



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code: 8999	NAICS Code: 813990	SPDES Number:	NY 0234699
Discharge Class (CL):	02	DEC Number:	3-5128-00005/00005
Toxic Class (TX):	N	Effective Date (EDP):	TBD
Major-Sub Drainage Basin:	13 - 0202006	Expiration Date (ExDP):	TBD
Water Index Number:	H-171-17-11-1	Item No.: 861 - 68	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:	Cedar Development East, LLC	Attention:	Kenan Gunduz
Street:	31 Bushwick Avenue		
City:	Brooklyn	State:	NY Zip Code: 1121
Email:	info@grandmgtservices.com	Phone:	718-387-5229

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL							
Name:	Cedar Development East Apartments						
Address / Location:	97 Cedar Street				County:	Ulster	
City:	Hurley			State:	NY	Zip Code:	12491
Facility Location:	Latitude:	41 °	59 ' 55 " N	& Longitude:	74 °	5 ' 50 " W	
Primary Outfall No.:	001	Latitude:	41 ° 59 ' 59.8 " N	& Longitude:	74 °	5 ' 53.6 " W	
Outfall Description:	Treated Sanitary	Receiving Water:	Subtributary of Saw Kill		Class:	C	Standard: C

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

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

DISTRIBUTION:	Permit Administrator:	
	Address:	21 South 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 DEC review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the DEC.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year	Subtributary of Saw Kill	Start-Up of the 5,100gpd WWTP ⁵	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	5,100	GPD			Instantaneous	Meter		X	
Flow	Daily Maximum	Monitor	MGD			Instantaneous	Meter		X	
pH	Daily Minimum	6.5	SU			Daily	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	°F			Daily	Grab		X	
BOD ₅	Daily Maximum	5.0	mg/L	0.21	lbs/d	Quarterly	Grab	X	X	1,3,4
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	0.42	lbs/d	Quarterly	Grab	X	X	1,3,4
Settleable Solids	Daily Maximum	0.1	mL/L			Daily	Grab		X	
Dissolved Oxygen	Daily Minimum	7.0	mg/L			Daily	Grab		X	
Ammonia (as N) June 1 st – October 31 st	Daily Maximum	1.2	mg/L			Quarterly	Grab		X	3
Ammonia (as N) November 1 st – May 31 st	Daily Maximum	1.8	mg/L			Quarterly	Grab		X	3
Total Phosphorus (as P)	Monthly Average	1.0	mg/L			Quarterly	Grab		X	3
EFFLUENT DISINFECTION		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Required Seasonal from May 1st - October 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./100 mL			Monthly	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			Monthly	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.03	mg/L			Daily	Grab		X	2

FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD₅ & TSS respectively.
- Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
- Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).
- Influent samples shall be taken from the influent tee of each septic tank. The reported value shall be the flow weighted average of these samples.
- Upon completion of construction, a person licensed to practice professional engineering in the State of New York shall certify to the department that the disposal system has been fully completed in accordance with the approved engineering report, plans and specifications, permit and letter of approval; and the permittee shall receive written acceptance of such certificate from the department prior to commencing discharge.

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address: _____

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

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

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date ¹
001	WTC NOTIFICATION FORM The permittee shall provide a WTC Notification form for any and all WTC's proposed for use at the facility.	EDP + 3 Months and prior to the use of any new WTC
001	CLOSURE PLAN <u>The permittee shall provide a closure plan as detailed in 6 NYCRR 750-2.11 for decommissioning the former wastewater treatment system. The plan shall include a schedule for the proposed decommissioning.</u>	EDP + 3 Months
001	COMPLETE DECOMMISSIONING <u>The permittee shall complete decommissioning of the former wastewater treatment system as detailed in an approved decommissioning plan.</u>	Prior to Start-up of the proposed WWTP
Unless noted otherwise, the above actions are one-time requirements.		

- 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.

