



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

| | | | | | |
|---------------------------|------------------------|-------------------------|---------------------------|----------------------------|-------------------|
| SIC Code: | 8641 | NAICS Code: | 813990 | SPDES Number: | NY 0263052 |
| Discharge Class (CL): | 02 | DEC Number: | 4-1938-00003/00004 | | |
| Toxic Class (TX): | N | Effective Date (EDP): | DRAFT - EDP | | |
| Major-Sub Drainage Basin: | 12 - 02 | Expiration Date (ExDP): | EDP + 5 years | | |
| Water Index Number: | H-240-82-133-10 | Item | 879 - 264 | 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: | Mountain View Estates Transportation Corp. | | Attention: | Anthony Conte, President | |
| Street: | 643 West Hill Road | | | | |
| City: | Stamford | State: | CT | Zip Code: | 06902 |
| Email: | ajconte29@gmail.com | | Phone: | (203) 667-7481 | |

is authorized to discharge from the facility described below:

| FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL | | | | | | | | | | |
|---|--------------------------------------|------------------|-------------------------------|---------------|---------------|--------------|-------------|---------------|---------------|--|
| Name: | Mountain View Estates | | | | | | | | | |
| Address / Location: | 78 Mountain View Estates Road | | | | | | County: | Greene | | |
| City: | East Jewett | | | | State: | NY | | Zip Code: | 12424 | |
| Facility Location: | Latitude: | 42 ° | 15 ' | 44 " N | & Longitude: | 74 ° | 11 ' | 29 " W | | |
| Primary Outfall No.: | 001 | Latitude: | 42 ° | 15 ' | 44 " N | & Longitude: | 74 ° | 11 ' | 29 " W | |
| Outfall Description: | Treated Sanitary | Receiving Water: | Tributary to East Kill | | | Class: | C | Standard: | C | |

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

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

DISTRIBUTION:

- BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
- BWP Permit Writer
- RWE
- RPA
- EPA Region II (Region2_NPDES@epa.gov)
- NYCDEP
- NYSDOH Oneonta District Office

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

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

| OUTFALL | LIMITATIONS APPLY | RECEIVING WATER | EFFECTIVE | EXPIRING |
|---------|-------------------|------------------------|------------|-------------|
| 001 | All Year | Tributary to East Kill | EDP | ExDP |

| PARAMETER | EFFLUENT LIMITATION | | | | | MONITORING REQUIREMENTS | | | | FN |
|---|-----------------------|---------|------------|-------|-------|-------------------------|-------------|----------|------|-----|
| | Type | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Location | | |
| | | | | | | | | Inf. | Eff. | |
| Flow | Monthly Average | 13,000 | GPD | | | Continuous | Recorder | | X | |
| pH | Daily Minimum | 6.5 | SU | | | Quarterly | Grab | | X | |
| | Daily Maximum | 8.5 | SU | | | | | | | |
| Temperature | Daily Maximum | Monitor | °F | | | Weekly | Grab | | X | |
| CBOD ₅ | Daily Maximum | 5.0 | mg/L | 0.54 | lbs/d | Quarterly | Grab | | X | |
| Total Suspended Solids (TSS) | Daily Maximum | 10 | mg/L | 1.1 | lbs/d | Quarterly | Grab | | X | |
| Settleable Solids | Daily Maximum | 0.1 | mL/L | | | Weekly | Grab | | X | |
| Dissolved Oxygen | Daily Minimum | 7.0 | mg/L | | | Quarterly | Grab | | X | |
| Ammonia (as N) June 1 st – October 31 st | Daily Maximum | 1.2 | mg/L | 0.13 | lbs/d | Quarterly | Grab | | X | |
| Ammonia (as N) November 1 st – May 31 st | Daily Maximum | 1.8 | mg/L | 0.20 | lbs/d | Quarterly | Grab | | X | |
| Total Phosphorus (as P) | Monthly Average | 1.0 | mg/L | | | Quarterly | Grab | | X | |
| EFFLUENT DISINFECTION Required All Year | | Limit | Units | Limit | Units | Sample Frequency | Sample Type | Inf. | Eff. | FN |
| Coliform, Fecal | 30-Day Geometric Mean | 200 | No./100 mL | | | Quarterly | Grab | | X | |
| Coliform, Fecal | 7-Day Geometric Mean | 400 | No./100 mL | | | Quarterly | Grab | | X | |
| Chlorine, Total Residual | Daily Maximum | 0.03 | mg/L | | | Weekly | Grab | | X | 1,2 |

