State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**4952**	NAICS Code:	**221320**	SPDES Number:	**NY0087971**
Discharge Class (CL):	**05**			DEC Number:	**4-3832-00011/00001**
Toxic Class (TX):	**T**			Effective Date (EDP):	**06/01/2025**
Major-Sub Drainage Basin:	**13 - 01**			Expiration Date (ExDP):	**05/31/2030**
Water Index Number:	**H**	Item No.:	**858.4 - 4**	Modification Dates (EDPM):	**EDPM**
Compact Area:	**-**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**Rensselaer County Sewer District #1**	Attention:	**Jason Wheeler, Administrative Director**		
Street:	**99 Troy Rd.**				
City:	**East Greenbush**	State:	**NY**	Zip Code:	**12061**
Email:	**jwheeler@renscony.gov**	Phone:	**(518) 283-2235**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL															
Name:	**Rensselaer County Sewer District #1 WWTP**														
Address / Location:	**Foot of Water St.**										County:	**Rensselaer**			
City:	**Troy**					State:	**NY**				Zip Code:	**12180**			
Facility Location:		Latitude:	**42**	°	**40**	’	**58**	” N	& Longitude:	**73**	°	**42**	’	**48**	” W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**40**	’	**52**	” N	& Longitude:	**73**	°	**43**	’	**0**	” W
Outfall Description:	**Treated Sanitary**	Receiving Water:	**Hudson River**						Class:	**C**		Standard:	**C**		

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

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

DISTRIBUTION:
CO BWP - Permit Coordinator
BWP – Permit Writer
CO BWC - SCIS
RWE
RPA
EPA Region II
NYSEFC

Permit Administrator:			
Address:			
Signature:		Date:	/ /

City of Troy Outfalls and Corresponding Rensselaer County Regulators

*City of Troy's outfalls are permitted under NY0099309

City of Troy Outfalls			Rensselaer County Regulators				
ID	LATITUDE LONGITUDE	RECEIVING WATER CLASS	RCSD ID	TYPE	TIDE GATE	LATITUDE LONGITUDE	LOCATION
001	42.792985 -73.67098	Hudson River Class C	A36R	Hand Wheel Gate	No	42.792587 -73.670479	River Road/6th Ave Ext.
002	42.785244 -73.67409	Hudson River Class C	A26R	Hand Wheel Gate	Yes	42.784961 -73.672688	123rd
003	42.784629 -73.6744	Hudson River Class C	A25R	Hand Wheel Gate	Yes	42.784509 -73.673906	123rd
004	42.783474 -73.67511	Hudson River Class C	A24R	Hand Wheel Gate	Yes	42.783295 -73.674442	122nd
005	42.782253 -73.67571	Hudson River Class C	A23R	Hand Wheel Gate	Yes	42.782096 -73.674998	121st
006	42.781006 -73.67611	Hudson River Class C	A21R	Hand Wheel Gate	Yes	42.780921 -73.675655	120th
007	42.779789 -73.67652	Hudson River Class C	A20R	Hand Wheel Gate	Yes	42.779667 -73.67607	119th
008	42.778634 -73.67708	Hudson River Class C	A19R	Hand Wheel Gate	Yes	42.778555 -73.676778	118th
009	42.777471 -73.67759	Hudson River Class C	A18R	Hand Wheel Gate	Yes	42.777394 -73.677293	117th
010	42.776245 -73.67817	Hudson River Class C	A17R	Hand Wheel Gate	Yes	42.776178 -73.677871	116th
011	42.775002 -73.67865	Hudson River Class C	A16R	Hand Wheel Gate	Yes	42.774965 -73.678459	115th
012	42.773804 -73.67928	Hudson River Class C	A14R	Hand Wheel Gate	Yes	42.773711 -73.67881	114th
013A	42.77253 -73.67959	Hudson River Class C	A13R1	Hand Wheel Gate	Yes	42.772483 -73.679379	113th
014	42.771471 -73.68029	Hudson River Class C	A12R	Hand Wheel Gate	Yes	42.771398 -73.679993	112th
015	42.770216 -73.68074	Hudson River Class C	A10R	Hand Wheel Gate	Yes	42.770101 -73.680573	111th
016	42.767414 -73.6815	Hudson River Class C	A7R	Hand Wheel Gate	Yes	42.767294 -73.680746	109th
017	42.766366 -73.68175	Hudson River Class C	A6R	Hand Wheel Gate	Yes	42.766232 -73.681222	108th
018	42.764889 -73.68198	Hudson River Class C	A4R	Hand Wheel Gate	Yes	42.764702 -73.681277	107th
019	42.763593	Hudson River	A1R	Hand Wheel Gate	Yes	42.763543	106th

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	-73.68198	Class C				-73.681815	

City of Troy Outfalls and Corresponding Rensselaer County Regulators - Continue

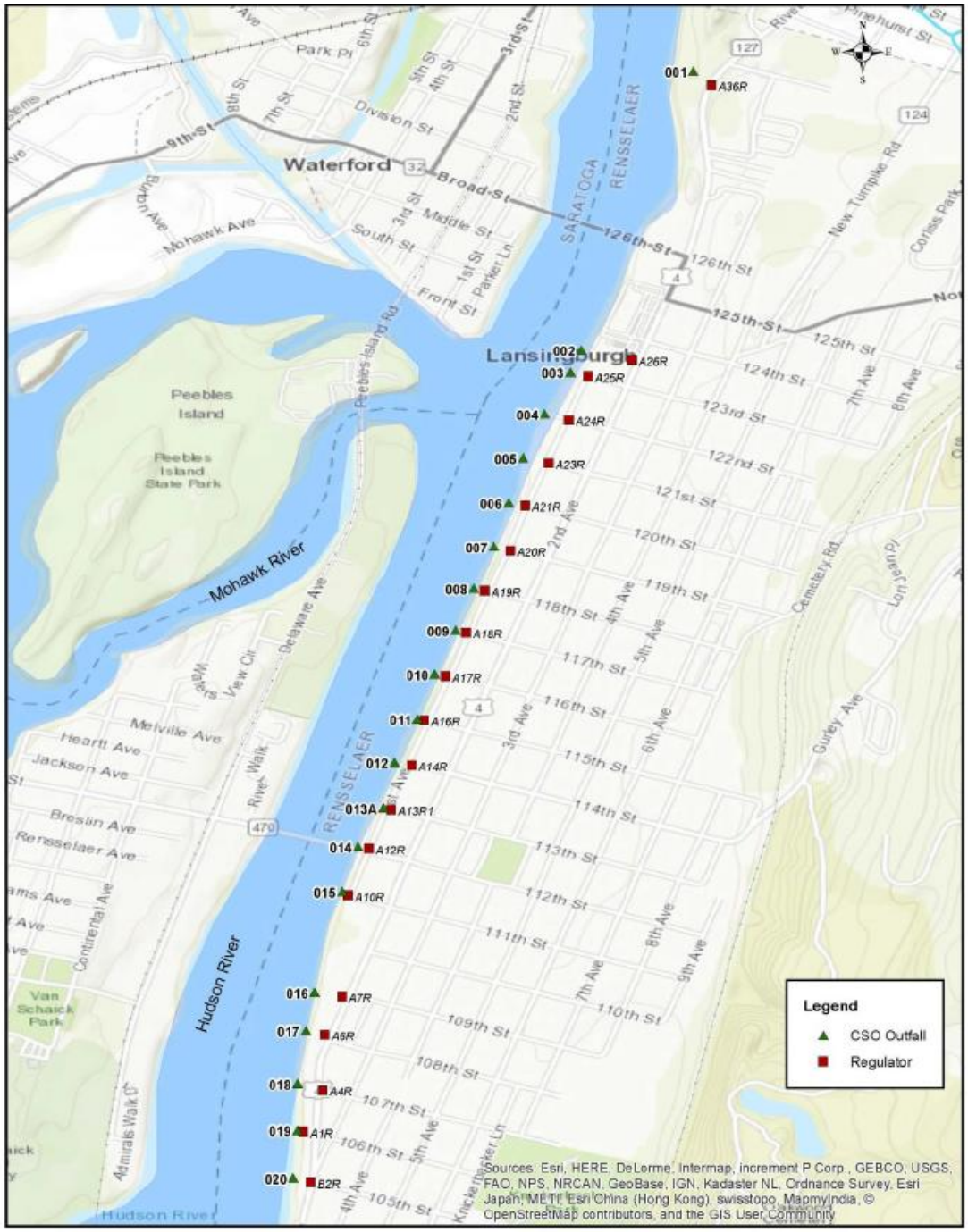
City of Troy Outfalls			Rensselaer County Regulators				
ID	**LATITUDE LONGITUDE**	**RECEIVING WATER CLASS**	**RCSD ID**	**TYPE**	**TIDE GATE**	**LATITUDE LONGITUDE**	**LOCATION**
020	42.762266 -73.6821	Hudson River Class C	B2R	Hand Wheel Gate	Yes	42.762141 -73.681613	105th
022	42.743307 -73.68591	Hudson River Class C	D37R	Float Chamber	Yes	42.743181 -73.685048	Rensselaer
023	42.740916 -73.68662	Hudson River Class C	D29R	Hand Wheel Gate	Yes	42.740847 -73.686061	Vanderheyden
024	42.73987 -73.68682	Hudson River Class C	D28R	Float Chamber	Yes	42.739769 -73.686187	Hoosick
025	42.738112 -73.68748	Hudson River Class C	D26R	Hand Wheel Gate	Yes	42.738074 -73.68691	Hutton
026	42.736475 -73.68802	Hudson River Class C	D24R	Float Chamber	Yes	42.736279 -73.687337	Jacob
027	42.734964 -73.68908	Hudson River Class C	D20R	Float Chamber	Yes	42.734725 -73.68861	Federal
028	42.734169 -73.68993	Hudson River Class C	D18R	Hand Wheel Gate	Yes	42.734344 -73.689312	Grand
029	42.733421 -73.69099	Hudson River Class C	D17AR	Hand Wheel Gate	Yes	42.733344 -73.690877	Fulton
030	42.732246 -73.69261	Hudson River Class C	D16R	Hand Wheel Gate	Yes	42.732153 -73.692496	Broadway
031	42.730655 -73.694671	Hudson River Class C	D13R	Float Chamber	Yes	42.730568 -73.694497	State
032	42.729361 -73.69548	Hudson River Class C	D12R	Hand Wheel Gate	Yes	42.729307 -73.69492	Congress
033	42.728304 -73.695942	Hudson River Class C	D11R	Hand Wheel Gate	Yes	42.728226 -73.695503	Ferry
034	42.727035 -73.696323	Hudson River Class C	D10R	Hand Wheel Gate	Yes	42.726967 -73.69582	Division
035	42.726012 -73.6966	Hudson River Class C	D9R	Float Chamber	Yes	42.725931 -73.695977	Liberty
036	42.725098 -73.696883	Hudson River Class C	D8R	Hand Wheel Gate	Yes	42.725051 -73.696531	Washington
037	42.723618 -73.697341	Hudson River Class C	D7R	Hand Wheel Gate	Yes	42.723513 -73.696408	Adams
038	42.722081 -73.697843	Hudson River Class C	D6R	Hand Wheel Gate	Yes	42.721879 -73.69610	Jefferson
039	42.719262 -73.698865	Hudson River Class C	D2R	Float Chamber	Yes	42.718962 -73.696217	Madison
040	42.717729 -73.699009	Hudson River Class C	DIR	Hand Wheel Gate	Yes	42.717435 -73.696553	Monroe

