



State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	2052	NAICS Code:	311821	SPDES Number:	NY0275140
Discharge Class (CL):	04	DEC Number:	3-4846-00405/00002		
Toxic Class (TX):	N	Effective Date (EDP):			
Major-Sub Drainage Basin:	14 - 01	Expiration Date (ExDP):			
Water Index Number:	D-10-27	Item No.:	815 - 237	Modification Dates (EDPM):	-
Compact Area:	DRBC				

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:	Nonni's Foods LLC			Attention:	Karen McCann	
Street:	1243 Old Route 17					
City:	Ferndale	State:	NY	Zip Code:	12734	
Email:	k.mccann@nonnis.com			Phone:	845-313-1766	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	Nonni's Foods LLC										
Address / Location:	1243 Old Route 17						County:	Sullivan			
City:	Ferndale			State:	NY		Zip Code:	12734			
Facility Location:	Latitude:	41 °	44 '	40.2 " N	& Longitude:	74 °	43 '	45.8 " W			
Primary Outfall No.:	001	Latitude:	41 °	44 '	06.9 " N	& Longitude:	74 °	43 '	56.8 " W		
Wastewater Description:	Treated floor wash water	Receiving Water:	Unnamed trib. to Spring Brook			NAICS:	311821	Class:	B	Standard:	B(T)

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

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

DISTRIBUTION:

- BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
- BWP Permit Writer
- RWE
- RPA
- EPA Region II (Region2_NPDES@epa.gov)
- DEC Water Quality Engineer (aslam.mirza@dec.ny.gov)

Permit Administrator:			
Address:			
Signature			Date

DEFINITIONS

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

SUMMARY OF ADDITIONAL OUTFALL

Outfall	Wastewater Description	NAICS Code	Outfall Latitude			Outfall Longitude		
002	Sanitary waste from bakery and offices without admixture of industrial or other wastes to subsurface leach fields (1,500 GPD)	311821	41 °	44 '	9.0 " N	74 °	43 '	57.9 " W
Receiving Water:		Groundwater				Class: GA		
Monitoring and Reporting requirements:		None						

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Treated bakery production area wash water from floor drains	Unnamed trib. to Spring Brook	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	300	GPD			Daily	Estimate		X	
pH	Daily Minimum	6.5	SU			Monthly	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	°F			Monthly	Grab		X	(1)
BOD ₅	Daily Maximum	5	mg/L			Quarterly	Grab		X	
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L			Quarterly	Grab		X	
Oil and Grease	Daily Maximum	15	mg/L			Monthly	Grab		X	(2)
Total Phosphorus	Monthly Average	1.0	mg/L			Quarterly	Grab		X	
Visual check for foam	N/A	N/A				See foot note (3)	Yes / No		X	(3)
Dissolved Oxygen	Daily Minimum	Monitor	mg/L			Quarterly	Grab		X	(1)

FOOTNOTES:

1. These are monitor-only parameters, results may be used to inform future permitting decisions.
2. In addition, there shall be no visible sheen of oil or grease.
3. Visual check for foam shall be performed whenever a discharge occurs. Any discovery of foam shall be reported to the department. If found to recur, management practices and/or treatment improvement shall be implemented to reduce or prevent the discharge of surfactants.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

NO EXPOSURE CERTIFICATION

The permittee submitted a Conditional Exclusion for No Exposure Form on 12/16/2024, certifying that all industrial activities and materials are completely sheltered from exposure to rain, snow, snowmelt, and stormwater runoff except as allowed under 40 CFR 122.26(g)(2). The permittee must maintain a condition of no exposure for the exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the permittee must notify the Regional Water Engineer. The permittee must recertify a condition of no exposure every five years by completing the "No Exposure Certification Form" found on the DEC website.

