



State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	1442	NAICS Code:	212321	SPDES Number:	NY0149497
Discharge Class (CL):	01	DEC Number:	3-3356-00015/0003		
Toxic Class (TX):	N	Effective Date (EDP):	EDP		
Major-Sub Drainage Basin:	13 - 06	Expiration Date (ExDP):	ExDP		
Water Index Number:	H-139-13-62-2	Item No.:	855.5 - 240	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:	E. Tetz & Sons, LLC			Attention:	Brandon Cudney, Plant Manager
Street:	172 Prospect Hill Road				
City:	Brewster			State:	NY Zip Code: 10509
Email:	bcudn@peckham.com			Phone:	(845) 551-9127

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Slate Hill Mine								
Address / Location:	3080 US Route 6						County:	Orange	
City:	Slate Hill				State:	NY	Zip Code:	10973	
Facility Location:	Latitude:	41 °	24 '	3.39 " N	& Longitude:	74 °	27 '	11.47 " W	
Primary Outfall No.:	001	Latitude:	41 °	23 '	47.99 " N	& Longitude:	74 °	27 '	22.74 " W
Wastewater Description:	Process Wastewater	Receiving Water:	Catlin Creek			NAICS:	212321	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:

BWP Permit Coordinator (permit.coordinator@dec.ny.gov)

BWP Permit Writer

RWE

RPA

EPA Region II (Region2_NPDES@epa.gov)

Permit Administrator:		
Address:	21 S. Putt Corners Road, 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 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 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 DEC'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	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process Wastewater	Catlin Creek	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			1/Month	Estimate		X	
pH	Daily Minimum	6.5	SU			1/Month	Grab		X	
	Daily Maximum	8.5	SU							1
Total Suspended Solids (TSS)	Daily Average	20	mg/L			1/Month	6-hr. Comp.		X	
Total Suspended Solids (TSS)	Daily Maximum	40	mg/L			1/Month	6-hr. Comp.		X	
Settleable Solids	Daily Maximum	0.1	mL/L			1/Month	Grab		X	

FOOTNOTES:

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

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility have obtained coverage under the current Multi-Sector General Permit (MSGP) Sector J (GP-0-23-001).

DRAFT

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.
2. **Compliance Deadlines** – The permittee shall develop and submit an initial BMP plan in accordance with the Schedule of Submittals to the Regional Water Engineer. The permittee shall implement the BMP plan within 6 months of submission, unless a different time frame is approved by the Department through a permit modification. Annually, the permittee **shall review** and modify the BMP plan whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify that the annual review has been completed in accordance with the Schedule of Submittals. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.
3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The permittee shall consider relative toxicity of the pollutant in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in the SPDES application Form NY-2C (available at [SPDES Application Procedures and Forms - NYSDEC](#)) or that are required to be monitored for by the SPDES permit.
4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

- | | | |
|-------------------------------------|---|---------------------------------|
| 1. BMP Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

BMPs FOR INDUSTRIAL FACILITIES (continued)

5. **Stormwater Discharges from Construction Activity to Surface Waters** – Pursuant to Section 402 of the Clean Water Act (CWA), and 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), stormwater discharges from certain construction activities (including discharges through a municipal separate storm sewer system) are unlawful unless they are authorized by a SPDES permit. Prior to initiating such construction associated with this facility, the permittee must obtain coverage under the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP) or a separate individual stormwater construction SPDES permit, if not eligible for the CGP.
6. **Required Sampling For “Hot Spot” Identification** – The permittee’s development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant “hot spot” identification. The economic achievability of effluent limits will not be considered until plant site “hot spot” sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a “hot spot” is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater or stormwater collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal, isolation, or B.A.T. treatment of wastewaters emanating from the segment.

MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On 4/22/2026, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.E. of DOW 1.3.10.

1. General - To reduce mercury effluent levels with the goal of achieving the water quality standard of 0.7 ng/L, the permittee must develop, implement, and maintain a written MMP plan, which includes the elements set forth below.
2. Conditional Exclusion Certification – A certification (Appendix C of DOW 1.3.10), signed in accordance with 6 NYCRR 750-1.8, must be submitted once every 5 years to the Regional Water Engineer and to the Bureau of Water Permits, certifying that the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:
 - The facility is, or receives flow from, a Combined Sewer System (CSS) or sanitary sewer system with Type II Sanitary Sewer Overflows (SSO¹);
 - One or more effluent samples exceed 12 ng/L, including samples taken as a result of the SPDES application process;
 - Internal or tributary waste stream samples exceed the GLCA effluent limitation and the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
 - A SPDES permit application, or other information, indicates that mercury is handled on-site and could be discharged through outfalls;
 - Existence of outfalls that contain legacy mercury contamination;
 - The facility's collection system receives discharges from a dental and/or Categorical Industrial User (CIU²) that may discharge mercury;
 - The facility accepts hauled wastes; OR,
 - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories, which have their own individual SPDES permit.
3. Control Strategy – develop and implement with the following minimum elements:
 - a. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
 - b. Bulk Chemical Evaluation – for chemicals used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain:
 - i. A manufacturer's certificate of analysis;
 - ii. A chemical analysis performed by a certified laboratory; OR,
 - iii. A notarized affidavit that describes the substances' mercury concentration and the detection limit achieved.

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

¹ These are Overflow Retention Facilities (ORFs) and are included under the 05 and 07 permit classifications.

² CIUs include those listed under Federal Regulation in 40 CFR Parts 405–471.

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

4. Status Report – An **annual** status report must be developed, in accordance with the [Schedule of Additional Submittals](#), summarizing:
- Review of criteria to determine if the facility has a potential mercury source;
 - All actions undertaken, pursuant to the control strategy, during the previous year; and
 - Actions planned, pursuant to the control strategy, for the upcoming year.

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

5. MMP Modification – the permittee must submit a permittee-initiated modification request to DEC whenever:
- Changes at the facility, or within the collection system, increase the potential for mercury discharges; OR,
 - A letter from DEC identifies inadequacies in the MMP.

The permittee may use information in the status reports, as applicable in accordance with item 3 of this MMP, as a basis for the permittee-initiated modification.