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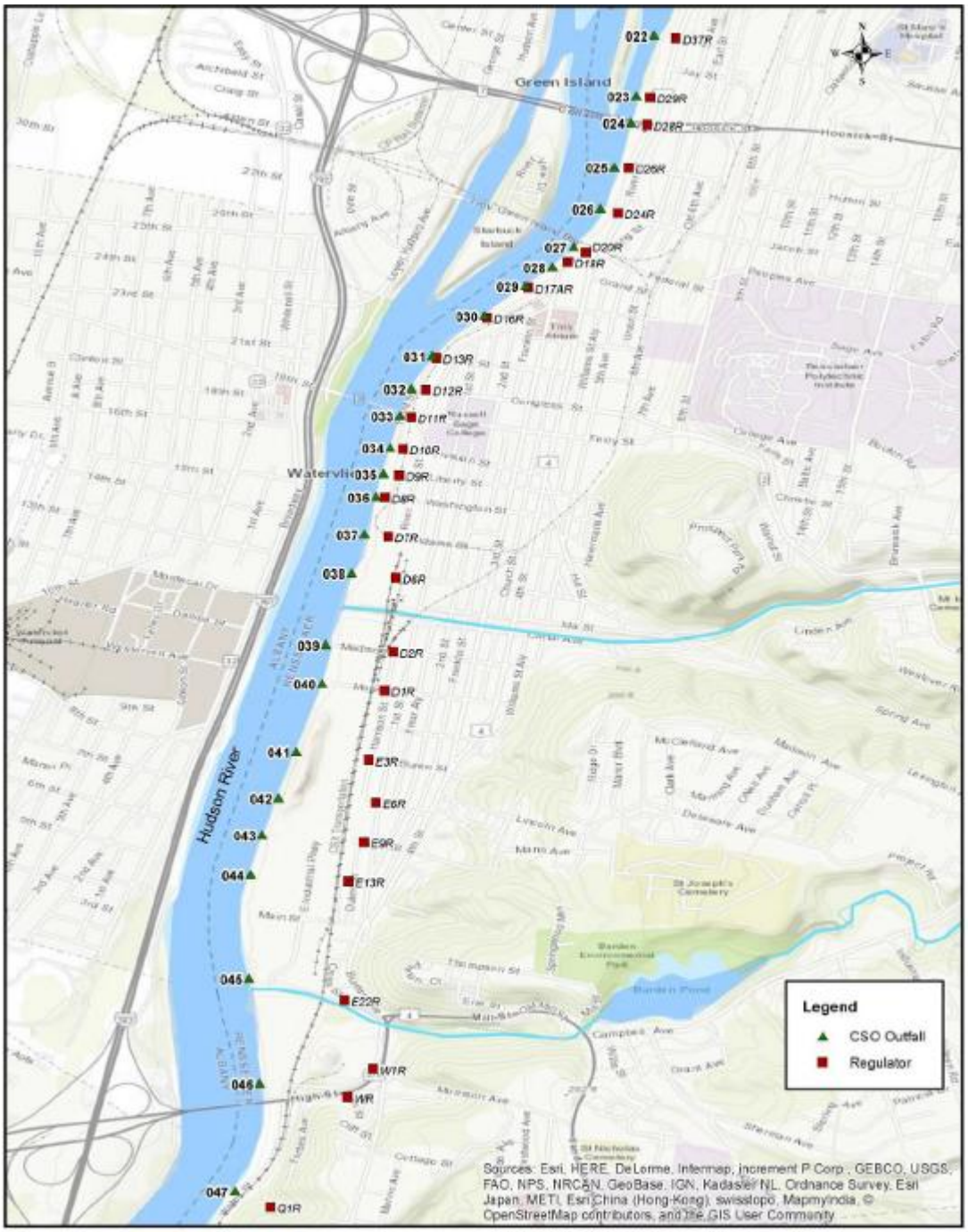
041	42.715032 -73.700033	Hudson River Class C	E3R	Float Chamber	Yes	42.714688 -73.697168	Van Buren
042	42.713206 -73.70074	Hudson River Class C	E6R	Float Chamber	Yes	42.713009 -73.696891	Harrison
043	42.711745 -73.701381	Hudson River Class C	E9R	Hand Wheel Gate	Yes	42.711447 -73.697352	Tyler
044	42.71018 -73.701841	Hudson River Class C	E13R	Hand Wheel Gate	Yes	42.709902 -73.697972	Polk
045	42.706079 -73.701909	Hudson River Class C	E22R	Hand Wheel Gate	No	42.705211 -73.698131	Cross
046	42.701945 -73.701477	Hudson River Class C	W1R	Hand Wheel Gate	No	42.702495 -73.69700	Water St.
			WR			42.701376 -73.698003	Elm St.
047	42.697683 -73.702454	Hudson River Class C	Q1R	Hand Wheel Gate	No	42.697044 -73.701047	Hudson Ave.

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City of Troy Outfalls and Corresponding Rensselaer County Regulators - Continue



City of Troy Outfalls and Corresponding Rensselaer County Regulators - Continue



City of Rensselaer Outfalls and Corresponding Rensselaer County Regulators

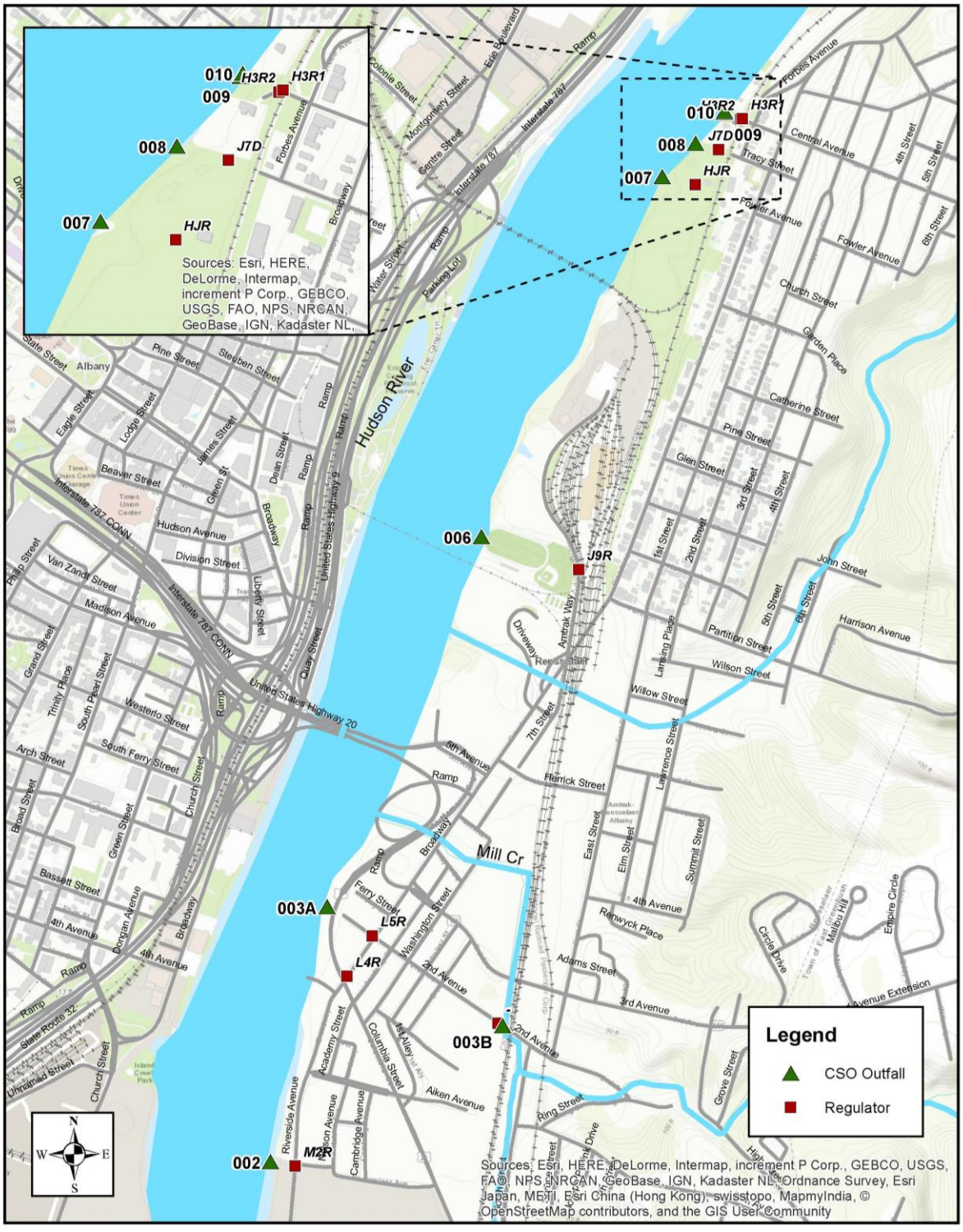
*City of Rensselaer's outfalls are permitted under NY0026026

