



Department of  
Environmental  
Conservation

## State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

RUN

|                           |               |                         |                      |                            |                  |
|---------------------------|---------------|-------------------------|----------------------|----------------------------|------------------|
| SIC Code:                 | <b>5541</b>   | NAICS Code:             | <b>457120</b>        | SPDES Number:              | <b>NY0305286</b> |
| Discharge Class (CL):     | <b>09</b>     | DEC Number:             | <b>4-1024-00172</b>  |                            |                  |
| Toxic Class (TX):         | <b>N</b>      | Effective Date (EDP):   | <b>DRAFT</b>         |                            |                  |
| Major-Sub Drainage Basin: | <b>16/01</b>  | Expiration Date (ExDP): | <b>EDP + 5 YEARS</b> |                            |                  |
| Water Index Number:       | <b>Mass 8</b> | Item No.:               | <b>825-166</b>       | Modification Dates (EDPM): |                  |
| Compact Area:             | <b>-</b>      |                         |                      |                            |                  |

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:                      | <b>Canaan Travel Holdings, LLC</b>                           | Attention: | <b>Dan Naylor, VP, Real Estate</b> |           |              |
| Street:                    | <b>2227 Scranton Carbondale Highway</b>                      |            |                                    |           |              |
| City:                      | <b>Scranton</b>                                              | State:     | <b>PA</b>                          | Zip Code: | <b>18508</b> |
| Email:                     | <a href="mailto:dnaylor@tryonvo.com">dnaylor@tryonvo.com</a> | Phone:     | <b>(570) 862-7140</b>              |           |              |

is authorized to discharge from the facility described below:

| FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL |                             |                     |                   |               |               |              |                 |               |               |
|---------------------------------------------|-----------------------------|---------------------|-------------------|---------------|---------------|--------------|-----------------|---------------|---------------|
| Name:                                       | <b>Onvo Travel Plaza</b>    |                     |                   |               |               |              |                 |               |               |
| Address/<br>Location:                       | <b>12816 State Route 22</b> |                     |                   |               |               | County:      | <b>Columbia</b> |               |               |
| City:                                       | <b>Canaan</b>               |                     |                   |               | State:        | <b>NY</b>    | Zip Code:       | <b>12029</b>  |               |
| Facility Location:                          | Latitude:                   | <b>73 °</b>         | <b>25 '</b>       | <b>38 " N</b> | & Longitude:  | <b>42 °</b>  | <b>21 '</b>     | <b>40 " W</b> |               |
| Primary Outfall<br>No.:                     | <b>001</b>                  | Latitude:           | <b>73 °</b>       | <b>25 '</b>   | <b>35 " N</b> | & Longitude: | <b>42 °</b>     | <b>21 '</b>   | <b>36 " W</b> |
| Outfall Description:                        | <b>Treated Sanitary</b>     | Receiving<br>Water: | <b>Flat Brook</b> |               |               | Class:       | <b>C</b>        | Standard:     | <b>C(TS)</b>  |

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

This permit and the authorization to discharge shall expire at 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](mailto:permit.coordinator@dec.ny.gov))  
 BWP Permit Writer  
 RWE  
 RPA  
 EPA Region II ([Region2\\_NPDES@epa.gov](mailto:Region2_NPDES@epa.gov))  
 NYSEFC ([sara.tully@efc.ny.gov](mailto:sara.tully@efc.ny.gov))  
 DEC Water Quality Engineer ([edward.schneider@dec.ny.gov](mailto:edward.schneider@dec.ny.gov))

|                          |                                                          |
|--------------------------|----------------------------------------------------------|
| Permit<br>Administrator: |                                                          |
| Address:                 | <b>1130 North Westcott Rd,<br/>Schenectady, NY 12306</b> |
|                          |                                                          |
| Signature                | Date                                                     |

