



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	8999	NAICS Code:	721110	SPDES Number:	NY 0102911
Discharge Class (CL):	02	DEC Number:	3-5154-00194/00001		
Toxic Class (TX):	N	Effective Date (EDP):	EDP		
Major-Sub Drainage Basin:	13 - 07	Expiration Date (ExDP):	ExDP		
Water Index Number:	H-171-23	Item No.:	861 - 109	Modification Dates (EDPM):	
Compact Area:	-				

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:	Everest Hospitality, LLC			Attention:	Mukesh Patel		
Street:	239 Forest Hill Drive						
City:	Kingston			State:	NY	Zip Code:	12401
Email:	Mukesh17975@gmail.com			Phone:	(845) 331-2900		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	Kingston Motel										
Address / Location:	239 Forest Hill Dr.						County:	Ulster			
City:	Kingston				State:	NY	Zip Code:	12401			
Facility Location:	Latitude:	41 °	56 ' ,	59 " N	& Longitude:	74 °	2 ' ,	26 " W			
Primary Outfall No.:	001	Latitude:	41 °	57 ' ,	4 " N	& Longitude:	74 °	2 ' ,	30 " W		
Outfall Description:	Treated Sanitary	Receiving Water:	Unnamed Trib. Of Keator Brook			Class:	D	Standard:	D		

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:

Douglas Upright, P.E.
CO BWP - Permit Coordinator
CO BWC - SCIS
RPA

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 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

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	ALL YEAR EXCEPT AS NOTED	Unnamed Trib. Of Keator Brook	EDP	ExPD

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	10,920	gpd			Continuous	Meter	X or	X	
pH	Daily Minimum	6.5	SU			Daily	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	°F			Daily	Grab		X	
BOD ₅ (June 1 to October 31)	Daily Maximum	11	mg/L	1.0	lbs/d	Quarterly	Grab	X	X	1,2,5
BOD ₅ (November 1 to May 31)	Monthly Average	15	mg/L	1.4	lbs/d	Quarterly	Grab		X	1,5
BOD ₅ (November 1 to May 31)	7-Day Average	30	mg/L	2.7	lbs/d	Quarterly	Grab		X	1,5
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	0.9	lbs/d	Quarterly	Grab	X	X	1,2,5
Settleable Solids	Daily Maximum	0.1	mL/L			Daily	Grab		X	
Dissolved Oxygen	Daily Minimum	7.0	mg/L			Quarterly	Grab		X	2,5
Ammonia (as N) (June 1 to October 31)	Daily Maximum	1.24	mg/L	0.11	lbs/d	Quarterly	Grab		X	2,5
Ammonia (as N) (November 1 to May 31)	Daily Maximum	1.81	mg/L	0.16	lbs/d	Quarterly	Grab		X	2,5
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			Quarterly	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			Quarterly	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.
- 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 0.005 mg/L.
- 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).

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

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

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date ¹
001	DESIGN DOCUMENTS The permittee shall submit approvable <small>Error! Bookmark not defined.</small> Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule that will ensure compliance with final effluent limitation(s) for <i>BOD₅</i> , <i>Total Suspended Solids (TSS)</i> , <i>Dissolved Oxygen</i> , <i>Ammonia as N</i> and <i>Total Residual Chlorine</i> .	EDP + 12 Months
001	COMPLETE CONSTRUCTION The permittee shall provide a Certificate of Completion ² to the Department that the disposal system has been fully completed in accordance with the approved Design Documents.	EDP + 54 Months
001	COMMENCE OPERATION Following receipt of Department acceptance of Certificate of Completion, the permittee shall commence operation and comply with the final effluent limitation(s) described in this permit for <i>BOD₅</i> , <i>Total Suspended Solids (TSS)</i> , <i>Dissolved Oxygen</i> , <i>Ammonia as N</i> and <i>Total Residual Chlorine</i> .	Upon Department Acceptance