City of Rensselaer Outfalls			Rensselaer County Regulators				
ID	LATITUDE LONGITUDE	RECEIVING WATER CLASS	ID	TYPE	TIDE GATE	LATITUDE LONGITUDE	LOCATION
002	42.633440 -73.750462	Hudson River Class C	M2R	Dam & Hand Wheel Gate	Yes	42.633333 -73.749694	Belmore Place & Riverside Avenue
003A	42.639267 -73.748630	Hudson River Class C	L5R	Dam & Hand Wheel Gate	Yes	42.638591 -73.747235	2nd Avenue & Broadway
			L4R	Dam & Hand Wheel Gate	No	42.637672 -73.748032	Columbia Street & Broadway
007	42.655921 -73.738023	Hudson River Class C	HJR	Dam & Hand Wheel Gate	Yes	42.655730 -73.737001	Forbes Avenue Pumping Station near Fowler Avenue
008	42.656672 -73.736975	Hudson River Class C	J7D	Dam & Hand Wheel Gate	Yes	42.656525 -73.736270	Tracy Avenue at Railroad Crossing
009	42.657366 -73.736095	Hudson River Class C	H3R2	Dam & Hand Wheel Gate	Yes	42.657206 -73.735574	Near Central Avenue and Forbes Avenue across Railroad Tracks
010	42.657399 -73.736067	Hudson River Class C	H3R1	Dam & Hand Wheel Gate	Yes	42.657225 -73.735516	Near Central Avenue and Forbes Avenue across Railroad Tracks

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City of Rensselaer Outfalls and Corresponding Rensselaer County Regulators - Continue

OUTFALL AND REGULATOR LOCATIONS



*Outfalls 003B and 006 were eliminated.

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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	All Year Unless Otherwise Noted	Hudson River	06/01/2025	05/30/2030

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	24	MGD			Continuous	Recorder		X	
	Daily Maximum	Monitor	MGD			Continuous	Recorder		X	
pH	Daily Minimum	6.0	SU			3/Day	Grab		X	
	Daily Maximum	9.0	SU							
Temperature	Daily Maximum	Monitor	ºF			3/Day	Grab		X	
$CBOD_5$	Monthly Average	25	mg/L	5,000	lbs/d	3/Week	24-hr. Comp.	X	X	1
	7-Day Average	40	mg/L	8,000	lbs/d	3/Week	24-hr. Comp.		X	
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	6,000	lbs/d	3/Week	24-hr. Comp.	X	X	1
	7-Day Average	45	mg/L	9,000	lbs/d	3/Week	24-hr. Comp.		X	
Settleable Solids	Daily Maximum	0.3	mL/L			3/Day	Grab		X	
Total Kjeldahl Nitrogen (TKN) (as N) June 1st to October 31st	Monthly Average	16	mg/L			1/Month	24-hr. Comp.		X	
Total Mercury	12 MRA	12	ng/L			1/Quarter	Calculated		X	2,3
Total Mercury	Daily Maximum	50	ng/L			1/Quarter	Grab	X	X	3
Total Lead	Daily Maximum	Monitor	mg/L	2.5	lbs/d	1/Quarter	24-hr. Comp.		X	
Biennial Pollutant Scan						1/Two Years	-		X	4

EFFLUENT DISINFECTION Required Seasonal 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			1/Day	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			1/Day	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.6	mg/L			1/Day	Grab		X	5

ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Total Zinc	Daily Maximum	Monitor	mg/L	23	lbs/d	1/Quarter	24-hr. Comp.		X	3,6

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WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			12	TUa	1/Quarter	See footnote		X	3,7
WET - Acute Vertebrate	See footnote			12	TUa	1/Quarter	See footnote		X	3,7
WET - Chronic Invertebrate	See footnote			78	TUc	1/Quarter	See footnote		X	3,7
WET - Chronic Vertebrate	See footnote			78	TUc	1/Quarter	See footnote		X	3,7

FOOTNOTES:

1. Effluent shall not exceed 15% and 15% of influent concentration values for $CBOD_5$ & TSS respectively. The permittee is not required to calculate percent removals on days when the daily average flow exceeds 24 mgd.

2. The 12-month rolling average for Mercury is defined as the sum of the current month's monthly average concentration or load added to the quarterly averages from the eleven previous months, divided by the number of months for which samples were collected in the 12-month period.

3. 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).

4. Biennial Pollutant Scan: The permittee shall perform effluent sampling every two (2) years for all applicable pollutants identified in the NY-2A Application, Tables A - D. Sampling data shall be collected according to the guidance in the NY-2A application and maintained by the permittee. Monitoring results shall not be submitted on the DMR. Data shall be submitted with the next submission of the NY-2A form.

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. Otherwise, the permittee shall report NODI-9 on the DMR.

6. Action Levels: If the action level is exceeded, the additional monitoring requirement is triggered, and the permittee shall undertake a short-term, high-intensity, monitoring program. Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive days and analyzed. Results shall be expressed in both mass and concentration. If levels higher than the action levels are confirmed, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may also be reopened by the Department for consideration of revised action levels or effluent limits. Action level monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the subsequent quarterly DMR.

7. **Whole Effluent Toxicity (WET) Testing:**

   Testing Requirements – Acute and if directed Chronic WET testing is required. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 41:1 for acute, and 78:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

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Monitoring Period - WET testing shall be performed quarterly (calendar quarters) : during calendar years ending in 2 and 7.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa = (100)/(48-hr LC50) [note that Acute data is generated by both Acute and Chronic testing] and TUc = (100)/(7-day NOEC) or (100)/(7-day IC25) when Chronic testing has been performed or TUc = (TUa) x (10) when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC50, 7-day NOEC and/or IC25 are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC25 and resulting highest TUc. For Acute results, report a TUa of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TUa of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC50. Also, in the absence of a 48-hr LC50, use 1.0 TUa for the Chronic prediction from the Acute data, and report a TUc of 10.0.

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48-hr LC50 for Acute tests and/or TUc, NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with Department guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

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BEST MANAGEMENT PRACTICES FOR WWTP SERVING COMBINED SEWER OVERFLOWS

The permittee shall implement the following Best Management Practices (BMPs). These BMPs are designed to implement operation & maintenance procedures, utilize the existing treatment facility and collection system to the maximum extent practicable, and implement sewer design, replacement and drainage planning, to maximize pollutant capture and minimize water quality impacts from combined sewer overflows. The BMPs are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy. The EPA's policy is available at https://www.epa.gov/npdes/combined-sewer-overflows-csos

1. CSO Maintenance/Inspection - The permittee shall maintain a written maintenance and inspection program for all District-owned flow recording devices, pump stations, interceptors, regulators and tide-gates. This program shall be conducted during periods of both dry and wet weather to minimize the occurrence of dry weather overflows related to District-owned appurtenances and ensure the maximum amount of wet weather flow is conveyed to the WWTP for treatment. This program shall consist of inspections with required repair, cleaning and maintenance done as needed. This program shall consist of at least monthly inspections. This program shall be consistent with the Combined Sewer System, Inspection and Maintenance Plan developed by City of Troy, City of Rensselaer, and Rensselaer County Sewer district under the Order of Consent, Order # CO 4-20091123-154, for wet weather overflows to the Hudson River

   Inspection reports shall be completed indicating visual inspection, any observed flow, incidence of rain or snowmelt, condition of equipment and work required. The pump stations and regulators reports shall be in a format approved by the Region 4 Office and submitted to the Region with the monthly operating report (Form 92-15-7).

2. Maximum Use of Collection System for Storage – The permittee shall optimize the District-owned collection system by operating and maintaining it to minimize the discharge of pollutants from CSOs or bypass events. It is intended that the maximum amount of in-system storage capacity be used (without causing service backups) to minimize CSOs from tributary collection systems and convey the maximum amount of combined sewage to the treatment plant in accordance with BMP No. 4 below. This shall be accomplished by an evaluation of the hydraulic capacity of the system but should also include a continuous program of flushing or cleaning to prevent deposition of solids and the adjustment of regulators and weirs to maximize storage.

3. Industrial Pretreatment - The permittee shall implement the approved Industrial Pretreatment Program and evaluate new and increased industrial dischargers in accordance with guidance under NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.3.8 New Discharges to POTWs. (http://www.dec.ny.gov/docs/water_pdf/togs138.pdf).

   To the maximum extent practicable, consideration shall be given to maximize the capture of nondomestic waste containing toxic pollutants and this wastewater should be given priority over residential/commercial service areas for capture and treatment by the WWTP.

4. Maximize Flow to POTW - Factors cited in Item 2. above shall also be considered in maximizing flow to the POTW. Maximum delivery to the POTW is particularly critical in treatment of "first-flush" flows. The treatment plant shall be capable of receiving and treating: the peak design hydraulic loading rates for all process units; i.e., a minimum of 63.5 MGD through the plant headworks; a minimum of 51 MGD through the primary treatment works and disinfection works if applicable; and a minimum of 51 MGD through the secondary treatment works during wet weather. The collection system and headworks must be capable of delivering these flows during wet weather. If the permittee cannot deliver maximum design flow for treatment, the permittee shall submit a plan and schedule for accomplishing this requirement within 48 months after the effective date of this permit.

5. Prohibition of Dry Weather Overflow - Dry weather overflows from the combined sewer system are prohibited. The occurrence of any dry weather overflow from District-owned assets shall be promptly abated and reported in accordance with 6 NYCRR Part 750-2.7 and to the tributary community. Should the permittee observe a dry weather overflow resulting from any other cause, the permittee will report to the tributary community in order for appropriate action to be taken.

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BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (continued)

6. Wet Weather Operating Plan (WWOP) - The permittee shall maximize treatment during wet weather events. This shall be accomplished by having a WWOP containing procedures so as to operate unit processes to treat maximum flows while not appreciably diminishing effluent quality or destabilizing treatment upon return to dry weather operation. The WWOP shall be developed in accordance with the DEC guidance, Wet Weather Operating Practices for POTWs With Combined Sewers, (http://www.dec.ny.gov/docs/water_pdf/wwtechtran.pdf), and submitted to the Regional Water Engineer and the Bureau of Water Permits for review and approval in accordance with the Schedule of Submittals. **A revised wet weather operating plan must be submitted whenever the POTW and/or sewer collection system is substantially replaced or modified in a manner that may impact wet weather operations.**

7. Control of Floatable and Settleable Solids - The discharge of floating solids, oil and grease, or solids of sewage origin which cause deposition in the receiving waters, is a violation of the NYS Narrative Water Quality Standards contained in Part 703. As such, the permittee shall implement best management practices in order to eliminate or minimize the discharge of these substances. All of the measures cited in Items 1, 2, 4 & 5 above shall constitute approvable "BMPs" for mitigation of this problem. If aesthetic problems persist, the permittee should consider modifications to the WWOP.

