*, a "No Measurable Change to Existing Water Quality Analysis" must be conducted by the Delaware River Basin Commission. The No Measurable Change to Existing Water Quality Analysis shall be conducted prior to final design to ensure that the Commission can provide the permittee with proposed effluent limitations to be included in a future SPDES permit for Special Protection Waters specific parameters as guidance for treatment design purposes. The permittee is encouraged to contact DRBC staff during the planning stages of any project that meets the definition of substantial alteration or additions, as per DRBC.
2. Except as otherwise authorized by this permit, if the permittee seeks relief from any limitation based upon a Delaware River Basin Commission water quality standard or minimum treatment requirement, the permittee shall apply for approval from the Delaware River Basin Commission Executive Director and NYSDEC for a permit revision.
3. Prior to accepting for treatment and discharge 50,000 gallons per day or more (as a daily average) of wastewater that is imported from outside the Delaware River Basin, the permittee shall first apply to and obtain approval from the Delaware River Basin Commission.
4. The permittee may conduct a study to determine if specific conductance may be substituted for TDS in the permit. The study should include effluent specific data to be used to determine a correlation between TDS and specific conductance. Upon review, the Delaware River Basin Commission will determine if the permit may be modified to allow the substitution of specific conductivity for TDS monitoring. The TDS limit would then be supplanted by a specific conductance limit in the permit.
5. The WWTP shall have available standby power facilities unless it can be shown that a proposed discharge can be interrupted for an extended period with no threat to the water quality of Delaware River Basin Commission (DRBC)-designated Special Protection Waters (SPW)." 18 CFR Part 410 Section 3.10.3. A. 2.d.1.
6. "In the event that the WWTP is not staffed 24 hours every day, the WWTP shall have a remote alarm that will continuously monitor plant operations whenever the plant is not staffed. The alarm system shall be designed to alert someone available with authority and knowledge to take appropriate action." 18 CFR Part 410 Section 3.10.3. A. 2.d.2.
7. "The permittee shall prepare and implement an emergency management plan (EMP) following the guidance provided in the Water Pollution Control Federation's Manual of Practice SM-8, Emergency Planning for Municipal Wastewater Facilities, the U.S. EPA's Design Criteria for Mechanical, Electric and Fluid System and Component Reliability or other suitable manuals. Emergency management plans shall include an emergency notification procedure covering all affected downstream users." 18 CFR Part 410 Section 3.10.3. A. 2.d.4.
8. 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.

MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On February 8, 2023, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10.

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below.
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 elements¹ as described in detail below:
 - a. Conditional Exclusion Certification - A certification (Appendix D of *DOW 1.3.10*), signed in accordance with 750-1.8 Signature of SPDES forms, must be submitted once every five (5) years for Outfall 001 to the Regional Water Engineer and to the Bureau of Water Permits certifying that Outfall 001 for the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:
 - The facility is or receives discharge from 1) individually permitted combined sewer overflow (CSOs)² communities and/or 2) Type II sanitary sewer overflow (SSO)³ facilities;
 - One or more effluent samples which exceed 12 ng/L, including samples taken as a result of the SPDES application process;
 - Internal or tributary waste stream samples exceed the GLCA effluent limitation **AND** the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
 - A permit application or other information indicates that mercury is handled on site and could be discharged through outfalls;
 - Outfalls which contain legacy mercury contamination;
 - The facility's collection system receives discharges from a dental and/or categorical industrial user (CIU)⁴ that may discharge mercury;
 - The facility accepts hauled wastes; or,
 - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories which have their own SPDES permit.
 - b. Control Strategy - The control strategy must contain the following minimum elements:
 - i. 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.
 - ii. 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.

¹Neither monitoring nor outreach is required for facilities meeting the criteria for MMP Type IV, but monitoring and/or outreach can be included in the permittee's control strategy.

²CSO permits are included under the 05 and 07 permit classifications.

³These are overflow retention facilities (ORFs) and are included under the 05 and 07 permit classifications.

⁴CIUs include those listed under Federal Regulation in 40 CFR Part 400.

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

- c. **Status Report** - An **annual** status report must be developed and maintained on site, in accordance with the [Schedule of Additional Submittals](#), summarizing:

- i. Review of criteria to determine if the facility has a potential mercury source;
 - a. If the permittee no longer meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated permit modification;
- ii. All actions undertaken, pursuant to the control strategy, during the previous year; and
- iii. Actions planned, pursuant to the control strategy, for the upcoming year.