DISCHARGE NOTIFICATION REQUIREMENTS

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

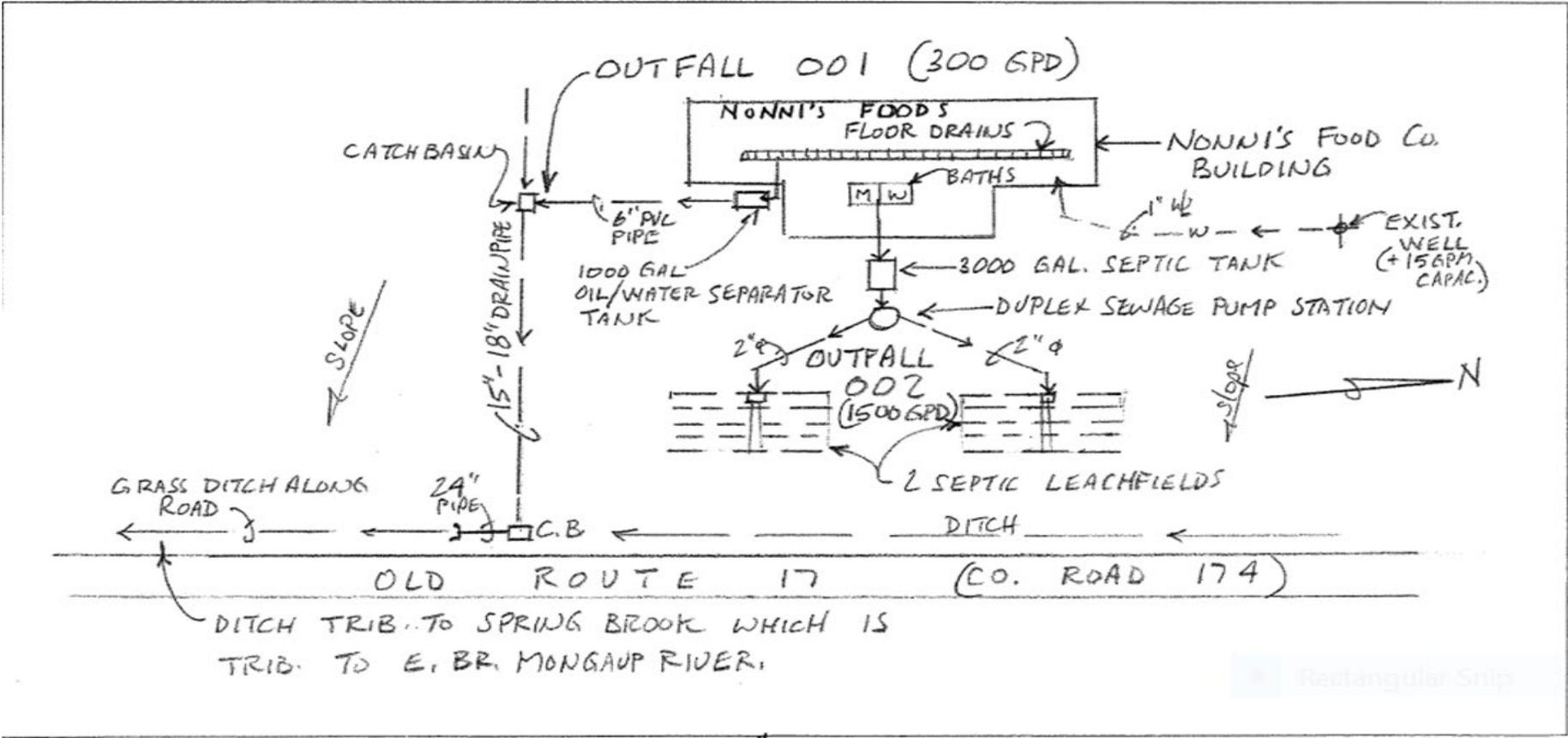
The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

<p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY _____</p> <p>OUTFALL No.: ____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: () - ### - #####</p>
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- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

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:



OUTFALLS # 001 & 002 FLOW SCHEMATIC

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(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 for non-POTWs | 6 NYCRR 750-2.5, 2.6, 2.7, & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360 series.
- G. SPDES Permit Program Fee
The permittee shall pay to the DEC an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed under the current permit. The use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the DEC.
 2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used.
 3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form* and *WTC Annual Report Form* are available from the DEC's website at: [SPDES Permitting of Water Treatment Chemicals](#).

