State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**7011**	NAICS Code:	**721110**	SPDES Number:	**NY0069345**
Discharge Class (CL):	**02**			DEC Number:	**4-1936-00035/00001**
Toxic Class (TX):	**N**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**13 - 09**			Expiration Date (ExDP):	**ExDP**
Water Index Number:	**H-193-2-31-5, subtrib**	Item No.:	**863 - 141**	Modification Dates (EDPM):	
Compact Area:					

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	**Brahma Kumaris World Spiritual Organization**	Attention:	**Ram P. Singal**		
Street:	**54 O'Hara Road**				
City:	**Haines Falls**	State:	**NY**	Zip Code:	**12436**
Email:	**ram.singal@gmail.com**	Phone:	**(518) 431-9835**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL														
Name:	**Peace Village**													
Address / Location:	**54 O'Hara Road**										County:	**Greene**		
City:	**Haines Falls**						State:	**NY**			Zip Code:	**12436**		
Facility Location:		Latitude:	**42**	°	**11**	'	**52**	" N	& Longitude:	**74**	°	**05**	'	**55**	" W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**11**	'	**52**	" N	& Longitude:	**74**	°	**05**	'	**59**	" W
Outfall Description:	**Treated Sanitary**	Receiving Water:	**O'Hara Brook**			Class:	**C**	Standard:	**C(TS)**					

and the additional outfalls listed in this permit, 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)
DOW Permit Writer (rebecca.mitchell@dec.ny.gov)
RWE (bonnie.starr@dec.ny.gov)
RPA (r4dep@dec.ny.gov)
EPA Region II (Region2_NPDES@epa.gov)

Permit Administrator:	
Address:	1130 North Westcott Road Schenectady, NY 12306
Signature	Date

ADDITIONAL OUTFALL

Outfall	Wastewater Description	Outfall Latitude	Outfall Longitude
002	**Treated Sanitary**	**42** ° **11** ' **52** " N	**74** ° **05** ' **55** " W
Receiving Water:	**O'Hara Brook**	Class: **C**	Standard: **C(TS)**

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All year	O'Hara Brook	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	15,600	GPD			1/day	Estimate	X		1
pH	Daily Minimum	6.5	SU			1/day	Grab		X	
	Daily Maximum	8.5	SU							
Dissolved Oxygen (DO)	Daily Minimum	7.0	mg/L			Quarterly	Grab		X	2
BOD_5	Daily Maximum	5.0	mg/L	0.63	lbs/d	Quarterly	Grab	X	X	2,3,4
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	1.3	lbs/d	Quarterly	Grab	X	X	2,3,4
Settleable Solids	Daily Maximum	0.1	mL/L			1/day	Grab		X	
Ammonia (as N) June 1st – October 31st	Daily Maximum	0.82	mg/L	0.1	lbs/d	Quarterly	Grab		X	2
Ammonia (as N) November 1st – May 31st	Daily Maximum	1.6	mg/L	0.2	lbs/d	Quarterly	Grab		X	2
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	ºF			1/day	Grab		X	6

EFFLUENT DISINFECTION Required All Year		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			Quarterly	Grab		X	2
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			Quarterly	Grab		X	2
Chlorine, Total Residual	Daily Maximum	0.03	mg/L			1/day	Grab		X	5

FOOTNOTES BEGIN ON NEXT PAGE

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
002	All year	O'Hara Brook	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	15,000	GPD			Continuous	Meter		X	1
pH	Daily Minimum	6.5	SU			1/day	Grab		X	
	Daily Maximum	8.5	SU							
Dissolved Oxygen (DO)	Daily Minimum	7.0	mg/L			Quarterly	Grab		X	2
BOD_5	Daily Maximum	5.0	mg/L	0.63	lbs/d	Quarterly	Grab	X	X	2,3,4
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	1.3	lbs/d	Quarterly	Grab	X	X	2,3,4
Settleable Solids	Daily Maximum	0.1	mL/L			1/day	Grab		X	
Ammonia (as N) June 1st – October 31st	Daily Maximum	0.82	mg/L	0.1	lbs/d	Quarterly	Grab		X	2
Ammonia (as N) November 1st – May 31st	Daily Maximum	1.6	mg/L	0.2	lbs/d	Quarterly	Grab		X	2
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Temperature	Daily Maximum	70	ºF			1/day	Grab		X	6