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DRAFT

## DEFINITIONS

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

## PERMIT LIMITS, LEVELS AND MONITORING

| OUTFALL | LIMITATIONS APPLY | RECEIVING WATER   | EFFECTIVE  | EXPIRING             |
|---------|-------------------|-------------------|------------|----------------------|
| 001     | All Year          | Flat Brook: C(TS) | <b>EDP</b> | <b>EDP + 5 years</b> |

| PARAMETER                                                         | EFFLUENT LIMITATION   |       |            |       |       | MONITORING REQUIREMENTS |             |          |      | FN |
|-------------------------------------------------------------------|-----------------------|-------|------------|-------|-------|-------------------------|-------------|----------|------|----|
|                                                                   | Type                  | Limit | Units      | Limit | Units | Sample Frequency        | Sample Type | Location |      |    |
|                                                                   |                       |       |            |       |       |                         |             | Inf.     | Eff. |    |
| Flow                                                              | Daily Maximum         | 8,500 | GPD        |       |       | Continuous              | Meter       |          | X    |    |
| pH                                                                | Daily Minimum         | 6.5   | SU         |       |       | Daily                   | Grab        |          | X    |    |
|                                                                   | Daily Maximum         | 8.5   | SU         |       |       |                         |             |          |      |    |
| Temperature                                                       | Daily Maximum         | 70    | °F         |       |       | Daily                   | Grab        |          | X    |    |
| Dissolved Oxygen                                                  | Daily Minimum         | 7.0   | mg/L       |       |       | Twice/Year              | Grab        |          | X    |    |
| BOD <sub>5</sub>                                                  | Daily Maximum         | 5     | mg/L       |       | lbs/d | Twice/Year              | Grab        |          | X    |    |
| Settleable Solids                                                 | Daily Maximum         | 0.1   | mL/L       |       |       | Daily                   | Grab        |          | X    |    |
| Total Suspended Solids (TSS)                                      | Daily Maximum         | 10    | mg/L       |       | lbs/d | Twice/Year              | Grab        |          | X    |    |
| Ammonia (as N)<br>June 1 <sup>st</sup> – October 31 <sup>st</sup> | Daily Maximum         | 0.9   | mg/L       |       |       | Twice/Year              | Grab        |          | X    |    |
| Ammonia (as N)<br>November 1 <sup>st</sup> – May 31 <sup>st</sup> | Daily Maximum         | 1.9   | mg/L       |       |       | Twice/Year              | Grab        |          | X    |    |
| Oil and Grease                                                    | Daily Maximum         | 15    | mg/L       |       |       | Monthly                 | Grab        |          | X    |    |
| Total Phosphorus (as P)                                           | Monitor Only          | -     | mg/L       |       | lbs/d | Monthly                 | Grab        |          | X    | 1  |
| EFFLUENT DISINFECTION<br>Required All Year                        |                       | Limit | Units      | Limit | Units | Sample Frequency        | Sample Type | Inf.     | Eff. | FN |
| Coliform, Fecal                                                   | 30-Day Geometric Mean | 200   | No./100 mL |       |       | Twice/Year              | Grab        |          | X    |    |
| Coliform, Fecal                                                   | 7-Day Geometric Mean  | 400   | No./100 mL |       |       | Twice/Year              | Grab        |          | X    |    |

### FOOTNOTES:

1. Phosphorus data will be reviewed and if deemed appropriate, the Department shall specify a limit with a schedule for the permittee to achieve full compliance in accordance with TOGS 1.3.6.

## SPECIAL CONDITIONS

As required by Chapter X, Part 650, Section 4(a), the on-site WWTP must at all times be under the responsible supervision of a currently certified New York State WWTP Operator. The use of an off-site contract operator is acceptable but an on-site representative shall be trained to conduct the required daily monitoring (flow, pH, temperature, & settleable solids) and recognize/report any treatment system issues to the certified operator in a timely manner.

## STORMWATER POLLUTION PREVENTION REQUIREMENTS

A SWPPP addressing hot spot areas must be prepared in accordance with the [NYSDEC SPDES General Permit for Construction Activity](#) (GP-0-25-001) and the [New York State Stormwater Management Design Manual](#) (July 2024). Hot spots (e.g., fueling, industrial, or contaminated areas) will require specialized treatment, such as lining stormwater practices or providing specific, non-infiltrating post-construction controls.