DEFINITIONS:

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

DISCHARGE NOTIFICATION REQUIREMENTS

- (a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any 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) The permittee shall provide for public review at the business office repository of the permittee or at the off-premises location of its choice, provided the custodian of the off-premise location grants written permission, (such off-premise location shall be the village, town, city or county clerk's office, local library or other location accessible by the public) all the Discharge Monitoring Reports (DMR) prepared by the permittee to demonstrate compliance with the SPDES permit conditions. A copy of each DMR shall be placed on file at such location at the same time it is sent to the department, or within 60 days of preparation for DMRs not required to be submitted to the Department. 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 ³
001	NOTIFICATION OF LIMESTONE ACCEPTANCE START DATE If the facility proposes to accept limestone for processing, the permittee shall provide the Department with the proposed start date for acceptance of limestone. This date will be used to establish the start of compliance reporting. Notice shall be provided via email to NetDMR@dec.ny.gov, spdesapp@dec.ny.gov, and DOW.R3@dec.ny.gov.	30 Days Prior to Start Date
001	PRELIMINARY ENGINEERING REPORT If the facility proposes to accept limestone for processing, the permittee shall submit an approvable⁴ Preliminary Engineering Report (PER). The report shall include an assessment of the impact of accepting limestone for processing on effluent pH. If the assessment indicates treatment system improvements are necessary to meet the final daily maximum pH effluent limitation of 8.5 SU, then the report will also describe treatment alternatives or other control mechanisms that may be used to comply with the final daily maximum pH effluent limitation of 8.5 SU and identify a selected alternative to ensure compliance with the final daily maximum pH effluent limitation of 8.5 SU. The report must be prepared and stamped by a Professional Engineer licensed to practice in New York State.	Limestone Acceptance Start Date + 3 Months
001	DESIGN DOCUMENTS If the selected alternative identified in the Preliminary Engineering Report necessitates treatment system improvements, the permittee shall submit approvable⁵ Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the selected alternative that will ensure compliance with the final daily maximum pH effluent limitation of 8.5 SU. The documents must be prepared and stamped by a Professional Engineer licensed to practice in New York State. *Only required if treatment system improvements are needed for compliance with the final daily maximum pH effluent limitation of 8.5 SU.	Limestone Acceptance Start Date + 8 Months*
001	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification⁶ to the DEC (send to NetDMR@dec.ny.gov, spdesapp@dec.ny.gov, and DOW.R3@dec.ny.gov) that the treatment system has been fully completed in accordance with the approved Design Documents. *Only required if treatment system improvements are needed for compliance with the final daily maximum pH effluent limitation of 8.5 SU.	Per Construction Schedule*
001	COMMENCE OPERATION Following receipt of Department acceptance of the Construction Completion Certification, the permittee shall comply with the final daily maximum effluent limitation for pH of 8.5 SU identified in the Permit Limits, Levels and Monitoring table. *Only required if treatment system improvements are needed for compliance with the final daily maximum pH effluent limitation of 8.5 SU.	Upon Department Acceptance*
Unless noted otherwise, the above actions are one-time requirements.		
See next page for Interim Effluent Limits.		

³ 6 NYCRR 750-1.14 (a)

⁴ 6 NYCRR 750 1.2 (a)(8)

⁵ 6 NYCRR 750 1.2 (a)(8)

⁶ 6 NYCRR 750-2.10 (c)

SCHEDULE OF COMPLIANCE – Interim Effluent Limits

OUTFALL	EXPIRING
001	See Note 1

PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS			Notes
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf. Eff.	
pH	Daily Maximum	9.0	SU			1/Month	Grab		X 1

Notes:

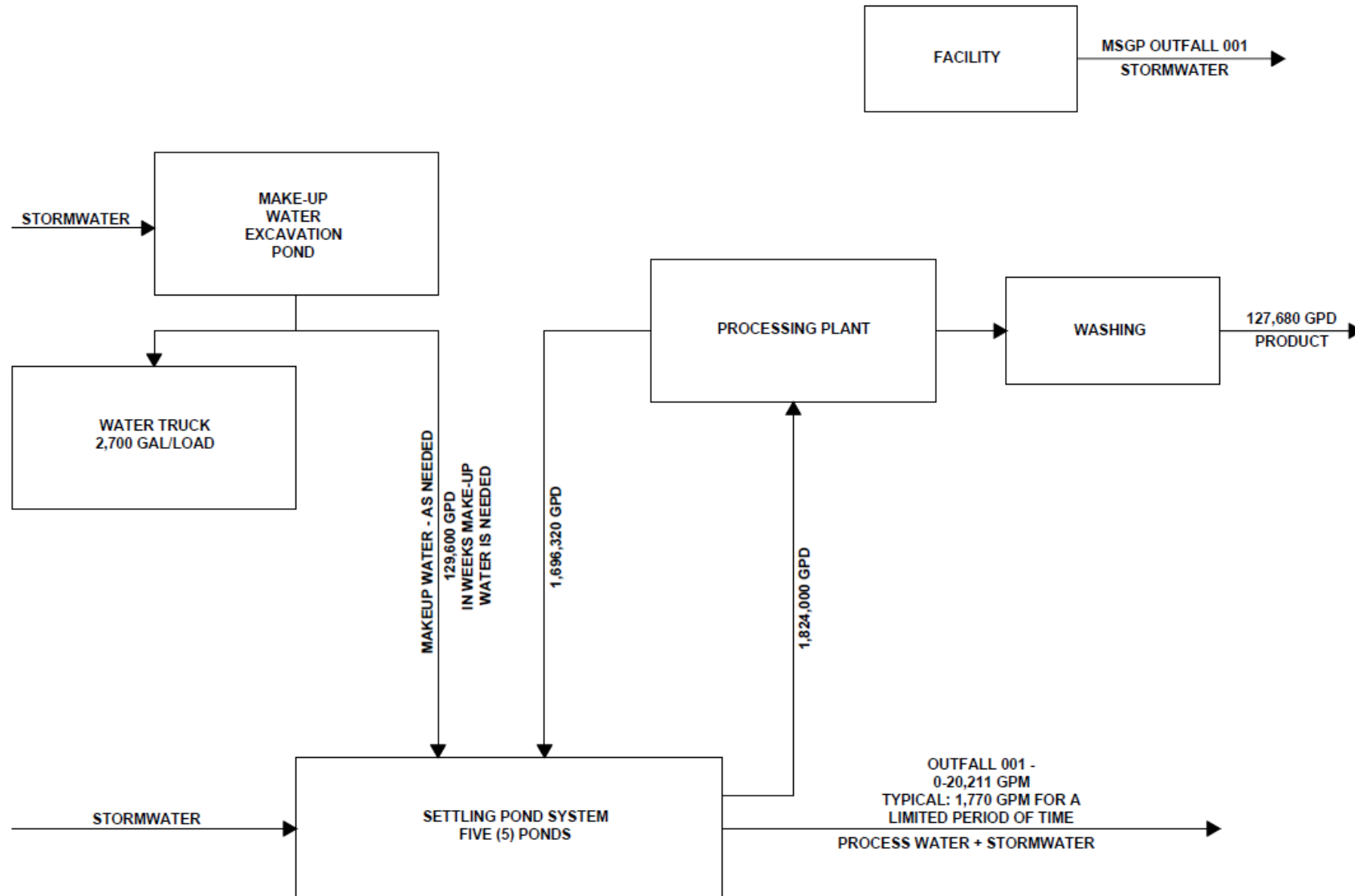
1. The interim effluent limit and compliance schedule for pH will only become effective if the facility proposes to accept limestone for processing. The interim effluent limit shall become effective upon the start date of limestone acceptance. The interim effluent limit shall expire upon Department approval of the Preliminary Engineering Report if treatment system improvements are not needed for compliance with the final daily maximum pH effluent limitation of 8.5 SU or upon receipt of Department acceptance of the Construction Completion Certification if treatment system improvements are needed for compliance with the final daily maximum pH effluent limitation of 8.5 SU.