EFFLUENT DISINFECTION Required All Year		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			Quarterly	Grab		X	2
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			Quarterly	Grab		X	2
Chlorine, Total Residual	Daily Maximum	0.03	mg/L			1/day	Grab		X	5

FOOTNOTES:

1. Flow may be estimated from water usage measurements.
2. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st)
3. Effluent shall not exceed 15% and 15% of influent concentration values for BOD_5 & TSS respectively.
4. An influent BOD5 and TSS concentration of 200 mg/l should be assumed in the calculation of percent removals at treatment works which consist of multiple septic tank effluent collection with a centralized final treatment and disposal point.

FOOTNOTES CONTINUED ON NEXT PAGE

(FOOTNOTES CONTINUED)

5. Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine.

6. Temperature Action Level – Monitoring Program
   If the discharge temperature exceeds the Action Level of 70ºF the permittee shall, within one week, undertake the following sampling program. Temperature shall be measured at the following three locations, all within one hour, on the same day, once in the morning and once in the afternoon:

   1. Effluent sample as close as practical to the outfall without interference from the receiving water

   2. Downstream receiving water sample (as specified on the Monitoring Locations page of this permit)

   3. Upstream receiving water sample (as specified on the Monitoring Locations page of this permit)

   The permittee is exempt from this temperature monitoring program whenever conditions at or near the monitoring locations are unsafe due to weather.

   Results shall be included in the annual report and emailed in spreadsheet format to spdes.temperaturedata@dec.ny.gov.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any new discharge location.

(b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

(c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

(e) The permittee shall 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:

Effluent: outfall 001 and outfall 002

In-stream temperature monitoring (if required):

Upstream: The upstream sample shall be collected at a location sufficiently upstream to avoid influence by the effluent (less than 10 feet upstream of the discharge point at outfall 001).

Downstream: The downstream sample location shall be at a distance downstream of 20 times the stream width.

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.	Compliance schedules	6 NYCRR 750-1.14(d)
5.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
6.	Other noncompliance	6 NYCRR 750-2.7(e)
7.	Other information	6 NYCRR 750-2.1(f)

F. Planned Changes

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

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

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

GENERAL REQUIREMENTS (continued)

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

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

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the DEC or its designated agent.

B. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC's website.

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

DOW.R4@dec.ny.gov

Department of Environmental Conservation
Regional Water Engineer, Region 4
1130 North Westcott Road, Schenectady, New York, 12306-2014 Phone: (518) 357-2045

C. 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.

D. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

E. Unless otherwise specified, all information recorded on the annual SPDES monitoring reports shall be based upon measurements and sampling carried out during the most recently completed reporting period.

F. 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
Brahma Kumaris World Spiritual Organization
Peace Village
NY0069345

Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for Peace Village. The changes to the permit are summarized below:

- Combined two separately permitted Peace Village systems into one permit with two outfalls.
- Updated the water quality standard used for calculation of water-quality based effluent limitations to C(TS).
- Replaced the previous UOD/$CBOD_5$/Total Kjeldahl Nitrogen limits with limits for BOD_5 and Dissolved Oxygen, which are more stringent.
- Updated the limit for total residual chlorine (TRC) from 0.02 mg/L to 0.03 mg/L.
- Added a temperature action level.
- Updated sampling frequency of parameters that were previously annually or semiannually to quarterly.

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

Administrative History

12/1/2003 A P/C/I SPDES permit (SPDES ID NY0069345) was issued for Peace Village at 54 O'Hara Road in the Town of Hunter. The permit was administratively renewed in 2008.