¹ 6 NYCRR 750-1.14 (a)

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:

Influent: At each influent tee of the facility septic tanks. These samples will then be reported as a flow weighted average.

Effluent: The third manhole after disinfection.



GENERAL REQUIREMENTS

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

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

GENERAL REQUIREMENTS (continued)

G. Sludge Management

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

H. SPDES Permit Program Fee

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

I. Water Treatment Chemicals (WTCs)

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the DEC or its designated agent.
- B. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically to DOW.R3@dec.ny.gov, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC’s website.

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

Department of Environmental Conservation
 Regional Water Engineer, Region 3
 21 South Putt Corners Road, New Paltz, New York, 12561-1620 Phone: (845) 256-3000

C. Schedule of Additional Submittals:

The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be submitted with the annual monitoring report.	February 1 of each year
001	<u>PUBLIC NOTIFICATION</u> Permittee shall install identification signs at all outfalls owned and operated by the permittee. The signs shall be placed at or near the outfalls and be easily readable by the public and follow the guidelines contained in this permit.	EDP + 6 months

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

- D. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- E. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- F. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- G. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

Permittee: Cedar Development East, LLC
Facility: West Hurley Elementary School
SPDES Number: NY0234699
USEPA Non-Major/Class 02 PCI

Date: June 24, 2024
Permit Writer: Douglas Upright, P.E.
Water Quality Reviewer: Edward Schneider
Full Technical Review

SPDES Permit Fact Sheet

Cedar Development East, LLC

West Hurley Elementary School

NY0234699



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Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the West Hurley Elementary School. The use of the facility is changing from a school to a condominium development. A sewage disposal corporation formed and regulated pursuant to article 10 of the Transportation Corporations Law is currently being formed. This formation will need to be finalized prior to issuance of this permit.

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

5/28/2024 The Cedar Development East, LLC submitted a PCI form.

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

Facility Information

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

The current treatment plant has been unused for some years and consists of:

- Primary Treatment: Septic tanks
- Secondary Treatment: Sand Filter
- Disinfection: Chlorination

Sludge is collected in the facility septic tank and then hauled for further processing.

The primary outfall (Outfall 001) is located on the bank of a Subtributary of Saw Kill and consists of a 6" pipe which is not submerged at normal flow conditions.

The facility is planning the following upgrades/improvements:

- The facility is to be replaced by a proposed 5,100 gpd treatment plant is to consist of:
 - Primary Treatment: Septic Tank with alkalinity adjustment
 - Secondary Treatment: Fixed Film Packed Bed Media Filters
 - Tertiary Treatment: Chemical addition for Phosphorus Removal and Cloth filters
 - Disinfection: Ultraviolet

Site Overview



Outfall 001:



Existing Effluent Quality

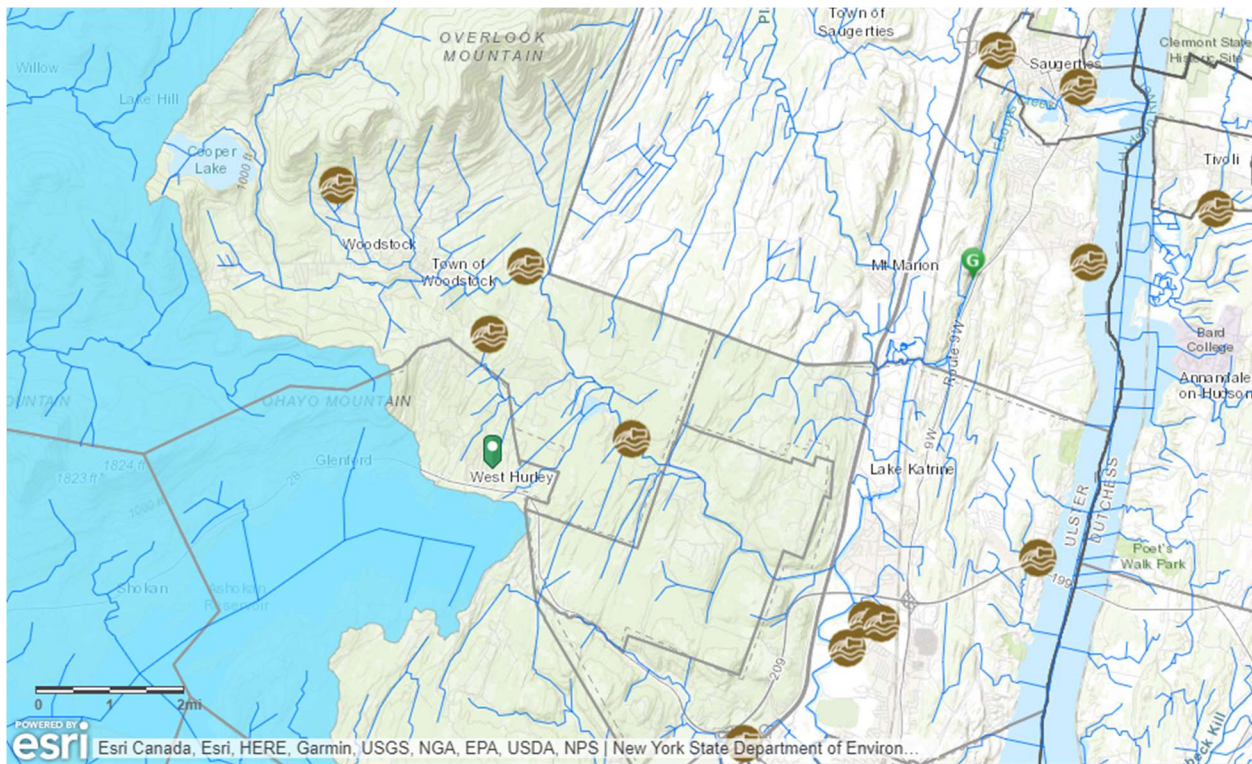
The [Pollutant Summary Table](#) presents data from Metcalf and Eddy as a theoretical effluent quality. The existing effluent quality and effluent limitations were not available.. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	8999	Treated Sanitary Wastewater	Subtributary of Saw Kill, Class C

Reach Description: Subtributary of Saw Kill (H-171-17-11-1) is a tributary of the Saw Kill in the Hudson River watershed. The segment at the point of discharge is classified as C (6 NYCRR 861-68). The Subtributary enters a tributary of Saw Kill 0.9 miles downstream of the facility, this tributary has a classification of C(T). The Tributary enters the Saw Kill (class B(T)) 0.9 miles downstream of its confluence with the Subtributary. The Saw Kill enters Kingston Reservoirs 1 and 2 0.15 miles downstream of its confluence with the tributary. The Saw Kill then continues 5 miles to the Esopus Creek (Class B). Approximately 10 miles downstream of that confluence, the Esopus Joins the Hudson River (Class A) at Saugerties.



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

Impaired Waterbody Information

The Subtributary of Saw Kill segment (PWL No. 1307-0018) is not listed on the 2018 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters, and therefore, there are no applicable wasteload allocations (WLAs) for this discharge.

Critical Receiving Water Data & Mixing Zone

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

Using USGS Gauge 01364200 Saw Kill at Sawkill has a 7Q10 flow of 0.8 CFS and drainage area of 41.6 square miles. When using the drainage basin ratios, the drainage area of interest has an area of 0.035 square miles. The predicted 7Q10 of the Sub Tributary of Sawkill is 0.0006 CFS. Consistent with TOGS 1.3.1, intermittent stream effluent limits apply for flows <0.1 CFS, and the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution.

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

[Appendix Link](#)

Antidegradation

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

[Appendix Link](#)

Discharge Notification Act Requirements

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

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is new.