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

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.		
001	BOD ₅	Monthly Average	15	mg/L	2.5	lbs/d	1/Month	Grab	X	X	1
001	BOD ₅	7-Day Average	30	mg/L	5.0	lbs/d	1/Month	Grab	-	X	1
001	TSS	Monthly Average	30	mg/L	5.0	lbs/d	1/Month	Grab	X	X	1
001	TSS	7-Day Average	45	mg/L	7.5	lbs/d	1/Month	Grab	-	X	1
001	Dissolved Oxygen	Daily Min.	Monitor	mg/L	-	-	1/Month	Grab	-	X	1
001	Ammonia (as N)	Daily Max.	Monitor	mg/L	Monitor	lb/d	1/Month	Grab	-	X	1
001	Chlorine, Total Residual	Daily Max.	2.0	mg/L	-	-	Daily	Grab	-	X	1

Notes: 1. Interim limits expire EDP + 56 months.

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

¹ 6 NYCRR 750-1.14 (a)

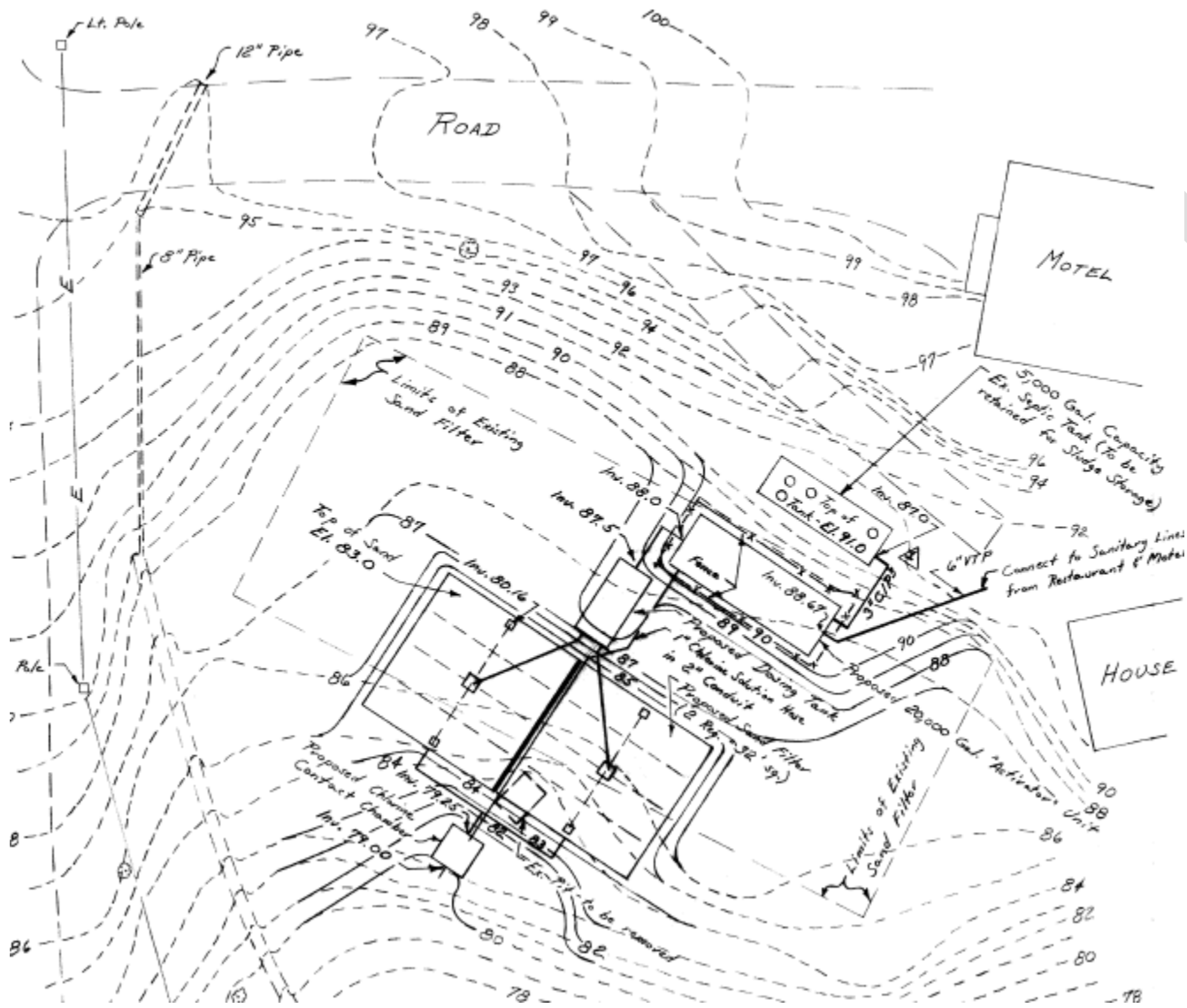
² 6 NYCRR 750-2.10 (c)

