# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

Department of Environmental Conservation

| | | | | | |
|---|---|---|---|---|---|
| SIC Code: | **8999** | NAICS Code: | **531190** | SPDES Number: | **NY0105368** |
| Discharge Class (CL): | **02** | | | DEC Number: | **3-3348-00045/00001** |
| Toxic Class (TX): | **N** | | | Effective Date (EDP): | **TBD** |
| Major-Sub Drainage Basin: | **13 - 03** | | | Expiration Date (ExDP): | **TBD** |
| Water Index Number: | **H-P 225-1-2-P 226a-1** | Item No.: | **862 - 88.1** | 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: | **Windemere MHC, LLC** | Attention: | **Kate Costello, Chief Operating Officer** | | |
| Street: | **2151 Priest Bridge Drive, Suite 7** | | | | |
| City: | **Crofton** | State: | **MD** | Zip Code: | **21114-2466** |
| Email: | **kcostello@horizonlandco.com** | Phone: | **(410) 721-3374** | | |

is authorized to discharge from the facility described below:

| FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name: | **Windemere Manufactured Home Community** | | | | | | | | | | | | | | |
| Address / Location: | **1 Nevis Drive** | | | | | | | | | | | County: | **Orange** | | |
| City: | **New Windsor** | | | | | | State: | **NY** | | | | Zip Code: | **12553-** | | |
| Facility Location: | | Latitude: | **41** | ° | **27** | ' | **45** | " N | & Longitude: | **74** | ° | **05** | ' | **33** | " W |
| Primary Outfall No.: | **001** | Latitude: | **41** | ° | **27** | ' | **49** | " N | & Longitude: | **74** | ° | **05** | ' | **32** | " W |
| Outfall Description: | **Treated Sanitary** | Receiving Water: | **Unnamed Tributary to Tributary of Silver Stream Reservoir** | | | | | | Class: | **C** | | Standard: | **C** | | |

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

| | |
|---|---|
| Permit Administrator: | Rebecca S. Crist |
| Address: | 21 South Putt Corners Road<br>New Paltz, NY 12561 |
| | |
| Signature | Date |

# DEFINITIONS

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

# PERMIT LIMITS, LEVELS AND MONITORING

| OUTFALL | LIMITATIONS APPLY | RECEIVING WATER | EFFECTIVE | EXPIRING |
|---|---|---|---|---|
| 001 | All Year | Unnamed Tributary to Tributary of Silver Stream Reservoir | EDP | ExDP |

| PARAMETER | EFFLUENT LIMITATION | | | | | MONITORING REQUIREMENTS | | | | FN |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Location | | |
| | Type | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Inf. | Eff. | |
| Flow | Monthly Average | 0.015 | MGD | | | Continuous | Meter | | X | |
| pH | Daily Minimum | 6.5 | SU | | | Daily | Grab | | X | 2 |
| | Daily Maximum | 8.5 | SU | | | | | | | |
| Temperature | Daily Maximum | Monitor | ºF | | | Daily | Grab | | X | |
| $BOD_5$ | Daily Maximum | 5.0 | mg/L | 0.63 | lbs/d | Quarterly | Grab | X | X | 1, 2, 5 |
| Total Suspended Solids (TSS) | Daily Maximum | 10 | mg/L | 1.3 | 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 1st - October 31st | Monthly Average | 0.41 | mg/L | 0.051 | lbs/d | Quarterly | Grab | | X | 2, 5 |
| Ammonia (as N) November 1st - May 31st | Monthly Average | 0.59 | mg/L | 0.074 | lbs/d | Quarterly | Grab | | X | 2, 5 |
| Total Phosphorus (as P) | Daily Maximum | 1.0 | mg/L | 0.13 | lbs/d | Quarterly | Grab | | X | 2, 5 |

| EFFLUENT DISINFECTION Required All Year | | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Inf. | Eff. | FN |
|---|---|---|---|---|---|---|---|---|---|---|
| Coliform, Fecal | 30-Day Geometric Mean | 200 | No./ 100 mL | | | Quarterly | Grab | | X | 5 |
| Coliform, Fecal | 7-Day Geometric Mean | 400 | No./ 100 mL | | | Quarterly | Grab | | X | 5 |
| Chlorine, Total Residual | Daily Maximum | 0.03 | mg/L | | | Daily | Grab | | X | 2, 3, 4 |

**FOOTNOTES:**

1. Effluent shall not exceed 15% and 15% of influent concentration values for $BOD_5$ & TSS respectively. An influent BOD5 and TSS concentration of 200 mg/l should be assumed in the calculation of percent removals at treatment works which consist of multiple septic tank effluent collection with a centralized final treatment and disposal point.

2. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

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

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

5. 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:

**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 or annual monitoring report 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<br>The permittee shall submit approvable[2] Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the selected alternative that will ensure compliance with final effluent limitation(s) for pH, $BOD_5$, Total Suspended Solids, Dissolved Oxygen, Ammonia (as N), Total Phosphorus (as P), and Total Residual Chlorine. | EDP + 6 Months |
| 001 | INTERIM PROGRESS REPORT[3]<br>The permittee shall provide a status update for Complete Construction. | EDP + 15 Months<br>EDP + 24 Months<br>EDP + 33 Months<br>EDP + 42 Months |
| 001 | COMPLETE CONSTRUCTION<br>The permittee shall provide a Construction Completion Certification[4] to the DEC that the disposal system has been fully completed in accordance with the approved Design Documents. | EDP + 51 Months |
| 001 | COMMENCE OPERATION<br>Following receipt of DEC acceptance of the Construction Completion Certification, the permittee shall comply with the final effluent limitation(s) described in this permit for pH, $BOD_5$, Total Suspended Solids, Dissolved Oxygen, Ammonia (as N), Total Phosphorus (as P), and Total Residual Chlorine. | 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. | Location Eff. | |
| 001 | pH | Range | 6.0 – 9.0 | SU | | | Daily | Grab | - | X | |
| 001 | $BOD_5$ | Monthly Average | 30 | mg/L | 3.75 | lbs/d | Quarterly | Grab | - | X | 1, 2 |
| 001 | Total Suspended Solids (TSS) | Monthly Average | 30 | mg/L | 3.75 | lbs/d | Quarterly | Grab | - | X | 1, 2 |
| 001 | Dissolved Oxygen | Daily Minimum | Monitor | mg/L | | | Quarterly | Grab | - | X | 2 |
| 001 | Ammonia (as N) | Daily Maximum | Monitor | mg/L | Monitor | lbs/d | Quarterly | Grab | - | X | 2 |
| 001 | Total Phosphorus (as P) | Daily Maximum | Monitor | mg/L | Monitor | lbs/d | Quarterly | Grab | - | X | 2 |
| 001 | Chlorine, Total Residual | Daily Maximum | 2.0 | mg/L | | | Daily | Grab | - | X | 3 |
| Notes: | 1. Effluent shall not exceed 15% and 15% of influent concentration values for $BOD_5$ & TSS respectively. An influent $BOD_5$ and TSS concentration of 200 mg/l should be assumed in the calculation of percent removals at treatment works which consist of multiple septic tank effluent collection with a centralized final treatment and disposal point. | | | | | | | | | | |

[1] 6 NYCRR 750-1.14 (a)
[2] 6 NYCRR 750 1.2 (a)(8)
[3] 6 NYCRR 750-1.14 (b)
[4] 6 NYCRR 750-2.10 (c)

| | |
|---|---|
| | 2. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).<br>3. Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. |

