



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4952	NAICS Code:	221320	SPDES Number:	NY0247782
Discharge Class (CL):	07	DEC Number:	3-3342-00159/00003		
Toxic Class (TX):	T	Effective Date (EDP):	09/01/2024		
Major-Sub Drainage Basin:	13 - 06	Expiration Date (ExDP):	08/31/2029		
Water Index Number:	H-139-13	Item No.:	855.5 - 1	Modification Dates (EDPM):	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:	Town of Montgomery	Attention:	James M. Farr, P.E., Engineer for the Town		
Street:	110 Bracken Road				
City:	Montgomery	State:	NY	Zip Code:	12549-2600
Email:	JFarr@Farr-Engineering.com	Phone:	(914) 474-1980		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Town of Montgomery Sewer District #1 Sewage Treatment Plant								
Address / Location:	470 State Route 416					County:	Orange		
City:	Montgomery			State:	NY	Zip Code:	12549		
Facility Location:	Latitude:	41 °	29 '	53 " N	& Longitude:	74 °	14 '	56 " W	
Primary Outfall No.:	001	Latitude:	41 °	29 '	55 " N	& Longitude:	74 °	15 '	10 " W
Outfall Description:	Treated Sanitary	Receiving Water:	Walkill River			Class:	B	Standard:	B

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:

DEC Bureau of Water Permits, Albany
DEC Region 3 Regional Water Engineer
Hua J. Fung, DEC Division of Water
Lily Addeo, DEC Region 3 Division of Water
EPA Region II (Region2_NPDES@epa.gov)
NYS Environmental Facilities Corp
Orange County Department of Health
Lindsay Allen, Delaware Engineering
Jim Farr, Farr Engineering

Permit Administrator:	
Address:	21 S. Putt Corners Rd 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	Wallkill River	EDPM	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	0.1475	MGD			Continuous	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	Monthly Average	30	mg/L	37	lbs/d	Monthly	6-hr. Comp.	X	X	1
BOD ₅	7-Day Average	45	mg/L	55	lbs/d	Monthly	6-hr. Comp.		X	
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	37	lbs/d	Monthly	6-hr. Comp.	X	X	1
Total Suspended Solids (TSS)	7-Day Average	45	mg/L	55	lbs/d	Monthly	6-hr. Comp.		X	
Settleable Solids	Daily Maximum	0.3	mL/L			Daily	Grab		X	
Dissolved Oxygen	Daily Minimum	Monitor	mg/L			Monthly	Grab		X	
Ammonia (as N) June 1 st – October 31 st	Monthly Average	4.4	mg/L			Monthly	6-hr. Comp.		X	2
Ammonia (as N) November 1 st – May 31 st	Monthly Average	6.4	mg/L			Monthly	6-hr. Comp.		X	2
Total Phosphorus (as P)	Monthly Average	0.5	mg/L	0.6	lbs/d	Monthly	6-hr. Comp.		X	2
Total Dissolved Solids	Daily Maximum	Monitor	mg/L		lbs/d	Monthly	6-hr. Comp.		X	
Total Mercury	Daily Maximum	50	ng/L			Monthly	Grab	X	X	
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	2,3,4

FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD₅ & TSS respectively.
- This is a final effluent limitation. See Schedule of compliance for any applicable interim effluent limitations
- Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
- This is a Compliance Level. The calculated WQBEL is 0.025 mg/L

MERCURY MINIMIZATION PROGRAM (MMP) - Type II

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:
 - a. Monitoring - Monitoring at influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136¹. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

Minimum required monitoring is as follows:

- i. Sewage Treatment Plant Influent and Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.
- ii. Key Locations and Potential Mercury Sources – The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least annually. Sampling of discharges from dental facilities in compliance with 6 NYCRR 374.4 is not required.
- iii. Hauled Wastes – The permittee must establish procedures for the acceptance of hauled waste to ensure the hauled waste is not a potential mercury source. Loads which may exceed 500 ng/L,² must receive approval from the DEC prior to acceptance.
- iv. Decreased Monitoring Requirements - Facilities with EEQ at or below 12 ng/L are eligible for the following:
 - 1) Reduced requirements, through a permittee-initiated permit modification
 - a) Conduct influent monitoring, sampling semi-annually, in lieu of monitoring within the collection system, such as at *key locations*; and
 - b) Conduct effluent compliance sampling semi-annually.
 - 2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the DEC may undertake a Department-initiated modification to remove the allowance of reduced requirements.
 - 3) Under the decreased permit requirements, the facility must continue to conduct a status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.
- v. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).
- b. Control Strategy - The control strategy must contain the following minimum elements:
 - i. Pretreatment/Sewer Use Law - The permittee must review pretreatment program requirements and the Sewer Use Law (SUL) to ensure it is up-to-date and enforceable with applicable permit requirements and will support efforts to achieve a dissolved mercury concentration of 0.70 ng/L in the effluent.
 - ii. Monitoring and Inventory/Inspections -
 - 1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must enforce its sewer use law to track down and minimize these sources.
 - 2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
 - a) Dental Facilities
 1. The permittee must maintain an inventory of each dental facility.

¹ Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10*.

²A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR Part 261.11. 500 ng/L is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.

MERCURY MINIMIZATION PROGRAM (MMP) - Type II (Continued)

2. The permittee must inspect each dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4. Alternatively, the permittee may develop and implement an outreach program,³ which informs users of their responsibilities, and collect the “Amalgam Waste Compliance Report for Dental Dischargers”⁴ form, as needed, to satisfy the inspection requirements. The permittee must conduct the outreach program at least once every five years and ensure the “Amalgam Waste Compliance Report for Dental Dischargers” are submitted by new users, as necessary. The outreach program could be supported by a subset of site inspections.
3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)a) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.
- b) Other *potential mercury sources*
 1. The permittee must maintain an inventory of other *potential mercury sources*.
 2. The permittee must inspect other *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program which informs users of their responsibilities as *potential mercury sources*. The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
 3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)b) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.
- iii. Systems with CSO & Type II SSO Outfalls – Permittees must prioritize *potential mercury sources* upstream of CSOs and Type II SSOs for mercury reduction activities and/or controlled-release discharge.
- iv. 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.
- v. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer’s certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances’ mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.
- c. **Status Report** - An annual status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
 - i. All MMP monitoring results for the previous reporting period;
 - ii. A list of known and *potential mercury sources*
 - 1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the DEC for a permittee-initiated modification;
 - iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
 - iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
 - v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).

³ For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.

⁴ The form, “Amalgam Waste Compliance Report for Dental Dischargers,” can be found here:
https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf

MERCURY MINIMIZATION PROGRAM (MMP) - Type II (Continued)

3. MMP Modification - The MMP must be modified whenever:
- Changes at the facility, or within the collection system, increase the potential for mercury discharges;
 - Effluent discharges exceed the current permit limitation(s); or
 - A letter from the DEC identifies inadequacies in the MMP.

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

DEFINITIONS:

Key location – a location within the collection/wastewater system (e.g. including but not limited to a specific manhole/access point, tributary sewer/wastewater connection, or user discharge point) identified by the permittee as a potential mercury source. The permittee may adjust key locations based upon sampling and/or best professional judgement.

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.

MINI INDUSTRIAL PRETREATMENT PROGRAM SCHEDULE

There are Significant Industrial Users of the permittee's municipal sewerage system. Therefore, the permittee shall comply with the following schedule:

Industrial Survey

Within four months of the effective date of this permit, the permittee shall submit the results of an industrial survey performed in accordance with the document entitled Guidance for Identification of Significant Industrial Users, NYSDEC 1989. The survey results shall include a final culled list of users, one Fast Report On Significant Industries completed through question 7A including proposed industrial monitoring for each potential significant industrial user, all submitted Industrial Chemical Survey forms and proposed Sewage Treatment Plant (STP) monitoring.

Develop Procedures

Within two months of the submission of industrial survey results, the permittee shall submit documentation of procedures for obtaining and ensuring compliance with applicable standards. Such procedures shall include requirements and schedules for discharge permits, industrial self-monitoring, compliance monitoring of industries by the permittee, on going STP monitoring and an enforcement program. Such procedures shall be equivalent to procedures described or referenced in the document entitled Introduction to the National Pretreatment Program, USEPA, June, 2011, (https://www.epa.gov/npdes/pubs/pretreatment_program_intro_2011.pdf).

Treatment Plant/Industry Monitoring

Within four months of DEC approval of proposed industrial monitoring and proposed STP monitoring, the permittee shall submit the results of that monitoring and a completed FROSI for all SIUs.