The SWPPP should include the following and be submitted for review/acceptance by the Department **PRIOR** to any site disturbance activities:

- **Definition & Identification:** Hot spots are land uses with high potential for significant pollutant loading, such as vehicle maintenance areas, fueling stations, industrial operations, and areas with known chemical contamination. These areas should be clearly delineated on a Site Map in the SWPPP. The plan must also include detailed maps, descriptions of contaminants, and any targeted, phased construction, or post-construction controls.
- **Design Standards:** The SWPPP must incorporate specific Best Management Practices (BMPs) from the Department's Stormwater Design Manual to prevent groundwater or surface water contamination, such as lining infiltration practices and provisions for containing a petroleum spill/release (e.g. oil-water separator with valve on the effluent line). The BMPs should also specifically target water quality treatment for high-risk areas.
- **Post-Construction Management:** For areas identified as hot spots, the SWPPP must detail post-construction, structural stormwater management controls designed to treat or isolate these pollutants.
- **Site Plan Amendments:** The SWPPP and site plans must be amended to reflect the specific, localized, or changing conditions of these areas. The plan must be updated immediately if existing practices prove ineffective or if site operations change.
- **Erosion and Sediment Control:** The SWPPP must ensure that hot spot contaminants are not transported off-site via sediment during construction, adhering to the Department's "Blue Book" standards (2016).
- **Implement & Inspect:** The SWPPP must be implemented by trained contractors, with regular inspections of these areas (i.e. Qualified Inspector).

Please note the electronic Notice of Intent (e-NOI) should not be submitted until the SWPPP has been accepted by the Department **AND** all sediment/erosion control measures have been fully implemented for the specific phase of construction.

## 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:

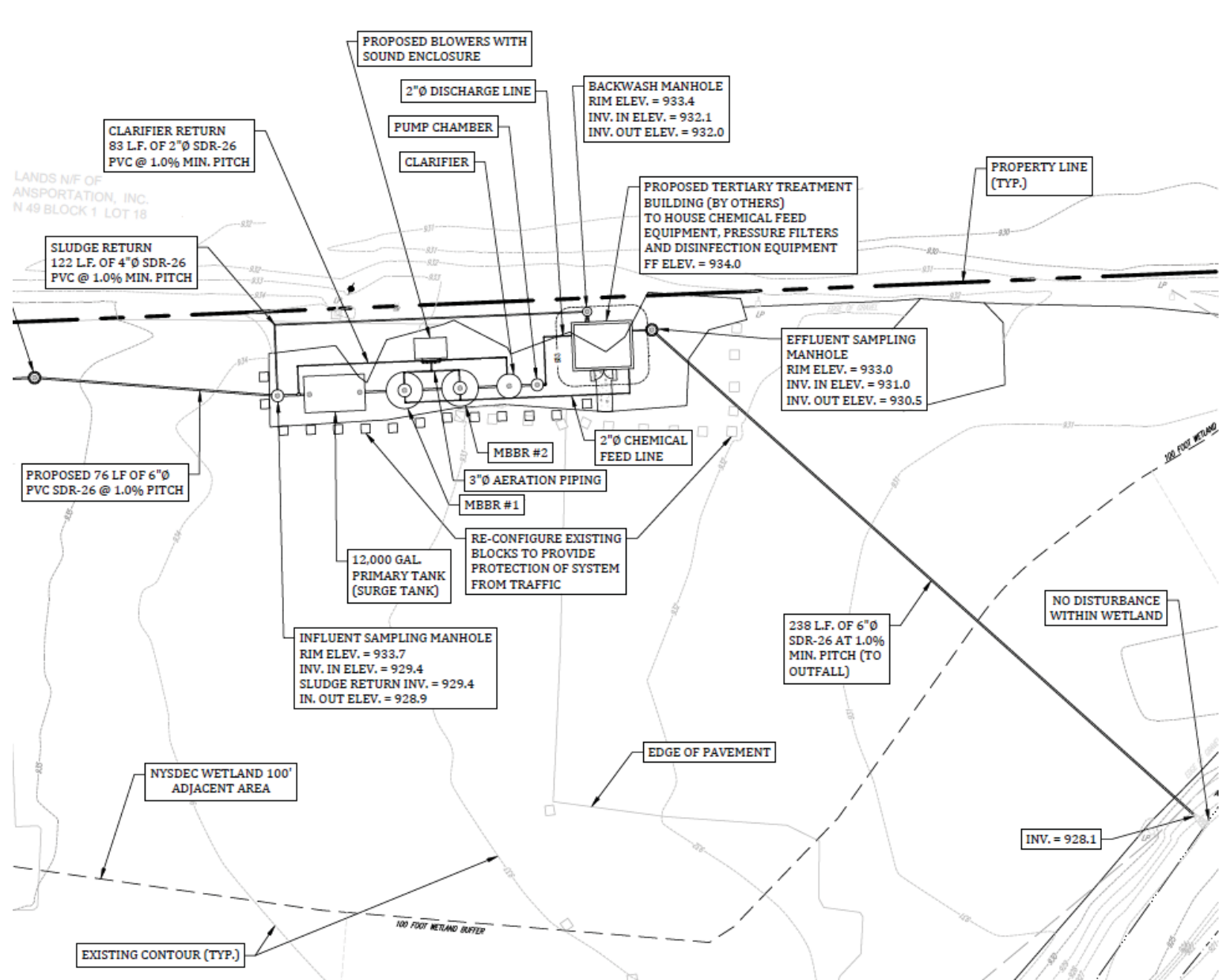
NYSDEC Division of Water Regional Office Address:

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.

## 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:





## GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable 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)(98) & 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. Sludge Management  
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360 series.
- G. SPDES Permit Program Fee  
The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- 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 under the current permit. 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.
- WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the DEC.
  - The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.



3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: <http://www.dec.ny.gov/permits/93245.html>

## RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the DEC or its designated agent.
- B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 6 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.**

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. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- D. 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.
- E. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- F. 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.
- G. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

# **SPDES Permit Fact Sheet**

## **Onvo**

### **Onvo Travel Center**



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## Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Onvo Travel Center.

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

## Administrative History

11/5/2024 Engineer for Onvo LLC submits request for water quality review/propose effluent limits to renew the expired permit.

12/12/2025 CO-BWRM provides preliminary effluent limits to engineer

7/1/2025 Onvo submitted a PCI form and an engineering report

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

## Facility Information

The proposed on-site WWTP is to receive flow from a proposed commercial facility (travel center). The effluent will consist of treated sanitary effluent from public toilets/showers and food preparation washwater (fast food restaurant) that will discharge to a grease trap. The collection system consists of separate/dedicated sewers. The facility does not have any significant industrial users (SIUs).

The current 0.0035 MGD treatment plant consists of:

- 
- MBBR
- Secondary Clarification
- Pressure Filter
- Disinfection (UV light)

The primary outfall (Outfall 001) is to be located in Flat Creek.

The on-site WWTP has yet to be constructed pending the final issuance of this SPDES permit.

## Site Overview

### Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality of the proposed on-site WWTP was estimated by the equipment vendor (Earthtek LLC) and Onvo's engineer as specified in the revised/final Engineer's Report/plans received on February 12, 2026.

## Receiving Water Information

The facility proposes to discharge via the following outfalls:

| Outfall No. | SIC Code | Wastewater Type  | Receiving Water         |
|-------------|----------|------------------|-------------------------|
| 001         |          | Treated Sanitary | Flat Brook, Class C(TS) |

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

## Critical Receiving Water Data

**Reach Description:** The facility discharges to Flat Brook then flows approximately 6,500 ft to the Massachusetts state border. The brook then flows another 7,900 ft into Cranberry Pond.

The low flow condition for the Flat Creek was obtained from a drainage basin ratio analysis with USGS gage station 01360640, Valatie Kill Near Nassau NY. The 7Q10 flow was calculated in the Scientific Investigations Report 2024-5055<sup>1</sup> for the period of 1992-2022.

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

Gage Name: Valatie Kill Near Nassau NY

Gage ID: 01360640

Drainage Area at Gage (mi<sup>2</sup>): 9.48

Drainage Area at Facility (mi<sup>2</sup>): 5.61

7Q10 Flow at Gage (CFS): 0.165 Source: SIR 2024-5055

Calculated 7Q10 Flow at Facility (CFS): 0.097

The 7Q10 low-flow condition of the Flat Creek was found to be 0.097 CFS. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) apply for flows <0.1 CFS, and the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.