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. A letter from the Department identifies inadequacies in the MMP.

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

DEFINITIONS:

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

DISCHARGE NOTIFICATION REQUIREMENTS

- (a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any discharge.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Due Date
001	<u>INTERIM PROGRESS REPORTS</u> Submit interim status reports on the progress related to meeting the specified final limits.	EDPM + 9 months, and every 9 months thereafter
001	<u>DESIGN DOCUMENTS – FOR PHASE I DISINFECTION IMPROVEMENTS</u> The permittee shall submit approvable Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the implementation of proposed improvements necessary to meet the Total Residual Chlorine limit. Department approval is subject to SEQR and other permits, as needed.	1/1/2025
	<u>BEGIN CONSTRUCTION – FOR PHASE I DISINFECTION IMPROVEMENTS</u> The permittee shall begin construction of the treatment facilities in accordance with the Department approved design documents.	6/1/2025
	<u>COMPLETE CONSTRUCTION & COMMENCE OPERATION – FOR PHASE I DISINFECTION IMPROVEMENTS</u> The permittee shall complete construction and commence operation of the system.	5/31/2026
	<u>COMPLY WITH FINAL EFFLUENT LIMITS</u> Comply with final effluent limits for Total Residual Chlorine.	7/1/2026
001	<u>DESIGN DOCUMENTS – FOR PHASE II WWTP UPGRADE/EXPANSION</u> The permittee shall submit approvable Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the implementation of proposed improvements necessary to meet final effluent limitations. Department approval is subject to SEQR and other permits, as needed.	1/1/2026
	<u>BEGIN CONSTRUCTION – FOR PHASE II WWTP UPGRADE/EXPANSION</u> The permittee shall begin construction of the treatment facilities in accordance with the Department approved design documents.	7/1/2026
	<u>COMPLETE CONSTRUCTION & COMMENCE OPERATION – FOR PHASE II WWTP UPGRADE/EXPANSION</u> The permittee shall complete construction and commence operation of the system.	10/1/2027
	<u>COMPLY WITH FINAL EFFLUENT LIMITS</u> Comply with final effluent limits for all final limitations.	11/1/2027

The above compliance actions are one-time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the "SPDES NOTICE/RENEWAL APPLICATION/PERMIT" letter.

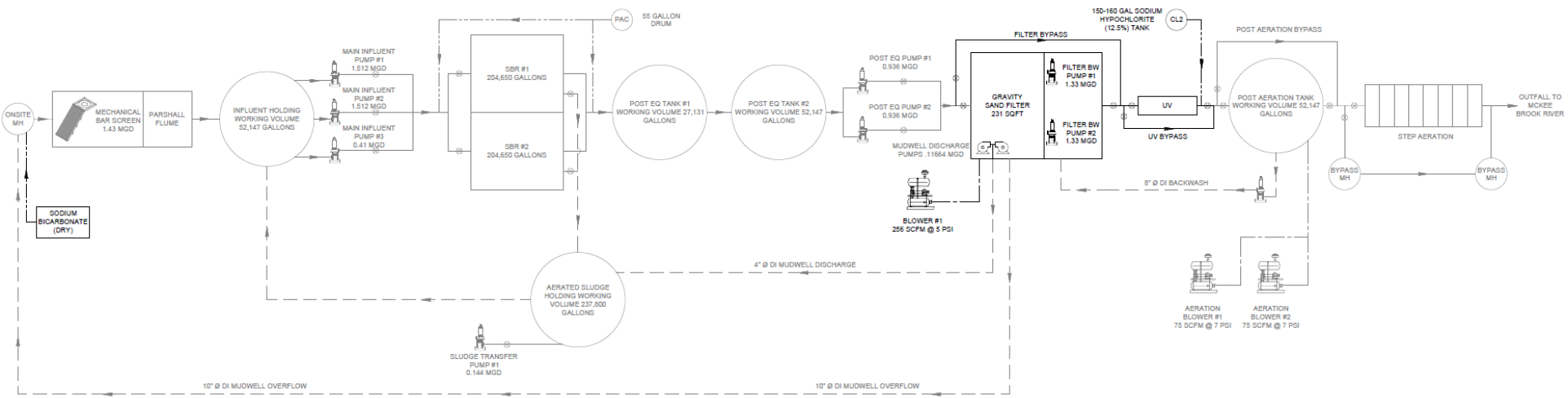
SCHEDULE OF COMPLIANCE (continued)