- 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 location(s) specified below:

Effluent: Final effluent prior to discharge to Catlin Creek



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 H 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)(98) & 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 for non-POTWs | 6 NYCRR 750-2.5, 2.6, 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. Sludge Management
- The permittee shall comply with all applicable requirements of 6 NYCRR Part 360 series.
- G. SPDES Permit Program Fee
- The permittee shall pay to the DEC 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.
- H. 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 under the current permit. The 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 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 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: [SPDES Permitting of Water Treatment Chemicals](#).

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The permittee shall retain the monitoring information required by this permit for a period of at least five years from the date of the sampling.
- B. Discharge Monitoring Reports (DMRs): The permittee shall submit completed DMR forms for each one (1) month reporting period in accordance with 6 NYCRR 750-2.5(e). NYSDEC has made available the DMR Manual on the website as a reference to assist permittees with completing DMR's.

The permittee must submit DMRs electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at: [How To Complete And Submit Discharge Monitoring Reports \(DMRs\) - NYSDEC](#). **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

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

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

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505
spdesapp@dec.ny.gov

Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 3
220 White Plains Road, Suite 110, Tarrytown, New York, 10591,
DOW.R3@dec.ny.gov

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:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	<u>INITIAL BMP PLAN</u> The permittee shall develop and submit an initial BMP plan to the Regional Water Engineer.	EDP + 6 Months
	<u>ANNUAL BMP PLAN REVIEW</u> The permittee shall annually review the BMP plan submitted to this DEC. The BMP plan shall be modified consistent with BMPs FOR INDUSTRIAL FACILITIES above. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed.	Annually on January 28 th
001	<u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite a mercury minimization plan and subsequent annual mercury minimization status reports in accordance with MMP item 2.c above.	Maintained Onsite EDP + 12 months, annually thereafter
001	<u>MERCURY - CONDITIONAL EXCLUSION CERTIFICATION</u> The permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status.	4/22/2031 and every 5 years thereafter

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.
- F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- H. 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.
- I. 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

E. Tetz & Sons, LLC

Slate Hill Mine/Sand & Gravel

Operation

NY0149497



Department of
Environmental
Conservation

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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Slate Hill Mine/Sand & Gravel Operation. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Updated the permittee name and address
- Updated the facility name, address, and primary outfall
- Updated the receiving water from unnamed pond tributary to Catlin Creek to Catlin Creek
- Updated the receiving water classification from class D to class C
- Removed the daily average monitor-only flow limit
- Removed the daily maximum monitor-only flow limit
- Added a monthly average monitor-only flow limit
- Changed the flow sample type from Instantaneous to Estimate
- Reduced the daily maximum pH limit from 9.0 SU to 8.5 SU
- Increased the daily minimum pH limit from 6.0 SU to 6.5 SU
- Reduced the daily average TSS limit from 25 mg/L to 20 mg/L
- Reduced the daily maximum TSS limit from 45 mg/L to 40 mg/L
- Updated Discharge Notification requirements
- Added a Schedule of Compliance for ensuring compliance with the final daily maximum pH effluent limit of 8.5 SU in the event that the facility proposes to accept limestone for processing
- Added Monitoring Locations schematic
- Added Initial BMP Plan to the Schedule of Additional Submittals
- Added Annual BMP Plan Review to the Schedule of Additional Submittals
- Added Mercury Minimization Plan and Annual Status Report to the Schedule of Additional Submittals
- Added Mercury Conditional Exclusion Certification to the Schedule of Additional Submittals

This fact sheet summarizes the information used to determine the effluent limitations (limits) and other conditions contained in the permit. General background information including the regulatory basis for the effluent limitations and other conditions are in the [Appendix](#) linked throughout this fact sheet.

Administrative History

12/1/1984 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 12/1/1989. The 1984 permit, along with all subsequent modifications, has formed the basis of this permit.

The permit was administratively renewed in 2000, 2005, 2010, 2015, and again in 2020. The current permit administrative renewal was effective until 7/31/2025.

3/11/1986 Permit was modified to correct the suspended solids effluent limitations and update the forms to provide greater consistency with current permits.

5/1/2004 Permit was modified to delete the former 'Part II General Conditions' requirements and all references to them from the permit, and to amend the permit to require compliance with 6 NYCRR 750-2.