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.

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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. Note schematic shown is for the facility as existing at permit issuance, refer to the approved engineering report for the final process diagram. Influent: At head of treatment works, Effluent: At Outfall.



GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|------------------------------|-----------------------------|
| 1. Reporting requirements | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Planned Changes
- The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
 - 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
 - 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
 - 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)

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 3
21 South Putt Corners Road, New Paltz, New York, 12561-1696 Phone: (845) 256-3000

C. 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>PUBLIC NOTIFICATION</u> Permittee shall install identification signs at all outfalls owned and operated by the permittee. The signs shall be placed at or near the outfalls and be easily readable by the public and follow the guidelines contained in this permit.	EDP + 1 months

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

- D. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- E. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- F. 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.
- G. 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

Everest Hospitality, LLC

Kingston Motel f.k.a. Rodeway Inn Skytop

NY0102911



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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Kingston Motel f.k.a. Rodeway Inn Skytop. The permit replaces a expired permit formerly issued to a prior owner of the facility. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions.
- Reduced flow limitation from 20,000 GPD to 10,920 GPD as per the application and engineering report submitted by the permittee.
- Added daily max effluent limitation for BOD₅ of 11 mg/L from June 1 to October 31.
- Added daily max effluent limitation for total suspended solids (TSS) of 10 mg/L. This limit is more stringent than the existing Monthly average and weekly average limits, and so has replaced both.
- Updated loading limitation for BOD₅ to reflect reduced design flow.
- Reduced daily max effluent limitation for total residual chlorine (TRC) from 2.0 mg/L to 0.03 mg/L
- Added daily min effluent limitation for Dissolved Oxygen of 7.0 mg/L
- Added daily max effluent limitation for Ammonia (as N) of 1.24 mg/L in summer and 1.81 mg/L in the winter.
- Added requirement for submission of an annual report.
- Added schedule of compliance.
- Added schedule of additional submittals.

This factsheet 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 factsheet.

Administrative History

12/1/1977 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 12/1/1982. The 1977 permit, along with all subsequent modifications, has formed the basis of this permit.

The permit was administratively renewed in 1982, with an indefinite expiration date. The permit was then transferred on 11/7/2003 and an expiration date of 12/1/2008 was set. The permit was then administratively renewed in 2008 and 2013.

11/30/2018 The SPDES permit expired.

2/23/2022 The Everest Hospitality, LLC submitted a PCI form. An NOIA was issued 8/23/2022. A revised application was submitted on 6/12/2023.

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 commercial facility 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 current 10,920 MGD treatment plant consists of:

- Preliminary Treatment: Manual screen
- Secondary Treatment: Activated Sludge
- Tertiary Treatment: Sand filtration
- Disinfection: Chlorination

Sludge is wasted to a holding tank and hauled wet.