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

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](#).

<sup>1</sup> Stagnitta, T.J., Graziano, A.P., Woda, J.C., Glas, R.L., and Gazoorian, C.L. 2024, Low-flow statistics for selected streams in New York, excluding Long Island: U.S. Geological Survey Scientific Investigations Report 2024–5055, 39 p.

#### Anti-backsliding

The limitations contained in the permit are at least as stringent as 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)<sup>2</sup> determination.

#### 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 new and no waiver has been requested/granted.

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

#### Special Conditions

As required by Chapter X, Part 650, Section 4(a), the on-site WWTP must at all times be under the responsible supervision of a currently certified New York State WWTP Operator. The use of an off-site contract operator is acceptable but an on-site representative shall be trained to conduct the required daily monitoring (flow, pH, temperature, & settleable solids) and recognize/report any issues to the certified operator in a timely manner.

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<sup>2</sup> As prescribed by 6 NYCRR Part 617

## OUTFALL AND RECEIVING WATER SUMMARY TABLE

| Outfall | Latitude      | Longitude     | Receiving Water Name | Water Class | Water Index No. / Priority Waterbody Listing (PWL) No. | Major / Sub Basin | Hardness (mg/L) | 1Q10 (MGD)   | 7Q10 (MGD) | 30Q10 (MGD) | Critical Effluent Flow (MGD) | Dilution Ratio |      |     |
|---------|---------------|---------------|----------------------|-------------|--------------------------------------------------------|-------------------|-----------------|--------------|------------|-------------|------------------------------|----------------|------|-----|
|         |               |               |                      |             |                                                        |                   |                 |              |            |             |                              | A(A)           | A(C) | HEW |
| 001     | 73° 25' 35" N | 42° 21' 36" W | Flat Creek           | C (TS)      | Mass. 8 portion PWL: 1601-0034                         | 16/01             | -               | Intermittent |            |             | 0.0085                       | 1:1            | 1:1  | 1:1 |

## POLLUTANT SUMMARY TABLE

### Outfall 001

| Outfall #                                                                                                                                                                                                                                                                                                                                  | 001                                                                                                                                        | Description of Wastewater: Treated Sanitary Effluent                                                |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|----------------------------------------|---------|------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------|---------|-------------|-----------------------|----|------------------------------|
|                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                            | Type of Treatment: Primary Clarifier/MMBR/Secondary Clarifier/Pressure Filter/UV Light Disinfection |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |
| Effluent Parameter                                                                                                                                                                                                                                                                                                                         | Units                                                                                                                                      | Averaging Period                                                                                    | Existing Discharge Data |                                        |                                        | TBELs   |                  | Water Quality Data & WQBELs                                       |                                                                                                               |               |         |             |                       | ML | Basis for Permit Requirement |
|                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                            |                                                                                                     | Permit Limit            | Existing Effluent Quality <sup>3</sup> | # of Data Points Detects / Non-Detects | Limit   | Basis            | Ambient Bkgd. Conc.                                               | Projected Instream Conc.                                                                                      | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis                 |    |                              |
| General Notes: Existing flow and discharge data was obtained from actual data from a similar Onvo facility located in Pottsville, PA (as noted in the Engineer's Report, Appendix B). All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. |                                                                                                                                            |                                                                                                     |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |
| Flow Rate                                                                                                                                                                                                                                                                                                                                  | MGD                                                                                                                                        | Daily Max                                                                                           | -                       | Estimated Similar Facility             | -                                      | 0.0035  | Design Flow      | No alterations that will impair the waters for their best usages. |                                                                                                               |               |         |             | <a href="#">703.2</a> | -  | Design Flow                  |
|                                                                                                                                                                                                                                                                                                                                            | The flow limit has been set at the design flow of the wastewater treatment facility.                                                       |                                                                                                     |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |
| pH                                                                                                                                                                                                                                                                                                                                         | SU                                                                                                                                         | Minimum                                                                                             | -                       | 6.5 Vendor Estimation                  | -                                      | 6.0     | -                | -                                                                 | -                                                                                                             | 6.5 – 8.5     | Range   | 6.5 - 8.5   | <a href="#">703.3</a> | -  | ISEL                         |
|                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                            | Maximum                                                                                             | -                       | 8.5 Vendor Estimation                  | -                                      | 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 have been applied as end-of-pipe limitations with no mixing or dilution.                                                |                                                                                                                                            |                                                                                                     |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |
| Temperature                                                                                                                                                                                                                                                                                                                                | °F                                                                                                                                         | Daily Max                                                                                           | -                       | -                                      | -                                      | Monitor | 750-1.13 Monitor | -                                                                 | No discharge at a temperature over 70°F (21°C) shall be permitted at any time to streams classified for trout |               |         |             | <a href="#">704.2</a> | -  | WQBEL                        |
|                                                                                                                                                                                                                                                                                                                                            | Consistent with 6 NYCRR 750-1.13(a), monitoring is required to determine compliance with the water quality standard. This requirement new. |                                                                                                     |                         |                                        |                                        |         |                  |                                                                   |                                                                                                               |               |         |             |                       |    |                              |