FOOTNOTES:

1. Sampling and reporting for total residual chlorine are necessary only if chlorine is used for disinfection or elsewhere in the treatment process, or if the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
2. This is a Compliance Level. The calculated WQBEL is 0.005 mg/L.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR PATHOGEN REDUCTION IN THE NEW YORK CITY WATERSHED

| OUTFALL | WASTEWATER DESCRIPTION | RECEIVING WATER | EFFECTIVE | EXPIRING |
|---------|-------------------------|------------------------|------------|-------------|
| 001 | Treated Sanitary Sewage | Tributary of East Kill | EDP | ExDP |

The discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

| PARAMETER | EFFLUENT LIMITATION | | MONITORING REQUIREMENT | |
|--------------------------|---------------------|-------|------------------------|-------------|
| | Monthly Average | Units | Sample Frequency | Sample Type |
| Giardia Lamblia Cysts | Note 1 | - | - | - |
| Enteric Viruses | Note 1 | - | - | - |
| Turbidity | Note 2 | NTU | Continuous | Recorder |
| Chlorine, Total Residual | Note 3 | mg/L | Daily | Grab |

Note 1: Giardia Lamblia Cysts and Enteric Viruses

The facility must be capable of achieving a 99.9% removal and/or inactivation of giardia lamblia cysts and 99.99% removal of enteric viruses. The capability shall be demonstrated by maintaining the turbidity and chlorine levels specified and operating the microfiltration unit and the disinfection system on a continuous basis, in accordance with the provisions set forth in the WWTP's Operation and Maintenance Manual.

Note 2: Turbidity

The turbidity levels shall be maintained at less than or equal to 0.5 NTU in 95% of the measurements taken each month and an instantaneous maximum of 5.0 NTU shall not be exceeded.

Note 3: Total Residual Chlorine

When chlorine is used for disinfection, a minimum residual of 0.2 mg/l shall be maintained in the chlorine contact tank prior to dechlorination.

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

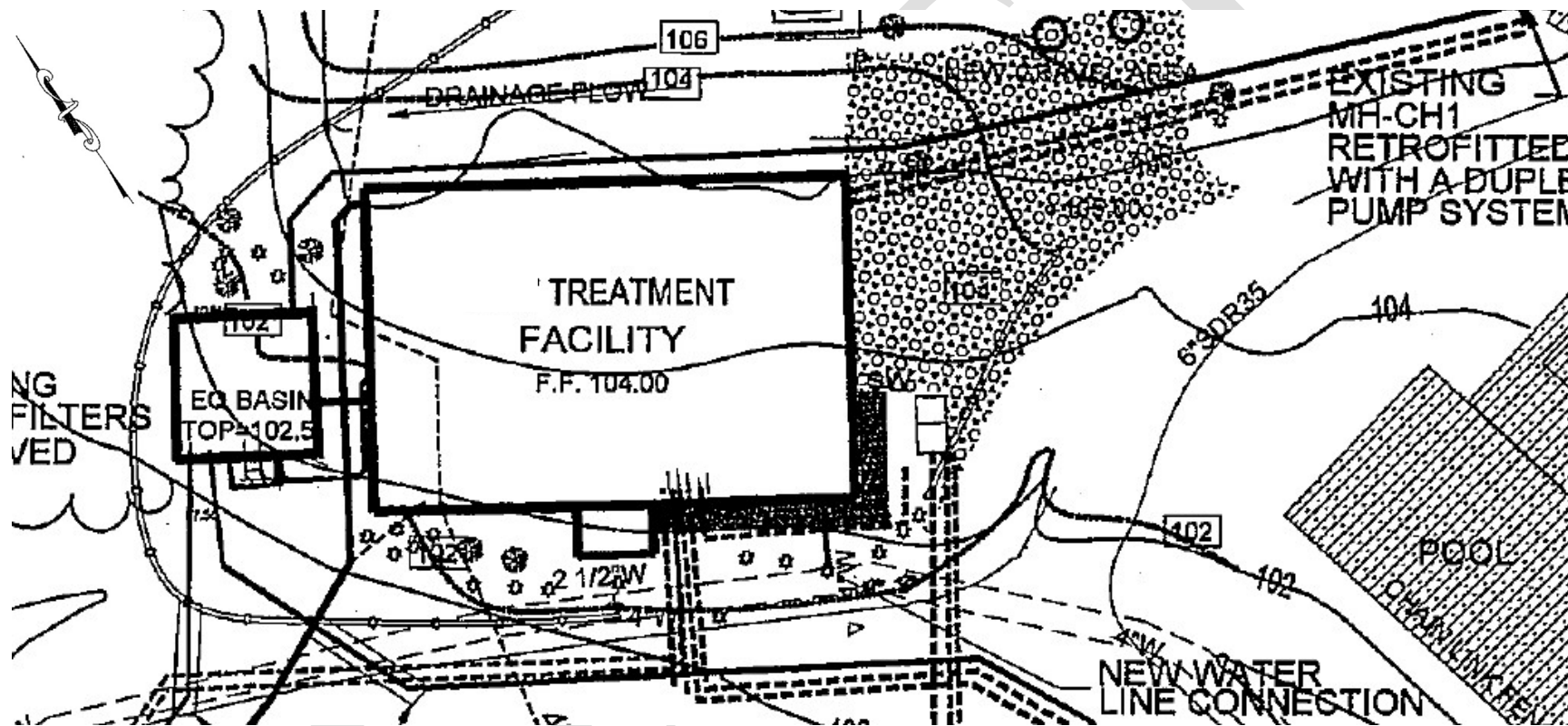
| |
|--|
| <p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY_____</p> <p>OUTFALL No. : _____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: () - ### - #####</p> |
|--|

- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

MONITORING LOCATIONS

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

Effluent – following disinfection within treatment building, on north side at flow box and weir.



GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|------------------------------|-----------------------------|
| 1. Reporting requirements | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Planned Changes
1. The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
 - a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

GENERAL REQUIREMENTS (continued)

G. Sludge Management

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

H. SPDES Permit Program Fee

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

I. Water Treatment Chemicals (WTCs)

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.
- B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with the DMR Manual available on Department's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/8461.html>. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

Attach the monthly "Wastewater Facility Operation Report" (form 92-15-7) and any required DMR attachments electronically to the DMR or with the hardcopy submittal.

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:

By email to: dow.R4@dec.ny.gov

And/or, if necessary, in hard copy to:

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

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

- 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:

| SCHEDULE OF ADDITIONAL SUBMITTALS | | |
|-----------------------------------|--|--------------------------------------|
| Outfall(s) | Required Action | Due Date |
| | <u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR. | 1/28/2025 and annually thereafter |
| | | |

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

- F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- H. 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.

DRAFT

Permittee: Mountain View Estates Transportation Corp
Facility: Mountain View Estates
SPDES Number: NY0263052
USEPA Non-Major/Class 02 PCI

Date: April 4, 2024
Permit Writer: Rebecca Mitchell
Water Quality Reviewer: Aslam Mirza
Full Technical Review

SPDES Permit Fact Sheet Mountain View Estates Transportation Corp Mountain View Estates NY0263052



Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit renewal has been drafted for Mountain View Estates. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Added mass loading limits for CBOD₅, TSS, and NH₃ as N
- Changed reporting for ammonia from mg/L as NH₃ to mg/L as N
- Added a daily maximum effluent limitation for total residual chlorine (TRC) of 0.03 mg/L.
- Added a schedule of additional submittals for the Water Treatment Chemical Annual Report.

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

10/1/2005 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 9/30/2010. The 2005 permit has formed the basis of this permit.

The permit was administratively renewed in May 2011 and again in January 2017

12/31/2021 The SPDES permit expired.

11/16/2023 The Mountain View Estates Transportation Corp submitted an application (PCI form) to renew the expired permit.

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

Facility Information

This privately owned facility treats sanitary sewage from the Mountain View Estates condominiums in East Jewett, Greene Co. The collection system consists of septic tanks and effluent pump stations at the condominium and clubhouse buildings and force mains that discharge to a flow equalization tank. The 13,000 gallon per day (gpd) treatment system is a membrane bioreactor system followed by ultraviolet disinfection.