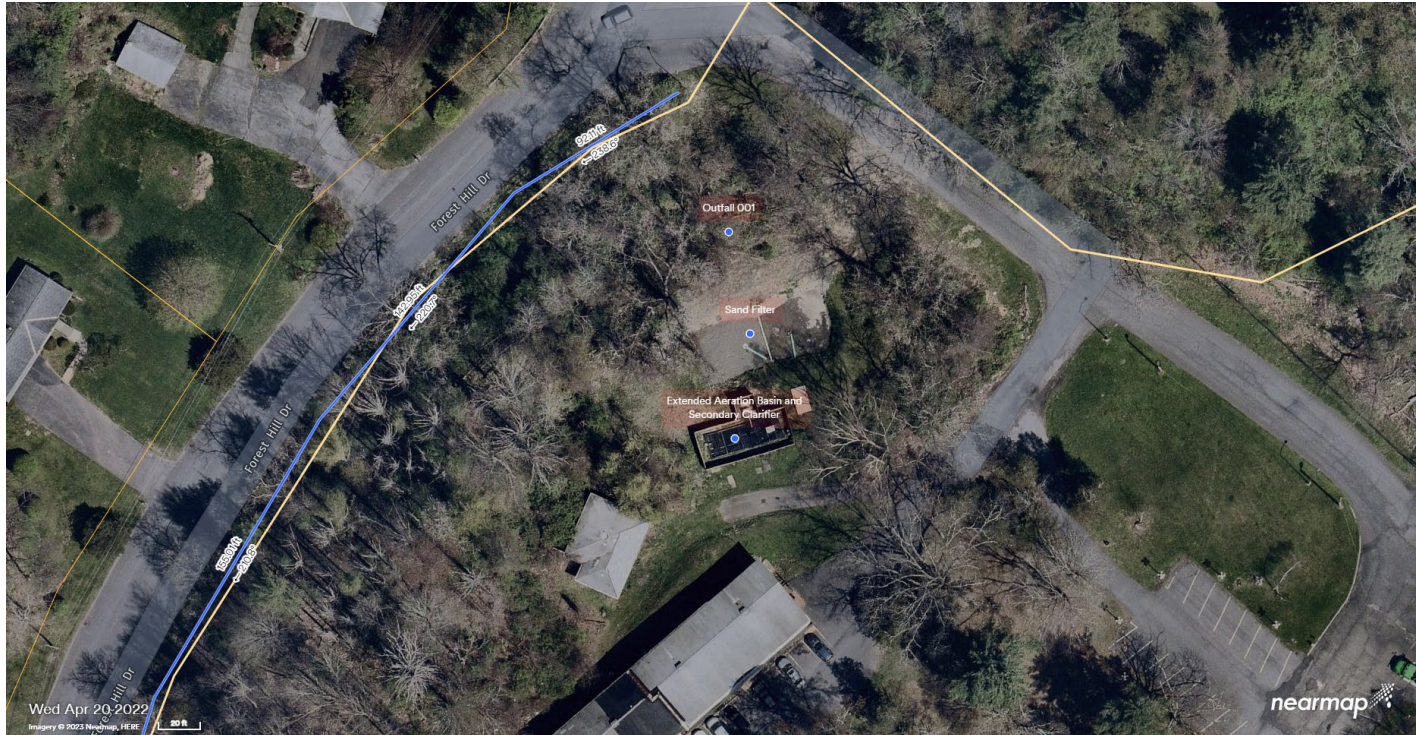
The primary outfall (Outfall 001) is located adjacent to the drainage swale on Forest Hill Drive. Wastewater is carried by the swale to a NYSDOT Culvert which conveys it to The Keator Brook

The facility does not have any planned improvements.

- The system is in very poor condition and may require extensive renovations to achieve compliance.

Site Overview





Enforcement History

The facility has received NOVs for discharging without a SDPES permit following the expiration of the facility permit and for discharges in violation of the Water Quality Standard.