11/1/2008 A P/C/I SPDES permit (SPDES ID NY0096199) was issued for the Villa Maria Resort at 47 O'Hara Road in the Town of Hunter.

11/1/2013 SPDES permit NY0096199 expired. At the time of expiration, the former Villa Maria Resort was vacant and did not discharge wastewater so the permittee did not request a permit renewal.

12/1/2013 SPDES permit NY0069345 for Peace Village expired.

7/15/2015 The New York State Department of Environmental Conservation (DEC) received a SPDES permit application, engineering report, and plans for a new treatment system at the still-vacant former Villa Maria Resort. The proposed sanitary disposal system was planned to consist of covered recirculating sand filters with a surface discharge to O'Hara Brook.

4/1/2016 A full technical review was done and a new SPDES permit (NY0096199) was issued for the proposed system at the former Villa Maria Resort.

3/31/2021 SPDES permit NY0096199 expired. The former Villa Maria Resort remained vacant, and the system proposed in 2015 was never constructed.

4/10/2025 DEC received a P/C/I SPDES permit application and engineering report on behalf of Brahma Kumaris World Spiritual Organization for the former Villa Maria Resort. The organization plans to expand its existing Peace Village retreat (at 54 O'Hara Road) to incorporate the former Villa Maria Resort. The proposed Peace Village

Extension wastewater treatment system is similar to the system proposed for the property in 2015.

4/30/2025 DEC visited the existing (Peace Village) and proposed (Peace Village Extension) outfall locations. The receiving stream was determined to be a perennial stream and will take on the classification of the downstream mapped water body; Kaaterskill Creek C(TS).

8/01/2025 DEC received P/C/I permit application materials for the existing sand filter system that serves the operational Peace Village site at 54 O'Hara Road (expired SPDES Permit NY0069345).

10/14/2025 DEC received revised P/C/I permit application materials to combine the existing and proposed Peace Village treatment facilities as two outfalls under one SPDES ID (NY0069345).

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 commercial facility that receives sewage from domestic users, with effluent consisting of treated sanitary wastewater. The facility will consist of two separate wastewater treatment systems that discharge from separate outfalls.

Outfall 001-Servicing 54 O'Hara Road

The existing 15,600 gallon-per-day (gpd) treatment system consists of:

- Eleven septic tanks with a combined volume of 24,000 gallons. The septic tanks are located near the buildings they serve at the retreat.
- A gravity collection system for all septic tank effluent.
- A dosing tank with two dosing siphons.
- Two subsurface sand filters beds (78ft x 100ft), each with a 7,800 gpd capacity.
- A chlorine contact tank.

Solids from the septic tanks are hauled by a licensed septic hauler as needed.

Outfall 001 discharges to the O'Hara Brook (tributary of Kaaterskill Creek, 863-141), a Class C(TS) tributary to the Kaaterskill Creek.

Outfall 002-Servicing 47 O'Hara Road

Sanitary sewage generated at the facility will be treated by septic tanks, open recirculating sand filters, and UV disinfection before being discharged to O'Hara Brook. Kitchen wastewater will flow through 2 1,000-gallon grease traps in series prior to combining with sanitary wastewater.

The proposed 15,000 gpd treatment system will consist of:

- Two 1,000-gallon grease traps in series for kitchen wastewater

- A collection system with both pressure and gravity sewers. Two pump stations will discharge through force mains to the gravity collection system that leads to the septic tanks.
- Two 7,500-gallon precast septic tanks in series.
- An aerated dosing tank with three dosing pumps, each discharging to one of three open sand filters. A dose volume of 467.5 gallons per cycle will be used with each dose alternating to a different bed.
- Three open recirculating sand filter beds, each with a 7,500 gpd design flow.
- A 1,000-gallon splitter tank with an adjustable recycle ratio to determine what amount of collected effluent will be recycled to the pump tank and what amount will proceed to disinfection.
- Open channel ultraviolet disinfection (year-round).