¹ As prescribed by 6 NYCRR Part 617

Permittee: Cedar Development East, LLC
Facility: West Hurley Elementary School
SPDES Number: NY0234699
USEPA Non-Major/Class 02 PCI

Date: June 24, 2024
Permit Writer: Douglas Upright, P.E.
Water Quality Reviewer: Edward Schneider
Full Technical Review

Schedule of Compliance

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

- WTC Notification Form
- Closure Plan
- Complete Decommissioning

Schedule of Additional Submittals

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

- Water Treatment Chemical Annual Report Form
- Public Notification

² Pursuant to 6 NYCRR 750-1.14

Permittee: Cedar Development East, LLC
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OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (gpd)	Dilution Ratio		
												A(A)	A(C)	HEW
001	41° 59' 59.8" N	74° 5' 53.6" W	Subtributary of Saw Kill	C	H-171-17-11-1 PWL: 1307-0018	13/020 20006	-	N/A	N/A	N/A	5100	1:1	1:1	1:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	Description of Wastewater: Treated Sanitary Sewage														
	Type of Treatment: Septic tank, Media filtration, chemical phosphorus removal,														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & QWBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. QWBEL	Basis for QWBEL		
General Notes: Existing discharge data was not available. All applicable water quality standards were reviewed for development of the QWBELs. The standard and QWBEL shown below represent the most stringent.															
Flow Rate	GPD	Monthly Avg	-	-	-	5100	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				703.2	-	Design Flow	
	Consistent with 40CFR Part 133.102 and TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant is specified.														
pH	SU	Minimum	-	- Actual Min	-	6.0	TOGS 1.3.3	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	QWBEL
		Maximum	-	- Actual Max	-	9.0									
Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. Given the available dilution, an effluent limitation equal to the QWS is appropriate.															

³ 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)

Outfall #	Description of Wastewater: Treated Sanitary Sewage															
	Type of Treatment: Septic tank, Media filtration, chemical phosphorus removal,															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Temperature	°F	Daily Max	-	- Actual Max	-	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition			704.2	-	Monitor		
			Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions. This requirement is new.													
Dissolved Oxygen (DO) (DO)	mg/L	Daily Min	-	-	-	7.0	ISEL	-	-	4.0 mg/L 703.3	7.0	TOGS 1.3.1	-	WQBEL		
			Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution.													
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	Daily Max	-	-	-	-	-	-	DO=4.0 mg/L (Surrogate Standard) 703.3	-	5.0	TOGS 1.3.1	-	WQBEL		
			lbs/d	Daily Max	-	-	-				-				0.21	
			% Rem	Minimum	-	-	-				85				ECL 17-0509	-
Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards per 40CFR Part 133.102. (The secondary treatment standards are 30 mg/L monthly average, and 45 mg/L 7-day average, including 85% removal per ECL 17-0509)																
Total Suspended Solids (TSS)	mg/L	Monthly Avg	-	-	-	30	40 CFR 133.102	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)	-	10.0 mg/L Daily Max	TOGS 1.3.1	-	WQBEL		
		7 Day Avg	-	-	-	45	40 CFR 133.102									
	lbs/d	Monthly Avg	-	-	-	1.28	40 CFR 133.102				0.42 lbs/day Daily Max					
		7 Day Avg	-	-	-	1.91	40 CFR 133.102									
% Rem	Minimum	-	-	-	85	ECL 17-0509										