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

Existing Effluent Quality

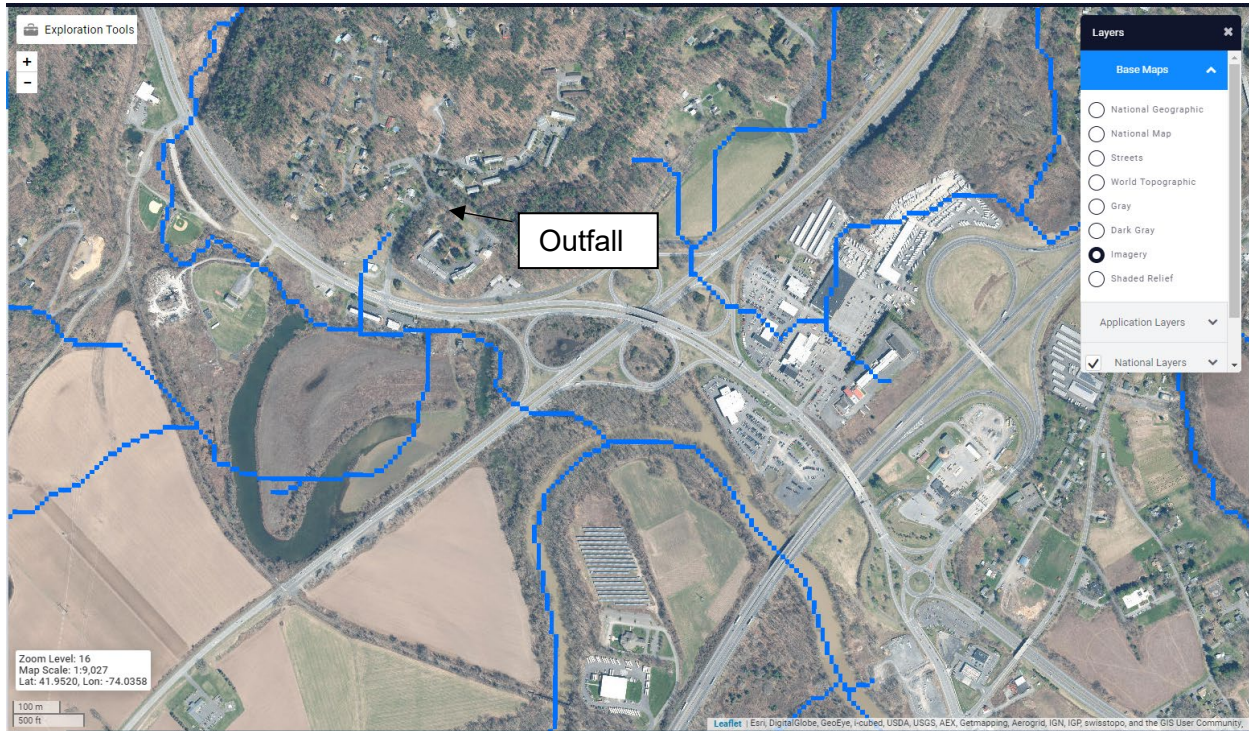
The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from the application submitted by the permittee for the period 7/1/2022 to 10/31/2022. In addition, an additional sampling event occurred on 5/18/2023 to provide data for missing parameters. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	8999	Treated Sanitary Sewage	Tributary to Keator Brook, Class D

Reach Description: The facility discharges to a swale which is an unnamed tributary of Keator Brook. The swale then flows downstream approximately 1,100' where it joins Keator Brook. The Keator Brook then enters into Esopus Creek approximately 2,240' downstream of the confluence of the unnamed tributary and Keator Brook.



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

Impaired Waterbody Information

The Esopus Creek, Middle, And Minor Tribs segment (PWL No. 1307-003) was first listed on the 2012 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters as impaired due to Turbidity from stream erosion. The segment continues to be listed as of the 2018 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data & Mixing Zone

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

The drainage area at the point of the discharge is approximately 0.035 square miles. With such a small drainage area the ambient flow occurring in the stream is de-minimis. Consistent with TOGS

1.3.1, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution.

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

[Appendix Link](#)

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)¹ 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.

Schedule(s) of Compliance

A Schedule of Compliance is being included² for the following items ([Appendix Link](#)):

- Compliance period for attainment of final effluent limits for *BOD₅*, *Total Suspended Solids (TSS)*, *Dissolved Oxygen*, *Ammonia as N* and *Total Residual Chlorine*.
 - A major modification to the treatment facility or operations maybe needed and will take a significant amount of time to properly plan, design, fund, and construct.
- 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.
- Construction milestones.

Schedule(s) of Additional Submittals

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

- Schedule to install public notification signs at all outfalls as required by the permit.