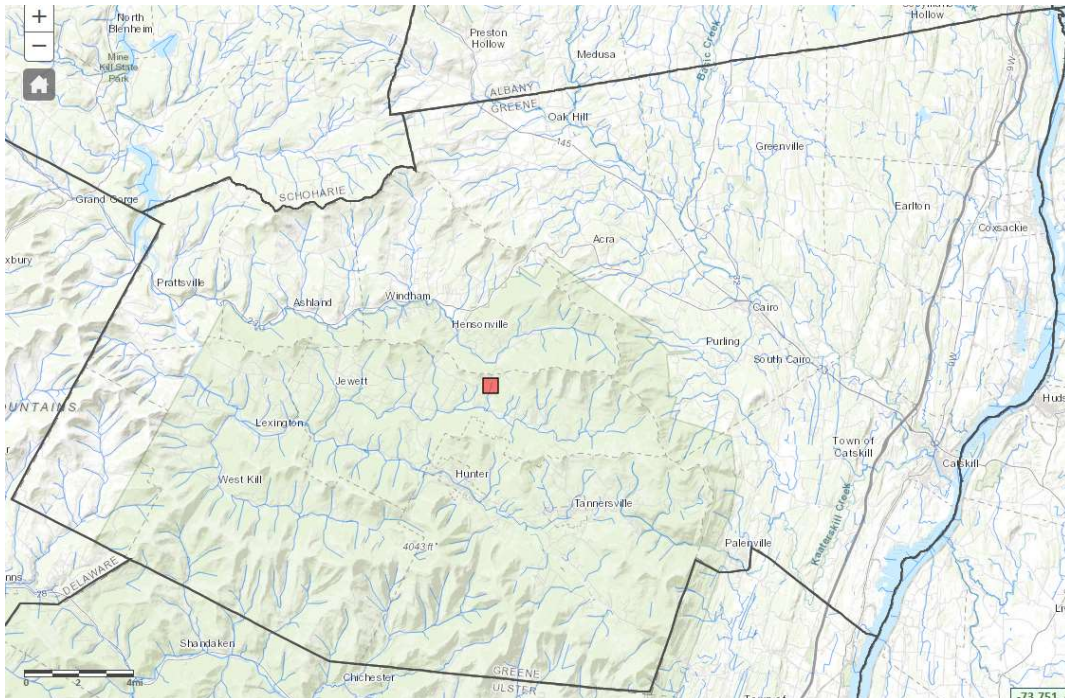
Sludge is pumped as needed from septic tanks and the process tanks by a licensed septic hauler.

Treated effluent is discharged through Outfall 001 to a class C tributary of the East Kill.

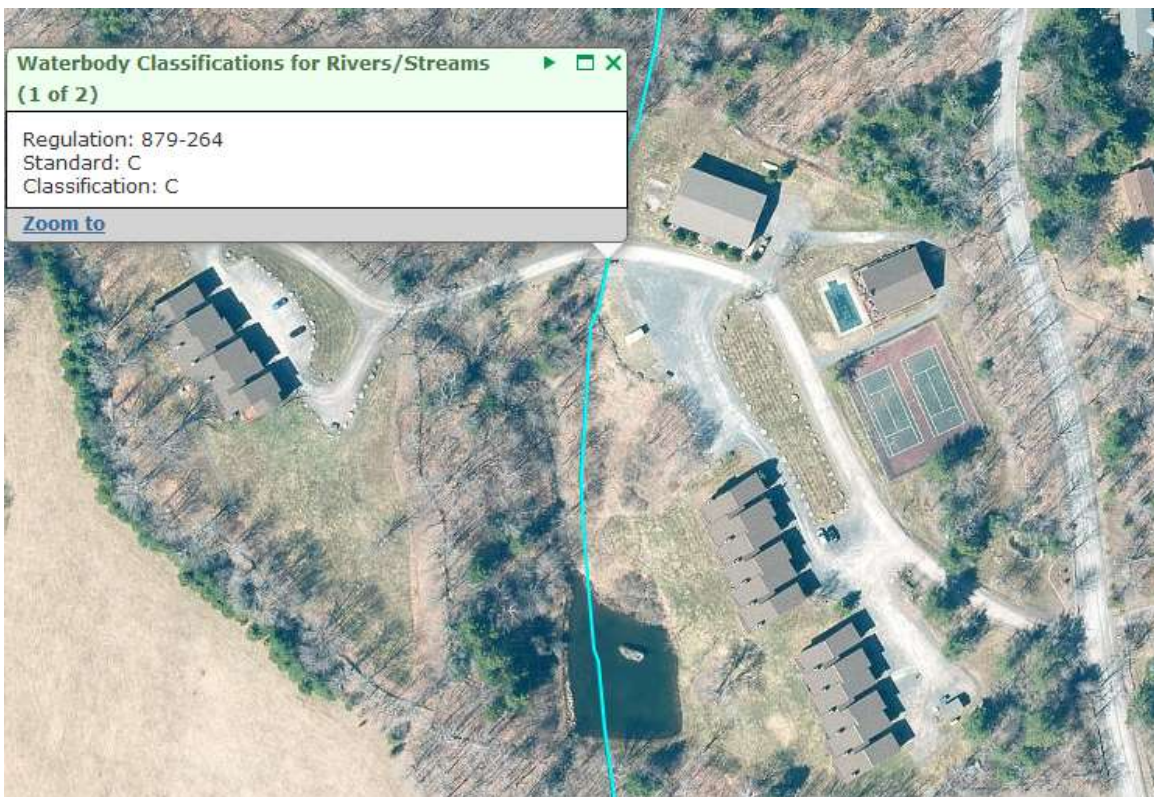
Permittee: Mountain View Estates Transportation Corp
Facility: Mountain View Estates
SPDES Number: NY0263052
USEPA Non-Major/Class 02 PCI