<sup>3</sup> Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 non-detects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 non-detects)



| Outfall #                                           | 001                                                                                                                                                                                                                                                                                                                                                                                                                                     | Description of Wastewater: Treated Sanitary Effluent                                                |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|----------------------------------------|-------|---------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------|---------|-------------|-------|------|------------------------------|
|                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                         | Type of Treatment: Primary Clarifier/MMBR/Secondary Clarifier/Pressure Filter/UV Light Disinfection |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |
| Effluent Parameter                                  | Units                                                                                                                                                                                                                                                                                                                                                                                                                                   | Averaging Period                                                                                    | Existing Discharge Data |                                        |                                        | TBELs |                     | Water Quality Data & WQBELs |                                                                                                                            |               |         |             |       | ML   | Basis for Permit Requirement |
|                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                     | Permit Limit            | Existing Effluent Quality <sup>3</sup> | # of Data Points Detects / Non-Detects | Limit | Basis               | Ambient Bkgd. Conc.         | Projected Instream Conc.                                                                                                   | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis |      |                              |
| Dissolved Oxygen                                    | mg/L                                                                                                                                                                                                                                                                                                                                                                                                                                    | Daily Min                                                                                           | -                       | -                                      | -                                      | 7.0   | TOGS 1.3.1          | -                           | -                                                                                                                          | 7.0 mg/L      | -       | 703.3       | -     | ISEL |                              |
| (DO)                                                | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste.                                                                                                   |                                                                                                     |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |
| 5-day Biochemical Oxygen Demand (BOD <sub>5</sub> ) | mg/L                                                                                                                                                                                                                                                                                                                                                                                                                                    | Daily Max                                                                                           | -                       | -                                      | -                                      | 5.0   | TOGS 1.3.1          | -                           | Dissolved Oxygen= 7.0 mg/L Surrogate Standard                                                                              |               |         | 703.3       | -     | ISEL |                              |
|                                                     | lbs/d                                                                                                                                                                                                                                                                                                                                                                                                                                   | Daily Max                                                                                           | -                       | -                                      | -                                      | -     | -                   |                             |                                                                                                                            |               |         |             |       |      |                              |
|                                                     | % Rem                                                                                                                                                                                                                                                                                                                                                                                                                                   | Minimum                                                                                             | -                       | -                                      | -                                      | 85    | 40 CFR Part 133.102 |                             |                                                                                                                            |               |         |             |       |      |                              |
|                                                     | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102. |                                                                                                     |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |
| Total Suspended Solids (TSS)                        | mg/L                                                                                                                                                                                                                                                                                                                                                                                                                                    | Daily Max                                                                                           | -                       | -                                      | -                                      | 10    | TOGS 1.3.1          | -                           | None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. |               |         | 703.2       | -     | ISEL |                              |
|                                                     | lbs/d                                                                                                                                                                                                                                                                                                                                                                                                                                   | Daily Max                                                                                           | -                       | -                                      | -                                      | -     | -                   |                             |                                                                                                                            |               |         |             |       |      |                              |
|                                                     | % Rem                                                                                                                                                                                                                                                                                                                                                                                                                                   | Minimum                                                                                             | -                       | -                                      | -                                      | 85    | 40 CFR Part 133.102 |                             |                                                                                                                            |               |         |             |       |      |                              |
|                                                     | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102. |                                                                                                     |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |
| Settleable Solids                                   | mL/L                                                                                                                                                                                                                                                                                                                                                                                                                                    | Daily Max                                                                                           | -                       | -                                      | -                                      | 0.1   | TOGS 1.3.1          | -                           | None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. |               |         | 703.2       | -     | ISEL |                              |
|                                                     | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102. |                                                                                                     |                         |                                        |                                        |       |                     |                             |                                                                                                                            |               |         |             |       |      |                              |

