# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

| | | | | | |
|---|---|---|---|---|---|
| SIC Code: | **4952** | NAICS Code: | **221320** | SPDES Number: | **NY0023591** |
| Discharge Class (CL): | **07** | | | DEC Number: | **4-3650-00357/00001** |
| Toxic Class (TX): | **T** | | | Effective Date (EDP): | **11/01/2023** |
| Major-Sub Drainage Basin: | **06 - 01** | | | Expiration Date (ExDP): | **10/31/2028** |
| Water Index Number: | **SR** | Item No.: | **930 - 7** | Modification Dates (EDPM): | **EDPM** |
| Compact Area: | **SRBC** | | | | |

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: | **Village of Cooperstown** | Attention: | **Mayor** | | |
| Street: | **22 Main Street** | | | | |
| City: | **Cooperstown** | State: | **NY** | Zip Code: | **13326** |
| Email: | **etillapaugh@cooperstownny.org vocwwtp@live.com** | Phone: | **(607) 547-2411** | | |

is authorized to discharge from the facility described below:

| FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name: | **Village of Cooperstown, Wastewater Treatment Plant** | | | | | | | | | | | | | |
| Address / Location: | **213 Linden Avenue** | | | | | | | | | County: | **Otsego** | | | |
| City: | **Cooperstown** | | | | | State: | **NY** | | | Zip Code: | **13326** | | | |
| Facility Location: | | Latitude: | **42** | ° | **41** | ’ | **08** | ” N | & Longitude: | **74** | ° | **55** | ’ | **57** ” W |
| Primary Outfall No.: | **001** | Latitude: | **42** | ° | **41** | ’ | **07** | ” N | & Longitude: | **74** | ° | **55** | ’ | **59** ” W |
| Outfall Description: | **Treated Sanitary** | Receiving Water: | **Susquehanna 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:
CO BWP - Permit Coordinator
BWP – Permit Writer
CO BWC - SCIS
RWE
RPA
EPA Region II
NYSEFC

| | | | |
|---|---|---|---|
| Permit Administrator: | | | |
| Address: | 625 Broadway Albany, NY 12233-1750 | | |
| Signature: | | Date: | / / |

# Contents

# 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 Department. |
| 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 | Year-round unless otherwise specified | Susquehanna River | EDPM | 10/31/2028 |