Date: April 4, 2024
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Full Technical Review

Site Overview



Facility location (East Jewett, Greene Co.) From NYS Environmental Resource Mapper (<https://gisservices.dec.ny.gov/gis/erm/>) 12/6/2023



Aerial view of facility and outfall location. From NYS Environmental Resource Mapper (<https://gisservices.dec.ny.gov/gis/erm/>) 11/20/2023



Collection and treatment system. As-built drawing from application materials

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 submitted by the permittee for the period 10/1/2018 to 9/30/2023. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

| Outfall No. | SIC Code | Wastewater Type | Receiving Water |
|-------------|----------|-------------------------|---------------------------------|
| 001 | 8641 | Treated Sanitary Sewage | Tributary of East Kill, Class C |

Reach Description: The receiving water is a Class C tributary (H-240-82-133-10; 6 NYCRR 879.6, Table 1, Item 264) in the watershed of the Schoharie Reservoir, part of New York City's drinking water supply. The discharge point is approximately one mile upstream of the tributary's confluence with the Class C(TS) East Kill.

See the [Outfall and Receiving Water Summary Table](#) and [Appendix](#) for additional information.

Receiving Water Data & Mixing Zone

The wastewater treatment facility is located at the head of an unnamed tributary to the East Kill. The drainage area at the point of the discharge is negligible. Therefore, the stream is considered as intermittent. Consistent with TOGS 1.3.1, intermittent stream effluent limits apply for flows <0.1 CFS, and the water quality standards for toxic chemicals will be applied as end-of-pipe limits with no mixing or dilution. For oxygen demanding pollutants, a water quality model has been developed to determine if intermittent stream effluent limits are necessary. See the Dissolved Oxygen (DO) section in the Pollutant Summary Table for details.

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](#).

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

[Appendix Link](#)

Antidegradation

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

Discharge Notification Act Requirements

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

Schedule(s) of Additional Submittals

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

- Water Treatment Chemical Annual Report

¹ As prescribed by 6 NYCRR Part 617

OUTFALL AND RECEIVING WATER SUMMARY TABLE

| Outfall | Latitude | Longitude | Receiving Water Name | Water Class | Water Index No. / Priority Waterbody Listing (PWL) No. | Major / Sub Basin | Hardness (mg/l) | 1Q10 | 7Q10 | 30Q10 | Critical Effluent Flow (MGD) | Dilution Ratio | | |
|---------|---------------|---------------|------------------------|-------------|--|-------------------|-----------------|-----------|------|-------|------------------------------|----------------|------|-----|
| | | | | | | | | | | | | A(A) | A(C) | HEW |
| 001 | 42° 15' 44" N | 74° 11' 29" W | Tributary of East Kill | C | H-240-82-133-10 PWL: 1202-0063 879-264 | 12/02 | - | < 1.0 CFS | | | 0.013 | 1:1 | | |