Solids from the septic tanks will be hauled by a licensed septic hauler as needed.

Outfall 002 will discharge downstream of Outfall 001 to O'Hara Brook (tributary of Kaaterskill Creek, 863-141), a Class C(TS) tributary to the Kaaterskill Creek. The 4-inch PVC outfall pipe will discharge to rip-rap on the stream bank above the water surface level of O'Hara Brook.

Site Overview

Figure 1: Facility site, Outfall 001 and Outfall 002. From NYSDEC Environmental Resource Mapper, accessed 4/21/2025.

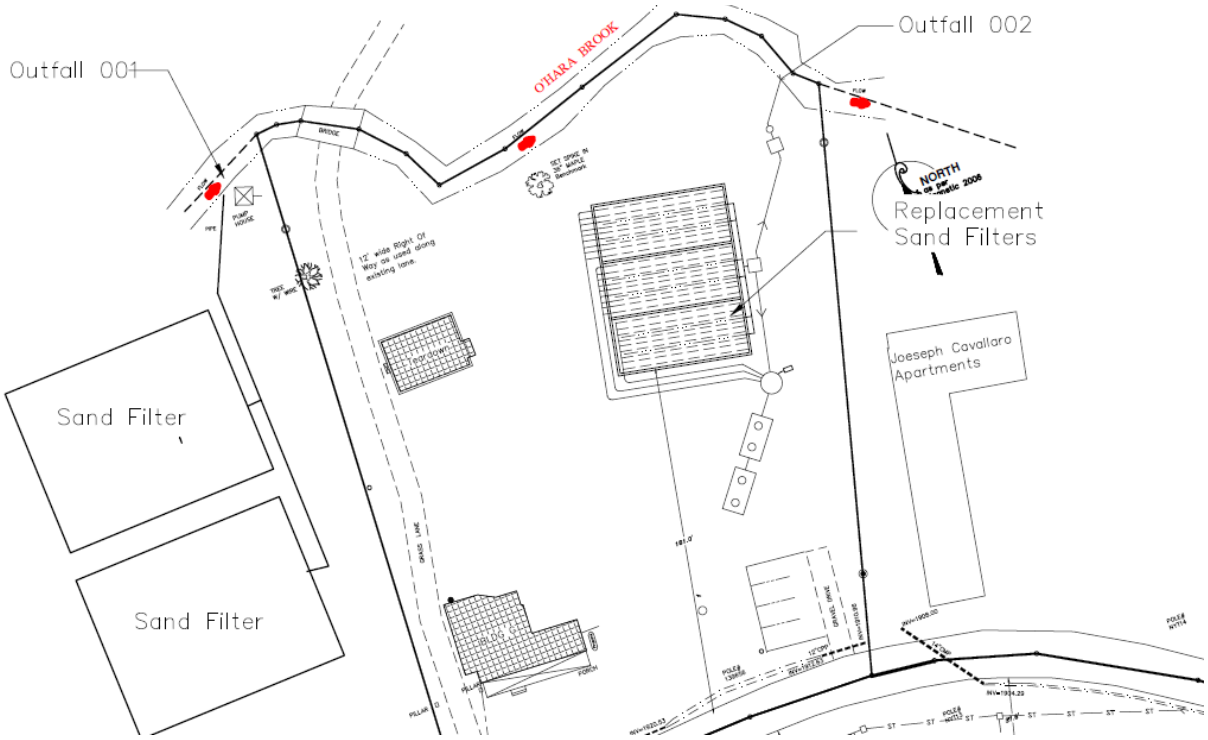

Figure 2: Peace Village sanitary treatment system layout and location of outfalls.

