State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**5093,5169**	NAICS Code:	**424690, 423930**	SPDES Number:	**NY0260738**
Discharge Class (CL):	**01**			DEC Number:	**4-0122-00143/00001**
Toxic Class (TX):	**T**			Effective Date (EDP):	
Major-Sub Drainage Basin:	**13 - 01**			Expiration Date (ExDP):	
Water Index Number:	**H (portion 5)**	Item No.:	**858 - 4**	Modification Dates (EDPM):	
Compact Area:	**-**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**Simsmetal East LLC**	Attention:	**Scott Krempel, Dir. Of Operations**		
Street:	**1 Linden Ave E**				
City:	**Jersey City**	State:	**NJ**	Zip Code:	**07305**
Email:	**Scott.Krempel@simsmm.com**	Phone:	**518-432-4276**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL															
Name:	**Simsmetal East - PORT OF ALBANY**														
Address / Location:	**140 Port Road South**										County:	**Albany**			
City:	**Albany**						State:	**NY**			Zip Code:	**12202**			
Facility Location:		Latitude:	**42**	°	**36**	'	**43.9**	" N	& Longitude:	**73**	°	**45**	'	**49.8**	" W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**36**	'	**33.9**	" N	& Longitude:	**73**	°	**45**	'	**45.2**	" W
Wastewater Description:	**Stormwater runoff from salt storage and metal scrap piles**	Receiving Water:	**Hudson River**				NAICS:	**424690**	Class:	**C**		Standard:	**C**		

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

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

DISTRIBUTION:
BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
BWP Permit Writer
RWE
RPA
EPA Region II (Region2_NPDES@epa.gov)

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

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SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
002	Stormwater	**423930**	**42** ° **36** ' **41** " N	**73** ° **45** ' **44** " W
Receiving Water:	**Hudson River**			Class: **C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
003	Stormwater	**423930**	**42** ° **36** ' **37** " N	**73** ° **45** ' **57** " W
Receiving Water:	**Normans Kill Creek**			Class: **C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
005	Stormwater	**424690**	**42** ° **36** ' **34** " N	**73** ° **45** ' **45** " W
Receiving Water:	**Hudson River**			Class: **C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
006	Stormwater	**423930**	**42** ° **36** ' **41** " N	**73** ° **45** ' **44** " W
Receiving Water:	**Hudson River**			Class: **C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
007	Stormwater	**423930**	**42** ° **36** ' **37** " N	**73** ° **45** ' **57** " W
Receiving Water:	**Normans Kill Creek**			Class: **C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
008	Stormwater	**423930**	**42** ° **36** ' **44** " N	**73** ° **45** ' **44** " W
Receiving Water:	**Hudson River**			Class: **C**

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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 DEC.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See DEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Stormwater Runoff from Salt Storage, recycled metal scraps and piles.	Hudson River	EDP	Construction Completion

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	30000	GPD			Continuous	Recorder		X	4, 3
Flow	Monthly Average	Monitor	GPD			Continuous	Recorder		X	4
pH	Daily Minimum	6.0	SU			Monthly	Grab		X	4
	Daily Maximum	9.0	SU							4
Total Dissolved Solids	Daily Maximum	50000	mg/L			Monthly	Grab		X	4,3
Settleable Solids	Daily Maximum	0.1	mL/L			Monthly	Grab		X	4
Oil & Grease	Daily Maximum	15	mg/L			Monthly	Grab		X	4
Chloride, Total	Daily Maximum	Monitor	mg/L			Monthly	Grab		X	4
Cyanide, Free	Daily Maximum	520	µg/L			Monthly	Grab		X	4,3
Cyanide, Total	Daily Maximum	1100	µg/L			Monthly	Grab		X	4,3
Total Mercury	Daily Maximum	50	ng/L			Quarterly	Grab		X	4
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Chemical Oxygen Demand (COD)	Daily Maximum	120	mg/L			Monthly	Grab		X	4,2
Total Suspended Solids (TSS)	Daily Maximum	100	mg/L			Monthly	Grab		X	4,2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	4,2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	4,2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	4,2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	4,2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	4,2

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PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Stormwater from scrap metal storage	Hudson River	EDP	Construction Completion

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	Monitor	GPD			Semi-Annual	Estimate		X	1
pH	Daily Minimum	6.0	SU			Semi-Annual	Grab		X	1
	Daily Maximum	9.0	SU							1
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
Oil & Grease	Daily Maximum	15	mg/L			Semi-Annual	Grab		X	1
Chloride, Total	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
Total Mercury	Daily Maximum	50	ng/L			Quarterly	Grab		X	1
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Chemical Oxygen Demand (COD)	Daily Maximum	120	mg/L			Semi-Annual	Grab		X	1,2
Total Suspended Solids (TSS)	Daily Maximum	100	mg/L			Semi-Annual	Grab		X	1,2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	1,2
Chromium, Total	Daily Maximum	1800	µg/L			Semi-Annual	Grab		X	1,2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	1,2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	1,2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	1,2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	1,2

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PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Discharge from scrap metal storage, public recycling area	Normans Kill Creek	EDP	Construction Completion

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	Monitor	GPD			Semi-Annual	Estimate		X	1
pH	Daily Minimum	6.0	SU			Semi-Annual	Grab		X	1
	Daily Maximum	9.0	SU							1
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
Oil & Grease	Daily Maximum	15	mg/L			Semi-Annual	Grab		X	1
Chloride, Total	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
Total Mercury	Daily Maximum	50	ng/L			Semi-Annual	Grab		X	1
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Chemical Oxygen Demand (COD)	Daily Maximum	120	mg/L			Semi-Annual	Grab		X	1,2
Total Suspended Solids (TSS)	Daily Maximum	100	mg/L			Semi-Annual	Grab		X	1,2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	1,2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	1,2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	1,2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	1,2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	1,2

FOOTNOTES:

1. Stormwater Sampling
   All stormwater sampling shall be in accordance with the New York State Department of Environmental Conservation SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity Permit Number GP-0-23-001, which states:

   A minimum of one grab sample must be taken from the *stormwater discharge associated with industrial activity* resulting from a storm event with at least 0.1 inch of precipitation (defined as a "measurable" event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a stormwater *discharge* (e.g., a storm event in excess of 0.1 inches may not result in a stormwater *discharge* at some facilities), or if the *owner or operator* is able to document that less than a 72 hour interval is representative for local storm events during the sampling period.

   The grab sample must be taken during the first 30 minutes (or as soon thereafter as practical, but not to exceed one [1] hour) of the *discharge*. If the sampled *discharge* commingles with non-stormwater water, the *owner or operator* must attempt to sample the stormwater *discharge* before it mixes.
2. If results of analysis exceed the action level, the permittee must:

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• Evaluate the facility for potential sources of stormwater contamination and take corrective actions as necessary to remedy any identified problems.
• Update the Best Management Practices (BMP) plan to prevent recurrence.
• Resample the outfall where the exceedance occurred during the next qualifying storm event following the implementation of corrective actions. Resampling is in addition to the semi-annual sampling. Resampling and semi-annual sampling may not occur during the same storm event.

3. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.
4. Sample must be taken within one hour of the start of discharge from the detention basin.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
005	Stormwater Runoff from new salt storage pad	Hudson River	Construction Completion	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	1
pH	Daily Minimum	6.0	SU			Monthly	Grab		X	1
	Daily Maximum	9.0	SU							1
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	-	-	Monthly	Select		X	1, 3
Total Suspended Solids (TSS)	7-Day Average	Monitor	mg/L	-	-	Monthly	Select		X	1, 3
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	Monthly	Grab		X	1
Total Dissolved Solids	Daily Maximum	38000	mg/L	-	-	Monthly	Grab		x	1
Cyanide, Free	Daily Maximum	400	ug/L	-	-	Monthly	Grab		X	1

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
006	Stormwater runoff from metals storage area and salt transport activities	Hudson River	Construction Completion	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Semi-Annual	Estimate		X	1
pH	Daily Minimum	6.0	SU			Semi-Annual	Grab		X	1
	Daily Maximum	9.0	SU							1
Oil and Grease	Daily Maximum	15	mg/L			Semi-Annual	Grab		X	1

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PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Total Mercury	Daily Maximum	35	ng/L			Semi-Annual	Grab		X	1
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Total Suspended Solids (TSS)	Monthly Average	100	mg/L			Semi-Annual	Grab		X	1, 2
Chemical Oxygen Demand	Daily Maximum	120	mg/L			Semi-Annual	Grab		X	1, 2
Chromium, Total	Daily Maximum	1800	µg/L			Semi-Annual	Grab		X	1, 2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	1, 2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	1, 2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	1, 2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	1, 2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	1, 2

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
007	Stormwater runoff from peddler area, metals storage, and salt transport activity	Normans Kill Creek	Construction Completion	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Semi-Annual	Estimate		X	1
pH	Daily Minimum	6.0	SU			Quarterly	Grab		X	1
	Daily Maximum	9.0	SU							1
Oil and Grease	Daily Maximum	15	mg/L			Semi-Annual	Grab		X	1
Total Mercury	Daily Maximum	35	ng/L			Semi-Annual	Grab		X	1
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1

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PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Total Suspended Solids (TSS)	Monthly Average	100	mg/L			Semi-Annual	Grab		X	1, 2
Chemical Oxygen Demand	Daily Maximum	120	mg/L			Semi-Annual	Grab		X	1, 2
Chromium, Total	Daily Maximum	1800	µg/L			Semi-Annual	Grab		X	1, 2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	1, 2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	1, 2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	1, 2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	1, 2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	1, 2

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
008	Discharge from scrap metal storage pad		Construction Completion	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Semi-Annual	Estimate		X	1
pH	Daily Minimum	6.0	SU			Quarterly	Grab		X	1
	Daily Maximum	9.0	SU							1
Oil and Grease	Daily Maximum	15	mg/L			Semi-Annual	Grab		X	1
Total Mercury	Daily Maximum	35	ng/L			Semi-Annual	Grab		X	1
Total Dissolved Solids	Daily Maximum	Monitor	mg/L			Semi-Annual	Grab		X	1
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Total Suspended Solids (TSS)	Monthly Average	100	mg/L			Semi-Annual	Grab		X	1, 2
Chemical Oxygen Demand	Daily Maximum	120	mg/L			Semi-Annual	Grab		X	1, 2

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PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Chromium, Total	Daily Maximum	1800	µg/L			Semi-Annual	Grab		X	1, 2
Copper, Total	Daily Maximum	12	µg/L			Semi-Annual	Grab		X	1, 2
Lead, Total	Daily Maximum	69	µg/L			Semi-Annual	Grab		X	1, 2
Zinc, Total	Daily Maximum	110	µg/L			Semi-Annual	Grab		X	1, 2
Iron, Total	Daily Maximum	1000	µg/L			Semi-Annual	Grab		X	1, 2
Aluminum, Total	Daily Maximum	750	µg/L			Semi-Annual	Grab		X	1, 2

FOOTNOTES:

1. Stormwater Monitoring: Samples from each outfall must be collected during the first hour of the discharge resulting from a qualifying storm event. A qualifying storm event is a storm with at least 0.1 inch of precipitation (measurable event), provided the interval from the preceding measurable event is at least 72 hours. The 72-hour interval is waived if the preceding measurable event did not result in a stormwater discharge.

2. If results of analysis exceed the action level, the permittee must:

   • Evaluate the facility for potential sources of stormwater contamination and take corrective actions as necessary to remedy any identified problems.

   • Update the Best Management Practices (BMP) plan to prevent recurrence.

   • Resample the outfall where the exceedance occurred during the next qualifying storm event following the implementation of corrective actions. Resampling is in addition to the semi-annual sampling. Resampling and semi-annual sampling may not occur during the same storm event.

3. At the completion of the short-term monitoring program, the permit may be modified to update the requirements for Total Suspended Solids.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility cannot obtain coverage under the current Multi-Sector General Permit (MSGP) (GP-0-23-001). However, the permit includes select requirements consistent with the MSGP.

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BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.

2. **Compliance Deadlines** –. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in the SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.

   13 Minimum BMPs: Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

   1. BMP Pollution Prevention Team
   2. Reporting of BMP Incidents
   3. Risk Identification & Assessment
   4. Employee Training
   5. Inspections and Records
   6. Security
   7. Preventive Maintenance
   8. Good Housekeeping
   9. Materials/Waste Handling, Storage, & Compatibility
   10. Spill Prevention & Response
   11. Erosion & Sediment Control
   12. Management of Runoff
   13. Street Sweeping

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BMPs FOR INDUSTRIAL FACILITIES (continued)

4. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater from Construction Activity to Surface Waters -** A SWPPP shall be developed prior to commencing any construction activity that will result in soil disturbance of one or more acres of uncontaminated area[1]. (Note: the disturbance threshold is 5000 SF in the New York City East of Hudson Watershed). The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual.* The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall be maintained on-site and submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of the NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges. SWPPPs must be developed for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.

5. **Required Sampling For "Hot Spot" Identification** - Development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater or stormwater collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal, isolation, or B.A.T. treatment of wastewaters emanating from the segment.

6. **Facilities with Petroleum or Chemical Bulk Storage (PBS and CBS) Areas** - Compliance must be maintained with all applicable regulations including those involving releases, registration, handling and storage (6 NYCRR 595-599 and 612-614). Stormwater discharges from handling and storage areas should be eliminated where practical.

   A. Spill Cleanup - All spilled or leaked substances must be removed from secondary containment systems as soon as practical and for CBS storage areas within 24 hours, unless written authorization is received from the DEC. The containment system must be thoroughly cleaned to remove any residual contamination which could cause contamination of stormwater and the resulting discharge of pollutants to waters of the State. Following spill cleanup the affected area must be completely flushed with clean water three times and the water removed after each flushing for proper disposal in an on-site or off-site wastewater treatment plant designed to treat such water and permitted to discharge such wastewater. Alternately, the permittee may test the first batch of stormwater following the spill cleanup to determine discharge acceptability. If the water contains no pollutants at concentrations above the applicable effluent limits or Action Levels it may be discharged. Otherwise it must be disposed of as noted above. See *Discharge Monitoring* below for the list of parameters to be sampled for.

   B. Discharge Operation - Stormwater must be removed before it compromises the required containment system capacity. Each discharge may only proceed with the prior approval of the permittee staff person responsible for ensuring SPDES permit compliance. Bulk storage secondary containment drainage systems must be locked in a closed position except when the operator is in the process of draining accumulated stormwater. Transfer area secondary containment drainage systems must be locked in a closed position during all transfers to or from these systems and must not be reopened unless the transfer area is clean of contaminants. Stormwater discharges from secondary containment systems should be avoided during periods of precipitation. A logbook shall be maintained on site noting the date, time and personnel supervising each discharge.

[1] Uncontaminated area means soils which are free of contamination by any toxic or non-conventional pollutants identified in the tables of SPDES Application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges.

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BMPs FOR INDUSTRIAL FACILITIES (continued)

C. Discharge Screening - Prior to each discharge from a secondary containment system the stormwater must be screened for contamination*. All stormwater must be inspected for visible evidence of contamination. Additional screening methods shall be developed by the permittee as part of the overall BMP Plan, e.g. the use of volatile gas meters to detect the presence of gross levels of gasoline or volatile organic compounds. If the screening indicates contamination, the permittee must collect and analyze a representative sample** of the stormwater. If the water contains no pollutants at concentrations above the applicable effluent limits or Action Levels it may be discharged. Otherwise it must either be disposed of in an onsite or off site wastewater treatment plant designed to treat and permitted to discharge such wastewater or the Regional Water Engineer can be contacted to determine if it may be discharged without treatment.