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The permittee shall retain the monitoring information required by this permit for a period of at least five years from the date of the sampling.
- B. Additional information required to be submitted by this permit shall be summarized and submitted electronically to both the Regional Water Engineer at dow.r3@dec.ny.gov and Bureau of Water Permits at spdesapp@dec.ny.gov
- C. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically to dow.r3@dec.ny.gov, utilizing the SPDES Annual Report Form available on the DEC's website.
- D. Schedule of Additional Submittals:
The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits to the above noted email addresses, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>STORMWATER NO EXPOSURE CERTIFICATION</u> Permittee must recertify every five years a condition of no exposure to stormwater in order to continue to qualify for the no exposure exclusion. The No Exposure Certification Form can be found on the DEC website.	12/17/2029 and every 5 years thereafter

- E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- H. 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: Nonni's Foods LLC
Facility: Nonni's Foods LLC
SPDES Number: NY0275140
USEPA Non-Major/Class 04 Industrial

Date: January 30, 2026 v.1.29
Permit Writer: Roshan Cherish
Water Quality Reviewer: Aslam Mirza
Full Technical Review

SPDES Permit Fact Sheet Nonni's Foods LLC NY0275140



Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Nonni's Foods LLC. The changes to the permit are summarized below:

- Updated permit format, definitions and general conditions.
- Changed effluent parameter from CBOD₅ to BOD₅ based on water quality modeling and TOGS 1.3.1
- Added Dissolved Oxygen (DO) as a monitor-only parameter. While water quality modeling indicated that a 5.0 mg/L effluent concentration would be protective of downstream water quality year-round, no effluent DO data were submitted; therefore, monitoring is required to determine whether an effluent limit is needed.
- Added Temperature as a monitor-only parameter due to the trout-classified receiving water
- Removed Total Dissolved Solids (TDS) and Settleable Solids (SS) effluent limits based on review of existing effluent quality and correction of prior technical errors.
- Monthly DMR submissions for Outfall 001 have been removed; Annual SPDES Monitoring Reports are now required instead and must be submitted electronically.

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

- 6/1/2013 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 5/31/2018.
- The permit was administratively renewed in 2019. The current permit administrative renewal was effective until 3/31/2024.
- 5/2/2013 The permit was modified to consolidate the P/C/I groundwater discharge authorization into a single SPDES permit covering the entire site.
- 3/31/2024 The SPDES permit expired.
- 12/16/2024 The Nonni's Foods LLC submitted a new NY-2C permit application to renew the expired permit.

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

Facility Information

This is for an existing industrial discharge resulting from the operation of a bakery that makes biscotti. The facility falls under SIC code 2052 (Cookies and Crackers production). Wastewater is generated from two main sources: Industrial wastewater from equipment and floor cleaning, and domestic wastewater from employee bathrooms, handwashing sinks and breakrooms. Industrial wastewater is collected and treated through a 1000-gallon oil/water separator (OWS) before being discharged (Outfall 001)