| PARAMETER | EFFLUENT LIMITATION | | | | | MONITORING REQUIREMENTS | | | | FN |
|---|---|---|---|---|---|---|---|---|---|---|
| | Type | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Location Inf. | Location Eff. | |
| Flow | Monthly Average | 0.52 | MGD | - | - | Continuous | Recorder | X | - | - |
| Flow | Daily Maximum | Monitor | MGD | - | - | Continuous | Recorder | X | - | - |
| pH | Daily Minimum | 6.0 | SU | - | - | Daily | Grab | - | X | - |
| | Daily Maximum | 9.0 | SU | - | - | | | | | |
| Temperature | Daily Maximum | 90 | ºF | - | - | Daily | Grab | - | X | - |
| $CBOD_5$ | Daily Maximum | 25 | mg/L | 110 | lbs/d | 2/month | 6-hr Comp. | X | X | - |
| CBOD5, Percent Removal | Daily Minimum | 85 | % | - | - | 2/month | 6-hr Comp. | - | X | 1 |
| Total Suspended Solids (TSS) | Monthly Average | 30 | mg/L | 130 | lbs/d | 2/month | 6-hr Comp. | X | X | - |
| Total Suspended Solids (TSS) | 7-Day Average | 45 | mg/L | 200 | lbs/d | 2/month | 6-hr Comp. | - | X | - |
| TSS, Percent Removal | Minimum Monthly Average | 85 | % | - | - | 2/month | 6-hr Comp. | - | X | 1 |
| Settleable Solids | Daily Maximum | 0.3 | mL/L | - | - | Daily | Grab | - | X | - |
| Dissolved Oxygen | Daily Minimum | 4.0 | mg/L | - | - | 2/month | Grab | - | X | 2 |
| Total Kjeldahl Nitrogen (TKN) (as N) | Monthly Average | Monitor | mg/L | Monitor | lbs/d | 2/month | 6-hr Comp. | - | X | - |
| Ammonia (as N) June 1st – Oct. 31st | Monthly Average | 8.2 | mg/L | 35 | lbs/d | 2/month | 6-hr. Comp. | - | X | - |
| Ammonia (as N) Nov. 1st – May 31st | Monthly Average | 8.2 | mg/L | 35 | lbs/d | 2/month | 6-hr. Comp. | - | X | - |
| Total Phosphorus (as P) | Monthly Average | 1.0 | mg/L | Monitor | lbs/d | 2/month | 6-hr. Comp. | - | X | 2 |
| Total Phosphorus (as P) | Monthly Total | - | - | Monitor | lbs/month | 1/month | Calculated | - | X | 3 |
| Total Phosphorus (as P) | 12-Month Total | - | - | 1,140 | lbs/yr | 1/month | Calculated | - | X | 2,5 |
| Total Nitrogen (as N) | Monthly Average | Monitor | mg/L | Monitor | lbs/d | 2/month | 6-hr. Comp. | - | X | 4 |
| Total Nitrogen (as N) | Monthly Total | - | - | Monitor | lbs/month | 1/month | Calculated | - | X | 3,4 |
| Total Nitrogen (as N) | 12-Month Total | - | - | 27,000 | lbs/yr | 1/month | Calculated | - | X | 2,4,5 |
| Total Nitrite | Monthly Average | Monitor | mg/L | Monitor | lbs/d | 2/month | 6-hr. Comp. | - | X | - |
| Total Nitrate | Monthly Average | Monitor | mg/L | Monitor | lbs/d | 2/month | 6-hr. Comp. | - | X | - |

**Outfall 001 Limits Table Continued on Next Page**

# PERMIT LIMITS, LEVELS AND MONITORING (Continued)

| OUTFALL | LIMITATIONS APPLY | RECEIVING WATER | EFFECTIVE | EXPIRING |
|---|---|---|---|---|
| 001 | Year-round unless otherwise specified | Susquehanna River | EDPM | 10/31/2028 |

| PARAMETER | EFFLUENT LIMITATION | | | | | MONITORING REQUIREMENTS | | | | FN |
|---|---|---|---|---|---|---|---|---|---|---|
| | Type | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Location Inf. | Location Eff. | |
| Total Mercury | Daily Maximum | 50 | ng/L | - | - | Semi-annually | Grab | - | X | 8 |
| Total Mercury | 12 MRA | 12 | ng/L | - | - | Semi-annually | Calculated | - | X | 9 |
| Receiving Water Flow | Daily Minimum | 11 | CFS | - | - | - | - | - | - | 6 |

| EFFLUENT DISINFECTION<br>Required Seasonally from May 1st - October 31st | | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Inf. | Eff. | FN |
|---|---|---|---|---|---|---|---|---|---|---|
| Coliform, Fecal | 30-Day Geometric Mean | 200 | No./ 100 mL | - | - | 2/month | Grab | - | X | - |
| Coliform, Fecal | 7-Day Geometric Mean | 400 | No./ 100 mL | - | - | 2/month | Grab | - | X | - |
| Chlorine, Total Residual | Daily Maximum | 0.075 | mg/L | - | - | 1/day | Grab | - | X | 7 |