Local Sewer Use Law

Within two months of the submission of STP/industrial monitoring results, the permittee shall submit a draft local sewer use law equivalent to the DEC Model Sewer Use Law. Local limits for substance capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options must be included in the local law. Such limits shall be developed in accordance with document entitled Local Limits Development Guidance, US EPA, July 2004, EPA 833-R-04-002A (https://www.epa.gov/npdes/pubs/pretreatment_local_limits.pdf).

Within three months of approval by DEC, the permittee shall submit a copy of the enacted Law accompanied by proof of enactment.

Credit for Work Already Completed

Any of the above required tasks already completed by the permittee need not be repeated. If the permittee believes that a task or task(s) have been satisfactorily completed, documentation of the completed tasks should be submitted to DEC for approval.

Implement Procedures

Within 9 months of enactment of its sewer use law, the permittee shall implement the procedures proposed under this schedule and approved by DEC. At a minimum, the following activities shall be undertaken by the permittee:

1. Issue permits including limitations, monitoring requirements, and reporting requirements to its significant industrial users.
2. Enforce the local limits set forth in the POTW local sewer use law.
3. Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
4. Undertake enforcement actions in accordance with DEC approved procedures.

Reporting Requirements

In accordance with the Schedule of Submittals, the permittee shall submit yearly Fast Report On Significant Industries forms (FROSI) for each SIU to DEC. Every third year, on the same date, the permittee shall submit Industrial Chemical Survey (ICS) forms completed by all SIUs to DEC. At the same time the permittee shall notify the DEC of any proposed significant changes to its implementing procedures or local sewer use law.

All pretreatment reports shall be submitted to the offices listed on the monitoring, recording and reporting page of this permit.

MINI INDUSTRIAL PRETREATMENT PROGRAM SCHEDULE (continued)

Continuation

Unless noted otherwise, compliance actions required by the pretreatment mini schedule are one-time requirements. The permittee shall comply with the compliance actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled “**SPDES NOTICE/RENEWAL APPLICATION/PERMIT**”, the permittee is not required to repeat the submissions. The due dates are independent from the effective date of the permit stated in the letter of “**SPDES NOTICE/RENEWAL APPLICATION/PERMIT.**”

DRAFT

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date ¹
001	PRELIMINARY ENGINEERING REPORT The permittee shall submit an approvable ² Preliminary Engineering Report (PER) that meets the requirements of the EFC/DEC Engineering Report Outline (https://www.dec.ny.gov/permits/6054.html). The report shall describe treatment alternatives or other control mechanisms (i.e., pretreatment program / Sewer Use Law) that may be used to comply with the final effluent limitation(s) for Ammonia (as N), total Phosphorus (as P), and Total Residual Chlorine.	Completed
001	INTERIM PROGRESS REPORT The permittee shall provide a status update for the <i>Design Documents</i> .	Completed
001	INTERIM PROGRESS REPORT The permittee shall provide a status update for the <i>Design Documents</i> .	March 2027
001	DESIGN DOCUMENTS The permittee shall submit approvable ² Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the selected alternative that will ensure compliance with final effluent limitation(s) for Ammonia (as N), total Phosphorus (as P), and Total Residual Chlorine.	September 2027
001	INTERIM PROGRESS REPORT The permittee shall provide a status update for <i>Complete Construction</i> .	June 2028
001	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification ³ to the DEC (send to the Regional Water Engineer and NetDMR@dec.ny.gov) that the disposal system has been fully completed in accordance with the approved Design Documents.	March 2029
001	COMMENCE OPERATION Following receipt of DEC acceptance of the Construction Completion Certification, the permittee shall comply with the final effluent limitation(s) described in this Ammonia (as N), total Phosphorus (as P), and Total Residual Chlorine.	Upon Department Acceptance
Unless noted otherwise, the above actions are one-time requirements.		
See next page for Interim Effluent Limits.		