8. Combined Sewer System Replacement – Replacement of District-owned combined sewers shall not be designed or constructed unless approved by NYSDEC. When combined sewers are replaced, the design should contain cross sections which provide sewage velocities which prevent deposition of organic solids during low flow conditions.

9. Combined Sewer/Extension – Combined sewer/extension, when allowed, should be accomplished using separate sewers. These sanitary and storm sewer extensions shall be designed and constructed simultaneously but without interconnections. No new source of stormwater shall be connected to any separate sanitary sewer in the collection system.

   If separate sewers are to be extended from combined sewers, the permittee shall demonstrate the ability of the combined sewer system (CSS) to convey, and the treatment plant to adequately treat, the increased dry-weather flows. Upon a determination by the Regional Water Engineer an assessment shall be made by the permittee of the effects of the increased flow of sanitary sewage or industrial waste on the strength of CSOs and their frequency of occurrence including the impacts upon best usage of the receiving water. This assessment should use techniques such as collection system and water quality modeling contained in the 2011 Water Environment Federation Manual of Practice FD-17 entitled, Prevention and Control of Sewer System Overflows, 3rd edition or other acceptable modeling method. Should such assessment not be feasible, a concurrent project that reduces infiltration and inflow (I/I) to the CSS tributary to the same downstream CSO regulator can be proposed. The I/I reduction shall be estimated by a professional engineer licensed in and by the State New York and shall be at least equal to the estimated increased peak hourly dry-weather flow or four (4) times the average daily dry-weather flow, whichever is greater.

10. Sewage Backups – If instances of discharges of raw sewage onto the ground surface from surcharging manholes or pump stations, the permittee should consider if modifications to the WWOP from BMP No. 6 are necessary. If there are documented, recurrent instances or raw sewage discharges, the permittee shall, upon letter notification from DEC, prohibit further connections that would exacerbate the surcharging/back-up problems.

11. Septage and Hauled Waste - The discharge or release of septage or hauled waste upstream of a CSO is prohibited.

12. Control of Runoff – Not applicable.

13. Public Notification – The permittee shall report, in accordance with 6 NYCRR Part 750-2.7, all known or suspected discharge events that occur not in accordance with requirements of BMP No. 4 or No. 5, including bypasses of treatment unit(s).

14. Characterization and Monitoring - The permittee shall collaborate with tributary communities to characterize the combined sewer system, determine the frequency of overflows, and identify CSO impacts in accordance with Combined Sewer Overflows, Guidance for Nine Minimum Controls, EPA, 1995, Chapter 10. These are minimum requirements, more extensive characterization and monitoring efforts which may be required as part of future revision of the Long-Term Control Plan.

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15. Annual Report - The permittee shall electronically submit the Combined Sewer Overflows (CSO) Annual Report using nForm (https://www.dec.ny.gov/chemical/48595.html), which summarizes the implementation of the above BMPs and the CSO Long-Term Control Plan. The CSO Annual Report shall be submitted by January 31st of each year. The complete documentation shall be stored at a central location and be made available to DEC upon request.

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SPECIAL CONDITIONS: CSO CONTROL POLICY

A. Water Quality Requirements for Combined Sewer Overflows

Long-Term Control Plan

In 2007, six Capital Region communities known as the "Albany Pool Communities"— the cities of Albany (NY0025747), Troy (NY0099309), Rensselaer (NY0026026), Cohoes (NY0031046), and Watervliet (NY0030899), and the Village of Green Island (NY0033031) – came together to develop a regional approach to CSO controls. The Albany County Water Purification District (ACWPD) North and South WWTPs (NY0026875 & NY0026867) and Rensselaer County Sewer District (RCSD) WWTP (NY0087971) assisted and supported the development of the long-term solution to address the CSO discharges from the Albany Pool Communities. The initial LTCP was submitted on June 30, 2011, but was disapproved by NYSDEC on December 12, 2012. Subsequently, on January 15, 2014, the Department, the Albany Pool Communities, the ACWPD and RCSD, entered into an Order on Consent (CO4-20120911-01) that required submission of an approvable LTCP, in accordance with the Guidance for Long-Term Control Plan, EPA, September 1995 and implementation of the LTCP following approval. A Supplemental Document to the initial LTCP was submitted in October 2013. The 2011 LTCP and October 2013 Supplement were approved together as the LTCP by letter by NYSDEC on January 15, 2014 in conjunction with the execution of the Order on Consent (CO4-20120911-01).

The RCSD WWTP accepts, through an interceptor sewer, combined sanitary wastewater and stormwater from City of Rensselaer and City of Troy.

Implementation of the LTCP is ongoing and the implementation schedule is regulated under the Order on Consent listed above. The approved LTCP required the ACWPD & RCSD WWTPs to install disinfection systems, which have been completed, and maximize treatment of combined sewage from the Albany Pool Communities. In general, the approved LTCP required the Albany Pool Communities to:

- Maximize flow of combined sewage from the Albany Pool Communities to the ACWPD and RCSD WWTPs, pump station upgrades, and sewer system improvements.
- Build and operate a satellite treatment facility to disinfect CSO flow and control of sewage-related floatables at the larges CSO in the City of Albany system.
- Implement multiple projects to separate combined sewers and eliminate some existing CSOs.
- Add facilities to control the discharge of floatable waste at major CSO outfalls in the City of Cohoes and at the Corning Preserve in the City of Albany.
- Implement a long-term Green Infrastructure (GI) strategy to further reduce CSO releases above the 85% capture and treatment level.

The permittee shall continue to effectively operate and maintain its CSO controls implemented in the long-term control plan. Post-Construction Compliance Monitoring (PCCM) and Sensitive Area Reassessment are also regulated under the Order on Consent, however, it is a responsibility of the Albany Pool Communities and not a responsibility of RCSD.

Water Quality Criterion – Demonstration Approach

The Albany Pool Communities shall not discharge any pollutant at a level that causes an in-stream excursion of the applicable water quality requirements. The EPA 1994 CSO Control Policy indicates that a CSO control plan that meets the criteria below would provide an adequate level on control to meet the water quality requirements of the CWA. Following implementation of the approved LTCP, the following criteria shall be an enforceable performance metric under this permit.

- The Albany Pool Communities' approved LTCP has demonstrated that the selected control program will be adequate to meet the water quality-based requirements of the CWA.

B. Special Conditions

1. Reopener
   This permit may be modified or revoked and reissued, as provided pursuant to 6 NYCRR 750-1.18, 6 NYCRR 750-1.20, 40 CFR 122.62 and 124.5, for the following reasons:

   I. To include new or revised conditions developed to comply with any state of federal law or regulation that addresses CSOs that are adopted or promulgated subsequent to the effective date of this permit.

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II. To include new or revised conditions if new information, not available at the time of permit issuance, indicates that CSO controls imposed under the permit have failed to ensure the attainment of applicable water quality requirements.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility are required to obtain coverage under the current Multi-Sector General Permit (MSGP) Sector [T] (GP-0-23-001).

MERCURY MINIMIZATION PROGRAM (MMP) - Type I

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. 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 quarterly, in lieu of monitoring within the collection system, such as at *key locations*; and
            b) Conduct effluent compliance sampling quarterly.
         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.
      v. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).

[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.

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

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.

c. **Status Report - An annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
   i. All MMP monitoring results for 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

[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

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permittee-initiated modification;

iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

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

3. 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.

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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.

INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

A. DEFINITIONS: Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section:

1. Categorical Industrial User (CIU): an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Local Limits: General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.

3. The Publicly Owned Treatment Works (POTW): as defined by 40 CFR 403.3(q) and that discharges in accordance with this permit.

4. Program Submission(s): requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and approved by USEPA on 9/20/1985.

5. Significant Industrial User (SIU):
   a) CIUs;
   b) Except as provided in 40 CFR 403.3(v)(3), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
   c) Except as provided in 40 CFR 403.3(v)(3), any other industrial user that contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
   d) Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

6. Substances of Concern: Substances identified by the New York State Department of Environmental Conservation Industrial Chemical Survey as substances of concern.

B. IMPLEMENTATION: The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:

1. Industrial Survey: To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:
   a) Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. This identification and location list will be updated, at a minimum, every five years. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.
   b) Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.
   c) Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all SIUs of the POTW.

2. Control Mechanisms: To provide adequate notice to and control of industrial users of the POTW the permittee shall:
   a) Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

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INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

b) Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).

3. Monitoring and Inspection: To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:
   a) Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.
   b) The permittee shall adequately inspect each SIU at a minimum frequency of once per year.
   c) The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.
   d) Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.

4. Enforcement: To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:
   a) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.
   b) Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.
   c) Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(viii).
   d) Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.

5. Recordkeeping: The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR 750-2.5(c).

6. Staffing: The permittee shall maintain minimum staffing positions committed to implementation of the Industrial Pretreatment Program in accordance with the approved pretreatment program.

C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.

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INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

D. REPORTING: The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Compliance Branch, USEPA Region II, 290 Broadway, New York, NY 10007, a periodic report that briefly describes the permittee's program activities over the previous year. This report shall be submitted in accordance with the Schedule of Submittals to the above noted offices within 60 days of the end of the reporting period. The periodic report shall include:

1. Industrial Survey: Updated industrial survey information in accordance with 40 CFR 403.12(i)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).

2. Implementation Status: Status of Program Implementation, to include:
   a) Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.
   b) Listing of SIUs issued permits.
   c) Listing of SIUs inspected and/or monitored during the previous reporting period and summary of results.
   d) Listing of SIUs notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.
   e) Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIU's organized by parameter.
   f) A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.