Outfall #	Description of Wastewater: Treated Sanitary Sewage															
	Type of Treatment: Septic tank, Media filtration, chemical phosphorus removal,															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40CFR Part 133.102.																
Settleable Solids	mL/L	Daily Max	-	-	- /-	0.1	TOGS 1.3.3	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages (703.2)			-	-	TBEL		
			Consistent with TOGS 1.3.3 the effluent limitation is equal to the TBEL of 0.1 mL/L for POTWs providing secondary treatment and filtration. Given that adequate dilution is available the TBEL is protective of the WQS.													
Nitrogen, Ammonia (as N)	mg/L	Daily Max	-	-	-/-	-	-	-	-	1.2	A(C)	1.2	703.5	-	WQBEL	
	lb/d	Daily Max	-	-	-	-	-	-	-	-	-	0.05				
SUMMER 6/1 – 10/31 The WQS for Ammonia was determined from TOGS 1.1.1 from a summer pH of 7.5 and a temperature of 25. The pH and temperature of the receiving waterbody were default values and consistent with TOGS 1.3.1E.																
Nitrogen, Ammonia (as N)	mg/L	Daily Max	-	-	-/-	-	-	-	-	1.8	A(C)	1.8	703.5	-	WQBEL	
	lb/d	Daily Max	-	-	-	-	-	-	-	-	-	0.08				
Winter 11/1-5/31 The WQS for Ammonia was determined from TOGS 1.1.1 from a winter pH of 7.5 and a temperature of 10. The pH and temperature of the receiving waterbody were default values and consistent with TOGS 1.3.1E.																
Total Phosphorus	mg/L	Monthly Avg	-	-	- /-	1.0	TOGS 1.3.3	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.			703.2	-	TBEL		
			The outfall discharges to a sub tributary of the Saw Kill then flows approximately 11,800 ft downstream to a pond waterbody P837. To be protective of the water quality of the ponded waterbody a phosphorus limit of 1 mg/L will be required for this surface water discharge.													
Coliform, Fecal	#/100 ml	30d Geo Mean	-	-	- /-	200	TOGS 1.3.3	-	Narrative: The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.			703.4	-	TBEL		
		7d Geo Mean	-	-	- /-	400	TOGS 1.3.3	-								

Permittee: Cedar Development East, LLC
 Facility: West Hurley Elementary School
 SPDES Number: NY0234699
 USEPA Non-Major/Class 02 PCI

Date: June 24, 2024
 Permit Writer: Douglas Upright, P.E.
 Water Quality Reviewer: Edward Schneider
 Full Technical Review

Outfall #	Description of Wastewater: Treated Sanitary Sewage															
	Type of Treatment: Septic tank, Media filtration, chemical phosphorus removal,															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ³	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Consistent with TOGS 1.3.3, effluent disinfection is required seasonally from May 1st - October 31st, due to the class of the receiving waterbody. Fecal coliform limits equal to the TBEL are specified.																
Total Residual Chlorine (TRC)	mg/L	Daily Max	-	-	-/-	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.03	703.5	0.03	ML	
Seasonal effluent disinfection is being added to the permit. Due to the low dilution, the calculated WQBEL is less than the TBEL and less than the minimum level of detection. Therefore, an effluent limitation equal to the minimum level of detection of 0.030 mg/L is appropriate.																
Additional Pollutants																
Total Aluminum	mg/L	Daily Max	-	-	-	2	TOGS 1.3.1 E	-	-	-	-	-	-	-	No Limitation	
The stream is intermittent therefore the effluent pH was used for the following determination. As per TOGS 1.3.1 E When receiving water pH is 6.5 or greater, technology-based limits for total Aluminum are adequate to meet water quality standards. No reasonable potential currently exists. Pollutant was included to inform any potential water treatment chemical use. If WTC's analysis causes this to change, then the permit will be modified.																

Appendix: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

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

Outfall and Receiving Water Information

Impaired Waters

The [NYS 303\(d\) List of Impaired/TMDL Waters](#) identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a 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.

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 law⁴ and USEPA interpretation⁵ anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

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

Effluent Limitations

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

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

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

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

Technology-based Effluent Limitations (TBELs)

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/L, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The 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 $1.2 \times 7Q10$ to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

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

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

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) “to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed.” The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The DEC has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

All surface water SPDES permittees are eligible for authorization by the MDV provided they meet the requirements specified in DOW 1.3.10.

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.