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

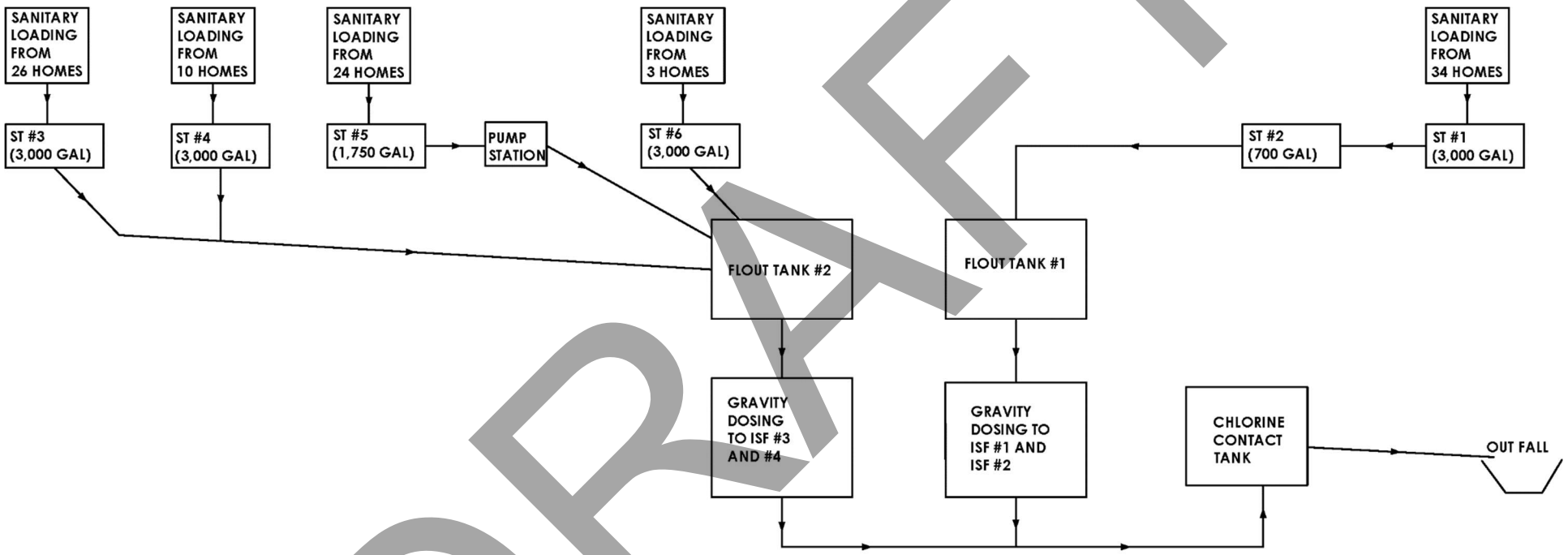
c) The permittee shall submit copies of any document required by the above schedule of compliance to the DEC Regional Water Engineer and to the Bureau of Water Permits.

# 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:

Influent: Flout Tank

Effluent: Out Fall




**EXISTING HYDRAULIC FLOW SCHEMATIC**

# GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:

B. General Conditions

| | | |
|---|---|---|
| 1. | Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. | Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. | Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. | Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. | Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. | Property rights | 6 NYCRR 750-2.2(b) |
| 7. | Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. | Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |

C. Operation and Maintenance

| | | |
|---|---|---|
| 1. | Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. | Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. | Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |

D. Monitoring and Records

| | | |
|---|---|---|
| 1. | Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. | Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |

E. Reporting Requirements

| | | |
|---|---|---|
| 1. | Reporting requirements | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. | Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. | Transfers | 6 NYCRR 750-1.17 |
| 4. | Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. | Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. | 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. | Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. | Other information | 6 NYCRR 750-2.1(f) |

F. Planned Changes

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

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

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

G. Sludge Management

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

# GENERAL REQUIREMENTS (continued)

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

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

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

# RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

B. Additional information required to be submitted by this permit shall be summarized and reported to the Regional Water Engineer and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 3
220 White Plains Road, Suite 110, Tarrytown, New York, 10591 Phone: (914) 803-8157

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 3
220 White Plains Road, Suite 110, Tarrytown, New York, 10591 Phone: (914) 803-8157

D. 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 | EMERGING CONTAMINANT SHORT-TERM MONITORING PROGRAM<br>The permittee shall collect grab samples of the effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane (1,4-D), unless permittee receives written notification from the DEC during this time that sampling can be discontinued. Samples must be analyzed utilizing EPA method 1633 and EPA Method 8270D SIM or 8270E SIM, respectively. The samples must represent 3 months, unless written notification from the DEC indicates otherwise.<br>Emerging Contaminants results must be reported utilizing the template provided and should be submitted to the Department at EmergingContaminantsDOW@dec.ny.gov as results are received on a rolling basis. The template, instructions for the laboratory, and chain of custody form are at: Emerging Contaminants In NY's Waters - NYSDEC.<br><br>If results indicate the presence of Emerging Contaminants, the permittee shall initiate track down of potential sources as prescribed in the written notification received by the Department. | EDP + 6 months<br><br>Within 90 days of DEC written notification |

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

E. 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.

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

G. Unless otherwise specified, all information recorded on the DMRs or the annual monitoring reports shall be based upon measurements and sampling carried out during the most recently completed reporting period.