¹ 6 NYCRR 750-1.14 (a)

² 6 NYCRR 750 1.2 (a)(8)

³ 6 NYCRR 750-2.10 (c)

SCHEDULE OF COMPLIANCE – Interim Effluent Limits

PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Ammonia (as N)	Monthly Average	Monitor	mg/L			Monthly	6-hr. Comp.	-	X	
Total Phosphorus	Monthly Average	Monitor	mg/L	Monitor	lbs/d	Monthly	6-hr. Comp.	-	X	
Chlorine, Total Residual	Daily Maximum	1.15	mg/L			Daily	Grab	-	X	1

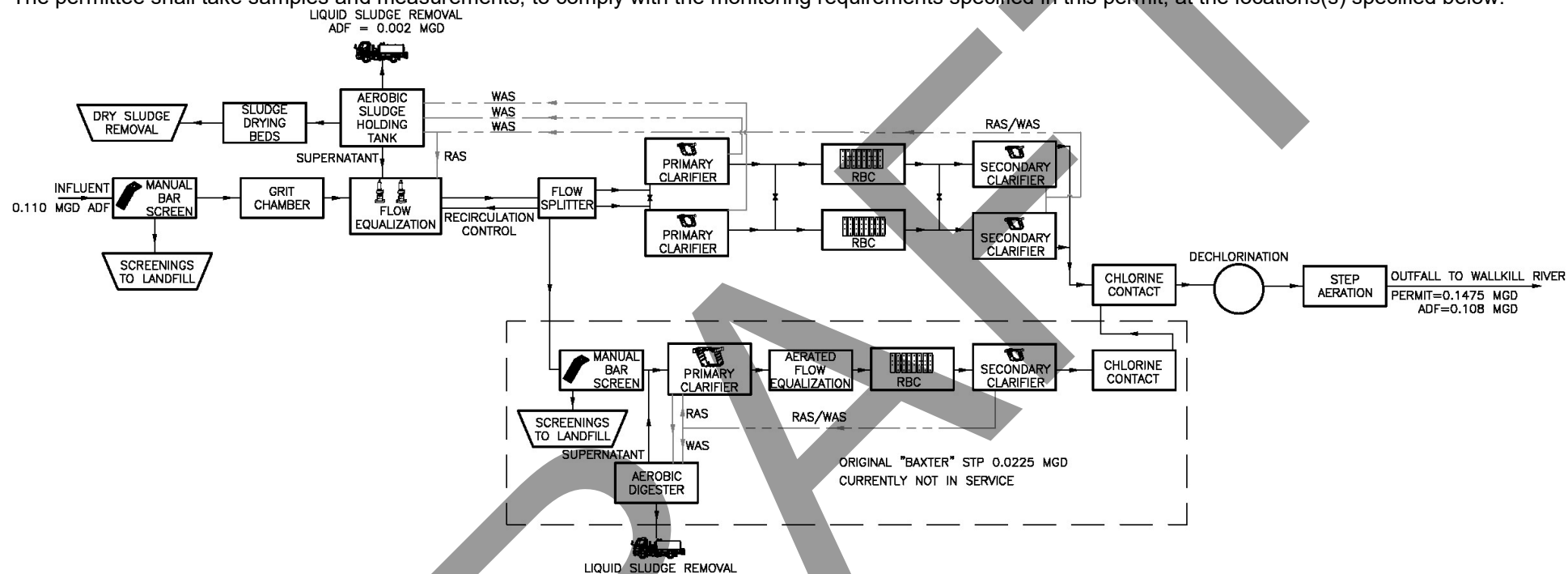
Notes:

1. 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.

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

MONITORING LOCATIONS

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



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)(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 | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
| 9. Additional conditions applicable to a POTW | 6 NYCRR 750-2.9 |
- F. Planned Changes
1. In accordance with 6 NYCRR 750-2.7, the permittee shall give notice to the DEC at least 45 days prior to 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)

2. Notification Requirement for POTWs

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

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

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

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

G. Sludge Management

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

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 under the current permit. 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. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 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.