POLLUTANT SUMMARY TABLE: Outfall 001

| Effluent Parameter | Units | Averaging Period | Existing Discharge Data | | | TBELs | | Water Quality Data & WQBELs | | | | | | ML | Basis for Permit Requirement | | |
|--|--|------------------|---|--|--|---------|------------------|--|---|---------------|---------|-------------|-----------------|-------|------------------------------|------|--|
| | | | Permit Limit | Existing Effluent Quality ² | # of Data Points Detects / Non-Detects | Limit | Basis | Ambient Bkgd. Conc. | Projected Instream Conc. | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis for WQBEL | | | | |
| Outfall # | | 001 | Description of Wastewater: Treated sanitary sewage | | | | | | | | | | | | | | |
| | | | Type of Treatment: Septic tanks, MBRs, UV disinfection | | | | | | | | | | | | | | |
| General Notes: Existing discharge data from October 2018 to September 2023 was obtained from Discharge Monitoring Reports provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. | | | | | | | | | | | | | | | | | |
| Flow Rate | GPD | Monthly Avg | 13,000 | 831 Actual Average | 60 | 13,000 | Design Flow | Narrative: No alterations that will impair the waters for their best usages. | | | | | | 703.2 | - | TBEL | |
| | The flow limit is set at the design flow of the wastewater treatment facility. | | | | | | | | | | | | | | | | |
| pH | SU | Minimum | 6.5 | 6.8 Actual Min | 60 | 6.0 | ECL 17-0509 | - | - | 6.5 – 8.5 | Range | 6.5 - 8.5 | 703.3 | - | ISEL | | |
| | | Maximum | 8.5 | 8.2 Actual Max | 60 | 9.0 | | | | | | | | | | | |
| Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution. | | | | | | | | | | | | | | | | | |
| Temperature | °F | Daily Max | Monitor | 77 Actual Max | 60 | Monitor | 750-1.13 Monitor | - | Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition | | | | 704.2 | - | Monitor | | |
| | | | | Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions. This requirement is continued from the previous permit. | | | | | | | | | | | | | |

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

| Outfall # | Description of Wastewater: Treated sanitary sewage | | | | | | | | | | | | | | |
|---|--|------------------|-------------------------|--|--|---------|---------------------|-----------------------------|--------------------------|-------------------------|---------|-------------|-----------------------|----|------------------------------|
| | Type of Treatment: Septic tanks, MBRs, UV disinfection | | | | | | | | | | | | | | |
| Effluent Parameter | Units | Averaging Period | Existing Discharge Data | | | TBELs | | Water Quality Data & WQBELs | | | | | | ML | Basis for Permit Requirement |
| | | | Permit Limit | Existing Effluent Quality ² | # of Data Points Detects / Non-Detects | Limit | Basis | Ambient Bkgd. Conc. | Projected Instream Conc. | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis for WQBEL | | |
| Dissolved Oxygen (DO) | mg/L | Daily Min | 7.0 | 8.0 Actual Min | 19 | 7.0 | TOGS 1.3.1 | - | 4.0 | (Non-Trout) 4.0 mg/L | Chronic | 4.0 | 703.3 | - | TBEL |
| <p>WQ Model and DO simulations: A WQ model was developed to simulate the dissolve oxygen level using topographic data and the Streeter-Phelps equation for the un-named tributary of the East Kill. The equation related the oxidation of oxygen demanding pollutants and the ambient dissolved oxygen level in the stream. The model had 5 reaches representing the change in elevations over a length of 1.032 miles. The DO simulations were made for summer and winter seasons with the following inputs: Summer: BOD5=30/45 mg/l, NOD=5.65 mg/l (equivalent to 1.24 mg/l as ammonia N, ISEL), DO=4.0 mg/l, T=25°C. Winter: BOD5=30/45 mg/l, NOD=8.28 mg/l (equivalent to 1.81 mg/l as ammonia N, ISEL), DO=4.0 mg/l, T=10°C. Due to the steep slope of the Creek, the reaeration coefficients were high, resulting in secondary treatment level effluent limits for both summer and winter periods. Therefore, WQBELs are not recommended. With the noted inputs to the model, the DO standards of 4.0 mg/l and 7.0 mg/l would be met in the tributary and the East Kill, respectively for summer and winter periods.</p> <p>However, in accordance with the <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i>, discharges to intermittent streams are required to meet TOGS 1.3.1 intermittent stream effluent limits (ISEL). These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste.</p> | | | | | | | | | | | | | | | |
| 5-day Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | mg/L | Daily Max | 5 | 15 Actual Max | 18 (3/15) | 5.0 | TOGS 1.3.1 | - | See Dissolved Oxygen | 703.3 | - | TBEL | | | |
| | lbs/d | Daily Max | - | - | - | 0.54 | - | | | | | | | | |
| | mg/L | Monthly Avg | - | - | - | Monitor | - | | | | | | | | |
| | lbs/d | Monthly Avg | - | - | - | Monitor | - | | | | | | | | |
| | % Rem | Minimum | - | - | - | 85 | 40 CFR Part 133.102 | | | | | | | | |
| <p>DO modeling indicates secondary treatment standards are sufficient - see dissolved oxygen (DO) for explanation.</p> <p>However, in accordance with the <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i>, discharges to intermittent streams are required to meet TOGS 1.3.1 intermittent stream effluent limits (ISEL). These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40CFR Part 133.102.</p> | | | | | | | | | | | | | | | |