| Outfall #                | 001      | Description of Wastewater: Treated Sanitary Effluent                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |                                        |                                        |       |                   |                             |                                                                                        |               |         |             |       |    |                              |
|--------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|----------------------------------------|-------|-------------------|-----------------------------|----------------------------------------------------------------------------------------|---------------|---------|-------------|-------|----|------------------------------|
|                          |          | Type of Treatment: Primary Clarifier/MMBR/Secondary Clarifier/Pressure Filter/UV Light Disinfection                                                                                                                                                                                                                                                                                                                                                                                                                 |                         |                                        |                                        |       |                   |                             |                                                                                        |               |         |             |       |    |                              |
| Effluent Parameter       | Units    | Averaging Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Existing Discharge Data |                                        |                                        | TBELs |                   | Water Quality Data & WQBELs |                                                                                        |               |         |             |       | ML | Basis for Permit Requirement |
|                          |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Permit Limit            | Existing Effluent Quality <sup>3</sup> | # of Data Points Detects / Non-Detects | Limit | Basis             | Ambient Bkgd. Conc.         | Projected Instream Conc.                                                               | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis |    |                              |
| Nitrogen, Ammonia (as N) | mg/L     | Daily Max                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.9                     | < 0.9 Vendor Estimation                | -                                      | 0.9   | Vendor Estimation | -                           | -                                                                                      | 0.6           | A(C)    | 0.6         | 703.5 | -  | ISEL                         |
|                          | lb/d     | Monthly Avg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -                       | -                                      | -                                      | -     | -                 | -                           | -                                                                                      | -             | -       | 0.018       |       |    |                              |
| SUMMER 6/1 – 10/31       |          | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.<br><br>The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 8.0 <sup>4</sup> and a summer temperature of 24°C. The temperature of the receiving waterbody was assumed value and consistent with TOGS 1.3.1E. |                         |                                        |                                        |       |                   |                             |                                                                                        |               |         |             |       |    |                              |
| Nitrogen, Ammonia (as N) | mg/L     | Daily Max                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1.9                     | < 1.9 Vendor Estimation                | -                                      | 1.9   | Vendor Estimation | -                           | -                                                                                      | 1.1           | A(C)    | 1.1         | 703.5 | -  | ISEL                         |
|                          | lb/d     | Monthly Avg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -                       | -                                      | -                                      | -     | -                 | -                           | -                                                                                      | -             | -       | 0.031       |       |    |                              |
| WINTER 11/1 – 5/31       |          | Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.<br><br>The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 8.0 <sup>5</sup> and a winter temperature of 10°C. The temperature of the receiving waterbody was assumed value and consistent with TOGS 1.3.1E. |                         |                                        |                                        |       |                   |                             |                                                                                        |               |         |             |       |    |                              |
| Coliform, Fecal          | #/100 ml | 30d Geo Mean                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | -                       | -                                      | -                                      | 200   | TOGS 1.3.3        | -                           | The monthly geometric mean, from a minimum of five examinations, shall not exceed 200. |               |         |             | 703.4 | -  | TBEL                         |
|                          |          | 7d Geo Mean                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -                       | -                                      | -                                      | 400   | TOGS 1.3.3        | -                           |                                                                                        |               |         |             |       |    |                              |
|                          |          | Year-round effluent disinfection has been added to the permit.Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.                                                                                                                                                           |                         |                                        |                                        |       |                   |                             |                                                                                        |               |         |             |       |    |                              |

<sup>4</sup> Ambient pH was established from a 2023 analysis of median watershed specific data collected by DEC through the Rotating Integrated Basin Studies (RIBS) program from 2012-2022. This data is available through the RIBS Data Portal.