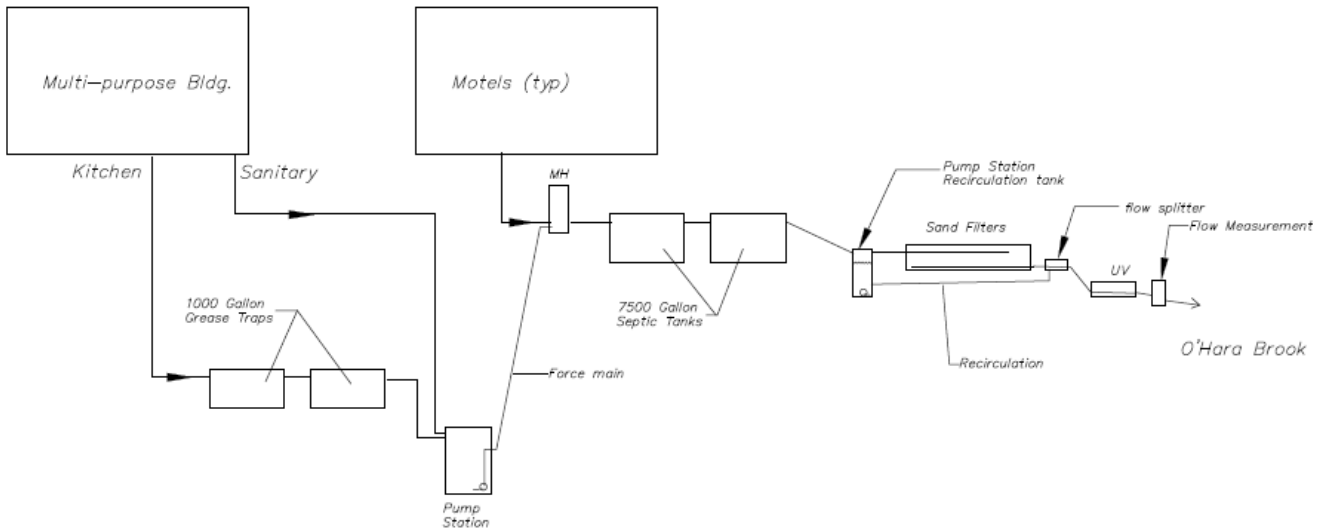

Figure 3: Wastewater flow schematic to Outfall 002. From engineering report, drawing number 2, dated April 2025.

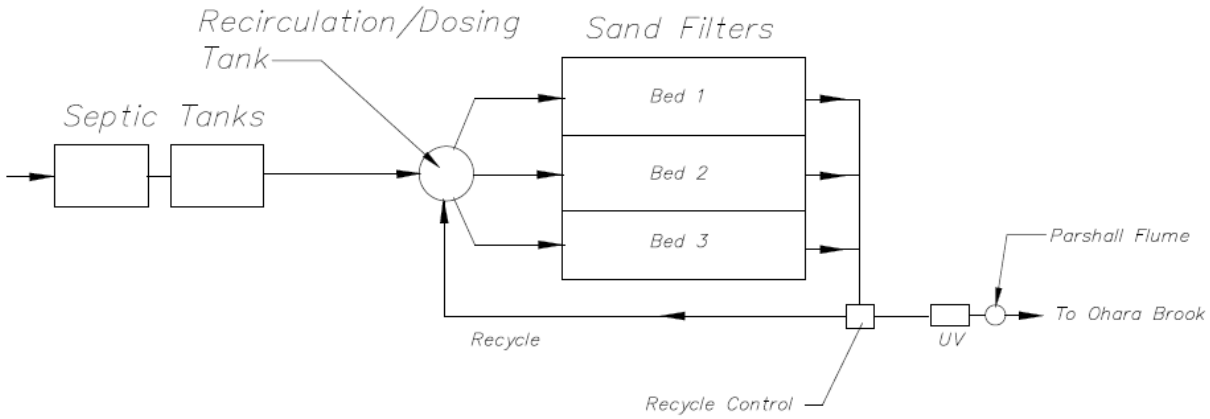

Figure 4: Sanitary disposal system flow schematic to Outfall 002. From engineering report, drawing number 4, dated April 2025.