| Outfall # | 001 | | Description of Wastewater: Treated sanitary sewage | | | | | | | | | | | | |
|---|--|------------------|--|--|--|---------|---------------------|-----------------------------|---|---------------|---------|-------------|-----------------|----|------------------------------|
| | Type of Treatment: Septic tanks, MBRs, UV disinfection | | | | | | | | | | | | | | |
| Effluent Parameter | Units | Averaging Period | Existing Discharge Data | | | TBELs | | Water Quality Data & WQBELs | | | | | | ML | Basis for Permit Requirement |
| | | | Permit Limit | Existing Effluent Quality ² | # of Data Points Detects / Non-Detects | Limit | Basis | Ambient Bkgd. Conc. | Projected Instream Conc. | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis for WQBEL | | |
| Total Suspended Solids (TSS) | mg/L | Daily Max | 10 | 7 Actual Max | 18 (6/12) | 10 | TOGS 1.3.1 | - | Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. | 703.2 | - | TBEL | | | |
| | lbs/d | Daily Max | - | - | - | 1.8 | - | | | | | | | | |
| | mg/L | Monthly Avg | - | - | - | Monitor | - | | | | | | | | |
| | lbs/d | Monthly Avg | - | - | - | Monitor | - | | | | | | | | |
| | % Rem | Minimum | - | - | - | 85 | 40 CFR Part 133.102 | | | | | | | | |
| DO modeling indicates effluent limits equal to the secondary treatment level are sufficient, consistent with BOD ₅ limits. See dissolved oxygen (DO) for explanation | | | | | | | | | | | | | | | |
| However, in accordance with the <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i> , discharges to intermittent streams are required to meet TOGS 1.3.1 intermittent stream effluent limits (ISEL). These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40CFR Part 133.102. | | | | | | | | | | | | | | | |
| Settleable Solids | mL/L | Daily Max | 0.1 | <0.1 | 60 (0/60) | 0.1 | TOGS 1.3.1 | - | Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2) | 703.2 | - | ISEL | | | |
| | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40CFR Part 133.102. | | | | | | | | | | | | | | |

| Outfall # | Description of Wastewater: Treated sanitary sewage | | | | | | | | | | | | | | |
|--|---|------------------|-------------------------|--|--|-------|-------------------------|-----------------------------|--|---------------|---------|-------------|-----------------|------|--|
| | Type of Treatment: Septic tanks, MBRs, UV disinfection | | | | | | | | | | | | | | |
| Effluent Parameter | Units | Averaging Period | Existing Discharge Data | | | TBELs | | Water Quality Data & WQBELs | | | | | | ML | Basis for Permit Requirement |
| | | | Permit Limit | Existing Effluent Quality ² | # of Data Points Detects / Non-Detects | Limit | Basis | Ambient Bkgd. Conc. | Projected Instream Conc. | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis for WQBEL | | |
| Nitrogen, Ammonia, as N SUMMER 6/1 – 10/31 WINTER 11/1 – 5/31 | mg/L | Daily Max | 1.2 | 0.23 Actual Max | 9 (8/9) | 1.2 | Antibacksliding | - | - | 1.24 | A(C) | 1.24 | 703.5 | - | ISEL |
| | lb/d | Daily Max | - | - | - | | | - | - | - | - | 0.13 | | | |
| | mg/L | Daily Max | 1.8 | 4.7 Actual Max | 9 (8/9) | 1.8 | Antibacksliding | - | - | 1.81 | A(C) | 1.81 | | | |
| | lb/d | Daily Max | - | - | - | | | - | - | - | - | 0.20 | | | |
| | <p>Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution. The WQS were determined from TOGS 1.1.1 using a pH of 7.5, a winter temperature of 10°C, and a summer temperature of 25 °C.</p> <p>Reporting for Ammonia has been changed from (as NH₃) to (as N) for simpler data reporting, as this is consistent with the laboratory reporting units. Values can be converted using the equation: Ammonia (as N) = Ammonia (as NH₃) x 0.8224.</p> | | | | | | | | | | | | | | |
| Coliform, Fecal | #/100 ml | 30d Geo Mean | 200 | 10 | 18 (3/15) | 200 | TOGS 1.3.3 | - | Narrative: The monthly geometric mean, from a minimum of five examinations, shall not exceed 200. | | | 703.4 | - | TBEL | |
| | | 7d Geo Mean | 400 | 10 | 18 (3/15) | 400 | TOGS 1.3.3 | - | | | | | | | |
| <p>Consistent with TOGS 1.3.3 and the <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i>, effluent disinfection is required year-round because it is necessary to protect public health. Fecal coliform effluent limitations equal to the TBEL are specified.</p> | | | | | | | | | | | | | | | |
| Total Residual Chlorine (TRC) | mg/L | Daily Max | - | - | | 2.0 | TOGS 1.3.3 | - | - | 0.005 | A(C) | 0.005 | 703.5 | 0.03 | ML |
| | <p>Effluent disinfection is currently required year-round and will remain a permit requirement. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards will be applied as end-of-pipe limitations with no mixing or dilution. Due to the intermittent nature of the receiving stream (no dilution), the calculated WQBEL is less than the TBEL and less than the minimum level of detection. Therefore, an effluent limitation equal to the minimum level of detection of 0.030 mg/L is appropriate.</p> | | | | | | | | | | | | | | |
| Total Phosphorus | mg/L | Monthly Avg | 1.0 | 2.35 | 18 (16/2) | 1.0 | NYC Rules & Regulations | - | Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages. | | | 703.2 | - | TBEL | |
| | | | | | | | | | | | | | | | <p>Consistent with the <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i>, the permit includes a total phosphorus concentration limit of 1.0 mg/L expressed as a monthly average. A phosphorus limit of 1.0 mg/L is also desirable due to the presence of a classified pond (P647C) downstream of the discharge per TOGS 1.3.6.</p> |