D. Discharge Monitoring - Unless the discharge from any bulk storage containment system outlet is identified in the SPDES permit as an outfall with explicit effluent and monitoring requirements, the permittee shall monitor the outlet as follows:

(i) *Bulk Storage Secondary Containment Systems:*

(a) The volume of each discharge from each outlet must be monitored. Discharge volume may be calculated by measuring the depth of water within the containment area times the wetted area converted to gallons or by other suitable methods. A representative sample shall be collected of the first discharge* following any cleaned up spill or leak. The sample must be analyzed for pH, the substance(s) stored within the containment area and any other pollutants the permittee knows or has reason to believe are present**.

(b) Every fourth discharge* from each outlet must be sampled for pH, the substance(s) stored within the containment area and any other pollutants the permittee knows or has reason to believe are present.**

(ii) *Transfer Area Secondary Containment Systems:*

The first discharge* following any spill or leak must be sampled for flow, pH, the substance(s) transferred in that area and any other pollutants the permittee knows or has reason to believe are present**.

E. Discharge Reporting - Any results of monitoring required above, excluding screening data, must be submitted to the Department by appending them to the corresponding DMR. Failure to perform the required discharge monitoring and reporting shall constitute a violation of the terms of the SPDES permit.

F. Prohibited Discharges - **In all cases, any discharge which contains a visible sheen, foam, or odor, or may cause or contribute to a violation of water quality is prohibited.** The following discharges are prohibited unless specifically authorized elsewhere in this SPDES permit: spills or leaks, tank bottoms, maintenance wastewaters, wash waters where detergents or other chemicals have been used, tank hydrotest and ballast waters, contained firefighting runoff, fire training water contaminated by contact with pollutants or containing foam or fire retardant additives, and unnecessary discharges of water or wastewater into secondary containment systems.

* Discharge includes stormwater discharges and snow and ice removal. If applicable, a representative sample of snow and/or ice should be collected and allowed to melt prior to assessment.

** If the stored substance is gasoline or aviation fuel then sample for oil & grease, benzene, ethylbenzene, naphthalene, toluene and total xylenes. If the stored substance is kerosene, diesel fuel, fuel oil, or lubricating oil then sample for oil & grease and polynuclear aromatic hydrocarbons (PAHs). The analytical methods selected for monitoring the stored substances are to be the most sensitive in detecting and quantifying the target analytes as approved under 40 CFR Part 136 and in compliance with NYSDOH ELAP certified methods or as directed by the Department. If the substance(s) are listed in the tables of SPDES Application Form NY-2C then sampling is required. Contact the facility inspector for further guidance. In all cases flow and pH monitoring is required.

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MERCURY MINIMIZATION PROGRAM (MMP) - Type III

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 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[2]. 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. Plant Influent and Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.
      ii. *Key Locations* and *Potential Mercury Sources* –The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least annually.
      iii. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).

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

MERCURY MINIMIZATION PROGRAM (MMP) – Type III (Continued)

b. Control Strategy - The control strategy must contain the following minimum elements:
   i. Monitoring and Inventory/Inspections
      1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must 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) *Potential mercury sources*
            1. The permittee must maintain an inventory of *potential mercury sources.*
            2. The permittee must inspect *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program[3] 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.i.2)a) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.
   ii. 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.
   iii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

c. **Status Report - An annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
   i. All MMP monitoring results for the previous reporting period;
   ii. A list of known and *potential mercury sources*
      1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the DEC for a permittee-initiated modification;
   iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
   iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
   v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

   The permittee must maintain a file with all MMP documentation. The file must be available for review by DEC 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 increase the potential for mercury discharges;
   b. Effluent discharges exceed the current permit limitation(s); or
   c. A letter from the DEC identifies inadequacies in the MMP.

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

DEFINITIONS:

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

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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.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date[4]
	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification[5] to the DEC (send to the Regional Water Engineer and NetDMR@dec.ny.gov) that the disposal system has been fully completed in accordance with the Design Documents.	EDP + 36 Months
	COMMENCE OPERATION Following receipt of DEC acceptance of the Construction Completion Certification, the permittee shall comply with the final effluent limitation(s) described in this permit for *Total Dissolved Solids, Free Cyanide and Total Cyanide*.	Upon Department Acceptance
Unless noted otherwise, the above actions are one-time requirements.		

SCHEDULE OF COMPLIANCE – Interim Effluent Limits

Outfall	Expiring
001	Construction Completion

Parameter	Interim Effluent Limit					Monitoring Requirements				Notes
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow		Monitor	MGD			Continuous	Recorder		X	1
Total Dissolved Solids	Daily Maximum	213000	mg/L	-	-	Monthly	Grab		X	1
Cyanide, Free	Daily Maximum	876	µg/L	-	-	Monthly	Grab		X	1
Cyanide, Total	Daily Maximum	12900	µg/L	-	-	Monthly	Grab		X	1

Notes:

1. Sample must be taken within one hour of the start of discharge from the detention basin.

b) The permittee shall submit a Report of Non-compliance Event form with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All notifications shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. Any details which tend to explain or mitigate an instance of non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

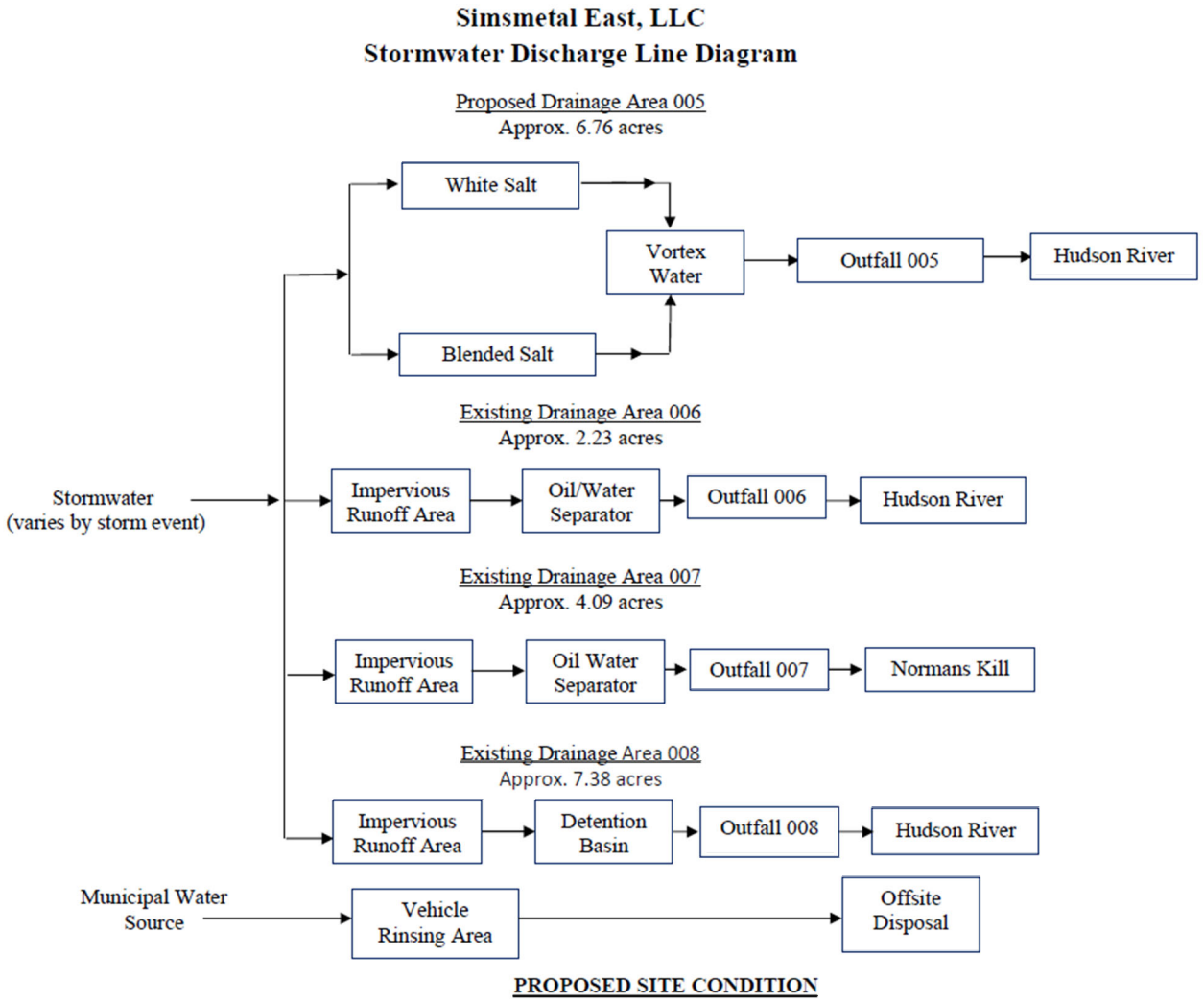
c) The permittee shall submit copies of any document required by the above schedule of compliance to the DEC Regional Water Engineer and to the Bureau of Water Permits.