H. 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
# Windemere MHC, LLC
# Windemere Manufactured Home Community
# NY0105368

## Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Windemere Manufactured Home Community. The changes to the permit are summarized below:

- Updated permit format and permittee information
- Updated the Schedule of Compliance for the compliance with final effluent limitation(s) for pH, $BOD_5$, Total Suspended Solids, Dissolved Oxygen, Ammonia (as N), Total Phosphorus (as P), and Total Residual Chlorine.

**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

1/14/2021 The last full technical review was performed and the SPDES permit became effective with an expiration date of 10/31/2022. The 2021 permit has formed the basis of this permit.

10/31/2022 The SPDES permit expired.

3/20/2024 The Windemere MHC, LLC submitted a new PCI form to reauthorize the expired permit.

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

The current 15,000 GPD treatment plant consists of:

- Primary Treatment: Septic Tanks
- Secondary Treatment: Sand Filtration
- Disinfection: Chlorine

Septage is hauled off-site for disposal.

The facility is planning the following upgrades/improvements:

- closure of the wastewater treatment facility, and construction of an on-site pump station for connection to the municipal sanitary sewer collection system.

## Site Overview


# Receiving Water Information

The facility discharges via the following outfalls:

| Outfall No. | SIC Code | Wastewater Type | Receiving Water |
|---|---|---|---|
| 001 | 8999 | Treated Sanitary Sewage | Unnamed Tributary to Tributary of Silver Stream Reservoir[1], Class C |

[1] H-P 225-1-2-P 226a is alternately known as Browns Farm Pond, Browns Farm Reservoir, or Silver Stream Reservoir

# Permit Requirements

## Whole Effluent Toxicity (WET) Testing

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

## Anti-backsliding

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

## Antidegradation

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

## Discharge Notification Act Requirements

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

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

## Schedule of Compliance

A Schedule of Compliance is being included[3] for the following items (Appendix Link):

- Updated the Schedule of Compliance for the compliance with final effluent limitation(s) from the previous SPDES permit
    - Removed the requirement to submit a preliminary engineering report which has been completed
    - Due dates have been extended
    - Added requirement for submission for interim progress reports in accordance with 6 NYCRR 750-1.14 (b)

## Schedule of Additional Submittals

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

- Emerging Contaminant Short Term Monitoring

[2] As prescribed by 6 NYCRR Part 617
[3] Pursuant to 6 NYCRR 750-1.14

# Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the fact sheet for multiple types of SPDES permits. Portions of this Appendix may not be applicable to this specific permit.

## Regulatory References

The provisions of the permit are based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750 and include monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits. Below are the most common citations for the requirements included in SPDES permits:

- Clean Water Act (CWA) 33 section USC 1251 to 1387
- Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations
  - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
  - 6 NYCRR Part 621
  - 6 NYCRR Part 750
  - 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
  - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, referred to as Technical and Operational Guidance Series (TOGS)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E

The following is a quick guide to the references used within the fact sheet:

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

## Outfall and Receiving Water Information

## 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 95$^{th}$ (monthly average) and 99$^{th}$ (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 law[4] and USEPA interpretation[5] anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

### Antidegradation Policy

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

### Effluent Limitations

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

#### *Whole Effluent Toxicity (WET) Testing:*

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

1. There is the presence of substances in the effluent for which ambient water quality criteria do not

[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)

exist.

2. There are uncertainties in the development of TMDLs, WLAs, and WQBELs, caused by inadequate ambient and/or discharge data, high natural background concentrations of pollutants, available treatment technology, and other such factors.
3. There is the presence of substances for which WQBELs are below analytical detectability.
4. There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five.
5. There are observed detrimental effects on the receiving water biota.
6. Previous WET testing indicated a problem.
7. POTWs which exceed a discharge of 1 MGD. Facilities of less than 1 MGD may be required to test, e.g., POTWs <1 MGD which are managing industrial pretreatment programs.

### *Minimum Level of Detection*

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

## Monitoring Requirements

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

## Other Conditions

### 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.