Enforcement History

Compliance and enforcement information can be found on the EPA's Enforcement and Compliance History Online (ECHO) website.

Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	7011	Treated Sanitary Sewage	O'Hara Brook, Class C(TS)
002	7011	Treated Sanitary Sewage	O'Hara Brook, Class C(TS)

Reach Description: The receiving stream was determined to be a perennial stream and for classification purposes, will take on the classification of the downstream mapped water body; Kaaterskill Creek C(TS).

The low flow condition for O'Hara Brook was obtained from a drainage basin ratio analysis with USGS gage station 01349840, Batavia Kill Near located Maplecrest NY. The 7Q10 flow and drainage area at the gage were found from the *"Low-Flow Statistics for Selected Streams in New York, Excluding Long Island"* (SIR 2024-5055).

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

Gage Name: Batavia Kill Near located Maplecrest NY
Gage ID: 01349840
Drainage Area at Gage (mi^2): 2.03
Drainage Area at Facility (mi^2): 0.64
7Q10 Flow at Gage (CFS): 0.2103 Source: SIR 2024-5055
Calculated 7Q10 Flow at Facility (CFS): 0.066

The 7Q10 low-flow condition of O'Hara Brook was found to be 0.066 CFS. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) apply for flows <0.1 CFS, and the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	1:1	1:1	1:1	TOGS 1.3.1 ISEL Limits
002	1:1	1:1	1:1	TOGS 1.3.1 ISEL Limits

Critical receiving water data are listed in the Pollutant Summary Table at the end of this fact sheet.

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

Antidegradation

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

Discharge Notification Act Requirements

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

Temperature Requirements for Municipal Discharges to Trout Streams

For municipal discharges to streams classified as trout (T) or trout spawning (TS), the Department reviews the dilution and maximum expected effluent temperature. Although not a municipal system, this sanitary discharge has been evaluated using the same approach.

The facility requires a temperature action level. While the discharge temperature is not expected to contravene the standard in 6 NYCRR Part 704, the 70ºF action level provides data to assess the actual effect of the discharge. As described in the permit, if the action level is exceeded, the permittee is required to collect ambient stream temperature data both upstream and downstream of the outfall during the exceedance. Data collected by this monitoring program may be used later to determine the applicability of additional limitations or modifications in accordance with 6 NYCRR 704.4.

[1] As prescribed by 6 NYCRR Part 617

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	42° 11' 52" N	74° 05' 59" W	O'Hara Brook	C(TS)	H-193-2-31-5, subtrib	13/09	-	-	-	-	0.0156	1:1	1:1	1:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater:** Treated sanitary sewage														
		Type of Treatment: Septic tank effluent to buried sand filter to chlorine contact tank														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
General Notes: All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	GPD	30 Day Avg	15,600	-	-	**15,600**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	Design Flow
	The flow limit has been set at the design flow of the wastewater treatment facility.														
pH	SU	Minimum	6.5	-	-	6.0	40 CFR 133.102	-	-	6.5 – 8.5	Range	**6.5 - 8.5**	703.3	-	ISEL
		Maximum	8.5	-	-	9.0									
	Consistent with ECL 17-0509, TBELs for facilities treating sanitary sewage are reflective of secondary treatment standards . Given the available dilution, an effluent limitation equal to the WQS is appropriate.														
Temperature	°F	Daily Max	-	-	-	-	-	-	No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout				704.2	-	Action Level
	See the Temperature Requirements for Municipal Discharges to Trout Streams section of the fact sheet for a full discussion.														
Dissolved Oxygen (DO)	mg/L	Daily Min	7.0	-	-	**7.0**	TOGS 1.3.1	-	-	(TS) 7.0 mg/L (703.3)		-	-	-	ISEL
(DO)	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste.														