¹ As prescribed by 6 NYCRR Part 617

² Pursuant to 6 NYCRR 750-1.14

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 (GPD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	41° 57' 4" N	74° 2' 30" W	Unnamed Tributary of Keator Brook	D	H-171-23 PWL: 1307-0003	Lower Hudson / Esopus	-	Flow < 0.1 cfs			10,920	1:1	1:1	1:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Extended Aeration, Clarification, Sand Filters, Chlorination													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from July 2022 to September 2022 was obtained from the application provided by the permittee. Additional sampling was performed in May 2023. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	GPD	Monthly Avg	20,000	-	-	10,920	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				703.2	-	TBEL	
Consistent with TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant is specified. A reduction in design flow is proposed for the upgraded WWTP.															
pH	SU	Minimum	6.5	6.8	120	6.5	Anti-Backsliding	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	WQBEL
		Maximum	8.5	7.8	120	8.5									
Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. Given that adequate dilution is not available, an effluent limitation equal to the WQS is appropriate.															
Temperature	°F	Daily Max	Monitor	73	120	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	TBEL
								Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions. This requirement is continued from the previous permit.							

³ 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)

Outfall #	Description of Wastewater: Treated Sanitary Sewage														
	Type of Treatment: Extended Aeration, Clarification, Sand Filters, Chlorination														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Dissolved Oxygen (DO) SUMMER 6/1 – 10/31	mg/L	Daily Min	-	-	-	-	-	-	>4.0 Critical Point	(Non-Trout) 4.0 mg/L	Narrative	7.0	703.3	-	WQBEL
	See Reach Description in the document. The downstream DO concentration was modeled using the Streeter-Phelps equations with the following assumptions: Effluent DO = 7.0 mg/l, Effluent BOD _u = 17 mg/L, Effluent NOD = 6 mg/L and temperature of 25 C. The WQ model was developed to protect the DO standard of Keator Brook classified as C. The model showed that a WQBEL for DO, BOD ₅ , and Ammonia is necessary to comply with downstream dissolved oxygen water quality standard.														
Dissolved Oxygen (DO) WINTER 11/1 – 5/31	mg/L	Daily Min	-	6	1	-	-	-	>4.0 Critical Point	(Non-Trout) 4.0 mg/L	Narrative	7.0	703.3	-	WQBEL
	See Reach Description in the document. The downstream DO concentration was modeled using the Streeter-Phelps equations with the following assumptions: Effluent DO = 7 mg/l , Effluent BOD _u = 45 mg/L, Effluent NOD = 8.5 mg/L and temperature of 10 C. The WQ model was developed to protect the DO standard of Keator Brook classified as C. The model showed that a WQBEL for DO and Ammonia is necessary to comply with downstream dissolved oxygen water quality standard.														
5-day Biochemical Oxygen Demand (BOD ₅) SUMMER 6/1 – 10/31	mg/L	Daily Max	15/30 (monthly/weekly)	>5	0 /1	-	TOGS 1.3.1	-	Dissolved Oxygen = 4.0 mg/L (Surrogate Standard 703.3)	11	703.3	-	WQBEL		
	lbs/d	Daily Max	-	-	-	-	-	1.0							
	% Rem	Minimum	85	-	-	85	ECL 17-0509	-							
	See justification for Dissolved Oxygen.														
5-day Biochemical Oxygen Demand (BOD ₅) WINTER 11/1 – 5/31	mg/L	Monthly Avg	15	>5	0/1	15	Antibacksliding	-	Dissolved Oxygen = 4.0 mg/L (Surrogate Standard 703.3)	-	TOGS 1.3.1	-	TBEL		
		7 Day Avg	30	-	-	30	Antibacksliding			-					
	lbs/d	Monthly Avg	-	-	-	-	-			-					
		7 Day Avg	-	-	-	-	-			-					
	% Rem	Minimum	85	-	-	85	ECL 17-0509			-					
Consistent with. See justification for Dissolved Oxygen.															