3. Enforcement Status: Status of enforcement activities to include:
   a) Listing of SIUs in significant non-compliance (as defined by 40 CFR 403.8(f)(2)(viii) with federal or local pretreatment standards at end of the reporting period.
   b) Summary of enforcement activities taken against non-complying SIUs. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR 403.8(f)(2)(viii).

E. ADDITIONAL PRETREATMENT CONDITIONS:
1. Notification of Material Change: Facility shall notify the NYSDEC prior to the addition of any SIUs or CIUs which may materially change the nature of the discharge from the POTW or increase the discharge of one or more substances authorized in this permit or discharge a substance not currently authorized in this permit (6 NYCRR Part 750-2.9(a)(1)). The noticed act is prohibited until the Department determines whether a permit modification is necessary pursuant to 750-2.9(a)(2).

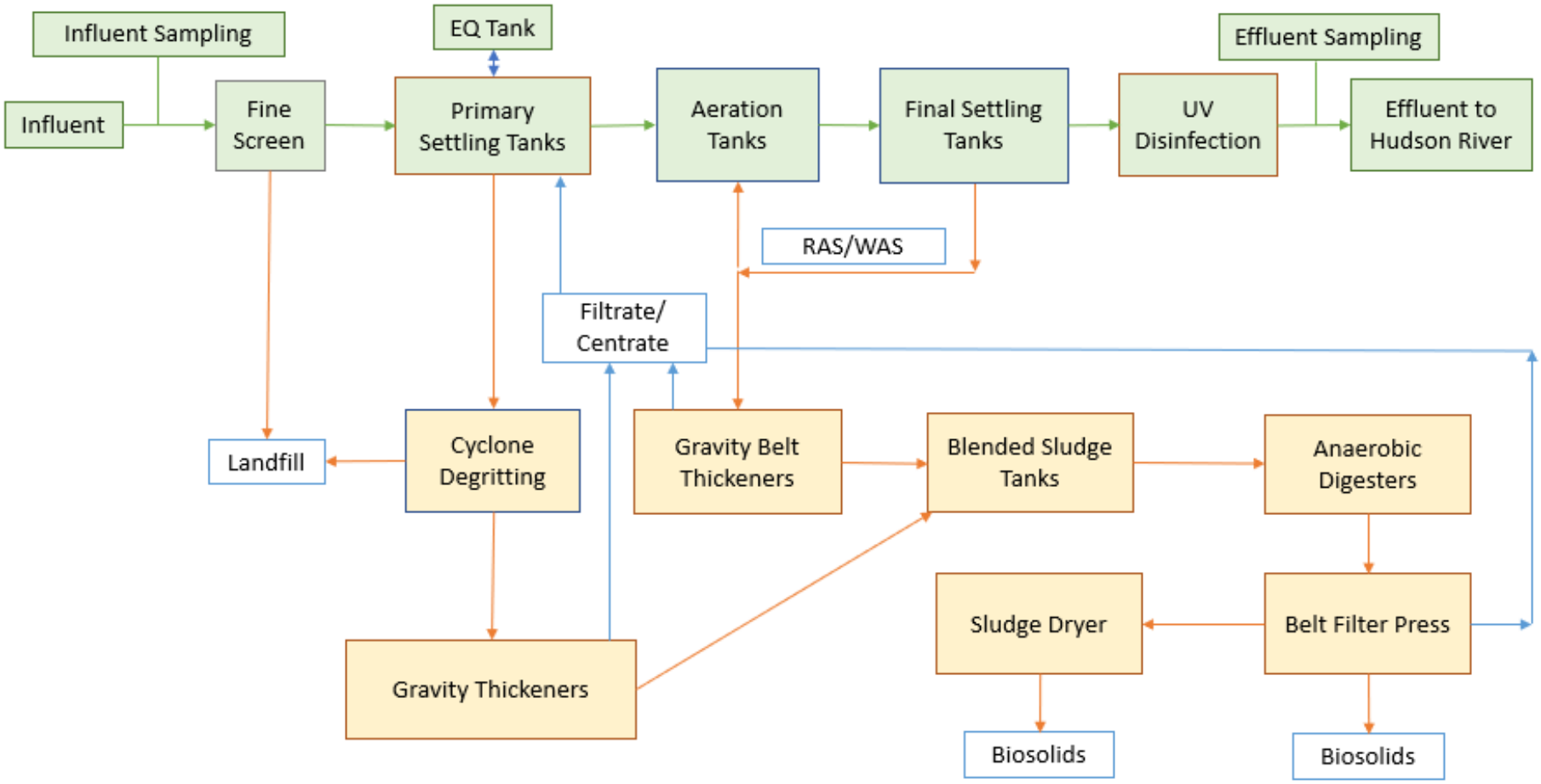
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MONITORING LOCATIONS

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

Influent: Influent Sampling

Effluent: Effluent Sampling



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.	Cybersecurity incident reporting	6 NYCRR 750-2.7(h)
9.	Other information	6 NYCRR 750-2.1(f)
10.	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

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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 one (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/8461.html. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

Attach the monthly "Wastewater Facility Operation Report" (form 92-15-7) and any required DMR attachments electronically to the DMR or with the hardcopy submittal. A summary of the bypassed flows at the WWTP, including volume and frequency and related rainfall volumes in the service area, shall also be attached to each DMR.

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

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

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 4 Email: DOW.R4@dec.ny.gov
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 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.	Attach to the December DMR

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SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
001	ANNUAL FLOW CERTIFICATION 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)
	ANNUAL EMERGENCY RESPONSE PLAN CERTIFICATION The permittee shall submit a certification of compliance with the Emergency Response Plan requirements in accordance with 6 NYCRR 750-2.9(d) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28th, each year
	ANNUAL CYBERSECURITY CONTROLS CERTIFICATION The permittee shall submit a certification of compliance with the cybersecurity controls requirements in accordance with 6 NYCRR 750-2.9(e) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28th, each year
001	BIENNIAL POLLUTANT SCAN The permittee shall implement an ongoing monitoring program and perform effluent sampling every two years as specified in footnote of the permit limits table.	Retain and submit with next NY-2A Application
001	WHOLE EFFLUENT TOXICITY (WET) TESTING WET testing shall be performed as required in the footnote of the permit limits table. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.	Within 60 days following the end of each monitoring period
001	WET WEATHER OPERATION PLAN (WWOP) The permittee shall submit an updated Wet Weather Operation Plan (WWOP). The WWOP shall outline the optimum operational procedures to transition from dry weather operation mode to wet weather operation mode, and back to dry weather operation mode. These procedures shall be used to optimize the treatment of the maximum volume of wet weather flows possible at the treatment plant during wet weather events and meeting the effluent limitations in this permit.	In Accordance with Consent Order CO4-20120911-01
001	COMBINED SEWER OVERFLOW (CSO) ANNUAL REPORT The permittee shall submit a Combined Sewer Overflows (CSO) Annual Report, which summarizes the implementation of BMPs and the Long-Term Control Plan (if applicable) via nForm (https://www.dec.ny.gov/pubs/95925.html). Additional information regarding CSO Annual Report is available on-line at https://www.dec.ny.gov/chemical/48595.html.	January 31st Each Year
001	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite*** 06/01/2026 annually thereafter

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SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
001	PRETREATMENT PROGRAM Submit a report that briefly describes the permittee's program activities over the previous year. The report shall follow the guidelines contained in this permit and be submitted to the Regional Water Engineer and the Bureau of Water permits as well as the USEPA Region II office.	November 29 Each Year (Within 60 days following the end of each reporting period)
001	EMERGING CONTAMINANT SHORT-TERM MONITORING PROGRAM 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. The results shall be reported through the "Emerging Contaminants Survey for POTWs" found at: https://www.dec.ny.gov/chemical/127939.html. The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for POTWs" available at the above link. The 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.	12/01/2026 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.

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SPDES Permit Fact Sheet
Rensselaer County Sewer District #1
Rensselaer County Sewer District #1 WWTP
NY0087971

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NEW YORK STATE | Department of Environmental Conservation

Summary of Permit Changes

The New York State Department of Environmental Conservation (DEC) drafted a State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification for Rensselaer County Sewer District #1 WWTP. The changes to the permit are summarized below:

- Updated the City of Troy Outfalls and Corresponding Rensselaer County Regulators to include Outfall 031 to Outfall 047
- Modified the designated flow monitoring location from the influent to effluent.
- Removed outdated Monitoring Location Page
- Updated General Requirements to include Cybersecurity incident reporting
- Updated Schedule of Additional Submittal to include Annual Emergency Response Plan Certification and Annual Cybersecurity Controls Certification

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

Administrative History

6/1/2025 After DEC performed the last full technical review, the permit became effective with a new five-year term and expiration date of 5/31/2030. The existing permit has formed the basis of this permit development.

10/16/2026 The permittee submitted a request to modify the permit to change the designated flow monitoring requirement's location from the influent to effluent.

Facility Information

This facility is a publicly owned treatment works that receives flow from domestic and industrial users, including waste from categorical industrial users, with effluent consisting of treated sanitary and process wastewater. The collection system consists of both separate and combined sewers. The facility accepts flow from six significant industrial users.

The current 24 MGD treatment plant consists of:

- Preliminary Treatment: Screening
- Primary Treatment: Primary Clarification
- Secondary Treatment: Aeration and Secondary Clarification
- Disinfection: UV

Sludge is digested anaerobically, pressed, and hauled to a landfill or sent to a drying oven to produce class A biosolids.

Permit Requirements

Evaluation of Permittee-Requested Modification

On October 16, 2026, the permittee submitted a permit modification request to change the designated flow monitoring requirement's location from the influent to effluent.

The permittee stated the basis for this request was the age and operational limitations of the existing influent flow meters. The meters are original to the treatment plant and calibration accuracy is

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potentially impacted by the inability to eliminate flow from the pipes during the calibration process. The relocation of the designated flow monitoring point to the effluent would provide more accurate and reliable flow measurements associated with the treatment process. Additionally, secondary bypass flow totals are metered independently at the bypass channel and captured collectively at the plant effluent metering location.

DEC evaluated the request and determined it is reasonable. The permittee shall update the Wet Weather Operating Plan (WWOP) to reflect this change following issuance of this permit modification.