[4] 6 NYCRR 750-1.14 (a)
[5] 6 NYCRR 750-2.10 (c)

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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:



GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

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

D. Monitoring and Records

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

E. Reporting Requirements

1.	Reporting requirements for non-POTWs	6 NYCRR 750-2.5, 2.6, 2.7, &1.17
2.	Anticipated noncompliance	6 NYCRR 750-2.7(a)
3.	Transfers	6 NYCRR 750-1.17
4.	Monitoring reports	6 NYCRR 750-2.5(e)
5.	Compliance schedules	6 NYCRR 750-1.14(d)
6.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR 750-2.7(e)
8.	Other information	6 NYCRR 750-2.1(f)

F. Sludge Management

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

G. SPDES Permit Program Fee

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

H. Water Treatment Chemicals (WTCs)

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at: How To Complete And Submit Discharge Monitoring Reports (DMRs) - NYSDEC. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

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
Email: spdesapp@dec.ny.gov
Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 4
1130 North Westcott Road, Schenectady, New York, 12306-2014
Email: dow.r4@dec.ny.gov
Phone: (518) 357-2045

D. 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:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
005	EMERGING CONTAMINANT SHORT-TERM MONITORING The permittee shall collect grab samples of the effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) utilizing EPA draft analytical method 1633 and 1,4-Dioxane (1,4-D) utilizing EPA Method 8270D SIM or 8270E SIM. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a monthly basis for at least 3 consecutive months. The results shall be reported through the "Emerging Contaminants Survey for Industrial Facilities" found at: Emerging Contaminants In NY's Waters - NYSDEC. The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for Industrial Facilities" available at the above link. The DEC may periodically request updates or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.	Commence Operation + 6 months Within 90 days of DEC written notification

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Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
005	Total Suspended Solids Short Term Monitoring The permittee shall collect samples representative of normal discharge conditions and treatment operations over a 12-month period for the identified parameter. The permittee shall use approved EPA analytical method with the lowest possible detection limit as promulgated under 40 CFR Part 136 for the determination of the concentrations of parameters listed. Influent and Effluent data shall be collected to determine the efficiency of the proposed treatment system. The permittee shall submit a summary of the results. At the completion of the short-term monitoring program, the permit may be modified to update the requirements for Total Suspended Solids.	Commence Operation + 14 months
005	MERCURY - CONDITIONAL EXCLUSION CERTIFICATION The permitted shall submit a Mercury Conditional Exclusion certification along with a sample representative of normal discharge conditions. Following submittal of the certification, the permit may be modified to update the requirements for Mercury.	***Commence Operation + 6 months*** ***Every 5 years thereafter if sample is <12 ng/L***
006, 007, 008	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*** Commence Operation + 12 months, annually thereafter

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

E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.

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

H. 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.

I. 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
Simsmetal East, LLC
Simsmetal East – Port of Albany
NY0260738

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NEW YORK STATE | Department of Environmental Conservation

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Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Simsmetal East – Port of Albany. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Added new outfall (005) from new salt storage pad.
- Updated outfall numbers (001->008, 002->006, 003->007) to reflect new characterization of drainage areas.
- Added requirement for emerging contaminant short term monitoring
- Added requirement for Total Suspended Solids short term monitoring

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

Administrative History

12/1/2017 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 11/30/2022. The 2017 permit has formed the basis of this permit.

11/30/2022 The current permit was allowed to stay in effect pursuant to SAPA[1].

8/1/2025 Simsmetal East, LLC submitted a full NY-2C application along with a request to modify the permit to add a new outfall and recharacterize others.

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

Facility Information

This is an industrial facility (SIC code(s) 5093, 5169) that stores salt and scrap metal. Effluent consists of treated and untreated stormwater from salt and scrap metal storage areas. The current treatment system was constructed to provide treatment for salt and metal scrap storage stormwater runoff and includes the following treatment units:

- Settling basin for runoff from salt storage area.
- Physical filters for runoff from metals storage areas.

The facility is planning the following upgrades/improvements:

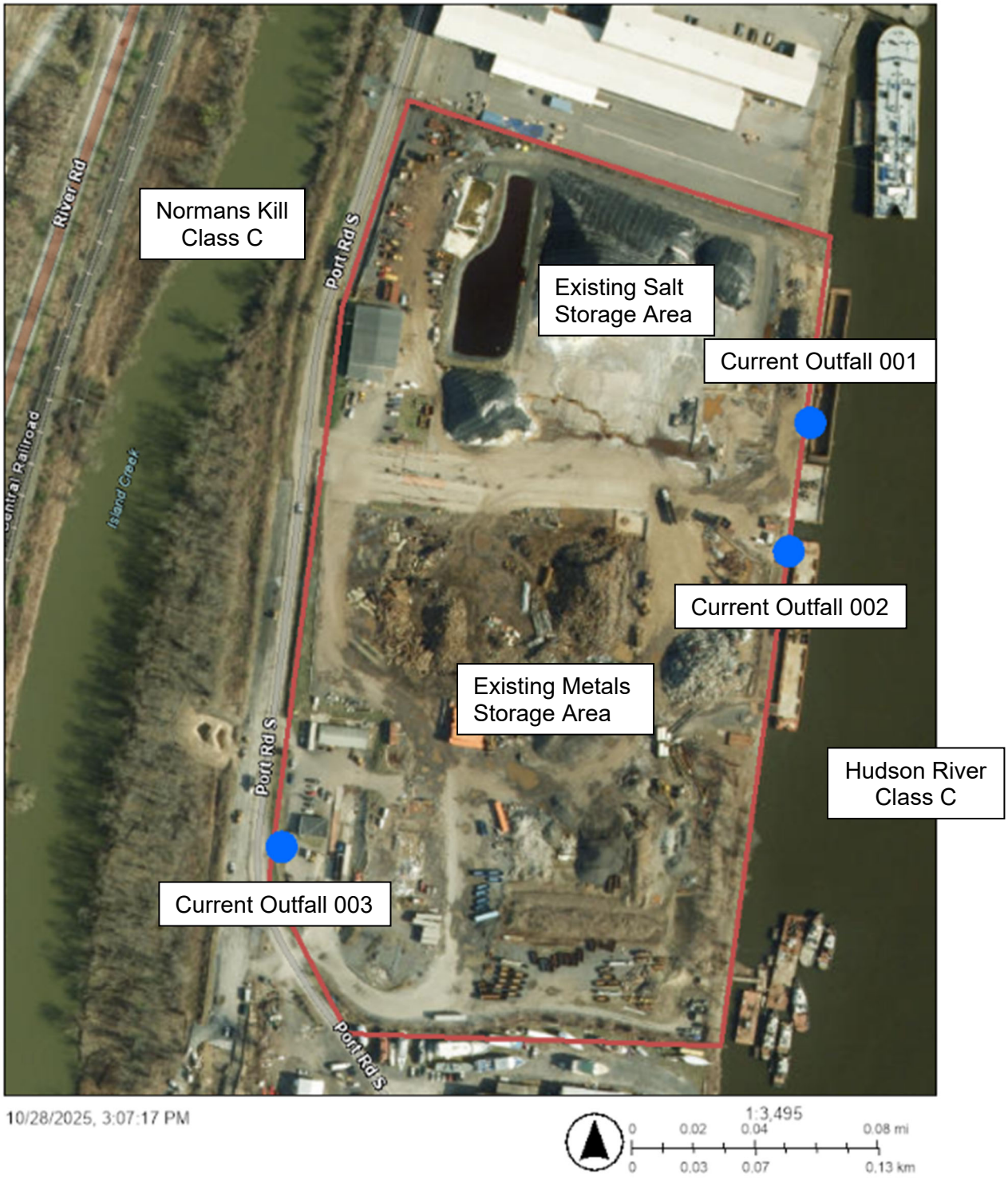
- Create new salt storage pad in the current metals storage area.
- Construct new outfall and install new treatment system for salt storage area.
- Move existing scrap metal storage to the old salt storage pad.