**FOOTNOTES:**

1. Effluent shall not exceed 15% and 15% of influent concentration values for $CBOD_5$ & TSS respectively.
2. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.
3. The month total (lbs/month) for Total Phosphorus and Total Nitrogen is calculated as the monthly average load (lbs/d) multiplied by the number of days in the month.
4. Total Nitrogen (as N) = [Total Kjeldahl Nitrogen (TKN), as N] + [Nitrite ($NO_2$), as N] + [Nitrate ($NO_3$), as N].
5. Total Nitrogen (as N) and Total Phosphorus (as P) 12-month total (lbs/yr) is calculated as the current Month Load (lbs/mon) added to the month loads from the previous eleven months.
6. The flow of the Susquehanna River shall be regulated to maintain a minimum daily flow of 11 cubic feet per second (cfs). The flow is to be determined by the use of a staff gage at the treatment plant daily from May 1 through October 31 and weekly from November 1 through April 30. Flows greater than 20 cfs can be reported as "> 20 cfs".
7. Sampling and reporting for total residual chlorine is 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.
8. Semi-annual samples shall be collected in 6-month intervals beginning on 01/01/2025.
9. The 12-month rolling average (MRA) for Total Mercury is defined as the sum of the current month's monthly average concentration added to any monthly averages from the eleven previous months, divided by the number of months for which samples were collected in the 12-month period (this is typically two samples for a 12-month period for a semi-annual frequency).

# 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 Outfall 001, 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 136[1]. 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/or 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 permit includes reduced monitoring requirements and does not require key location sampling. See section 2.a.iv below.

      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 Department prior to acceptance.

      iv. Decreased Monitoring Requirements – The permittee has an EEQ at or below 12 ng/L and the permit includes the following requirements:

         1) Reduced requirements
            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 Department 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.



[1] Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10.*
[2] A 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)

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 for Outfall 001 -

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.
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 the Department 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 the Department 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.

[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)

c. Annual Status Report - An annual status report must be developed and maintained on site with the Schedule of Additional Submittals, summarizing:
   i. All MMP monitoring results for Outfall 001 for the previous reporting period;
   ii. A list of known and *potential mercury sources* for Outfall 001
      1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the Department 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 first annual status report is due in accordance with the Schedule of Additional Submittals. The permittee must maintain a file with all MMP documentation, including the dental forms required by 6 NYCRR 374.4. 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. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility, or within the collection system, increase the potential for mercury discharges;
   b. Effluent discharges exceed the current permit limitation(s); or
   c. A letter from the Department identifies inadequacies in the MMP.

   The Department 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) 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.

# INFLOW AND INFILTRATION PROGRAM

The permittee shall conduct a comprehensive, system-wide collection system evaluation to identify excessive infiltration and inflow (I/I) that can be feasibly and economically removed in accordance with 6 NYCRR Part 750-2.9(a)(3). The evaluation shall include a review of previous work, communication with City staff for known problem areas (including areas with hydraulic bottlenecks), as well as extensive field investigations which could include visual inspection of manholes, smoke testing, flow metering studies, CCTV camera/video inspections, or other necessary methods. In addition to its own system, the permittee shall determine whether tributary flows from satellite municipalities are contributing excessive I/I. As part of this determination of the satellite's impact, the following information should be reviewed:

- Intermunicipal agreements
- Flow data
- Flow meter calibration records
- Ease of access to flow data
- Billing accuracy
- Enforcement history.

The engineering report shall include a prioritized list of projects and an implementation schedule necessary to minimize sources of excessive I/I in the most cost effective and feasible manner, as well as any recommended changes to the agreements from the satellite municipality. The engineering report shall follow NYS Environmental Facilities Corporation's (EFC) outline for Preliminary Engineering Reports to ensure that the project is eligible for funding from either EFC's Clean Water State Revolving Fund (CWSRF) or DEC. The engineering report schedule, once accepted by the Department, shall by reference become enforceable under this permit.

The permittee shall submit an approvable I/I engineering report in accordance with the Schedule of Additional Submittal section of this permit.

# SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

| Outfall(s) | Compliance Action | Compliance Date[5] |
|---|---|---|
| 001 | INTERIM PROGRESS REPORT<br>The permittee shall provide a status update for meeting all final effluent limitations. | 1/1/2025<br>4/1/2025 |
| | TOTAL NITROGEN AND TOTAL PHOSPHORUS 12-MONTH TOTAL AND DISSOLVED OXYGEN EFFLUENT LIMITATIONS<br>The Total Nitrogen and Total Phosphorus 12-month total and Dissolved Oxygen daily minimum effluent limitations will become effective. See interim limits below. | 1/1/2025 |
| | TOTAL PHOSPHORUS CONCENTRATION EFFLUENT LIMITATION<br>The Total Phosphorus monthly average effluent concentration limit will become effective. This requirement will be monitor only until the limit takes effect. | 5/1/2025 |
| **Unless noted otherwise, the above actions are one-time requirements.** | | |

| OUTFALL | PARAMETER | INTERIM EFFLUENT LIMIT | | | | | MONITORING REQUIREMENTS | | | | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Type | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Location Inf. | Location Eff. | |
| 001 | Total Phosphorus | Monthly Average | Monitor | mg/L | Monitor | lbs/d | 1/Month | Grab | - | X | 1 |
| 001 | Total Phosphorus | 12-Month Total | Monitor | mg/L | 2,170 | lbs/yr | 1/Month | Calculated | - | X | 2,3 |
| 001 | Total Nitrogen | 12-Month Total | Monitor | mg/L | 25,000 | lbs/yr | 1/Month | Calculated | - | X | 2,3 |
| 001 | Dissolved Oxygen | Daily Minimum | Monitor | mg/L | - | - | 2/Month | Grab | | X | 3 |

Notes:
1. Interim limits expire 5/01/2025.
2. See Permit Limits, Levels and Monitoring table footnotes for this calculation.
3. Interim limits expire 01/01/2025.

b) The permittee shall submit a written notice of compliance or non-compliance 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 such compliance or non-compliance notification 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 NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

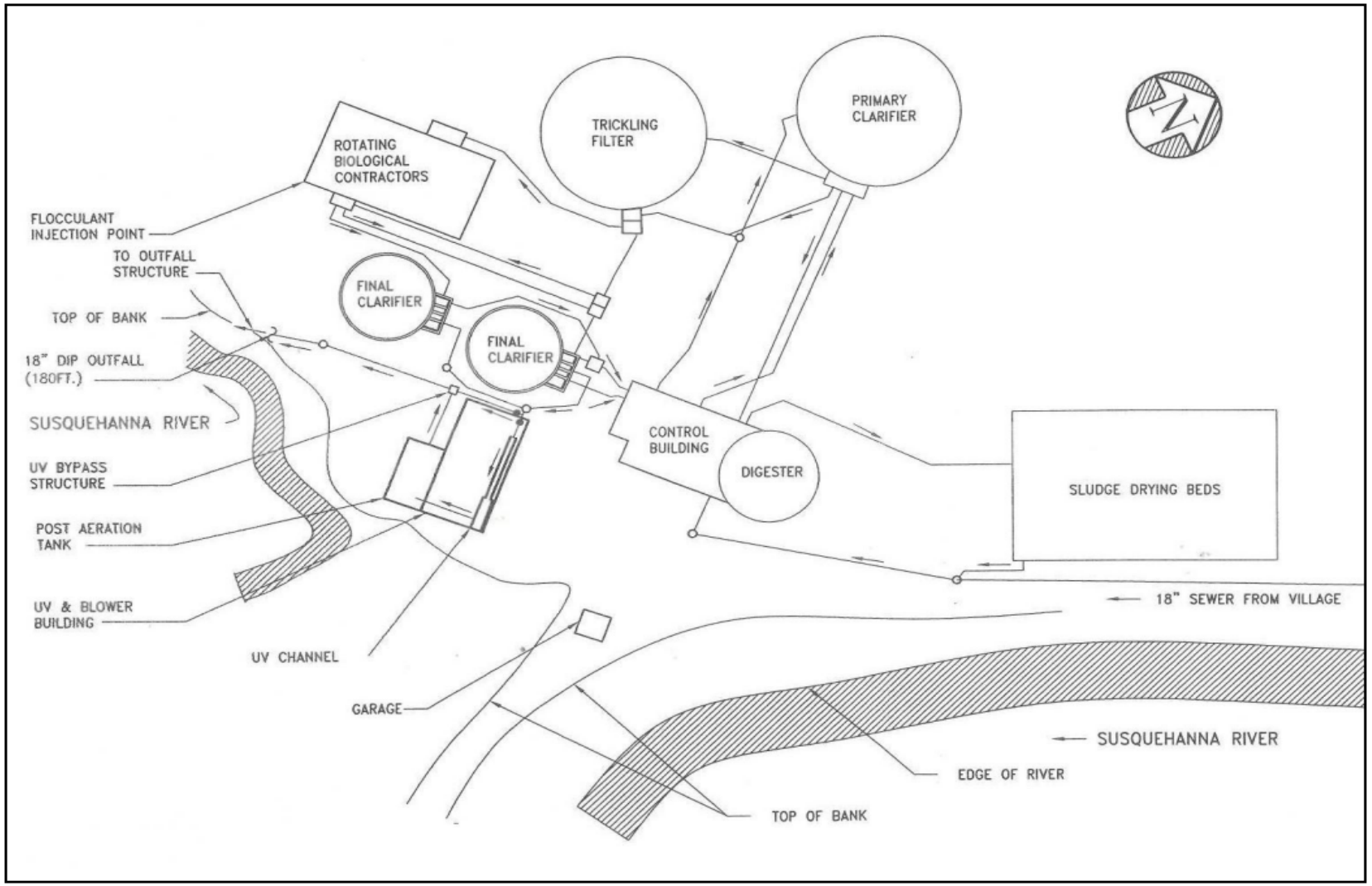
[5] 6 NYCRR 750-1.14 (a)