DMRs must be submitted 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.**

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

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

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

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

Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 3
220 White Plains Road, Suite 110, Tarrytown, New York, 10591,

Phone: (914) 803-8157

- D. Bypass and Sewage Pollutant Right to Know Reporting: In accordance with the Sewage Pollutant Right to Know Act (ECL § 17-0826-a), Publicly Owned Treatment Works (POTWs) are required to notify DEC and Department of Health within two hours of discovery of an untreated or partially treated sewage discharge and to notify the public and adjoining municipalities within four hours of discovery. Information regarding reporting and other requirements of this program may be found on the DEC's website. In addition, POTWs are required to provide a five-day incident report and supplemental information to the DEC in accordance with Part 750-2.7(d) by utilizing the Division of Water Report of Noncompliance Event form unless waived by DEC on a case-by-case basis.
- E. Schedule of Additional Submittals:
The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>EMERGING CONTAMINANT SHORT-TERM MONITORING PROGRAM</u> The permittee shall collect grab samples of both the influent and effluent from the facility's treatment system(s) associated with the identified outfall for Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane (1,4-D), unless permittee receives written notification from the DEC during this time that sampling can be discontinued. Samples must be analyzed utilizing EPA draft analytical method 1633 and EPA Method 8270D SIM or 8270E SIM, respectively. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a quarterly basis for at least 4 consecutive quarters, unless written notification from the DEC indicates otherwise. The results shall be reported through the "Emerging Contaminants Survey for POTWs" found at: https://www.dec.ny.gov/chemical/127939.html. The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for POTWs" available at the above link. The DEC may periodically request updates or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.	EDP + 18 Months Within 90 days of DEC written notification
001	<u>ANNUAL FLOW CERTIFICATION</u> The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(C)(4). The form shall be attached to the February DMR or submitted through nForm.	February DMR (March 28th)
001	<u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	Maintained Onsite EDP + 12 months, annually thereafter
001	<u>MINI PRETREATMENT PROGRAM - FROSI</u> Submit completed Fast Report On Significant Industries forms (FROSI) for each SIU to the Department, or notification letter that no new significant industrial users have been added.	March 28th of each year
001	<u>MINI PRETREATMENT PROGRAM – Industrial Chemical Survey (ICS) Forms</u> Submit Industrial Chemical Survey forms completed by all SIUs to the DEC. Notify the DEC of any proposed significant changes to its implementing procedures or local sewer use law.	March 28, 2027 and every three years thereafter

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

- F. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- G. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- H. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

- I. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- J. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

DRAFT

SPDES Permit Fact Sheet

Town of Montgomery

Town of Montgomery Sewer

District #1 Sewage Treatment

Plant

NY0247782



Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Town of Montgomery Sewer District #1 Sewage Treatment Plant. The changes to the permit are summarized below:

- Updated Schedule of Compliance with dates to account for the time required to coordinate efforts between the Town of Montgomery and the Village of Montgomery.

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

11/1/2010 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 3/31/2012. The 2010 permit has formed the basis of this permit.

The permit was administratively renewed in 2012 and again in 2017. The current permit administrative renewal was effective until 3/31/2022.

7/3/2020 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. At the time of the RFI, the facility had an EBPS score of 153 and ranking of 21/161.

3/31/2022 The SPDES permit expired.

12/9/2022 The Town of Montgomery submitted a NY-2A permit application.

6/5/2026 The Town of Montgomery submitted a request to modify the permit to account for the time required to coordinate efforts between the Town of Montgomery and the Village of Montgomery.

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 publicly owned treatment works that receives flow from domestic and industrial users, with effluent consisting of sanitary sewage and process wastewater. The collection system consists of separate sewers. The facility accepts flow from significant industrial users (SIUs).

The current 0.1475 MGD treatment plant consists of:

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

Permittee: Town of Montgomery

Date: August 19, 2026 v.1.41

Facility: Town of Montgomery Sewer District #1 Sewage Treatment Plant

Permit Writer: Lily Addeo

SPDES Number: NY0247782

USEPA Non-Major/Class 07 Municipal

- Preliminary Treatment: Screening, Grit Removal, Flow Equalization
- Primary treatment: Primary Clarification
- Secondary Treatment: Rotating Biological Contractors, Secondary Clarification
- Disinfection: Chlorination / Dechlorination
- Other: Effluent Reoxygenation

Sludge is digested aerobically, dried, and removed.