INTERIM EFFLUENT LIMITS FOR PARAMETERS SUBJECT TO THIS SCHEDULE OF COMPLIANCE							
Outfall	Parameter(s) Affected	Interim Effluent Limit			Limits Apply	Notes	Interim Limits Expire
		Type	Limit	Units			
001	Chlorine, Total Residual	DM	2.0	mg/l	All Year	-	Completion of Phase 1 Disinfection Improvement Project + 30 Days
001	Flow	MA	0.410	MGD	All Year	-	Startup of Expanded WWTP +30 Days
	Total Kjeldahl Nitrogen (TKN) (as N)	MA	Monitor	mg/l	All Year	-	
	Ammonia (as NH ₃) (Jun. 1 to Oct. 31)	MA	1.1	mg/l	All Year	-	
	Ammonia (as NH ₃) (Nov. 1 to May 31)	MA	2.2	mg/l	All Year	-	
	Total Phosphorus (as P)	MA	0.5	mg/l	All Year	-	

- b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:
1. A short description of the non-compliance;
 2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
 3. Any details which tend to explain or mitigate an instance of non-compliance; and
 4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.
- 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

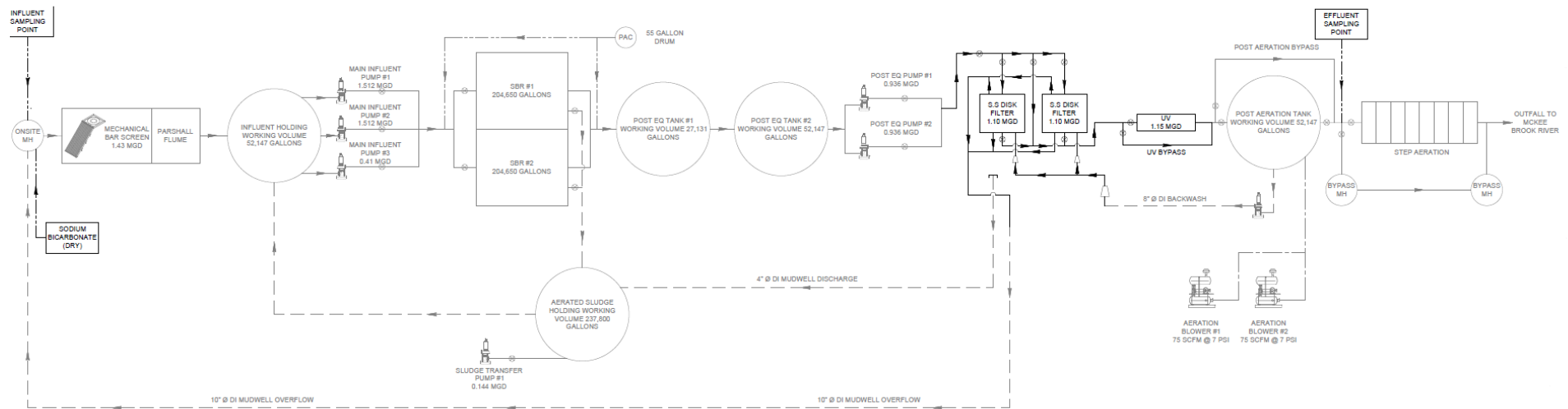
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:



PROCESS SCHEMATIC EXISTING

MONITORING LOCATIONS

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



PROCESS SCHEMATIC PROPOSED

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|---|-----------------------------|
| 1. Reporting requirements | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
| 9. Additional conditions applicable to a POTW | 6 NYCRR 750-2.9 |
- F. Planned Changes
1. The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
 - a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

GENERAL REQUIREMENTS (continued)

2. Notification Requirement for POTWs

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

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

POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address:

U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866

G. Sludge Management

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

H. SPDES Permit Program Fee

The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

I. Water Treatment Chemicals (WTCs)

New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the Department's website at: <http://www.dec.ny.gov/permits/93245.html>

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/103774.html>. **Hardcopy paper DMRs will only be received at the address listed below, directed to the Bureau of Water Compliance, if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

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

The first monitoring period begins on the effective date of this permit, and, unless otherwise required, the reports are due no later than the 28th day of the month following the end of each monitoring period.