- 7/13/2021 New York State Department of Environmental Conservation (DEC) issued a Request for Information (RFI) to modify and renew the SPDES permit due to the facility's EBPS score¹.
- 11/12/2021 E. Tetz & Sons, Inc. submitted a NY-2C permit application in response to the RFI. That application was not considered in the development of this permit.
- 6/27/2023 E. Tetz & Sons, LLC submitted a request to transfer the permit from E. Tetz & Sons, Inc. to E. Tetz & Sons, LLC.
- 12/7/2023 The permit transfer was approved by DEC and became effective.
- 1/3/2025 E. Tetz & Sons, LLC submitted a timely and sufficient renewal application.
- 7/31/2025 The current permit was allowed to stay in effect pursuant to SAPA².
- 10/2/2025 E. Tetz & Sons, LLC submitted a request to modify the permit to update the permit to reflect current site conditions.
- 11/18/2025 DEC issued a Notice of Incomplete Application (NOIA).
- 4/29/2026 E. Tetz & Sons, LLC submitted a revised NY-2C permit application.

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

Facility Information

This is an industrial facility (SIC code 1442) that produces processed sand and gravel and is subject to categorical effluent limit guidelines (ELG) (see summary table at the end of this factsheet).

Materials mined at other locations are brought to this facility for aggregate processing. Sand and gravel are crushed, screened, and washed at this facility. Make-up water is pumped from an onsite pond as needed.

Effluent consists of process wastewater. Effluent is generated when sand and gravel are washed. This wash water is treated in a series of five settling ponds onsite, which discharges infrequently to the Catlin Creek through an outfall structure.

The current treatment system provides settling and includes the following treatment units:

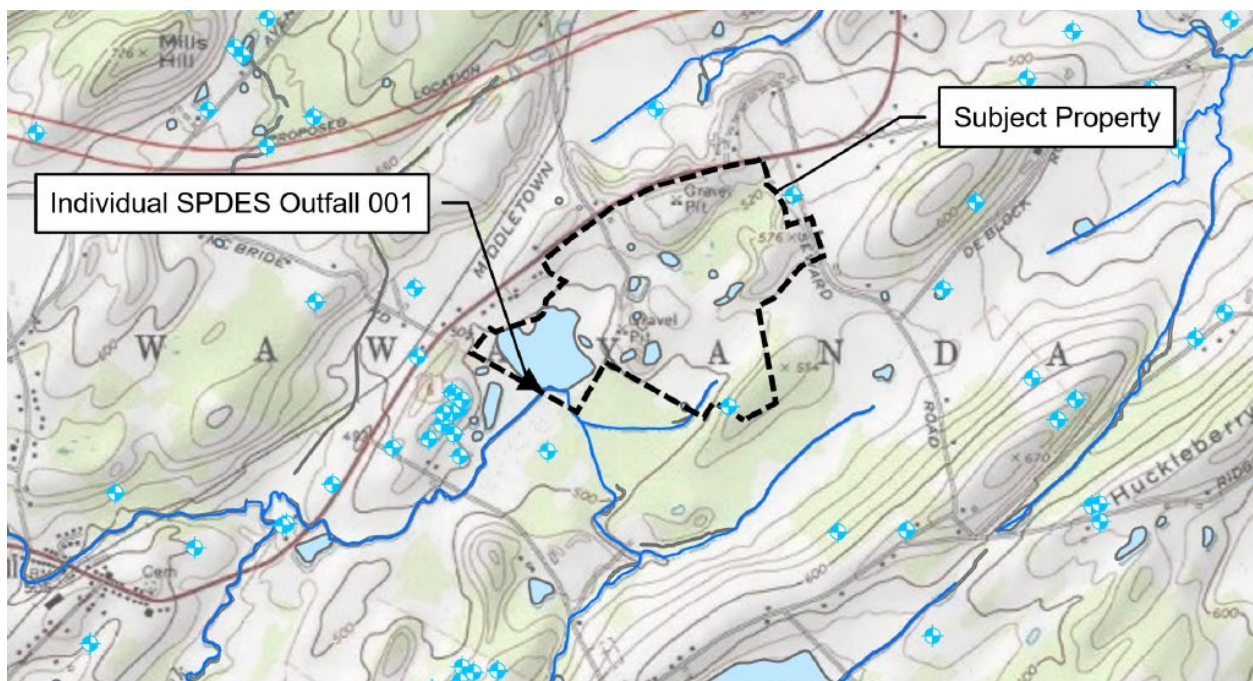
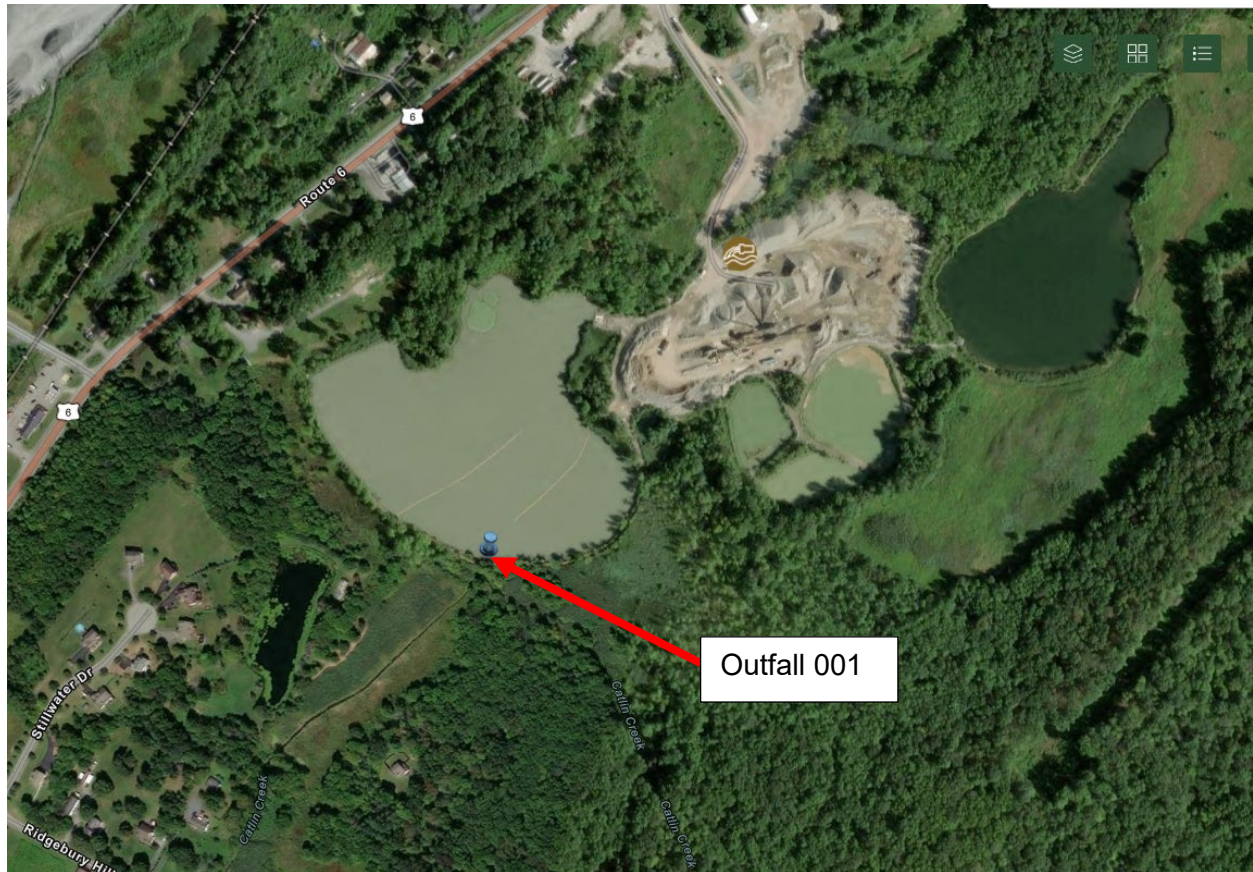
- Settling Ponds