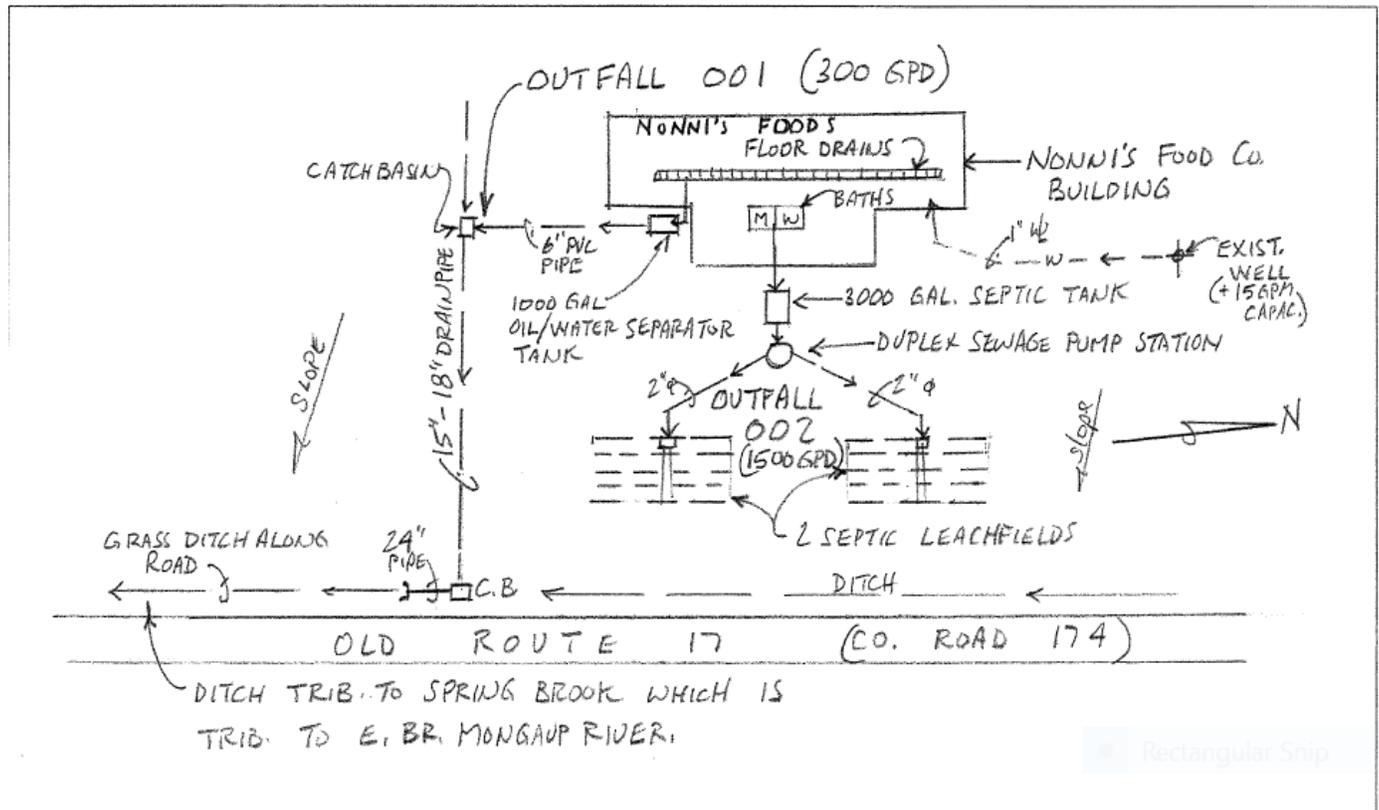
Domestic wastewater is directed to a 3000-gallon septic tank, which then flows into an alternative raised-bed leach field system for subsurface discharge. (Outfall 002)

Thus, the facility has the following 2 outfalls:

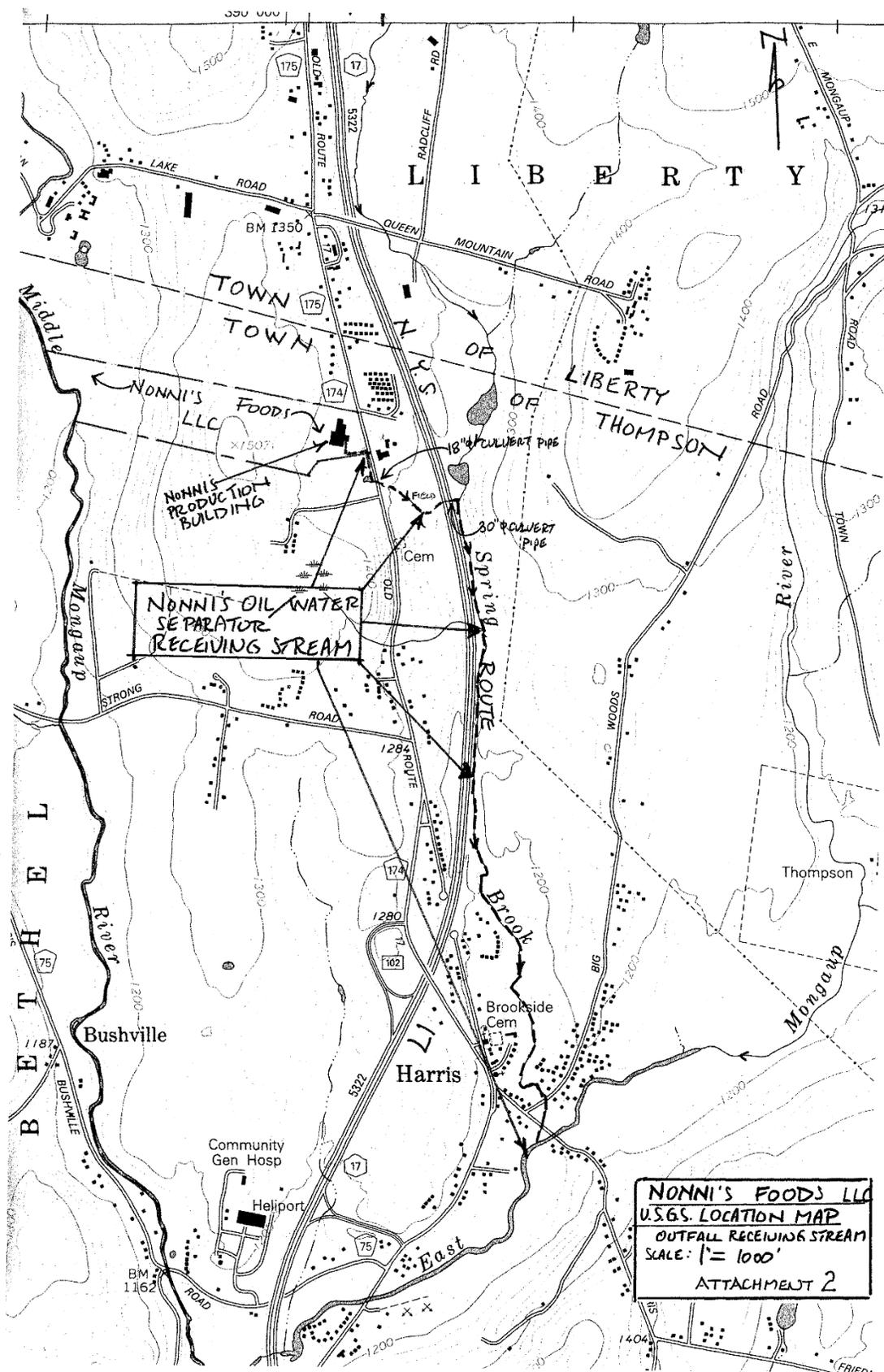
Outfall #1: Located on the south side of the facility, it connects to a 6" PVC outlet pipe that carries the wastewater 175 feet from the OWS to a catch basin near the south side access drive. The drainage system then flows 300 feet eastward along the access drive via a 15" dia. drainpipe. The effluent then enters another catch basin in the Old Route 17 drainage ditch. A short 24" dia. drainpipe discharges the flow from the catch basin to the highway grass-lined drainage ditch. The ditch continues south along the county road for 400 feet. The flow reaches an 18" dia. culvert pipe which crosses under the road. The culvert discharges the flow into a small, intermittent watercourse. The intermittent watercourse carries the flow 1300 feet eastward passing under Route 17. The watercourse empties into Spring Brook, a Class B (T) waterbody and continues flowing south for approximately 8500 feet eventually discharging into the East Branch Mongaup River which is also a Class B (T) waterbody, in the Hamlet of Harris, NY. The average daily flow from this outfall is approximately 300 GPD.

Outfall #2: Located on the eastside of the facility, the average daily flow from this outfall is approximately 1500 GPD of domestic wastewater. This wastewater flows to a 3000-gallon septic tank and into an alternative raised bed leach field system located on the east side of the facility.

Site Overview



OUTFALLS # 001 & 002 FLOW SCHEMATIC



Enforcement History

The facility has faced a few compliance issues over the years related to the submission of Discharge Monitoring Reports (DMRs). Below is an overview:

- An NOV was issued on February 25, 2014, for failure to submit the DMR for the period ending December 31, 2013.
- An NOV was issued on August 5, 2014, for failure to submit the DMR for the period ending May 31, 2014.
- An NOV was issued on December 4, 2017, for failure to submit the DMR for the period ending September 30, 2017
- An NOV was issued on October 25, 2023, for failure to submit the DMR for the period ending August 31, 2023. The facility had responded to this NOV confirming that the required DMR for the period ending August 31, 2023, was submitted via NetDMR on October 30, 2023.

Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from one time sampling results submitted by the permittee at the Department's request, as the facility had been consistently reporting 'No Discharge' in recent DMRs.