Permittee: Everest Hospitality, LLC
 Facility: Kingston Motel f.k.a. Rodeway Inn Skytop
 SPDES Number: NY0102911
 USEPA Non-Major/Class 02 PCI

Date: July 7, 2023 v.1.15
 Permit Writer: Douglas Upright, P.E.
 Water Quality Reviewer: Edward Schneider
 Full Technical Review

Outfall #	001	Description of Wastewater: Treated Sanitary Sewage													
		Type of Treatment: Extended Aeration, Clarification, Sand Filters, Chlorination													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Total Suspended Solids (TSS)	mg/L	Daily Max	30/45 (monthly/weekly)	5.6	1/0	10	TOGS 1.3.1	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)	10	TOGS 1.3.1	-	ISEL		
	% Rem	Minimum	85	-	-	85	ECL 17-0509								
Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution.															
Settleable Solids	mL/L	Daily Max	0.1	>0.1	0 /120	0.1	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)	0.1	TOGS 1.3.1B	-	ISEL		
														Consistent with TOGS 1.3.1.B discharges to intermittent streams should receive the highest degree of treatment that can reasonably be achieved by practical technology. An effluent limitation equal to 0.1 mL/L daily max is therefore appropriate.	
Nitrogen, Ammonia (as N) SUMMER June 1 st – Oct. 31 st	mg/L	Daily Max	-	-	- /-	-	-	-	-	1.24	A(C)	1.24	703.5	-	WQBEL
	lb/d	Monthly Avg	-	-	-	-	-	-	-	-	-	0.11			
Due to the de-minimis ambient 7Q10 flow, the effluent limit will be equal the water quality standard per TOGS 1.3.1. The water quality standard was determined from TOGS 1.1.1 using default values for pH (7.5 SU) and temperature (25 C) per TOGS 1.3.1 E.															
Nitrogen, Ammonia (as N) WINTER Nov. 1 st – May 31 st	mg/L	Daily Max	-	-	-/-	-	-	-	-	1.81	A(C)	1.81	703.5	-	WQBEL
	lb/d	Daily Max	-	-	-	-	-	-	-	-	-	0.16			
Due to the de-minimis ambient 7Q10 flow, the effluent limit will be equal the water quality standard per TOGS 1.3.1. The water quality standard was determined from TOGS 1.1.1 using default values for pH (7.5 SU) and temperature (10 C) per TOGS 1.3.1 E.															
Coliform, Fecal	#/100 ml	30d Geo Mean	-	-	0/1	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	-	-	0/1	400	TOGS 1.3.3								
Effluent disinfection is currently required seasonally and will remain a permit requirement. 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	0.5-2.0	-	120 /0	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.005	703.5	0.03	ML

Permittee: Everest Hospitality, LLC
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Outfall #	001	Description of Wastewater: Treated Sanitary Sewage														
		Type of Treatment: Extended Aeration, Clarification, Sand Filters, Chlorination														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Effluent disinfection is currently required seasonally and will remain a permit requirement. Due to no 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.																

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the factsheet 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 factsheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Best Management Practices (BMPS) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25,2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (DOW 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRTK)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

Outfall and Receiving Water Information

Impaired Waters

The [NYS 303\(d\) List of Impaired/TMDL Waters](#) identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a WLA of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed to

determine the existing capabilities of the wastewater treatment plants and to assure that wasteload allocations (WLAs) are allocated equitably.

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95th (monthly average) and 99th (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program. 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(i) 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 factsheet. Consistent with current case law⁴ and USEPA interpretation⁵ 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

⁴ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

⁵ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

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. 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 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 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate

the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

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

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

A Watershed Maximum Daily Load (WMDL) may be developed by the Department to account for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments. The WMDL uses a simple dilution model, assuming full mix in the receiving stream, to calculate the maximum allowable pollutant load that can be discharged and still meet water quality standards during critical low flow in downstream segments such as those with sensitive receptors (e.g. public water supply) or higher water classification. WQBELs are established to ensure that the cumulative mass load from point source discharges does not exceed the maximum allowable load to ensure permit limits are protective of water quality.

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.