All outfalls will be renamed as the characterization of the respective drainage areas are changing.

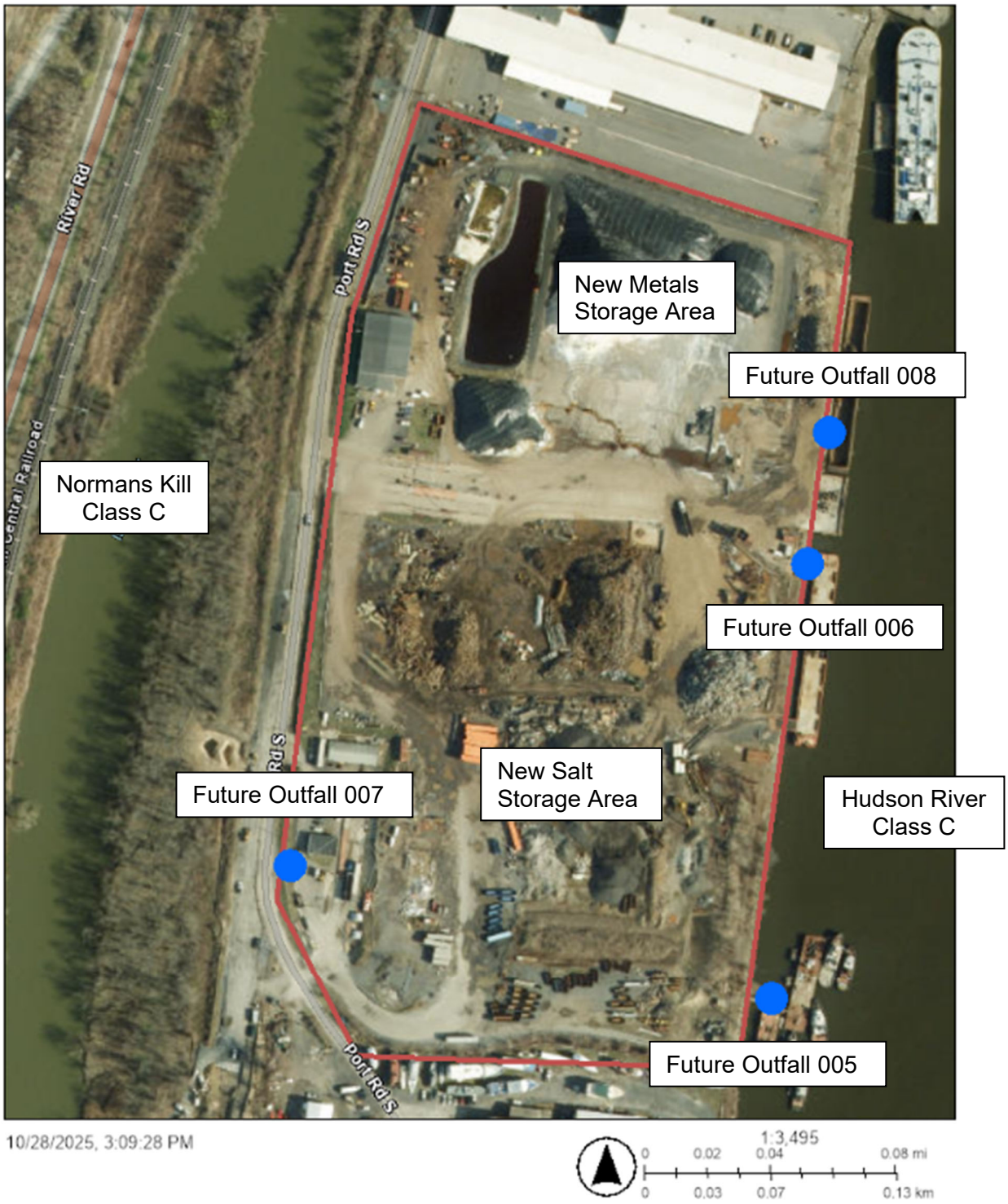
[1] State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(*l*)

Site Overview

Existing Facility



Proposed Facility



Enforcement History

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

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period 2/29/2020 to 12/31/2025.

Receiving Water Information

The facility currently discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	5169, 5093	Stormwater runoff from salt storage and recycled metal scraps and piles – Removed from permit	Hudson River, Class C
002	5169, 5093	Stormwater runoff from recycled metal scraps and piles and salt transport activity – Removed from permit	Hudson River, Class C
003	5169, 5093	Stormwater runoff from public recycling area and salt transport activity – Removed from Permit	Normans Kill Creek
005	5169	New outfall, stormwater runoff from new salt storage pad	Hudson River, Class C
006	5169, 5093	Previously Outfall 002, stormwater runoff from recycled metal scraps and piles and salt transport activity	Hudson River, Class C
007	5169, 5093	Previously Outfall 003, stormwater runoff from public recycling area and salt transport activity	Normans Kill Creek
008	5169, 5093	Previously Outfall 001, stormwater runoff from metal scraps storage pad	Hudson River, Class C

Reach Description: The Hudson River estuary flows to the Atlantic Ocean. This section is Class C (6NYCRR H-221-4 (portion 1).

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ArcGIS Web Map



12/19/2025, 1:26:23 PM

SPDES

RIBS Sampling Sites

River or Stream

World_Hillshade

1:6,786

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Ciccarelli

Impaired Waterbody Information

The Hudson River segment (PWL No. 1301-0002) was first listed on the 1998 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to PCBs from historic industrial activity. The segment continues to be listed as of the 2020/2022 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data & Mixing Zone

Consistent with TOGS 1.3.1, the outfall information submitted in the NY-2C application and the detailed mixing zone form was used to develop a mixing zone model to establish dilution ratios for the water quality analysis. The model showed the mixing is influenced by the density of the effluent. The plume sinks to the floor of the riverbed before spreading downstream.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
005	18.2:1	76.1:1	76.1:1	CORMIX
006	5:1	5:1	5:1	Bank Discharge BPJ
007	5:1	5:1	5:1	Bank Discharge BPJ
008	5:1	5:1	5:1	Bank Discharge BPJ

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

Permit Requirements

The technology based effluent limitations (TBELs), water quality-based effluent limitations (WQBELs), Existing Effluent Quality and a discussion of the selected effluent limitation for each pollutant present in the discharge are provided in the Pollutant Summary Table.

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT), and New Source Performance Standards (NSPS) limitations are based on Effluent Limitation Guidelines developed by USEPA for specific industries[2]. For this facility there are no promulgated effluent guidelines. Appendix Link

Whole Effluent Toxicity (WET) Testing

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

[2] As promulgated under 40 CFR Parts 405 - 471

Anti-backsliding

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

Appendix Link

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[3] determination. Appendix Link

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. This requirement is being continued from the previous permit.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is new.

Best Management Practices (BMPs) for Industrial Facilities

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

Stormwater Pollution Prevention Requirements

The facility discharges stormwater associated with industrial activity and requires SPDES permit coverage under 40 CFR 122.26(a)(6).

> Due to the known presence of mercury in all existing outfalls (future 006, 007, 008), stormwater discharges at this facility require coverage under an individual SPDES permit and cannot obtain coverage under the current Multi-Sector General Permit (MSGP) (GP-0-23-001). However, the permit includes select requirements consistent with the MSGP. This requirement is being continued from the previous permit.