Cybersecurity Incident Reporting

In accordance with 6 NYCRR 750-2.7(h)(1), the permittee shall report orally to the DEC, any cybersecurity incident, as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the cybersecurity incident. In accordance with 6 NYCRR 750-2.7(h)(2), the permittee shall provide a written report of any cybersecurity incidents to the DEC within 30 days from the time the permittee becomes aware of the cybersecurity incident. For more information on cybersecurity incident reporting, please see the DEC Division of Water web page: Cybersecurity Incident Reporting. This requirement is new.

Annual Emergency Response Plan Certification

In accordance with 6 NYCRR 750-2.9(d), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) must, by March 28, submit an Annual Emergency Response Plan Certification form. In accordance with 6 NYCRR 750-2.5(e), the form must be submitted electronically using a NYSDEC approved form. This requirement is new.

Annual Cybersecurity Controls Certification

In accordance with 6 NYCRR 750-2.9(e), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) must, by March 28, submit an Annual Cybersecurity Controls Certification form. In accordance with 6 NYCRR 750-2.5(e), the form must be submitted electronically using a NYSDEC approved form. This requirement is new.

Schedule of Additional Submittals

Appendix link for information on Schedule of Additional Submittals.
The following submittals are added to the Schedule of Additional Submittals:

- Annual Emergency Response Plan Certification
- Annual Cybersecurity Controls Certification

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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, including monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits, are based on the following:

- Clean Water Act (CWA), 33 section USC 1251 to 1387 (see 6 NYCRR 750-1.25)
- New York State Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations (see 6 NYCRR 750-1.25)
  - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations (date reflects the most recent update to any section in that part)
  - 6 NYCRR Part 621 (effective December 26, 2023)
  - 6 NYCRR Parts 700 (effective November 1, 2019)
  - 6 NYCRR Part 701 (effective October 29, 2025)
  - 6 NYCRR Part 702 (effective November 1, 2017)
  - 6 NYCRR Part 703 effective Oct. 29, 2025)
  - 6 NYCRR Part 704 (effective February 16, 2008)
  - 6 NYCRR Part 750 (effective March 26, 2026)
  - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, referred to as Technical and Operational Guidance Series (TOGS)
  - TOGS 1.1.1 (June 1998 through February 2023 Addendum)
  - TOGS 1.2.1 (February 1998)
  - TOGS 1.2.2 (January 25, 2012)
  - TOGS 1.3.1 (February 1998) & Amendments A-E (July 1996 edition)
  - TOGS 1.3.2 (January 2008)
  - TOGS 1.3.3 (February 1998)
  - TOGS 1.3.5 (October 1990)
  - TOGS 1.3.6 (December 1998)
  - TOGS 1.3.7 (February 2023)
  - TOGS 1.3.9 (February 1998)
  - TOGS 1.3.10 (December 31, 2025)
  - TOGS 1.6.3 (October 1993)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD)

Receiving Water Information

Impaired Waters

Pursuant to Clean Water Act (CWA) Section 303(d), every two years states are required to publish a list of waterbodies which do not meet applicable water quality standards (WQS) and do not support applicable best uses (e.g., source of water supply, primary and secondary contact recreation, fishing, etc.), thereby requiring the development of a Total Maximum Daily Load (TMDL) or other strategies. These waterbodies, along with the pollutant causing the impairment,[1] are the “waterbody-pollutant combinations” that make up the Final New York State 2020/2022 Clean Water Act Section 303(d) List of Impaired Waters Requiring a TMDL. As required by 6 NYCRR 750-1.11(a)(5)(ii), SPDES permits must include effluent limitations necessary to implement a waste load allocation (WLA) of an EPA-approved TMDL, if applicable. In accordance with the general monitoring requirements of 6 NYCRR 750-1.13(a) and 750-1.13(b)(2)(i), permittees discharging to waters which are on the list, but for which DEC has not yet developed a TMDL, may be required to perform additional monitoring for the

[1] Impairment is defined as “Failure to support a water quality standard” (USEPA, Guidance for 2006 Assessment, Listing, and Reporting Requirements Pursuant to Section 303(d), 305(b) and 314 of the Clean Water Act), page 68.

parameters causing the impairment. Accurate monitoring data is needed to determine the existing capabilities of the wastewater treatment facilities and to assure that WLAs are allocated equitably when DEC develops a TMDL.

Interstate Water Pollution Control Agencies

Some facilities 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 considered 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 effluent standards or water quality standards promulgated by that interstate agency.

Sole Source Aquifers

Sole Source Aquifers (SSAs) are designated by USEPA. Per USEPA, the SSA program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. seq). The SSA designation does not change the development of the SPDES permit or the application of standards. Pursuant to ECL, the SSA designation requires additional notification to potentially affected members of the public.

ECL § 17-0828 requires permittees to provide the following with their application for renewal:
In addition to any other requirements imposed by this title, any person seeking a SPDES permit or a renewal hereunder, within an area designated pursuant to any federal or state statute as a sole source aquifer, shall include as a part of the required information, the name and address of all public water purveyors with a service area or portion thereof located within a three mile radius of the applicant's facility. The names of all public water purveyors identified in the SPDES permit application or renewal shall be included in the project description as set forth when announced in the environmental notice bulletin. For the purposes of this section "public water purveyor" shall mean any person, partnership, public or private corporation, municipality, or public authority which sells water derived from a sole source aquifer to at least five service connections or at least twenty-five individuals.

Permit Requirements

Anti-backsliding

Anti-backsliding requirements are specified in ECL 17-0809(3) 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. Consistent with current case law[2] and USEPA interpretation[3] 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

DEC implements 40 CFR 131.12 through 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.” SPDES permits contain effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, DEC reviews SPDES permit applications in accordance with the State Environmental Quality Review Act (SEQRA) ECL Art. 8 and 6 NYCRR Part 617.

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

Monitoring Requirements

CWA section 308, 40 CFR 122.44(i), and 6 NYCRR 750-1.13 require that monitoring be included in permits to determine compliance with effluent limitations and water quality standards that may be affected by the discharge. In accordance with 6 NYCRR 750-2.5(e)(1), the permittee is responsible for reporting monitoring results on Discharge Monitoring Reports (DMRs). In accordance with 6 NYCRR 750-1.10(a), 750-1.13(c) and 750-2.5(a)(2), 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. In accordance with 6 NYCRR 750-1.13(c), variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels. For industrial facilities, sampling frequency is consistent with TOGS 1.2.1 I.E.1.b, Table 5. For municipal facilities, sampling frequency is consistent with TOGS 1.3.3. Appendix A.

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when: 1) 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 2) 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, it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the permit includes both the calculated limitation, as well as a compliance level set equal to the ML of the most sensitive method.

Alternate Test Procedures

TOGS 1.3.7 "Analytical Detectability and Quantitation Guidelines for Environmental Parameters" provides the protocol to ensure environmental tests, used in the fulfillment of NYSDEC water programs (e.g. SPDES), are scientifically valid to accurately quantify and characterize parameters and are sufficiently sensitive. Analytical quantitation and detectability of parameters is critical to promote the quality, objectivity, utility, and integrity of environmental data used or funded by NYSDEC's water programs. TOGS 1.3.7, Section II, sets forth: 1) standardized criteria for environmental testing; 2) standardized criteria for demonstration of competency to generate environmental data; and 3) standardized assessment of measurement uncertainty in environmental testing. 6 NYCRR 750-2.5(d)(1) requires that "[m]onitoring and analysis conducted in accordance with an issued SPDES permit must be conducted using test procedures promulgated, pursuant to 40 CFR [P]art 136 … except: (i) when the permit specifies an alternative procedure…" NYSDEC follows the requirements of 40 CFR 136.5, and acts consistent with TOGS 1.3.7, to review and approve Limited Use Alternative Test Procedures when the methods listed in 40 CFR 136.3 do not adequately address testing needs for the SPDES permit.

Action Levels

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

TOGS 1.2.1 Section I.B.3 describes the application of an Action Level in a SPDES permit. If the Action Level is exceeded, the permittee is required to conduct confirmatory monitoring. If Action Levels are routinely or excessively exceeded, DEC will propose modifications to the Action Levels or replace the Action Levels with limits, in accordance with the Environmental Benefit Permit Strategy (EBPS). An Action Level is not a limit, and an exceedance does not constitute a permit violation. However, there is a permit violation when the confirmatory sampling is not performed in accordance with the permit requirements.

Short-Term High Intensity Monitoring

In accordance with 6 NYCRR 750-1.13(a) and (b), the permit includes monitoring requirements for pollutants (e.g. to determine compliance with water quality standards, subject to tracking, etc…). Consistent with TOGS

1.2.1. I.B.1., where limited data is available to confirm the presence or absence of a parameter in an outfall, a short-term, high intensity monitoring program may be used.

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 developing a new permit or conducting a full technical review, DEC evaluates existing effluent quality (estimated or actual) to identify or develop the technology-based effluent limitations (TBELs) and water-quality based effluent limitations (WQBELs). In general, ECL 17-0811 and 6 NYCRR 750-1.11(a) require that a permit include the more stringent of either the TBEL or WQBEL.

Generally, existing effluent limitations are continued, but may be revised or discontinued if, for example: there are changed conditions at the facility; the facility demonstrates an ability to meet more stringent limitations; or in response to updated regulatory requirements. DEC also reviews pollutant monitoring data to determine the presence of additional contaminants and performs a reasonable potential analysis to determine the need for new limits.

Existing Effluent Quality

Consistent with TOGS 1.2.1, Attachment D, TOGS 1.3.3, Appendix O, and Appendix E of the TSD, DEC determines the existing effluent quality from a statistical evaluation of effluent data. 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, DEC uses the delta-lognormal calculations to determine the monthly average and daily maximum pollutant concentrations. DEC does not perform statistical calculations for parameters where there are less than ten data points. If additional data is needed, the permit may require routine monitoring or a short-term high intensity monitoring program. The Pollutant Summary Table identifies the number of sample data points available.

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

CWA sections 301(b) and 402(a)(1), ECL sections 17-0509, 17-0809 and 17-0811, 6 NYCRR 750-1.11, and 40 CFR 122.44 require technology-based controls on effluents (TBELs). A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies or Best Management Practices (BMPs).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

ELGs for specific industries, as promulgated under 40 CFR Parts 405-471, are based upon New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and Best Professional Judgment (BPJ). USEPA Effluent Limitation Guideline Calculations Table contains the applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines.