Interstate Water Pollution Control Agencies

Outfall(s) 001 is located within the Delaware River Basin Commission (DRBC) compact area however the DRBC does not regulate discharges of this size. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	2052	Treated floor wash water	Unnamed tributary to Spring Brook, Class B, Standard B(T), which flows to the East Branch Mongaup River and tribs, Class B
002	8999	Treated Sanitary Sewage (Septic system)	Septic leach fields (subsurface discharge)

Critical Receiving Water Data

Reach Description and Hydrology: This facility discharges at the headwaters of the un-named tributary of Spring Brook. The tributary is shown on the USGS map and will receive the same class as Spring Brook which is class B(T). There is no other discharge upstream or downstream of the same. There are no RIBS or USGS gage station in the basin and therefore no site-specific estimate of ambient data (pH, Temperature, boundary level for pollutants and etc.) and low flow (1Q10, 7Q10 and 30Q10) can be made. Due to the location of the discharge site (being at the

headwaters of the stream), and ineligible drainage area, the 7Q10 flow will be considered zero cfs (0.0), signifying as a "Intermittent stream". Due to steep and mild slope of these streams, A 2-Reach water quality model was developed to verify the validity or applicability of the existing effluent limits in absence of water quality record. The model results are discussed under BOD5 section of the [Pollutant Summary Table](#).

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](#).

Anti-backsliding

The Settleable Solids effluent limit has been discontinued because its inclusion in the previous permit was a technical error, as the 0.1 mL/L limit applies to systems with filtration per TOGS 1.2.1, and removal is allowable under 6 NYCRR 750-1.10(c)(2)(ii).

The Total Dissolved Solids effluent limit has been discontinued because the existing effluent quality is below the applicable water quality standard; therefore, inclusion of an effluent limit is not warranted in the renewed permit.

[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 has been continued from the previous permit.

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

Best Management Practices (BMPs) for Industrial Facilities

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

¹ As prescribed by 6 NYCRR Part 617

Stormwater Pollution Prevention Requirements

The facility is classified under SIC Code 2052 (Cookies and Crackers), which corresponds to Sector U (Food and Kindred Products) under the Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity. However, on 12/16/2024, the permittee submitted a Conditional Exclusion for No Exposure Form, certifying that all industrial activities and materials are completely sheltered from exposure. This condition must be maintained for the exclusion to remain applicable. The [Schedule of Additional Submittals](#) includes a due date for re-certification every five years as required by 40 CFR 122.26(g)(iii). This requirement is new.

Mercury

The facility is not located in the Great Lakes Basin and does not have any mercury sources as listed in Part III.E of DOW 1.3.10. A one-time mercury effluent sample collected by the permittee measured 4.2 ng/L, which is below the 12 ng/L threshold specified in Part III.E of DOW 1.3.10.

[Appendix Link](#)

Schedule(s) of Additional Submittals

A schedule of additional submittals has been included for the following

- No Exposure Certification Re-Certification

Emerging Contaminant Monitoring

Based on the available data and knowledge of this industry, no additional monitoring for perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-dioxane (1,4-D) is required at this time. Additionally, consistent with TOGS 1.3.13, the industry SIC code of 2052 is not identified as potential primary sources of PFOA, PFOS, and 1,4-D. One-time wastewater sampling conducted as part of the permit review included testing for 40 PFAS compounds, as well as 1,4-dioxane, and the results indicated non-detect concentrations for all analytes analyzed.

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/L)	1Q10 (CFS)	7Q10 (CFS)	30Q10 (CFS)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	41° 44' 06.9" N	74° 43' 56.8" W	Unnamed tributary to Spring Brook	B(T)	D-10-27 PWL: 1401-0142	14/01	-	Intermittent Stream (Flow= 0.0 CFS)			0.0003	1:1		
002	41° 44' 9.0" N	74° 43' 57.9" W	Groundwater	GA	-	-/-	-	-	-	-	0.0015	-	-	-

POLLUTANT SUMMARY TABLE: Outfall 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ²	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Flow Rate	GPD	Monthly Avg	300	280 Actual Average	-	-	Design Flow	No alterations that will impair the waters for their best usages.						-	Design Flow
			The flow limit has been set at the design flow of the wastewater treatment facility.												
pH	SU	Minimum	6.5	- Actual Min	-	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	WQBEL
		Maximum	8.5	6.89 Actual Max	1	9.0		Given the available dilution, an effluent limitation equal to the WQS is appropriate.							
Temperature	°C	Daily Max	None	8.6 Actual Max	1	-	750-1.13 Monitor	-	No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout				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.												

² Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Permittee: Nonni's Foods LLC
 Facility: Nonni's Foods LLC
 SPDES Number: NY0275140
 USEPA Non-Major/Class 04 Industrial

Date: January 30, 2026 v.1.29
 Permit Writer: Roshan Cherish
 Water Quality Reviewer: Aslam Mirza
 Full Technical Review

Outfall #	001	Description of Wastewater: Treated floor wash water												
		Type of Treatment: Oil/Water separator												
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs					ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ²	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL		
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	Daily Max	-	6.0	1	-	TOGS 1.2.1	-	Dissolved Oxygen= 5.0 mg/l Surrogate Standard		5	703.3	-	WQBEL
	WQ Model Results: A 2-Reach WQ model was developed using the existing BOD5 effluent and dissolved oxygen: BOD5= 5.0 mg/l, and DO= 5.0 mg/l. The modeling results showed that the downstream waters will comply with the class B(T) standard of 5.0 mg/l.													
Total Suspended Solids (TSS)	mg/L	Daily Max	10	4.93	1	-	TOGS 1.2.1	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			10	703.2	-	Antibacksliding
	Given the available dilution, an effluent limitation equal to 10 mg/L daily maximum is appropriate and consistent with TOGS 1.3.1 for discharges to intermittent streams													
Dissolved Oxygen (DO) Year-Round	mg/L	Daily Max	-	-	-	7.0	TOGS 1.3.1	-	-	5.0	5.0	703.3	-	Monitor
	The WQ model indicated that an effluent of 5.0 mg/l is required and is protective of downstream water quality year-round. Since there is no Dissolved Oxygen data submitted with the application, monitoring is appropriate to determine if a limit is needed.													
Settleable Solids	mL/L	Daily Max	<0.1	<0.1	1	-	-	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.		703.2	-	Discontinued	
	See Anti-backsliding section of the factsheet													
Total Dissolved Solids	mg/L	Daily Max	1000	134	1	-	TOGS 1.2.1	Shall be kept as low as practicable to maintain the best usage of waters but in no case shall it exceed 500 mg/L.			703.3	-	Discontinued	
	See Anti-backsliding section of the factsheet													
Oil and Grease	mg/L	Daily Max	15	<0.500	1	15	TOGS 1.2.1	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.		703.2	-	TBEL		
	In the absence of a numeric WQ Standard, TBEL is protective of WQ of the downstream water.													

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Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ²	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Total Phosphorus	mg/L	Monthly Avg	1.0	0.129	1	None	TOGS 1.3.6	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.				703.2	-	Antibacksliding
Visual Check for foam	Frequency: Shall be performed whenever a discharge occurs														
Other parameters sampled															
Ammonia (as N)	mg/L	Daily Max	None	<0.05	1	-	TOGS 1.2.1	-	-	-	-	-	-	-	-
Total Organic Carbon	mg/L	Daily Max	None	2.85	1	-	TOGS 1.2.1	-	-	-	-	-	-	-	-

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

Interstate Water Pollution Control Agencies

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

control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

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

Anti-backsliding

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

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)

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

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

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

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

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

Best Professional Judgement (BPJ)

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

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR 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, waste load 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

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

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

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

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Best Management Practices (BMP) for Industrial Facilities

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

Pollutant Minimization Programs

Pollutant Minimization Programs are included when a pollutant is being discharged from the facility at detectable levels and the ML for the most sensitive method is greater than the calculated WQBEL. These programs typically include an on-going potential source identification, evaluation, and prioritization program to demonstrate progress towards meeting the goal of the WQBEL. Pollutant Minimization Plan requirements are based on 40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1.

Schedule(s) of Additional Submittals

Schedule(s) of Additional Submittals are used to summarize the deliverables required by the permit not Identified in a separate Schedule of Compliance