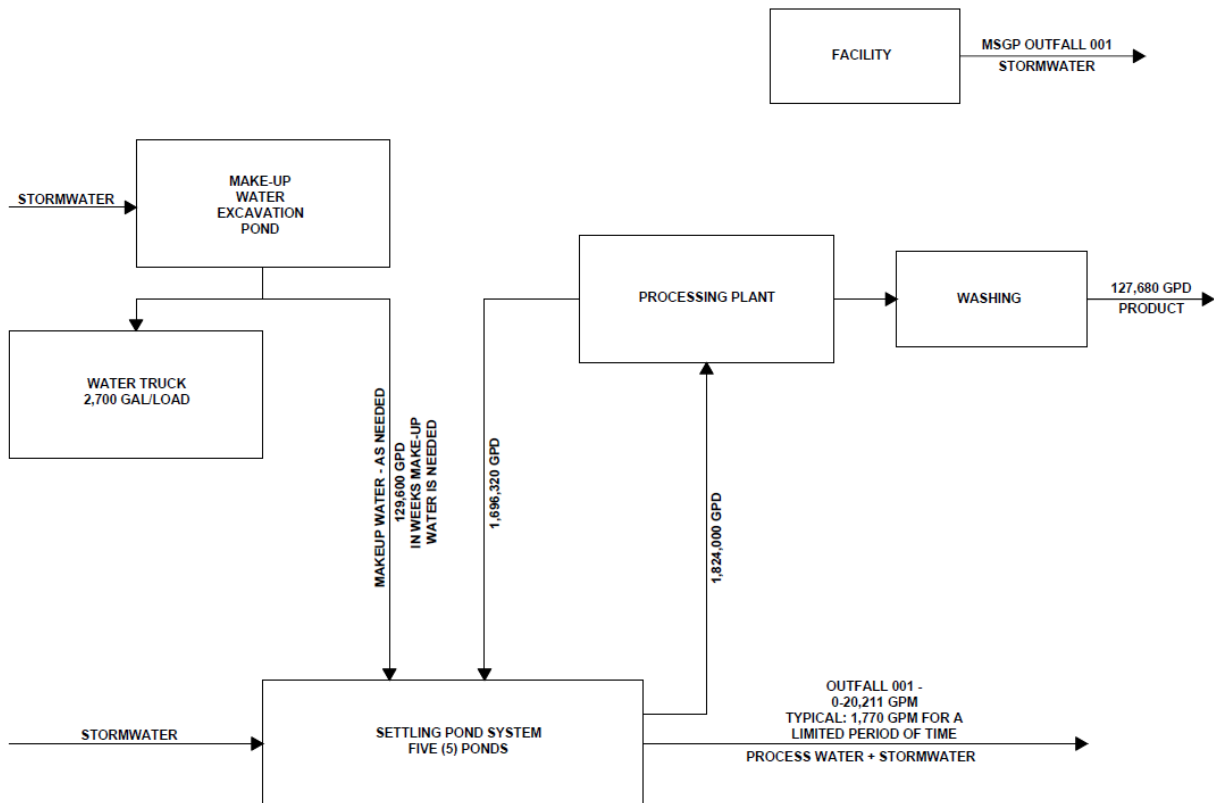
The outfall is located on the southeast side of the southernmost pond onsite. The outfall is a bank discharge that consists of five horizontal, 10-inch diameter pipes that discharge to Catlin Creek two feet from the bank.

¹ Pursuant to 6 NYCRR 750-1.18 and NYS Environmental Benefit Permit Strategy (EBPS)

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

Site Overview





Enforcement History

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. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	1442	Process Wastewater	Catlin Creek, Class C
MSGP Outfall 001 – Authorized under MSGP NYR00D248			

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

Impaired Waterbody Information

Catlin Creek segment (PWL No. 1306-0084) is not listed on the 2020/2022 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters. As such, a TMDL has not been developed and therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data

Reach Description: The segment of Catlin Creek at the point of discharge is classified as C (6NYCRR 855 – Table II - Item 240). The model included the confluence with the Joe Creek approximately 1.00 miles downstream and The Gardens on Catlin Creek discharger located approximately 0.04 additional miles downstream. The model ended at the confluence with Rutgers Creek approximately 3.55 additional miles downstream from The Gardens on Catlin Creek.