Mercury[4]

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

The facility is not located in the Great Lakes basin and is an industrial facility. Consistent with DOW 1.3.10, the permit includes requirements for the implementation of MMP Type III.

The permittee will submit a Mercury Conditional Exclusion Certification to establish mercury levels at outfall 005 post-construction. The permit may be modified as a result.

Based on data collected as part of the application, the facility is expected to meet the new daily max permit limit of 35 ng/L (with monthly sampling frequency). The limit represents the general

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

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level currently achievable (GLCA) and the data collected will be used to establish an additional 12-month rolling average effluent limit during the next permit review.

A mercury minimization program consisting of the following is also required:

- Additional monitoring of key locations, as defined in the MMP
- Control strategy for implementation of the MMP
- Annual status report (maintained onsite)

Schedule of Compliance

A Schedule of Compliance is being included[5] for the following items (Appendix Link):

- Construction at the site to add a new salt storage pad and outfall.

Emerging Contaminant Monitoring

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 product as well as in manufacturing processes for decades. These contaminants 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. For more information on emerging contaminants, please see the DEC Division of Water web page: Emerging Contaminants In NY's Waters - NYSDEC.

Required Sampling: Pursuant to 6 NYCRR Part 750-1.13(b), the permit includes a short-term monitoring program listed in the Schedule of Additional Submittals to evaluate the influent and effluent discharge levels of Per-and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane. This monitoring program is consistent with guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

The DEC will review the monitoring results and pursuant to 6 NYCRR 750-2.1(i) may notify the permittee of the need for further monitoring to identify potential sources as specified in the Emerging Contaminants Investigation Checklist for Industrial Facilities to determine whether cause exists to modify the permit to incorporate a pollutant minimization program per 6 NYCRR 750-1.14(f).

The DEC will consider this information and progress made to track down and reduce or eliminate the source of the identified pollutants in determining if a permit modification is needed.

Schedule of Additional Submittals

A schedule of additional submittals has been included for the following (Appendix Link):

- Emerging Contaminant Short Term Monitoring
- Total Suspended Solids Short Term Monitoring
- Mercury Conditional Exclusion Certification

[5] Pursuant to 6 NYCRR 750-1.14

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
005 (New)	42° 36' 34.03"N,	73° 45' 45.51"W	Hudson River	C	H (portion 5) PWL: 1301-0002	13/01	83.2[6]	-	-	-	0.158	18.2 :1	76.1 :1	76.1: 1
006 (Prev. 002)	42° 36' 41.95"N	73° 45' 44.75"W	Hudson River	C	H (portion 5) PWL: 1301-0002	13/01	83.2[6]	-	-	-	-	5:1	5:1	5:1
007 (Prev. 003)	42° 36' 36.37"N	73° 45' 56.60"W	Normans Kill Creek	C	H-221-4 (portion 1) / 1311-0010	13/11	138[7]	-	-	-	-	5:1	5:1	5:1
008 (Prev. 001)	42° 36' 44.10"N	73° 45' 44.20"W	Hudson River	C	H (portion 5) PWL: 1301-0002	13/01	83.2[6]	-	-	-	-	5:1	5:1	5:1

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[6] Ambient hardness was calculated from RIBs station RIBS 13-LHUD-130.6, located ~0.6 miles North, using 20 samples collected from 2017 - 2022.
[7] Ambient hardness was established from a 2025 analysis of median watershed specific data collected by DEC.

POLLUTANT SUMMARY TABLE

Outfall 005

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Flow	MGD	MO AVG	-	-	-	-	0.158	Design Flow	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor	Monitor
Flow will continue to be monitored for informational purposes and to calculate pollutant loadings. Design flow is set at the Water Quality Volume (WQV). WQV accounts for 90% of all storm events and is the minimum volume that must be treated prior to discharge.																	
pH	SU	Minimum	-	6.50	18	0	6.0	TOGS 1.2.1	7.9	-	6.5 - 8.5	Range	-	703.3	-	6.0 - 9.0	TBEL
pH	SU	Maximum	-	8.82	18	0	9.0										
pH was reported as representative data from another facility. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS. Ambient pH is based on 4 samples collected from 4/2021 - 10/2021 at 13-LHUD-130.6 located approximately 0.6 miles North of the facility.																	
5-Day Biochemical Oxygen Demand (BOD5)	mg/L	DAILY MX	-	351	18	0	-	-	-	-			-	703.3	-	-	No limitation
	mg/L	MO AVG	-	76	18	0	-	-					-			-	
BOD5 was reported as representative data from another facility. No limitation or monitoring is required.																	
Chemical Oxygen Demand	mg/L	DAILY MX	-	1300	5	0	-	-	-	-	-	-	-	-	-	-	No limitation

COD was reported as representative data from another facility. There is no water quality standard for COD. No limitation or monitoring is required.																	
Total Suspended Solids (TSS)	mg/L	DAILY MX	-	820	19	0	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	-	STHIM
	mg/L	7D Average	-	194	19	0	-	-								-	
A Short-Term High Intensity Monitoring program will be included for Total Suspended Solids to assess the performance of the new hydrodynamic seperator treatment unit. At the conclusion of the program, the permit may be modified to add a limit for Total Suspended Solids.																	
Settleable Solids	mL/L	DAILY MX	-	-	-	-	0.1	TOGS 1.2.1	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.3	-	0.1	TBEL
Consistent with TOGS 1.2.1 Attachment C, the TBEL is reflective of the treatment technology and is protective of the WQS.																	
Total Mercury	ng/L	DAILY MX	-	-	-	-	-	-	-	-	0.7	H(FC)	-	GLCA	-	-	DOW 1.3.10
See Mercury Section of this fact sheet.																	
Total Dissolved Solids	mg/L	DAILY MX	-	164000	12	0	-	-	-	3448	500	A(C)	38000	703.3	-	38000	WQBEL
Total Dissolved Solids was reported as representative data from another facility. A limit equal to the WQBEL of 38000 mg/L will be applied.																	

Outfall 005

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Cyanide, Total	ug/L	DAILY MX	-	82	2	0	-	-	-	4.09	-	-	No Reasonable Potential	-	-	-	No limitation
There is no reasonable potential for Total Cyanide to violate the Water Quality Standard. Because this is a new outfall, removal of this limit from the previous salt storage runoff outfall does not constitute backsliding.																	
Chloride, Total	ug/L	DAILY MX	-	95300	19	0	-	-	-	1753	-	-	No Reasonable Potential	-	-	-	No limitation
There is no standard or guidance value for Total Chloride in Class C waters. No limitation or monitoring is required.																	
Cyanide, Free	ug/L	DAILY MX	-	600	12	0	-	-	-	12.61	5.2	A(C)	396	703.5	-	400	WQBEL
Free cyanide was reported as representative data from another facility. The data showed reasonable potential to violate the water quality standard. A limit of 400 as a daily maximum will be included in the permit.																	