<sup>5</sup> Ambient pH was established from a 2023 analysis of median watershed specific data collected by DEC through the Rotating Integrated Basin Studies (RIBS) program from 2012-2022. This data is available through the RIBS Data Portal.

Permittee: Onvo  
 Facility: Onvo Travel Center  
 SPDES Number: SPDES No. NY  
 USEPA Non-Major/Class 02 PCI

Date: April 16, 2026 v.1.38  
 Permit Writer: J.E. Malcolm  
 Water Quality Reviewer: Ed Schneider

| Outfall #          | 001                                                                                                                   | Description of Wastewater: Treated Sanitary Effluent                                                |                         |                                        |                                        |       |            |                                                                                                                                   |                                                                                                                    |               |         |             |       |       |                              |
|--------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|----------------------------------------|-------|------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------|---------|-------------|-------|-------|------------------------------|
|                    |                                                                                                                       | Type of Treatment: Primary Clarifier/MMBR/Secondary Clarifier/Pressure Filter/UV Light Disinfection |                         |                                        |                                        |       |            |                                                                                                                                   |                                                                                                                    |               |         |             |       |       |                              |
| Effluent Parameter | Units                                                                                                                 | Averaging Period                                                                                    | Existing Discharge Data |                                        |                                        | TBELs |            | Water Quality Data & WQBELs                                                                                                       |                                                                                                                    |               |         |             |       | ML    | Basis for Permit Requirement |
|                    |                                                                                                                       |                                                                                                     | Permit Limit            | Existing Effluent Quality <sup>3</sup> | # of Data Points Detects / Non-Detects | Limit | Basis      | Ambient Bkgd. Conc.                                                                                                               | Projected Instream Conc.                                                                                           | WQ Std. or GV | WQ Type | Calc. WQBEL | Basis |       |                              |
| Oil & Grease       | mg/L                                                                                                                  | Daily Max                                                                                           | -                       | -                                      | -                                      | 15    | TOGS 1.2.1 | -                                                                                                                                 | No residue attributable to sewage, industrial wastes, or other wastes, nor visible oil film nor globules of grease |               |         |             | 703.2 | -     | TBEL                         |
|                    | No numeric water quality standard for oil & grease and therefore water quality-based effluent limit is not suggested. |                                                                                                     |                         |                                        |                                        |       |            |                                                                                                                                   |                                                                                                                    |               |         |             |       |       |                              |
|                    | Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C.                  |                                                                                                     |                         |                                        |                                        |       |            |                                                                                                                                   |                                                                                                                    |               |         |             |       |       |                              |
| Total              | mg/L                                                                                                                  | Monitor Only                                                                                        | -                       | -                                      | -                                      | -     | -          | None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages. (703.2) |                                                                                                                    |               | 1.0     | TOGS 1.3.6  | -     | WQBEL |                              |
| Phosphorus         | As per TOGS 1.3.6 an effluent limit of 1.0 mg/L is indicated to protect the water quality of Cranberry Pond.          |                                                                                                     |                         |                                        |                                        |       |            |                                                                                                                                   |                                                                                                                    |               |         |             |       |       |                              |

## 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
  - o 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
  - o 6 NYCRR Part 621
  - o 6 NYCRR Part 750
  - o 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
  - o 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 for Water Quality-based Toxics Control, 03/91, 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) and 750-1.10(d), CWA sections 402(o), 303(d)(4), ECL 17-0809, 40 CFR 122.44(l) |
| 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 | NYCRR 750-2.1(i) => Request for Additional Information                                             |

### 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 95<sup>th</sup> (monthly average) and 99<sup>th</sup> (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<sup>6</sup> and USEPA interpretation<sup>7</sup> 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.

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

<sup>7</sup> 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)

## **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 DEC 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 95<sup>th</sup> 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 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 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 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.

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 testing should be included in SPDES permits. The authority to require toxicity testing is in 6 NYCRR 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.

### *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.<sup>[1]</sup> The CSO Control Policy identifies specific requirements for Phase I and Phase II permits. Phase I permits must include requirements for the 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.

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

## Other Conditions

### Mercury

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

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

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

### 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.