- C. Additional information required to be submitted by this permit shall be summarized and reported to the RWE and Bureau of Water Permits at the following addresses:

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

Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 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
001	<u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	January 28, 2024 and every year thereafter

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>MERCURY - CONDITIONAL EXCLUSION CERTIFICATION</u> Permittee must submit a mercury conditional exclusion certification every five years certifying there are no mercury sources.	January 31, 2028 and every 5 years thereafter
001	<u>TEMPERATURE MANAGEMENT PLAN</u> The permittee shall submit the temperature management plan for Department approval.	12/31/2023
001	<u>SHORT-TERM HIGH-INTENSITY MONITORING PROGRAM</u> The permittee shall collect 10 samples representative of normal discharge conditions and treatment operations over 10-weeks for Total Dissolved Solids (TDS). 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.	EDP + 3 months

Unless noted otherwise, the above actions are one-time requirements. The permittee shall submit the results of the above actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the above submittal(s), unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

- 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.

SPDES Permit Fact Sheet

Town of Thompson

Emerald Green-Lake Louise Marie

S&W District

NY0035645



Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Emerald Green-Lake Louise Marie S&W District. The changes to the permit are summarized below:

- Updated permit schedule of compliance

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

7/1/2023 The last full technical review was performed and the SPDES permit was modified. The 2023 modification has formed the basis of this permit.

9/1/2024 The permit was administratively renewed in 2024. The current permit administrative renewal is effective until 8/31/2029.

12/22/2024 The Town of Thompson submitted a request to modify the permit to change the schedule of compliance to reflect their anticipated completion dates.

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

Facility Information

This is a publicly owned treatment works that receives flow from domestic users, with effluent consisting of treated sanitary wastewater. The collection system consists of separate sewers. The facility does not have any significant industrial users (SIUs). The treatment plant was constructed in the 1960's to provide secondary treatment. The treatment plant was upgraded and expanded to provide a design flow of 0.41-MGD in 1993.

The current 0.41 MGD treatment plant consists of:

- Preliminary Treatment: Influent Bar Screen, Influent Flow Equalization
- Secondary Treatment: 2-basin SBR System
- Tertiary Treatment: Filter Feed Equalization, Sand Filter
- Disinfection: Chlorine Contact, Post Aeration
- Outfall: Outfall 001 discharges to McKee Brook

Sludge is hauled to the Town of Thompson's Kiamesha WWTP

The facility accepts wastewater from the following municipalities:

Municipality	POSS # or SPDES #	Collection System
Town of Thompson	NY0035645	Separate

Site Overview



Enforcement History

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

Schedule of Compliance

A Schedule of Compliance is being included¹ for the following items ([Appendix Link](#)):

- Dates Extended:
 - Interim Progress Reports changed from EDP + 9 months, and every 9 months thereafter to EDPM + 9 months, and every 9 months thereafter
 - Desing Documents for Phase I Disinfection Improvements changed from EDP + 6 Months to 1/1/25

¹ Pursuant to 6 NYCRR 750-1.14

- Begin Construction for Phase I Disinfection Improvements changed from In Accordance with Approved Eng. Report to 6/1/25
- Complete Construction & Commence Operation for Phase I Disinfection Improvements changed from EDP + 30 Months to 5/31/2026
- Comply With Final Effluent Limits changed from EDP + 31 Months to 7/1/26
- Design Documents for Phase II WWTP Upgrade/Expansion changed from EDP + 24 Months to 1/1/26
- Begin Construction for Phase II WWTP Upgrade/Expansion changed from In Accordance with Approved Eng. Report to 7/1/26
- Complete Construction & Commence Operation for Phase II WWTP Upgrade/Expansion changed from EDP +59 Months to 10/1/27
- Comply With Final Effluent Limits changed from EDP + 60 Months to 11/1/27

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)
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Outfall and Receiving Water Information

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95th (monthly average) and 99th (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program.

Permit Requirements

Basis for Effluent Limitations

Sections 101, 301, 304, 308, 401, 402, and 405 of the CWA and Titles 5, 7, and 8 of Article 17 ECL, as well as their implementing federal and state regulations, and related guidance, provide the basis for the effluent limitations and other conditions in the permit.

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, 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 law² and USEPA interpretation³ anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

New York State implements the antidegradation portion of the CWA based upon two documents: (1) Organization and Delegation Memorandum #85-40, "Water Quality Antidegradation Policy" (September 9, 1985); and, (2) TOGS 1.3.9, "Implementation of the NYSDEC Antidegradation Policy – Great Lakes Basin (Supplement to Antidegradation Policy dated September 9, 1985) (undated)." The permit for the facility contains effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, SPDES applications have been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed

² American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

³ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

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.