The low flow condition for the Catlin Creek was obtained from a drainage basin ratio analysis with USGS gage station 01368500, Rutgers Creek at Gardnerville NY located approximately 6.31 miles downstream of the discharge. The 1Q10, 7Q10 and 30Q10 flows at the gage were found from the USGS Hydrologic Toolbox software and an analysis of data from 1944 to 1968.

The low flows at the facility location were found from a drainage basin ratio analysis and are shown below.

DRAINAGE BASIN RATIO	1Q10	7Q10	30Q10
Gage Name		01368500	
Gage ID Number		Rutgers Creek at Gardnerville NY	
Low Flow at Gage (cfs)	0.28525	0.48372	0.69071
Drainage Area at Gage (mi ²)	59.7	59.7	59.7
Drainage Area at Facility (mi ²)	1.61	1.61	1.61
Drainage Basin Ratio (facility / gage)	0.027	0.027	0.027
Calculated Flow at Facility (cfs)	0.0077	0.013	0.019

The 7Q10 low-flow condition of the Catlin Creek was found to be 0.013 CFS. The effluent discharge will dominate the streamflow, so there will be little to no streamflow available for dilution. Therefore, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution, and an acute, chronic, and HEW dilution ratio of 1:1 have been applied.

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	Effluent-dominated stream

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](#).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT), and New Source Performance Standards (NSPS) limitations are based on [Effluent Limitation Guidelines](#) developed by USEPA for specific industries³. The applicable effluent guidelines and limits are listed at the end of the Pollutant Summary Table in the USEPA ELG Calculation Table. [Appendix Link](#)

Whole Effluent Toxicity (WET) Testing

None of the seven criteria that are indicative of potential toxicity are applicable to this facility; therefore, WET testing has not been 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)⁴ 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 has been updated from the previous permit.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement has been updated from the previous permit.

Best Management Practices (BMPs) for Industrial Facilities

In accordance with 6 NYCRR 750-1.14(f) and 40 CFR 122.44(k), the permittee is required to develop and implement a BMP plan that prevents, or minimizes the potential for, the release of toxic or hazardous pollutants to state waters. The BMP plan requires annual review by the permittee. [Appendix Link](#)

Stormwater Pollution Prevention Requirements

The facility discharges stormwater associated with industrial activity and requires SPDES permit coverage under 40 CFR 122.26(a)(6).

Stormwater discharges at this facility have obtained coverage under the current Multi-Sector General Permit (MSGP) Sector [J] (GP-0-23-001).

Mercury

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

³ As promulgated under 40 CFR Parts 405 - 471

⁴ As prescribed by 6 NYCRR Part 617

The facility is located outside of the Great Lakes Basin and is a SPDES Class 01. The permittee submitted a Conditional Exclusion Form on 4/22/2026, certifying the facility does not have a mercury source as listed in Part III.E. of the MDV. Therefore, consistent with the MDV, the permit includes requirements for the implementation of MMP Type IV. The [Schedule of Additional Submittals](#) includes a mercury minimization plan annual status report (maintained onsite), and recertification of the exclusion every five years. This requirement is new.

Schedule of Compliance

A Schedule of Compliance has been included⁵ for the following items ([Appendix Link](#)):

- Compliance schedule for compliance with final daily maximum pH effluent limit of 8.5 SU. If the facility starts accepting limestone for processing, the permittee may not be able to immediately comply with the final effluent limit. The compliance schedule includes Department notification of limestone acceptance and a Preliminary Engineering Report to determine whether treatment system improvements are necessary to ensure compliance with the final daily maximum pH effluent limit. If treatment system improvements are necessary, the schedule requires submittal of approvable engineering design documents, including a Basis of Design report, with the details of the improvements needed to comply with the final daily maximum pH effluent limit.

Emerging Contaminant Monitoring

Based on the available data and knowledge of this industry, no additional monitoring for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and 1,4-dioxane (1,4-D) is required at this time. Additionally, consistent with TOGS 1.3.13, the industry SIC code of 1442 is not identified as potential primary sources of PFOA, PFOS, and 1,4-D. Please see the [Pollutant Summary Table](#) below for more information.
[Appendix Link](#)

Schedule of Additional Submittals

Initial and Updated BMP Plan

Please see [BMPs for Industrial Facilities](#) above.

Mercury Conditional Exclusion Certification

Please see [above discussion](#) of mercury. Consistent with DOW 1.3.10 and 6 NYCRR 750-1.14(f), the permittee must submit the [form](#), signed in accordance with 6 NYCRR 750-1.8, every five years certifying that the facility is neither a mercury source nor receives flow from a mercury source.

Mercury Minimization Plan (MMP) and Status Report

Please see [above discussion](#) of MMP and the required annual Status Report., in accordance with 6 NYCRR 750-1.14(f).

⁵ 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 (CFS)	7Q10 (CFS)	30Q10 (CFS)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	41° 23' 47.99" N	74° 27' 22.74" W	Catlin Creek	C	H-139-13-62-2 PWL: 1306-0084	13/06	138 ⁶	0.0077	0.013	0.019	1.82	1:1	1:1	1:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Process Wastewater														
		Type of Treatment: Settling Ponds														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality ⁷	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
General Notes: Existing discharge data was obtained from the application submitted by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The permit limits applied as part of this permit review are bolded. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems.																
Flow Rate	MGD	Monthly Avg	-	0.61	1/0	Monitor	750-1.13 Monitor	No alterations that will impair the waters for their best usages.				703.2	-	Monitor		
	GPD	Daily Max	Monitor	-	-								-	Discontinued		
		Daily Avg	Monitor	-	-								-	Discontinued		
	Flow monitoring has been continued for informational purposes and to calculate pollutant loadings.															
pH	SU	Minimum	6.0	7.12 Actual Min	11/0	6.0	USEPA ELG BPT	7.8 ⁸	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	WQBEL	
		Maximum	9.0	7.65 Actual Max	11/0	9.0										
Consistent with 40 CFR Part 436.22 Subpart B, TBELs reflect the best practicable control technology currently available (BPT). Given the available dilution, an effluent limitation equal to the WQS is appropriate.																