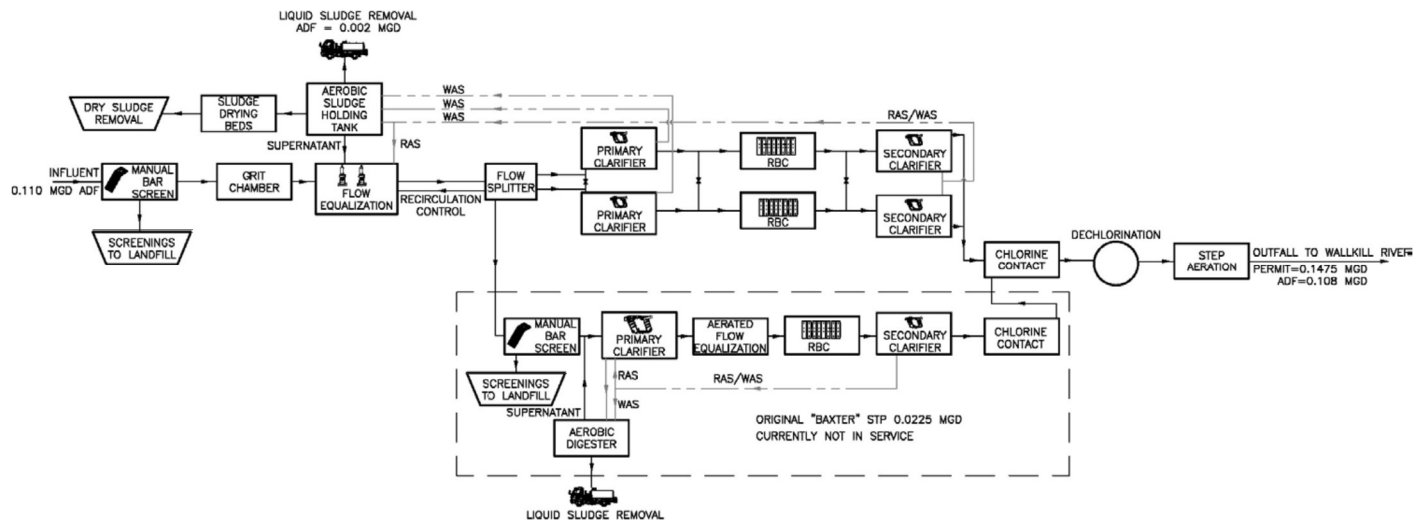
The primary outfall (Outfall 001) is 9.96 inch diameter outfall pipe that discharges to waterbody at the bank above the water surface.

The facility accepts wastewater from the following significant industrial users (SIUs):

Significant Industrial User	Sic Code	Categorical Reference (if applicable to 40 CFR)
Blue Beacon truck Wash	7542	NA

Site Overview





Permittee: Town of Montgomery

Facility: Town of Montgomery Sewer District #1 Sewage Treatment Plant

SPDES Number: NY0247782

USEPA Non-Major/Class 07 Municipal

Date: August 19, 2026 v.1.41

Permit Writer: Lily Addeo

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated Sanitary Sewage, Process Wastewater	Wallkill River, Class B

Permit Requirements

Schedule of Compliance

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

- The Permittee submitted a request to modify the permit to account for the time required to coordinate efforts between the Town of Montgomery and the Village of Montgomery.

² Pursuant to 6 NYCRR 750-1.14

Appendix: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c) 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

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95th (monthly average) and 99th (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for

parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program.

Permit Requirements

Basis for Effluent Limitations

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

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(l) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law³ and USEPA interpretation⁴ 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 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.

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

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

⁴ 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)

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.

Action Levels

As defined in 6 NYCRR 750-1.2(a)(2), when used in a SPDES permit, an Action Level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee monitoring and DEC review to determine if numerical effluent limitations should be imposed.

The application of an Action Level is provided in TOGS 1.2.1. If the Action Level is exceeded, the permittee is required to conduct confirmatory monitoring. If Action Levels are routinely or excessively exceeded, they will be reconsidered and adjusted or replaced by limits in accordance with the Environmental Benefit Permit Strategy (EBPS). An Action Level is not a limit, and an exceedance does not constitute a permit violation unless the confirmatory sampling is not performed in accordance with the permit requirements.

Other Conditions

Schedules of Compliance

Schedules of compliance are included in accordance with 40 CFR Part 132 Attachment F, Procedure 9, 40 CFR 122.47 and 6 NYCRR 750-1.14. Schedules of compliance are intended to, in the shortest reasonable time, achieve compliance with applicable effluent standards and limitations, water quality standards, and other applicable requirements. Where the time for compliance is more than nine months, the schedule of compliance must include interim requirements and dates for their achievement. If the time necessary to complete the interim milestones is more than nine months, and not readily divisible into stages for completion, progress reports must be required.