Best Professional Judgement (BPJ)

For substances that don't have a promulgated TBEL, CWA 402(a)(1) and ECL 17-0811 authorize DEC to use BPJ in developing a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law." BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. The BPJ limitation considers the existing technology present at the facility, the existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. TOGS 1.2.1, Attachment C includes technology limitations for the listed parameters, generally achievable, which DEC may use as the BPJ limitations when the technology employed at the facility is listed in that attachment.

Technology-based Effluent Limitations (TBELs) for Publicly Owned Treatment Works (POTWs)

TOGS 1.3.3. provides guidance for permits for POTWs. CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. Equivalent secondary treatment, as defined in 40 CFR 133.105 and summarized in TOGS 1.3.3, page 5, allows for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/L, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations, are defined in 40 CFR 133.101(f), is the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above.

As there are no federal TBELs for toxic pollutants from POTWs, DEC may use a statistical analysis of existing effluent data, as described in TOGS 1.2.1 I.B.2.c., to establish other performance-based TBELs.

Technology-based Effluent Limitations (TBELS) for Sanitary Discharges to Groundwater

- Secondary treatment requirements of 40 CFR Part 133 will typically not be included in a permit for a sanitary discharge to groundwater unless, if in the permit writer's judgement, limitations are necessary to protect public health.
- Nitrogen is a component of all domestic wastewater. Thus, in accordance with 6 NYCRR 703.6, and consistent with TOGS 1.3.3. II.B.1., permits for facilities discharging 30,000 GPD or greater include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N), except in compliance with ECL 17-0809(3).
- Disinfection will typically not be required for discharges to groundwater unless, if in the permit writer's judgement, disinfection is necessary because local public health concerns exist due to exposure or contact with effluent. When this occurs, disinfection requirements and effluent limitations for chlorine residual are developed consistent with TOGS 1.3.3. II.B.3.

Technology-based Effluent Limitations (TBELS) for Industrial Facilities to Groundwater

- DEC will apply the more stringent of the applicable treatment technology listed in TOGS 1.2.1 Attachment C or the groundwater effluent limitations in 6 NYCRR 703.6.
- In accordance with 6 NYCRR 703.6, and consistent with TOGS 1.2.1, Section II.A.2, permits for discharges from industrial facilities, which contain nitrogen or nitrogen compounds, include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N) except in compliance with ECL 17-0809(3).
- Disinfection will typically not be required for discharges to groundwater unless, if in the permit writer's judgment, disinfection is necessary because local public health concerns exist due to exposure or contact with effluent. When this occurs, disinfection requirements and effluent limitations for chlorine residual are applied consistent with TOGS 1.2.1 Attachment C.

Water Quality-Based Effluent Limitations (WQBELs) for Surface Water Discharges

6 NYCRR 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. CWA sections 101(a) and (c) and 301(b)(1)(C), 40 CFR 122.44(d)(1), ECL 17-0811(5), and 6 NYCRR 750-1.11(a)(5) require that permits include limitations for all pollutants or parameters that are or

may be discharged at a level which may cause or contribute to an exceedance of any state water quality standard, or any more stringent limitations, including those adopted pursuant to NYS ECL 17-0301.

TOGS 1.3.1, pages 3-4, describes the reasonable potential analysis used to determine if a waterbody will meet water quality standards; that is, does the discharge of a pollutant have the reasonable potential to cause or contribute to an excursion of water quality standards. The analysis is required by Section 303(d) of the Clean Water Act and is described in 40 CFR Part 130 and EPA guidance, noted below. This analysis considers the loading capacity of the waterbody or waterbody segment using the most stringent, applicable water quality standard and critical flow condition.

Where there is reasonable potential to cause or contribute to an excursion of water quality standards, DEC calculates WQBELs to assure compliance with water quality standards. Consistent with TOGS 1.3.1 page 3, DEC calculates WQBELs considering available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The reasonable potential analysis and critical low flow condition are described in detail below. Mixing zone analyses may also inform the calculation of WQBELs.

Reasonable Potential Analysis (RPA)

The RPA is a statistical estimation process, outlined in Appendix E of the TSD. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility.

DEC identifies the pollutants present in the discharge(s) based upon data from Discharge Monitoring Reports, sampling data collected by the permittee as part of the permit application, or a short-term high intensity monitoring program, or data gathered by the DEC. Consistent with Chapter 3.3.2 of the TSD, for parameters with limited effluent data, the RPA may include multipliers to account for effluent variability. DEC then identifies the applicable water quality standards for each pollutant present. When more than one applicable standard exists for a specific pollutant, DEC conducts RPA for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met. For brevity, the pollutant summary table reports the results of the most conservative scenario.

DEC calculates the projected instream concentration (PIC) using the pollutant loading and the receiving water's flow rate. If the calculated PIC exceeds the ambient numeric water quality standard or guidance value (i.e. numeric interpretation of a narrative water quality standard), then DEC calculates a WQBEL.

Critical Low Flow Condition

Consistent with the 1991 EPA TSD and TOGS 1.3.1, page 4, DEC conducts the RPA under critical low flow conditions. DEC uses the 1Q10, 7Q10, and 30Q10 hydrologically based critical low flows to apply the acute, chronic, and human health water quality criteria, respectively. The 1Q10, 7Q10, and 30Q10 are the lowest one-day average, seven-day average, and 30-day average flows, respectively, that occur (on average) once every 10 years.

For acute aquatic protection, the 1Q10 is calculated as the lowest 1-day flow within 10 years. Where the 1Q10 flow statistic is not available, consistent with TOGS 1.3.1, page 8, DEC estimates 50% of the 7Q10 to be equivalent to the 1Q10 flow. For chronic aquatic protection, the 7Q10 flow is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For the protection of human health, the 30Q10 flow is calculated as the lowest average flow over a 30-day consecutive period within 10 years. Where the 30Q10 flow statistic is not available, consistent with EPA's 1991 TSD, Section 4.6, DEC estimates 1.2 x 7Q10 to be equivalent to the 30Q10.

Dissolved Oxygen Modeling

Wastewater contains organic and inorganic materials that exert an oxygen demand and, when not limited, can deplete a waterbody's dissolved oxygen levels. Consistent with EPA's Water

Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water (EPA/600/6-85/002a), Section 4.3, DEC models in-stream dissolved oxygen using the Streeter-Phelps equation. The Streeter-Phelps equation produces an dissolved oxygen curve which represents how dissolved oxygen downstream of a discharge decreases due to decomposition of organic and inorganic materials and recovers due to reaeration. DEC compares model results to dissolved oxygen water quality standards, which can be found under 6 NYCRR 703.3.

TOGS 1.3.1, pages 9-11, and TOGS 1.3.1. Appendix D, provides guidance on model inputs. First, DEC uses a mass-balance equation to calculate the initial dissolved oxygen deficit, i.e., the difference between the dissolved oxygen saturation and the in-stream dissolved oxygen. Consistent with EPA/600/6-85/002a, to account for the decomposition of organic and inorganic materials, DEC uses the Wright and McDonnell (1979) decay rate equation. To account for reaeration, DEC uses the Covar method, which consists of four reaeration rate equations that are based on stream depth and velocity. DEC inputs these rates into the Streeter-Phelps equation, along with the instream conditions, to predict the downstream dissolved oxygen concentration over time.

To assess reasonable potential to cause or contribute to an excursion of the dissolved oxygen water quality standards, DEC compares the lowest expected dissolved oxygen concentration within the model (critical point) to the water quality standard. Where, based on the model, there is reasonable potential, DEC may calculate WQBELs to limit oxygen demanding pollutants such as BOD_5, $CBOD_5$, UOD, and ammonia.

Dilution Ratio

DEC calculates the acute, chronic, and human health, aesthetic and wildlife (HEW) dilution ratios using the following equation:

(Critical Effluent Flow + Critical Low Flow) / Critical Effluent Flow

For the critical effluent flow, DEC uses either the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past five years, or the facility design flow.

Mixing Zone Analyses

Consistent with TOGS 1.3.1, Section S (page 8), to develop dilution ratios, DEC may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses may be appropriate in instances of facility expansions, outfall modifications, documented water quality impacts, and upon request of the permittee. DEC conducts mixing zone analyses, using plume dispersion modeling, consistent with the following: TSD; EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1; and "CORMIX v11.0" (2019).

Water Quality-Based Effluent Limitations (WQBELs) for Discharges to Groundwater

Water Quality Standards

Consistent with the 2014 NYS Design Standards for Intermediate Sized Wastewater Treatment Systems, for groundwater discharges over 30,000 GPD, DEC requires monitoring in downgradient monitoring well(s). Consistent with TOGS 1.3.3, Section II, and TOGS 1.2.1, Section II.A, if the pollutant concentration exceeds the ambient numeric water quality standard or guidance value, DEC sets WQBELs at the water quality standards listed in 6 NCYRR 703.5 or the guidance values listed in TOGS 1.1.1, Table 1.

Groundwater Effluent Limitations

In applying WQBELs for compliance with 6 NYCRR 703.6, DEC first identifies the pollutants present in the discharge(s) based upon existing data. DEC then compares the pollutant concentration to the groundwater effluent limitation in Part 703.6. Where the pollutant

concentration exceeds, or has reasonable potential to exceed, the groundwater effluent limitation, DEC applies the limitation at the outfall. If the treatment system does not have an accessible final sampling point (e.g., a constructed wetland treatment system or a buried sand filter), in accordance with 6 NYCRR 703.6(a), the discharge to the ground surface is considered a discharge to groundwater and the groundwater effluent limitation is the maximum allowable concentration.

6 NYCRR 703.6(a) states "[u]nless a demonstration is made to the contrary, it shall be presumed that a discharge to the ground or unsaturated zone is a discharge to groundwater." For land treatment discharges, where, DEC sets effluent limits consistent with the *State Guidelines for the Use of the Land Treatment of Wastewater*.

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. The authority to require toxicity testing is in 6 NYCRR 702.9(f) and (g). TOGS 1.3.2 includes guidance for when a permit must require aquatic toxicity testing and describes the method for determining a whole effluent toxicity limit in a permit. Additionally, TOGS 1.3.2 includes guidance on implementing a toxicity reduction evaluation. Additional information for considering toxicity testing is available in TOGS 1.3.1.