# MONITORING LOCATIONS

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

Influent: Control Building

Effluent: Outfall 001 effluent sampling is taken at the UV effluent channel.



# GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

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

D. Monitoring and Records

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

E. Reporting Requirements

| | | |
|---|---|---|
| 1. | Reporting requirements | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. | Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. | Transfers | 6 NYCRR 750-1.17 |
| 4. | Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. | Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. | 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. | Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. | Other information | 6 NYCRR 750-2.1(f) |
| 9. | Additional conditions applicable to a POTW | 6 NYCRR 750-2.9 |

F. Planned Changes

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

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

In addition to the Department, 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.

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 Department, 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 Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. 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 Department.
   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 Department'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 Department or its designated agent.

B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with the DMR Manual available on Department's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at https://www.dec.ny.gov/chemical/103774.html. **Hardcopy paper DMRs will only be received at the address listed below, directed to the Bureau of Water Compliance, 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 RWE 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 4
1130 North Westcott Road, Schenectady, New York, 12306-2014 Phone: (518) 357-2045

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 Department'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 | WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM<br>The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR. | December DMR (January 28th) |
| 001 | ANNUAL FLOW CERTIFICATION<br>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) |

**Schedule of Additional Submittals Continued on Next Page**

# RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS (Continued)

| SCHEDULE OF ADDITIONAL SUBMITTALS | | |
|---|---|---|
| **Outfall(s)** | **Required Action** | **Due Date** |
| 001 | MERCURY MINIMIZATION PLAN<br>The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit. | ***Maintained Onsite*** 11/01/2024, annually thereafter |
| 001 | INFLOW AND INFILTRATION PROGRAM<br>The permittee shall submit an approvable I/I Study Engineering Report. The Engineering Report shall follow the guidelines contained in this permit. | 11/01/2026 |
| 001 | EMERGING CONTAMINANT SHORT-TERM MONITORING PROGRAM<br>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 Department 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 Department indicates otherwise.<br>The results shall be reported through the "Emerging Contaminants Survey for POTWs" found at: https://www.dec.ny.gov/chemical/127939.html.<br><br>The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for POTWs" available at the above link.<br><br>The Department may periodically request updates and/or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications. | 1/01/2025<br><br>Within 90 days of DEC written notification |

**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.

# SPDES Permit Fact Sheet
# Village of Cooperstown

# Village of Cooperstown Wastewater Treatment Plant NY0023591



NEW YORK STATE | Department of Environmental Conservation

# Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Village of Cooperstown Wastewater Treatment Plant. The changes to the permit are summarized below:

General Corrections

- Added influent monitoring for $CBOD_5$ pursuant to 6 NYCRR 750-1.18(b)(5)
- Changed total nitrogen monthly average sample type from calculated to 6-hour composite

Updates to Mercury Requirements

- Added 12-month rolling average limit of 12 ng/L for total mercury
- Reduced total mercury sampling frequency from monthly to semi-annually
- Added footnotes to clarify sampling frequency and calculation for total mercury effluent limitations
- Updated Mercury Minimization Program (MMP) Type II for decreased monitoring requirements

Updates to Schedule of Compliance

- Removed requirements for a construction project, including milestones for Preliminary Engineering Report, Design Documents, Complete Construction, and Commence Operation, to achieve the total phosphorus, total nitrogen, and dissolved oxygen final effluent limitations
    - The total nitrogen and total phosphorus compliance date of 1/1/2025 for the 12-month total loading limitations have remained unchanged.
    - The facility is in the planning phase for removal of inflow and infiltration (as required by the SPDES permit) and a separate construction project to achieve compliance is unnecessary.
- Changed the Interim Progress Report language to be for achieving all final effluent limitations and changed the interim report compliance dates to 1/1/2025 and 4/1/2025
- Added a Schedule of Compliance item for achieving the total phosphorus and total nitrogen 12-month total and dissolved oxygen daily minimum effluent limitations with a 1/1/2025 compliance date (this requirement was previously in the permit but left out of the schedule)

**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

11/1/2023 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 10/31/2028.

6/12/2024 Permittee submitted a mercury modification request for decreased monitoring requirements.

10/31/2024 Permittee submitted a request to modify the Schedule of Compliance to extend the Preliminary Engineering Report compliance date and the dates to achieve the final effluent limitations for total phosphorus (monthly average and 12-month total).

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 users, with effluent consisting of treated sanitary sewage. The collection system consists of separate sewers. The treatment plant was constructed in 1968 to provide secondary treatment and disinfection for a design flow of 0.52 MGD. The treatment plant has since been upgraded and expanded to accommodate for the 2025 phosphorous and nitrogen limits set forth in the *Final Amended Phase III Watershed Implementation Plan for New York Susquehanna and Chemung River Basins* (WIP III).

For more history and information regarding this facility, refer to previous permit fact sheets.

# Receiving Water Information

The facility discharges via the following outfalls:

| Outfall No. | SIC Code | Wastewater Type | Receiving Water |
|---|---|---|---|
| 001 | 4952 | Treated Sanitary Sewage | Susquehanna River, Class B |

# Permit Requirements

## Anti-backsliding

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

## Antidegradation

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

## Mercury[2]

The multiple discharge variance (MDV) for mercury provides the framework for DEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. Appendix Link

The facility is a Class 07 significant minor municipal facility located outside the Great Lakes Basin and the permit will continue to include requirements for the implementation of MMP Type II and a daily max total mercury effluent limitation of 50 ng/L.

As requested by the permittee, and consistent with DOW 1.3.10, the existing effluent quality (EEQ) of 7.0 ng/L was calculated from the lognormal 95$^{th}$ percentile of 10 mercury effluent samples collected from February 2023 to May 2024. As the EEQ is ≤12 ng/L, the sampling frequency in the permit is being reduced from monthly to semi-annually. The permit is also being modified to include a 12-month rolling average total mercury effluent limitation equal to 12 ng/L and the permit language reflects additional reductions in the MMP requirements.

[1] As prescribed by 6 NYCRR Part 617
[2] In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

# Appendix: Regulatory and Technical Basis of Permit Authorizations

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

## Regulatory References

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

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

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

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

## Outfall and Receiving Water Information

## Existing Effluent Quality

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

## Permit Requirements

### Basis for Effluent Limitations

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

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

### Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law[3] and USEPA interpretation[4] anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

### Antidegradation Policy

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

### Effluent Limitations

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

## Other Conditions

### Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) “to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed.” The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with

[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)

demonstrated effluent treatment technologies). The DEC has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

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