Outfall #	001	**Description of Wastewater:** Treated sanitary sewage														
		Type of Treatment: Septic tank effluent to buried sand filter to chlorine contact tank														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
5-day Biochemical Oxygen Demand BOD_5	mg/L	Daily Max	-	-	-	**5.0**	TOGS 1.3.1	-	DO=7.0 mg/L (Surrogate Standard) (703.3)				**-**	-	ISEL	
	lbs/d	Daily Max	-	-	-	**0.63**	-									
	% Rem	Minimum	-	-	-	85	40 CFR 133.102									
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.															
Total Suspended Solids (TSS)	mg/L	Daily Max	10	-	-	**10.0**	TOGS 1.3.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	ISEL	
	lbs/d	Daily Max	1.3	-	-	**1.3**	-									
	% Rem	Minimum	-	-	-	85	40 CFR 133.102									
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.															
Settleable Solids	mL/L	Daily Max	0.1	-	-	**0.1**	TOGS 1.3.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	ISEL	
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.															
Nitrogen, Ammonia (as N)	mg/L	Daily Max	1.2	-	-	-	-	-	-	0.82	A(C)	**0.82**	703.5	-	ISEL	
	lb/d	Daily Max	0.15	-	-	-	-	-	-	-	-	**0.1**				
SUMMER 6/1 – 10/31	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution. The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.8 and a summer temperature of 24 °C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E.															

Outfall #	001	**Description of Wastewater:** Treated sanitary sewage													
		Type of Treatment: Septic tank effluent to buried sand filter to chlorine contact tank													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Nitrogen, Ammonia (as N)	mg/L	Daily Max	1.8	-	-	-	-	-	-	1.6	A(C)	**1.6**	703.5	-	ISEL
	lb/d	Daily Max	0.23	-	-	-	-	-	-	-	-	**0.2**			
WINTER 11/1 – 5/31	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution. The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.8 and a winter temperature of 10 °C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E.														
Coliform, Fecal	#/100 ml	30d Geo Mean	200	-	-	**200**	TOGS 1.3.3	-	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				703.4	-	TBEL
		7d Geo Mean	400	-	-	**400**	TOGS 1.3.3	-							
	Consistent with 6 NYCRR 703.4(c)(2) and the class of the waterbody, the fecal coliform standards shall be met during all periods because the DEC determines it necessary to protect human health.														
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.02	-	-	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.005	703.5	**0.03**	ML
	Effluent disinfection is currently required year-round and has been continued. Due to the low dilution, the calculated WQBEL is less than the TBEL and less than the minimum level of detection. Therefore, an effluent limitation equal to the minimum level of detection of 0.030 mg/L is appropriate.The ML for TRC was recently increased during EPA's Method Update Rule for 40 CFR 136 from 0.02 mg/L to 0.03 mg/L. As such, the increase from 0.02 to 0.03 mg/L does not violate anti-backsliding requirements.														

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
002	42° 11' 52" N	74° 05' 55" W	O'Hara Brook	C(TS)	H-193-2-31-5, subtrib	13/09	-	-	-	-	0.015	1:1	1:1	1:1

POLLUTANT SUMMARY TABLE

Outfall 002

Outfall #	002	**Description of Wastewater:** Treated sanitary sewage **Type of Treatment:** Septic tank effluent to open recirculating sand filter to UV disinfection													
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		
General Notes: All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	GPD	30 Day Avg	15,000	-	-	**15,000**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	Design Flow
	The flow limit has been set at the design flow of the wastewater treatment facility.														
pH	SU	Minimum	6.5	-	-	6.0	40 CFR 133.102	-	-	6.5 – 8.5	Range	**6.5 - 8.5**	703.3	-	ISEL
		Maximum	8.5	-	-	9.0									
	Consistent with ECL 17-0509, TBELs for facilities treating sanitary sewage are reflective of secondary treatment standards . Given the available dilution, an effluent limitation equal to the WQS is appropriate.														
Temperature	°F	Daily Max	-	-	-	-	-	-	No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout					704.2	-	Action Level
	See the Temperature Requirements for Municipal Discharges to Trout Streams section of the fact sheet for a full discussion.														
Dissolved Oxygen (DO) (DO)	mg/L	Daily Min	7.0	-	-	**7.0**	TOGS 1.3.1	-	-	(TS) 7.0 mg/L (703.3)		-	-	-	ISEL
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste.														