Outfall 006

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Flow	gal/d	DAILY MX	Monitor	21621.57 Actual Average	7	3	-		Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor	Design Flow
Flow will continue to be monitored for informational purposes and to calculate pollutant loadings																	

pH	SU	Minimum	6	6.8 Actual Min	19	0	6.0	40 CFR 133.102		-	6.5 - 8.5	Range	-	703.3	-	6.0 - 9.0	
pH	SU	Maximum	9	7.9 Actual Max	19	0	9.0										
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.																	
Total Suspended Solids (TSS)	mg/L	DAILY MX	100	31	8	2	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	100	Action Level
An action level of 100 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Total Mercury	ng/L	DAILY MX	50	77	19	0	-	-	-	-	0.7	H(FC)		GLCA	-	35	DOW 1.3.10
See Mercury Section of this fact sheet.																	
Oil & Grease	mg/L	DAILY MX	15	ND	0	9	15	TOGS 1.2.1	-	-	-	-	-	-	-	15	TBEL
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.																	
Total Dissolved Solids	mg/L	DAILY MX	Monitor	3135	10	0	-	-	-	-	-	-	-	703.3	-		Monitor
Total Dissolved solids will be monitored to track export from salt transport activities.																	
Chemical Oxygen Demand	mg/L	DAILY MX	120	79	8	0	-	-	-	-	-	-	-	-	-	120	Action Level
An action level of 100 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Action Level	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Action Level	Basis for Permit Requirement
Chromium, Total [as Cr]	ug/L	DAILY MX	1800	ND	0	11	-	-	-	-	64	A(C)	371	703.5		1800	Action Level
An action level of 1800 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Copper, Total [as Cu]	ug/L	DAILY MX	12	63	5	4	-	-	-	-	8	A(C)	69	703.5		12	Action Level
An action level of 12 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Lead, Total [as Pb]	ug/L	DAILY MX	69	95	4	5	-	-	-	-	3.1	A(C)	39	703.5		69	Action Level
An action level of 69 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Zinc, Total [as Zn]	ug/L	DAILY MX	110	564	10	0	-	-	-	-	71	A(C)	707	703.5		110	Action Level
An action level of 110 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Iron, total [as Fe]	ug/L	DAILY MX	1000	3337	10	0	-	-	-	-	-	-	-	703.5		1000	Action Level
An action level of 1000 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Aluminum, total [as Al]	ug/L	DAILY MX	750	1010	4	6	-	-	-	-	-	-	-	703.5		750	Action Level
An action level of 750 ug/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Chloride [as Cl]	mg/L	DAILY MX	Monitor	1761	9	1	-	-	-	-	-	-	-	-		-	Discontinued
Chloride will no longer be monitored at this outfall. Removal of monitor only requirements does not constitute backsliding.																	
Phenols, Total	ug/L	DAILY MX	-	4.00	-	-	-	-	-	4.96	-	-	No Reasonable Potential	703.5		-	No limitation
Total Phenols was reported as part of the NY-2C application. There is no reasonable potential to violate the water quality standard. No limitation or monitoring is required.																	

Outfall 007

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Flow	gal/d	DAILY MX	Monitor	14214.75 Actual Average	8	2	Monitor	750-1.13	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor	Monitor
Flow will be monitored for informational purposes and to calculate pollutant loadings																	
pH	SU	Minimum	6	6.8 Actual Min	10	0	6.0	TOGS 1.2.1		-	6.5 - 8.5	Range	-	703.3	-	6.0-9.0	TBEL
pH	SU	Maximum	9	8.4 Actual Max	10	0	9.0										
There has been 1 violation for maximum pH in the last 5 years. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.																	
Total Suspended Solids (TSS)	mg/L	DAILY MX	100	163	10	0	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	100	Action Level
An action level of 100 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Total Mercury	ng/L	DAILY MX	50	26.59	7	0	-	-	-	-	0.7	H(FC)		GLCA	-	-	DOW 1.3.10

See Mercury Section of this fact sheet.																	
Total Dissolved Solids	mg/L	DAILY MX	Monitor	2644	10	0	-	-	-	-				703.3	-	Monitor	Monitor
Total Dissolved solids will be monitored to track export from salt transport activities.																	
Chemical Oxygen Demand	mg/L	DAILY MX	120	329	9	0	-	-	-	-				-	-	120	Action Level
An action level of 120 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Oil & Grease	mg/L	DAILY MX	15	ND	0	9	15	TOGS 1.2.1	-	-				-	-	15	TBEL
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.																	

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Copper, Total [as Cu]	ug/L	DAILY MX	12	75	9	1	-	-	-	-	3	A(C)	25			12	Action Level
An action level of 12 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	

Lead, Total [as Pb]	ug/L	DAILY MX	69	59	7	3	-	-	-	-	0.8	A(C)	10			69	Action Level
An action level of 69 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Zinc, Total [as Zn]	ug/L	DAILY MX	110	344	10	0	-	-	-	-	25	A(C)	254			110	Action Level
An action level of 110 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Iron, total [as Fe]	ug/L	DAILY MX	1000	3903	10	0	-	-	-	-	-	-	-			1000	Action Level
An action level of 1000 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Phenols, Total	ug/L	MO AVG	-	7	-	-	-	-	-	8.68	-	-	No Reasonable Potential			-	
Total Phenols was reported as part of the NY-2C application. There is no reasonable potential to violate the water quality standard. No limitation or monitoring is required.																	

Outfall 008

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Permit Limit	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Flow	gal/d	DAILY MX	Monitor	14214.75 Actual Average	8	2	-		Narrative: No alterations that will impair the waters for their best usages.					703.2	-	-	Monitor
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. Flow will continue to be monitored for informational purposes and to calculate pollutant loadings																	
pH	SU	Minimum	6	6.8 Actual Min	10	0	6.0	40 CFR 133.102		-	6.5 - 8.5	Range	-	703.3	-	6.0 - 9.0	TBEL

pH	SU	Maximum	9	8.4 Actual Max	10	0	9.0										
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.																	
Total Suspended Solids (TSS)	mg/L	DAILY MX	100	163	10	0	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			703.2	-	100	Action Level
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. An action level of 100 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Total Mercury	ng/L	DAILY MX	50	112.75	8	1	-	-	-	-	0.7	H(FC)		GLCA	-	35	DOW 1.3.10
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. See Mercury Section of this fact sheet.																	
Oil & Grease	mg/L	DAILY MX	15	ND	0	9	15	TOGS 1.2.1	-	-	-	-	-	-	-	15	TBEL
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.																	
Total Dissolved Solids	mg/L	DAILY MX	Monitor	2644	10	0	-	-	-	-	-	-	-	-	-		Monitor
Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. Total Dissolved solids will be monitored to track export from salt transport activities.																	
Chemical Oxygen Demand	mg/L	DAILY MX	120	329	9	0	-	-	-	-	-	-	-	-	-		Action Level

Existing effluent quality is data from an outfall representative of scrap metal storage, Outfall 003. An action level of 120 mg/L will remain for this outfall. This is consistent with requirements from the MSGP.

			Existing Discharge Data				TBELs		Water Quality Data and WQBELS								
Effluent Parameter	Units	Averaging Period	Current Action Level	Existing Effluent Quality	# Detects	# Nondetects	Limit	Basis	Ambient Background Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL	ML	Permit Limit	Basis for Permit Requirement
Copper, Total [as Cu]	ug/L	DAILY MX	12	75	9	1	-	-	-	-	8	A(C)	69	703.5		12	Action Level
An action level of 12 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Lead, Total [as Pb]	ug/L	DAILY MX	69	59	7	3	-	-	-	-	3.1	A(C)	39	703.5		69	Action Level
An action level of 69 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Zinc, Total [as Zn]	ug/L	DAILY MX	110	344	10	0	-	-	-	-	71	A(C)	707	703.5		110	Action Level
An action level of 110 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Iron, total [as Fe]	ug/L	DAILY MX	1000	3903.10	10	0	-	-	-	-	-	-	-	-		1000	Action Level
An action level of 1000 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Aluminum, total [as Al]	ug/L	DAILY MX	750	1421.34	9	0	-	-	-	-	-	-	-	-		750	Action Level
An action level of 750 µg/L will remain for this outfall. This is consistent with requirements from the MSGP.																	
Phenols, Total	ug/L	DAILY MX	-	32.00	-	-	-	-	-	39.68	-	-	No Reasonable Potential	703.5		-	No limitation
Total Phenols was reported as part of the NY-2C application. There is no reasonable potential to violate the water quality standard. No limitation or monitoring is required.																	

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

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

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

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

Outfall and Receiving Water Information

Impaired Waters

The NYS 303(d) List of Impaired/TMDL Waters identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a waste load allocation (WLA) of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed

to determine the existing capabilities of the wastewater treatment plants and to assure that WLAs are allocated equitably.

Interstate Water Pollution Control Agencies

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

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

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

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law[7] and USEPA interpretation[8] 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.