⁶ Ambient hardness was established from a 2023 analysis of median watershed specific data collected by DEC through the Rotating Integrated Basin Studies (RIBS) program from 2012-2022. This data is available through the [RIBS Data Portal](#).

⁷ Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

⁸ Ambient pH was established from a 2023 analysis of median watershed specific data collected by DEC through the Rotating Integrated Basin Studies (RIBS) program from 2012-2022. This data is available through the [RIBS Data Portal](#).

Permittee: E. Tetz & Sons, LLC
Facility: Slate Hill Mine/Sand & Gravel Operation
SPDES Number: NY0149497
USEPA Non-Major/Class 01 Industrial

Date: July 9, 2026 v.1.41
Permit Writer: Catherine Mackey
Water Quality Reviewer: Catherine Mackey
Full Technical Review

Outfall #	001	Description of Wastewater: Process Wastewater													
		Type of Treatment: Settling Ponds													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁷	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Dissolved Oxygen (DO)	mg/L	Daily Min	-	-	-	-	-	-	4.02 Critical Point	(Non-Trout) 4.0 mg/L	4.0	703.3	-	No Limitation	
	The downstream DO concentration was modeled using the Streeter-Phelps equations and the following assumptions: Effluent DO = 4.00 mg/l (assumed value consistent with TOGS 1.3.1D), Effluent UOD = 3.43 mg/L (Calculation based on CBOD5 and NOD), Effluent CBOD ₅ = 2.00 mg/L (Method limit for BOD5 on the application), Effluent NOD = 0.50 mg/L (Method limit for ammonia (as N) on the application). Reach Description: The model included the confluence with the Joe Creek approximately 1.00 miles downstream and The Gardens on Catlin Creek discharger located approximately 0.04 additional miles downstream. The model ended at the confluence with Rutgers Creek approximately 3.55 additional miles downstream from The Gardens on Catlin Creek. The model showed that DO standards are maintained and consequently WQBELs for DO, UOD, BOD/CBOD, and Ammonia are unnecessary and the TBELs are protective of water quality.														
Total Suspended Solids (TSS)	mg/L	Daily Avg	25	-	-	20	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			703.2	-	TBEL	
		Daily Max	45	20 Actual Max	10/0	40	TOGS 1.2.1							TBEL	
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.															
Settleable Solids	mL/L	Daily Max	0.1	-	-	0.1	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages			703.2	-	TBEL	
		Consistent with TOGS 1.2.1 Attachment C, the TBEL is reflective of the treatment technology and is protective of the WQS.													
Total Nitrogen	mg/L	Monthly Avg	-	1.1	1/0	-	-	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.			703.2	-	No Limitation	
		There is no numeric WQS or numeric GV for translation of the narrative WQS for Total Nitrogen for Class C waterbodies. Therefore, no limitation or monitoring has been specified.													
Total Phosphorus	mg/L	Monthly Avg	-	0.025	1/0	-	-	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.			703.2	-	No Limitation	
		There is no numeric WQS or numeric GV for translation of the narrative WQS for Total Phosphorus for Class C waterbodies. Therefore, no limitation or monitoring has been specified.													
Additional Pollutants Detected															
Total Zinc	mg/L	Daily Max	-	0.0022 Estimated	1/0	-	-	-	-	-	-	-	-	No Limitation	
		There is no numeric WQS or numeric GV for translation of the narrative WQS for Total Zinc for Class C waterbodies. Therefore, no limitation or monitoring has been specified.													

Permittee: E. Tetz & Sons, LLC
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Date: July 9, 2026 v.1.41
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 Water Quality Reviewer: Catherine Mackey
 Full Technical Review

Outfall #	001	Description of Wastewater: Process Wastewater													
		Type of Treatment: Settling Ponds													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁷	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Total Iron	mg/L	Daily Max	-	0.77	1/0	-	-	-	-	-	-	-	-	-	No Limitation
There is no numeric WQS or numeric GV for translation of the narrative WQS for Total Iron for Class C waterbodies. Therefore, no limitation or monitoring has been specified.															

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Outfall 001 – EMERGING CONTAMINANTS

Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Notes: See Emerging Contaminant Monitoring section above. Effluent samples were analyzed for the 40 PFAS compounds.															
Perfluoro-butanoic Acid (PFBA)	ng/L	Daily Max	-	3.25 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-pentanoic Acid (PFPeA)	ng/L	Daily Max	-	1.12 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-hexanoic Acid (PFHxA)	ng/L	Daily Max	-	1.32 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-heptanoic Acid (PFHpA)	ng/L	Daily Max	-	0.745 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-octanoic Acid (PFOA)	ng/L	Daily Max	-	1.35 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-nonanoic Acid (PFNA)	ng/L	Daily Max	-	0.298 Estimated	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-decanoic Acid (PFDA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-undecanoic Acid (PFUnA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-dodecanoic Acid (PFDoA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														

⁹ Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Permittee: E. Tetz & Sons, LLC
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 Full Technical Review

Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Perfluoro-tridecanoic Acid (PFTriA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-tetradecanoic Acid (PFTeA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-butananesulfonic Acid (PFBS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-pentanesulfonic Acid (PFPeS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-hexanesulfonic Acid (PFHxS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-heptanesulfonic Acid (PFHpS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-octanesulfonic Acid (PFOS)	ng/L	Daily Max	-	1.01 Estimated	1/0	-	-	-	0.006	160000	A(C)	160000	TOGS 1.1.1	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-nonanesulfonic Acid (PFNS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-decanesulfonic Acid (PFDS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-dodecane-sulfonic Acid (PFDoS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

Permittee: E. Tetz & Sons, LLC
 Facility: Slate Hill Mine/Sand & Gravel Operation
 SPDES Number: NY0149497
 USEPA Non-Major/Class 01 Industrial

Date: July 9, 2026 v.1.41
 Permit Writer: Catherine Mackey
 Water Quality Reviewer: Catherine Mackey
 Full Technical Review

Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Perfluoro-octane-sulfonamide (FOSA)	Based on available data, no additional monitoring is required at this time.														
N-methyl Perfluoro-octanesulfon-amidoacetic Acid (NMeFOSAA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-ethyl Perfluoro-octanesulfon-amidoacetic Acid (NEtFOSAA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
4:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
6:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
8:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-ethyl Perfluoro-octanesulfon-amide (NEtFOSA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-methyl Perfluoro-octanesulfon-amide (NMeFOSA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

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Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
N-methyl Perfluoro-octanesulfon-amidoethanol (NMeFOSE)	Based on available data, no additional monitoring is required at this time.														
N-ethyl Perfluoro-octanesulfon-amidoethanol (NEtFOSE)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
9-Chlorohexadeca-fluoro-3-oxanonane-1-sulfonic Acid (9CI-PF3ONS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Hexafluoro-propylene Oxide Dimer Acid (HFPO-DA or GenX)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic Acid (11Cl-PF3OUdS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
4,8-Dioxa-3H-perfluorononanoic Acid (ADONA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
3-Perfluoropropyl Propanoic Acid (3:3 FTCA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

Permittee: E. Tetz & Sons, LLC
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Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁹	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
2H,2H,3H,3H-Perfluoro-octanoic Acid (5:3 FTCA)	Based on available data, no additional monitoring is required at this time.														
3-Perfluoroheptyl Propanoic Acid (7:3 FTCA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
Nonafluoro-3,6-dioxaheptanoic Acid (NFDHA)	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
Perfluoro-4-methoxy-butanoic Acid (PFMBA)	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
Perfluoro-3-methoxy-propanoic Acid (PFMPA)	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
Perfluoro(2-ethoxyethane)sulfonic Acid (PFEEESA)	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

Permittee: E. Tetz & Sons, LLC
Facility: Slate Hill Mine/Sand & Gravel Operation
SPDES Number: NY0149497
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USEPA EFFLUENT LIMITATION GUIDELINE (ELG) CALCULATIONS

[Appendix Link](#)

For the applicable categorical limitations under 40 CFR Part 436.22 Subpart B, the following basis was used to determine the TBEL:

Outfall	001
40 CFR Part/Subpart	§436.22 Subpart B
Subpart Name	Crushed Stone Subcategory

ELG Pollutant	Daily Max Multiplier	Monthly Avg. Multiplier	Production Rate (Million lbs/d)	Daily Max TBEL (lbs/d)	Monthly Avg. TBEL (lbs/d)
40 CFR Part 436.22 Subpart B – ELGs for Best Practicable Control Technology Currently Available					
pH	6.0 – 9.0 SU		N/A	6.0 – 9.0 SU	
Note: Permittee indicated that this subpart was applicable because the facility is a sand and gravel mine which processes crushed stone.					

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) and 750-1.10(d), CWA sections 402(o), 303(d)(4), ECL 17-0809, 40 CFR 122.44(l)
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 waste load allocation (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 WLAs are allocated equitably.

Interstate Water Pollution Control Agencies

Some POTWs may be subject to regulations of interstate basin/compact agencies including: Interstate Sanitation Commission (ISC), International Joint Commission (IJC), Delaware River Basin Commission (DRBC), Ohio River Valley Water Sanitation Commission (ORSANCO), and the Susquehanna River Basin Commission (SRBC). Generally, basin commission requirements focus principally on water quality and not treatment technology. However, interstate/compact agency regulations for the ISC, IJC, DRBC and NYC Watershed contain explicit effluent limits which must be addressed during permit drafting. 6 NYCRR 750-2.1(d) requires SPDES permits for discharges that originate within the jurisdiction of an interstate water pollution control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, 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 law¹⁰ and USEPA interpretation¹¹ 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.

¹⁰ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

¹¹ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

Antidegradation Policy

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

Effluent Limitations

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

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and Best Professional Judgment (BPJ).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the [USEPA Effluent Limitation Guideline Calculations Table](#).

Best Professional Judgement (BPJ)

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the DEC is authorized to issue a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11. The BPJ limitation considers the existing technology present at the facility, the statistically calculated existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

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 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of

discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The DEC 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 DEC 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 DEC;
- 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 DEC 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 DEC uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

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

Whole Effluent Toxicity (WET) Testing:

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

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

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when the method's minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods

approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

Monitoring Requirements

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

Other Conditions

Mercury

Mercury is widespread in New York State (NYS) waters at levels above the most stringent dissolved mercury water quality standard (WQS) of 0.7 ng/L. SPDES permittees cannot comply with a Water Quality-Based Effluent Limitation (WQBEL) for mercury. Therefore, an MDV is appropriate, in accordance with 6 NYCRR 702.17(h), "to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed." The first MDV was issued in October 2010 and subsequently revised and reissued in 2015, 2020, and 2025. Each iteration of the MDV builds off the previous version supporting the State's effort to reduce mercury pollution and make reasonable progress toward achieving the WQBEL for mercury. This iteration of the MDV refines the content and application of the MDV for mercury.

The MDV does not change the WQS of 0.7 ng/L; it establishes a variance of the WQBEL which is based on the WQS. SPDES permits which include this variance comply with 40 CFR 122.44.

DOW 1.3.10 explains which surface water permittees are eligible for the MDV.

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.

Emerging Contaminants

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial products as well as in manufacturing processes for decades. Based on available research, water quality assessments for 1,4-D will follow existing WQBEL development. PFOA and PFOS do not break down easily; therefore, their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the DEC Division of Water web page: [Emerging Contaminants In NY's Waters - NYSDEC](#).

Permittee: E. Tetz & Sons, LLC
Facility: Slate Hill Mine/Sand & Gravel Operation
SPDES Number: NY0149497
USEPA Non-Major/Class 01 Industrial

Date: July 9, 2026 v.1.41
Permit Writer: Catherine Mackey
Water Quality Reviewer: Catherine Mackey
Full Technical Review

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.

Best Management Practices (BMP) for Industrial Facilities

BMP plans are authorized for inclusion in NPDES permits pursuant to Sections 304(e) and 402 (a)(1) of the Clean Water Act, and 6 NYCRR 750-1.14(f). The regulations pertaining to BMPs are promulgated under 40 CFR Part 125, Subpart K. These regulations specifically address surface water discharges.