Outfall #	002	**Description of Wastewater:** Treated sanitary sewage **Type of Treatment:** Septic tank effluent to open recirculating sand filter to UV disinfection													
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		
5-day Biochemical Demand $BOD_{(5)}$	mg/L	Daily Max	-	-	-	**5.0**	TOGS 1.3.1	-	DO=7.0 mg/L (Surrogate Standard) (703.3)				-	-	ISEL
	lbs/d	Daily Max	-	-	-	**0.63**	-								
	% Rem	Minimum	-	-	-	85	40 CFR 133.102								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.														
Total Suspended Solids (TSS)	mg/L	Daily Max	10	-	-	**10.0**	TOGS 1.3.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	ISEL
	lbs/d	Daily Max	1.3	-	-	**1.3**	-								
	% Rem	Minimum	-	-	-	85	40 CFR 133.102								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.														
Settleable Solids	mL/L	Daily Max	0.1	-	-	**0.1**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	ISEL
	Consistent with TOGS 1.3.3 the effluent limitation is equal to the TBEL of 0.1 mL/L for POTWs providing secondary treatment and filtration. Given that adequate dilution is available the TBEL is protective of the WQS.														
Nitrogen, Ammonia (as N)	mg/L	Daily Max	1.2	-	-	-	-	-	-	0.82	A(C)	**0.82**	703.5	-	ISEL
	lb/d	Daily Max	0.15	-	-	-	-	-	-	-	-	**0.1**			
SUMMER 6/1 – 10/31	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution. The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.8 and a summer temperature of 24 °C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E.														

Outfall #	002	**Description of Wastewater:** Treated sanitary sewage													
		Type of Treatment: Septic tank effluent to open recirculating sand filter to UV disinfection													
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		
Nitrogen, Ammonia (as N)	mg/L	Daily Max	1.8	-	-	-	-	-	-	1.6	A(C)	**1.6**	703.5	-	ISEL
	lb/d	Daily Max	0.23	-	-	-	-	-	-	-	-	**0.2**			
WINTER 11/1 – 5/31	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution. The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 7.8 and a winter temperature of 10 °C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E.														
Coliform, Fecal	#/100 ml	30d Geo Mean	200	-	-	**200**	TOGS 1.3.3	-	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				703.4	-	TBEL
		7d Geo Mean	400	-	-	**400**	TOGS 1.3.3	-							
	Consistent with 6 NYCRR 703.4(c)(2) and the class of the waterbody, the fecal coliform standards shall be met during all periods because the DEC determines it necessary to protect human health.														
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.02	-	-	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.005	703.5	**0.03**	ML
	Effluent disinfection is currently required year-round and has been continued. Due to the low dilution, the calculated WQBEL is less than the TBEL and less than the minimum level of detection. Therefore, an effluent limitation equal to the minimum level of detection of 0.030 mg/L is appropriate.The ML for TRC was recently increased during EPA's Method Update Rule for 40 CFR 136 from 0.02 mg/L to 0.03 mg/L. As such, the increase from 0.02 to 0.03 mg/L does not violate anti-backsliding requirements.														

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.

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

[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.

Whole Effluent Toxicity (WET) Testing:

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

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

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

Schedules of Compliance

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

Schedule(s) of Additional Submittals

Schedules of Additional Submittals are used to summarize the deliverables required by the permit not identified in a separate Schedule of Compliance.