[7] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[8] 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)

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Antidegradation Policy

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

Effluent Limitations

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

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

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

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

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

Best Professional Judgement (BPJ)

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

Technology-based Effluent Limitations (TBELs)

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. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow 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) as 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. 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. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

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

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls for POTWs discharging to surface waters, known as secondary treatment. The applicable regulations are specified in 40 CFR 133.102 and 6 NYCRR 750-1.11. These and other requirements are summarized in TOGS 1.3.3 and below:

- Secondary treatment requirements of 40 CFR Part 133 will typically not be included unless the facility discharges to a surface water prior to entering the groundwater or if, in the permit writer's judgement, limitations are necessary to prevent nuisance conditions or enhance plant operation.
- Since nitrogen is a component of all domestic wastewater, 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).
- Disinfection will typically not be required for discharges to groundwater unless 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 in accordance with TOGS 1.3.3.

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

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. Requirements for discharges from industrial facilities to groundwater are summarized in TOGS 1.2.1. In accordance with TOGS 1.2.1, for facilities discharging to groundwater:

- Discharges will typically be limited to the more stringent of the groundwater effluent standards in 6 NYCRR 703.6 or the applicable treatment technology listed in TOGS 1.2.1 Attachment (C).
- 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).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS

1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The DEC considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

In accordance with TOGS 1.3.1., the DEC may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:
"EPA Technical Support Document for Water Quality-Based Toxics Control" (March 1991); EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1, "Total Maximum Daily Loads and Water Quality-Based Effluent Limitations" (July 1996); "CORMIX v11.0" (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

The Reasonable Potential Analysis (RPA) is a statistical estimation process, outlined in the 1991 USEPA Technical Support Document for Water Quality-based Toxics Control (TSD), Appendix E. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility. This projected instream concentration (PIC) is calculated using the appropriate ratio and compared to the water quality standard (WQS). When the RPA process determines the WQS may be exceeded, a WQBEL is required. The procedure for developing WQBELs includes the following steps:

1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the DEC;

2) identify water quality criteria applicable to these pollutants;

3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,

4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

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The DEC uses modeling tools to estimate the expected concentrations of the pollutant in the receiving water and develop WQBELs. These tools were developed in part using the methodology referenced above. If the estimated concentration of the pollutant in the receiving water is expected to exceed the ambient water quality standard or guidance value (i.e. numeric interpretation of a narrative water quality standard), then there is a reasonable potential that the discharge may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. If a TMDL is in place, the facility's WLA for that pollutant is applied as the WQBEL.

For carbonaceous and nitrogenous oxygen demanding pollutants, the DEC uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

The Division of Water has been using the TMDL approach in permit limit development for the control of toxic substances. Since the early 1980's, the loading capacity for specific pollutants has been determined for each drainage basin. Water quality-limiting segments and pollutants have been identified, TMDLs, wasteload allocations and load allocations have been developed, and permits with water quality-based effluent limits have been issued. In accordance with TOGS 1.3.1, the Division of Water implements a Toxics Reduction Strategy which is committed to the application of the TMDL process using numeric, pollutant-specific water quality standards through the Watershed Approach. The Watershed Approach accounts for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments.

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

The procedure for developing WQBELs includes identifying the pollutants present in the discharge(s), identifying water quality criteria applicable to these pollutants, determining if WQBELs are necessary (reasonable potential), and calculating the WQBELs. For groundwater discharges, if the expected concentration of the pollutant of concern in the receiving water may exceed the ambient groundwater quality standard or guidance value, then there is reasonable potential that the discharge may cause or contribute to a violation of the water quality, and a WQBEL for the pollutant is required.

WQBELs for groundwater discharges are based on the groundwater effluent limits set forth in 6 NYCRR Part 703 (Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations) except as noted in 6 NYCRR 702.21. TOGS 1.1.1 provides a listing of groundwater effluent limitations for substances having an ambient water quality standard or guidance value. Groundwater effluent limitations are applied at the point of discharge to the groundwater distribution system.

For land treatment systems with no accessible final sampling points, such as constructed wetland treatment systems or buried sand filters, permit limitations for groundwater discharges are typically based on ambient groundwater quality standards or guidance values applied at representative down gradient monitoring well(s). Limitations at the downgradient sampling point are set at the Class GA ambient groundwater standards, rather than at the groundwater effluent limits promulgated under 6 NYCRR 703.6, as compliance is determined based upon the concentrations present in the downgradient groundwater monitoring well at the groundwater interface.

Class GA standards are established for the protection of sources of drinking water designated as Health (Water Source) or H(WS) in TOGS 1.1.1. As such, effluent limitations based on aquatic life criteria and WET testing requirements are not applicable to groundwater discharges.

Whole Effluent Toxicity (WET) Testing:

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity

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testing should be included in SPDES permits. The authority to require toxicity testing is in 6NYCRR 702.9. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

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

Minimum Level of Detection

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

Monitoring Requirements

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

[For Groundwater] For groundwater discharges, monitoring of downstream wells may be included to demonstrate compliance with ambient groundwater quality standards. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required.

Requirements for Combined Sewer Overflows (CSOs)

Pollution from combined sewer overflows is controlled with implementation of SPDES permit conditions in accordance with the Division of Water CSO Control strategy (TOGS 1.6.3) and the USEPA CSO Control Policy issued April 11, 1994.

CWA Section 402(q) requires that each permit for a discharge from a municipal combined storm and sanitary sewer shall conform to EPA's Combined Sewer Overflow Control Policy.[1] The CSO Control Policy identifies specific requirements for Phase I and Phase II permits. Phase I permits must include requirements for the

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

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implementation of the Nine Minimum Controls (NMCs) and development of the Long-Term CSO Control Plan (LTCP).

The 15 CSO Best Management Practices (BMPs) required by NYS under TOGS 1.6.2 are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy (33 USC section 1342(q)). BMPs are technology-based requirements developed in accordance with best professional judgement. These are largely non-structural measures which are designed to maximize pollutant capture and removal from the combined sewer system and the POTW as a whole.

Phase II permits must include requirements to implement the technology-based controls including the NMCs determined on a BPJ basis, as well as requirements which ensure that the selected CSO controls are implemented, operated, and maintained as described in the long-term CSO control plan (LTCP). These requirements are critical to meeting the objectives of the Policy, including to 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.

Additionally, the 1994 CSO Control Policy requires permits include a requirement for CSO communities who have developed an approved LTCP to reassess overflows to sensitive areas in those cases where elimination or relocation of the overflows is not physically possible and economically achievable. The reassessment should be based on consideration of new or improved techniques to eliminate or relocate overflows or changed circumstance that influence economic achievability.

Other Conditions

Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) “to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed.” The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The DEC has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

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

[Optional – If Hg limitations are less stringent] There have been a number of changes to DOW 1.3.10, December 2020 (e.g., the criteria for mercury sources, the MMP Decision tree, and the MMPs themselves) which could result in less stringent effluent limitations. There are now criteria to determine if a facility has sources of mercury. Additionally, the types of MMPs have been restructured. MMP Type IV is appropriate for facilities that are not sources of mercury. A similar MMP type was not included in the 2010 or 2015 versions of DOW 1.3.10. DOW 1.3.10, Figure 1, is a decision tree, which includes the criteria used to determine if a facility has source of mercury and which MMP is appropriate for a facility.

Schedules of Compliance

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

Schedule(s) of Additional Submittals

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

Best Management Practices (BMP) for Industrial Facilities

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

Pollutant Minimization Programs

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

Mini Industrial Pretreatment Program

Pretreatment requirements are intended to protect a WWTP from receiving pollutants that cause pass through or interference to the operations of the POTW receiving such wastes. When necessary, the DEC, in accordance with TOGS 1.3.3. and through issued SPDES permits, requires WWTPs to develop and implement mini or partial pretreatment programs. These requirements are consistent with regulations in 6 NYCRR §750-2.9(b)(1), ECL 17-0811, ECL 17-0825, and 40 CFR §403.5.

As part of the mini pretreatment program, a WWTP 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.

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