Special Conditions for Sanitary Sewer Overflows (SSOs)

Capacity, Management, Operation & Maintenance (CMOM) Program

In accordance with 6 NYCRR 750-2.8(a)(2), permittees shall properly operate and maintain all disposal facilities, including collection systems, to achieve compliance with the permit. Proper operation and maintenance includes preventive/corrective maintenance programs and written procedures for operation and maintenance.

The CMOM program was created by the USEPA as an initiative to control sanitary sewer overflows (SSOs) from municipal sanitary sewer systems. The program is a framework for municipalities to identify and incorporate widely accepted wastewater industry practices to better manage, operate, and maintain collection systems; investigate capacity constrained areas of the collection system; and respond to SSO events. The framework covers operation and maintenance, capacity assessment and assurance, capital improvement planning, and financial management planning. Additional information describing CMOM can be found at: http://www.epa.gov/npdes/sso.

Sewer System Evaluation Survey

Infiltration is defined in 6 NYCRR 750-1.2(a)(50) as water other than wastewater entering a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include and is distinguished from inflow. Inflow is defined in 6 NYCRR 750-1.2(a)(51) as water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers, process and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street washwaters, or drainage. Inflow does not include and is distinguished from infiltration.

Excessive inflow and infiltration (I/I), defined in 40 CFR section 35.2005(b)(16), can overwhelm sewer systems leading to sanitary sewer overflows, sewage backups in homes, and increased treatment costs for municipalities. In accordance with 6 NYCRR 750-2.9(a)(3), the permittee shall identify all inflow to the tributary system and remove excessive I/I to an extent that is economically feasible. Additionally, in accordance with 6 NYCRR-2.8(a)(1), the disposal system shall not receive or be committed to receive wastes beyond its design capacity for volume.

Special Conditions for Combined Sewer Overflows (CSOs)

In accordance with the Division of Water CSO Control strategy TOGS 1.6.3 and the USEPA CSO Control Policy issued April 11, 1994 (CSO Control Policy),[4] pollution from combined sewer overflows is controlled with implementation of permit conditions. CWA Section 402(q) requires that each permit for a discharge from a municipal combined storm and sanitary sewer shall conform to the CSO Control Policy. The CSO Control Policy identifies specific requirements for meeting the objectives of the Policy, including bring all CSO discharge points into compliance with the technology-based and water quality-based requirements of the CWA, and to minimize the water quality, aquatic biota, and human health impacts from CSOs.

Consistent with TOGS 1.6.3, Section F, permittees are required to continue to implement the 15 CSO Best Management Practices (BMPs), which are equivalent to the Nine Minimum Controls (NMCs) from the CSO Control Policy. In accordance with the CSO Control Policy, where applicable, permittees were required to develop and implement Long-Term Control Plans.

In accordance with the CSO Control Policy, permittees are required to conduct Post-Construction Compliance Monitoring (PCCM) to verify compliance and evaluate attainment of NYS water quality standards. Additionally, permittees are required to conduct a Sensitive Area Reassessment of the feasibility of eliminating or relocating CSO outfalls discharging to sensitive areas. The reassessment is required once per permit term, or every five years corresponding to submission of the PCCM.

Other Conditions

Biennial Pollutant Scan

In accordance with 40 CFR 122.21(j)(4)(vi), for submittal with the NY-2A permit application, permittees are required to provide data from a minimum of three effluent samples taken within four and one-half years prior to the date of the permit application. In accordance with 6 NYCRR 750-1.13(c), permittees are required to perform biennial sampling (once every two years) of the effluent for the parameters in the NY-2A Application, Tables A – D.

Mercury

Mercury is widespread in New York State (NYS) waters at levels above the most stringent dissolved mercury water quality standard (WQS) of 0.7 ng/L. Permittees cannot comply with a WQBEL for mercury. Therefore, a Multiple Discharge Variance (MDV) is appropriate, in accordance with 6 NYCRR 702.17(h), “to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed.” The first MDV was issued in October 2010 and subsequently revised and reissued in 2015, 2020, and 2025. Each iteration of the MDV builds off the previous version supporting the State’s effort to reduce mercury pollution and make reasonable progress toward achieving the WQBEL for mercury. The 2025 iteration of the MDV refines the content and application of the MDV for mercury.

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

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

Pollutant Minimization Plans

Pollutant Minimization Plans can be included in a permit when a facility discharges a pollutant at detectable levels and the ML for the most sensitive method is greater than the calculated WQBEL. These plans typically include an on-going potential source identification, evaluation, and prioritization plan to demonstrate progress towards meeting the goal of the WQBEL. Plan requirements are based on 40 CFR Part 132 Appendix F Procedure 8 for Great Lakes dischargers, 6 NYCRR 750-1.13(b)(2)(i) and 750-1.14(f), and TOGS 1.2.1., page 38.

PCB Minimization Plan

Polychlorinated biphenyls (PCBs) are chemical mixtures made of a variety of individual components. PCBs are made up of congeners - biphenyl molecules with anywhere from two to ten chlorine atoms substituted in various

[4] https://www.epa.gov/sites/production/files/2015-10/documents/owm0111.pdf

locations on the molecule. Congeners with the same number of chlorine atoms can be measured in groups called homologues. Most commercial PCB mixtures are known in the United States by their industrial trade names, the most common being the Aroclor series. The current DEC water quality standard for PCBs is 0.09 ug/L, based on Total PCBs (6 NYCRR 703.5(f)). Total PCBs is defined by DEC and USEPA as the sum of congeners, homologues, or Aroclors.

EPA Method 608.3, currently approved under 40 CFR Part 136, measures Total PCBs by summing only the measured Aroclors. SPDES permits include final effluent limitations for Total PCBs where the DEC determined that WQBELs for Total PCBs were necessary through a reasonable potential analysis of the detections of Aroclors. EPA Method 608.3 is the only approved method for measuring a final effluent limit in a permit. Thus, the permit requires the permittee to use EPA Method 608.3 for measuring compliance with final effluent limitations for Total PCBs.

The permit requires the continued implementation of a PCBMP to track-down and control all sources of PCBs. In addition to not being sufficiently sensitive, the Aroclors measured by EPA Method 608.3 can be subpar indicators of Total PCB contamination. Because most PCB contamination in the environment is highly weathered, and often does not resemble any of the Aroclor mixtures and there are non-Aroclor sources of PCB in the environment, Aroclor results are likely to underestimate PCB contamination or provide non-detects. Analytical methods targeting congener PCBs are better at quantifying a wider range of PCB contamination and tend to be more sensitive than Aroclor methods.

Thus, for the PCBMP, a permit requires the permittee to use Method 1668C. Method 1668C is congener-specific and the most sensitive analytical method available, even though it is not an approved method in 40 CFR Part 136. Pursuant to 6 NYCRR 750-2.5(d)(1)(i), DEC has the authority to specify, in a permit, an alternate method for the PCBMP. DEC followed TOGS 1.3.7 Section V.1.2 to select an alternate procedure. TOGS 1.3.7 Section V.1.2 discusses selection of environmental testing methods and states, "when there is no environmental test approved under 40 C.F.R. Part 136 for the analysis of a parameter...", which in this case is the use of the congener-specific analysis required by the PCBMP... "the DOW [Quality Assurance Officer] QAO will select an environmental test from NYSDOH ELAP's list of approved methods for the appropriate field of accreditation". In this application, DOW selected the method from NYSDOH's ELAP's "Non-Potable Water" field of accreditation (ELAP's list of certified methods) as the effluent is non-potable water. From ELAP's list of certified methods for PCB congeners, the offerings are EPA Method 1668A, 1668B, 1668C and SW-846 8082A. EPA Method 8082A was not considered due to its lower level of sensitivity. The 1668-series of methods are much more sensitive and DOW selected EPA Method 1668C from that series because it has received the most refinements and highest level of validation.

Mini Industrial Pretreatment Program

Pretreatment requirements are intended to protect a POTW from receiving pollutants that cause pass through, or interfere with, the operations of the POTW receiving such wastes. When necessary, in accordance with ECL 17-0825, 6 NYCRR 750-2.9(b)(1), and 40 CFR 403.4, and consistent with TOGS 1.3.3.III.C.3., permits require POTWs to develop and implement mini pretreatment programs.

As part of the mini pretreatment program, a POTW must identify industrial users; determine whether legal authority controls (e.g. sewer use laws) are adequate; require, issue, and enforce industrial user permits; and, implement the program.

Emerging Contaminants

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial products, as well as in manufacturing processes for decades. PFOA, PFOS, and 1,4-D do not break down easily; therefore, their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels.

In the February 2023 addendum to TOGS 1.1.1., DEC issued guidance values for PFOA, PFOS, and 1,4-D. In accordance with 6 NYCRR 701.1, guidance values are applied in permits to protect the best usages of the

receiving water and downstream waterbodies. Permit requirements are also based on: the emerging nature of PFOA, PFOS, and 1,4-D; the USEPA's addition of PFOA, PFOS, and 1,4-D to the hazardous substance list under CERCLA; and the USEPA's addition of PFOA and PFOS to the recommended contaminant monitoring list for state fish advisory programs.

For more information on emerging contaminants, please see the DEC Division of Water web page: Emerging Contaminants In NY's Waters - NYSDEC.

Water Treatment Chemicals

In accordance with 6 NYCRR 750-2.6(a) and 2.9(a)(1)(i), new or increased use and discharge of a WTC requires prior DEC review and authorization. For each outfall, the permittee shall provide information on each WTC discharged from that outfall. Such information shall include the name, the manufacturer, the dosage rates, the ingredients, the toxicity and measures taken to minimize water treatment chemical discharge.

Schedules of Compliance

In accordance with 6 NYCRR 750-1.14 and 40 CFR 122.47, as well as 40 CFR Part 132 Attachment F, Procedure 9 for Great Lakes dischargers, a permit can contain a schedule of compliance. A schedule of compliance is intended to, in the shortest reasonable time, achieve compliance with applicable effluent 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, the permit must require progress reports.

Schedule(s) of Additional Submittals

Schedules of Additional Submittals is a list of the deliverables required by the permit not identified in a separate Schedule of Compliance. For each submittal, the basis is included in the relevant Permit Requirements section.

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