| Outfall # | 001 | Description of Wastewater: Treated sanitary sewage | | | | | | | | | | | | | |
|--|--|--|-------------------------|--|--|--------------|-------------------------|-----------------------------|--------------------------|---------------|---------|-------------|-----------------|----|------------------------------|
| | | Type of Treatment: Septic tanks, MBRs, UV disinfection | | | | | | | | | | | | | |
| Effluent Parameter | Units | Averaging Period | Existing Discharge Data | | | TBELs | | Water Quality Data & WQBELs | | | | | | ML | Basis for Permit Requirement |
| | | | Permit Limit | Existing Effluent Quality ² | # of Data Points Detects / Non-Detects | Limit | Basis | Ambient Bkgd. Conc. | Projected Instream Conc. | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis for WQBEL | | |
| Giardia Lambliia Cysts | % Rem | Minimum | 99.9 | - | - | 99.9 | NYC Rules & Regulations | - | - | - | - | - | - | - | TBEL |
| | In accordance with <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i> , the facility must be capable of achieving a 99.9% removal and/or inactivation of giardia lamblia cysts. The capability shall be demonstrated by maintaining the turbidity and chlorine levels specified and operating the microfiltration unit and the disinfection system on a continuous basis, in accordance with the provisions set forth in the WWTP's Operation and Maintenance Manual. | | | | | | | | | | | | | | |
| Enteric Viruses | % Rem | Minimum | 99.99 | - | - | 99.99 | NYC Rules & Regulations | - | - | - | - | - | - | - | TBEL |
| | In accordance with <i>Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources</i> , the facility must be capable of achieving a 99.99% removal and/or inactivation of enteric viruses. The capability shall be demonstrated by maintaining the turbidity and chlorine levels specified and operating the microfiltration unit and the disinfection system on a continuous basis, in accordance with the provisions set forth in the WWTP's Operation and Maintenance Manual. | | | | | | | | | | | | | | |
| Turbidity | NTU | Monthly Avg | 0.5 | - | - | 0.5 | NYC Rules & Regulations | - | - | - | - | - | - | - | TBEL |
| | | Inst Max | 5.0 | 0.6 | 60 (60/0) | 5.0 | | - | - | - | - | - | - | | |
| | The turbidity levels shall be maintained at less than or equal to 0.5 NTU in 95% of the measurements taken each month and an instantaneous maximum of 5.0 NTU shall not be exceeded. | | | | | | | | | | | | | | |
| Total Residual Chlorine (within the chlorine contact tank) | mg/L | Minimum | 0.2 | - | - | 0.2 | NYC Rules & Regulations | - | - | - | - | - | - | - | TBEL |
| | | | | | | | | | | | | | | | |

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 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 wasteload allocations (WLAs) are allocated equitably.

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, and/or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(l) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law³ and USEPA interpretation⁴ anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

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

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed

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

⁴ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

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

Technology-based Effluent Limitations (TBELs)

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.

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 Department 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 Department 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 Department;
- 2) identify water quality criteria applicable to these pollutants;
- 3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,
- 4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The Department 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 Department 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.

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

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.