State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**8888**	NAICS Code:	**221112**	SPDES Number:	**NY 010 4060**
Discharge Class (CL):		**01**		DEC Number:	**4-0101-00010-00001-0**
Toxic Class (TX):		**N**		Effective Date (EDP):	**08/01/2024**
Major-Sub Drainage Basin:		**13 - 01**		Expiration Date (ExDP):	**07/31/2029**
Water Index Number:	**H (portion 5)**	Item No.:	**941.7**	Modification Dates (EDPM):	**EDPM**
Compact Area:	**-**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**New York State Office of General Services**	Attention:	**Director – Facilities Management**		
Street:	**Corning Tower 23rd Floor**				
City:	**Albany**	State:	**NY**	Zip Code:	**12220**
Email:	**Lukasiewicz@ogs.ny.gov**	Phone:	**518- 473 - 2153**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL															
Name:	**Empire State Plaza**														
Address / Location:	**Empire State Plaza, RM 114-1; Concourse Level**											County:	**Albany**		
City:	**Albany**						State:	**NY**				Zip Code:	**12220**		
Facility Location:		Latitude:	**42**	°	**39**	’	**09**	” N	& Longitude:	**73**	°	**45**	’	**37**	” W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**39**	’	**50**	” N	& Longitude:	**73**	°	**45**	’	**27**	” W
Wastewater Description:	**Non-contact cooling water**	Receiving Water:	**Hudson River**				NAICS:	**221112**	Class:	**C**		Standard:	**C**		

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

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

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

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

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Non-contact Cooling Water	Hudson River	EDPM	7/31/2029

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow, Intake	Daily Maximum	92	MGD			Continuous	Recorder	X		
	Monthly Average	Monitor	MGD			Continuous	Recorder	X		
Temperature, Intake	Monthly Average	Monitor	ºF			Continuous	Recorder	X		
Temperature, Discharge	Daily Maximum (November to April)	90	ºF			Continuous	Recorder		X	
	Daily Maximum (May to October)	100	ºF			Continuous	Recorder		X	
	Monthly Average	Monitor	ºF			Continuous	Recorder		X	
Temperature, Differential (Discharge - Intake)	Daily Maximum	24	ºF			Continuous	Calculated		X	1
	Monthly Average	Monitor	ºF			Continuous	Calculated		X	1
pH	Daily Minimum	6.5	SU			1/Week	Grab		X	
	Daily Maximum	8.5								
Chlorine, Total Residual	Daily Maximum	0.20	mg/L			Each Treatment	Grab		X	2
	Monthly Average	Monitor	mg/L			Each Treatment	Grab		X	2

Footnotes:

1. The differential temperature value shall be calculated for each day by subtracting the monthly average intake temperature from the maximum discharge temperature for that day. Report the maximum daily temperature differential of the month as the “Daily Maximum” and report the average of all daily differential temperatures as the “Monthly Average”.
2. Chlorination (for Zebra Mussel Control) shall not exceed 30 minutes per day. When water intake temperature is less than 50ºF, chlorination shall not be conducted more than once every two weeks. Compliance with these conditions shall be documented and reported in accordance with the general requirements for Water Treatment Chemicals section of this permit.

BIOLOGICAL MONITORING REQUIREMENTS

All submissions under this section should provide:
An electronic copy to the Energy Unit Leader[1];
One (1) copy of the cover letter to the Section Chief, SPDES Compliance Information Section, DOW; and
One (1) copy of the cover letter to the Regional Water Engineer;
unless otherwise noted.

Implementation of Best Technology Available (BTA): 0.75 mm slot-width Cylindrical Wedgewire Screens (CWWS).

1. Consistent with the February 18, 2020 approved *Technology Installation and Operation Plan* (TIOP), the permittee must continue to operate the 0.75 mm CWWS as follows to meet the requirements of 6 NYCRR Part 704.5 and Commissioner Policy #52:

   a. Maintain and operate 0.75 mm CWWS at the Cooling Water Intake Structure; and
   b. Maintain a through-slot velocity of the CWWS of less than 0.5 foot per second.

2. The reductions in entrainment and impingement mortality resulting from operation of this BTA technology can be no less stringent than the following conditions:

   a. 85 percent reduction in entrainment from the calculation baseline; and
   b. 95 percent reduction in impingement mortality from the calculation baseline

Verification Monitoring Reporting

3. By March 31 annually, the permittee must submit an Annual Water Use Summary report. This report shall contain the daily maximum flow for each month, and monthly summaries of flows of Hudson River water used for the previous year. Daily total intake flow shall be reported based on metered readings, or calculated measurements if meters are unavailable.

Endangered Species

4. Nothing in this permit authorizes a take for the purposes of this facility's compliance with the federal Endangered Species Act or Environmental Conservation Law section 11-0535 and its implementing regulations at 6 NYCRR Part 182.

Biological Monitoring Requirements Continued on Next Page

[1] Energy Unit Leader, NYSDEC, Bureau of Habitat, 625 Broadway 5th Floor, Albany, NY 12233-4756
BOHEnergyUnit@dec.ny.gov

BIOLOGICAL MONITORING REQUIREMENTS (continued)
General Requirements

5. The permittee must maintain records of all data, reports and analysis pertaining to compliance with 6NYCRR Part 704 and Section 316(b) CWA for a period no less than 10 years from EDP.

6. Modification of the facility cooling water intake must not occur without prior Department approval. The permittee must submit written notification, including detailed descriptions and plans, to the NYSDEC Energy Unit; the Director of the Bureau of Water Compliance Program; and both the Regional Permit Administrator and the Regional Water Engineer, Region 4, at least 60 days prior to any proposed change which would result in the alteration of the permitted operation, location, design, construction or capacity of the cooling water intake structure. The permittee must submit with the written notification a demonstration that the change reflects the best technology available for minimizing adverse environmental impacts pursuant to 6 NYCRR §704.5, Section 316(b) of the Clean Water Act, and Commissioner Policy #52. As determined by NYS DEC, a permit modification application in accordance with 6 NYCRR Part 621 may be required.

SCHEDULE OF BIOLOGICAL MONTIORING SUBMITTALS

The permittee shall submit the following information to the Energy Unit Leader, NYSDEC, Bureau of Habitat, 625 Broadway 5th Floor, Albany, NY 12233-4756:

Outfall(s)	Biological Monitoring Requirement	Required Action	Due Date
001	B3	Submit a Verification Monitoring Report	By March 31, annually

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:

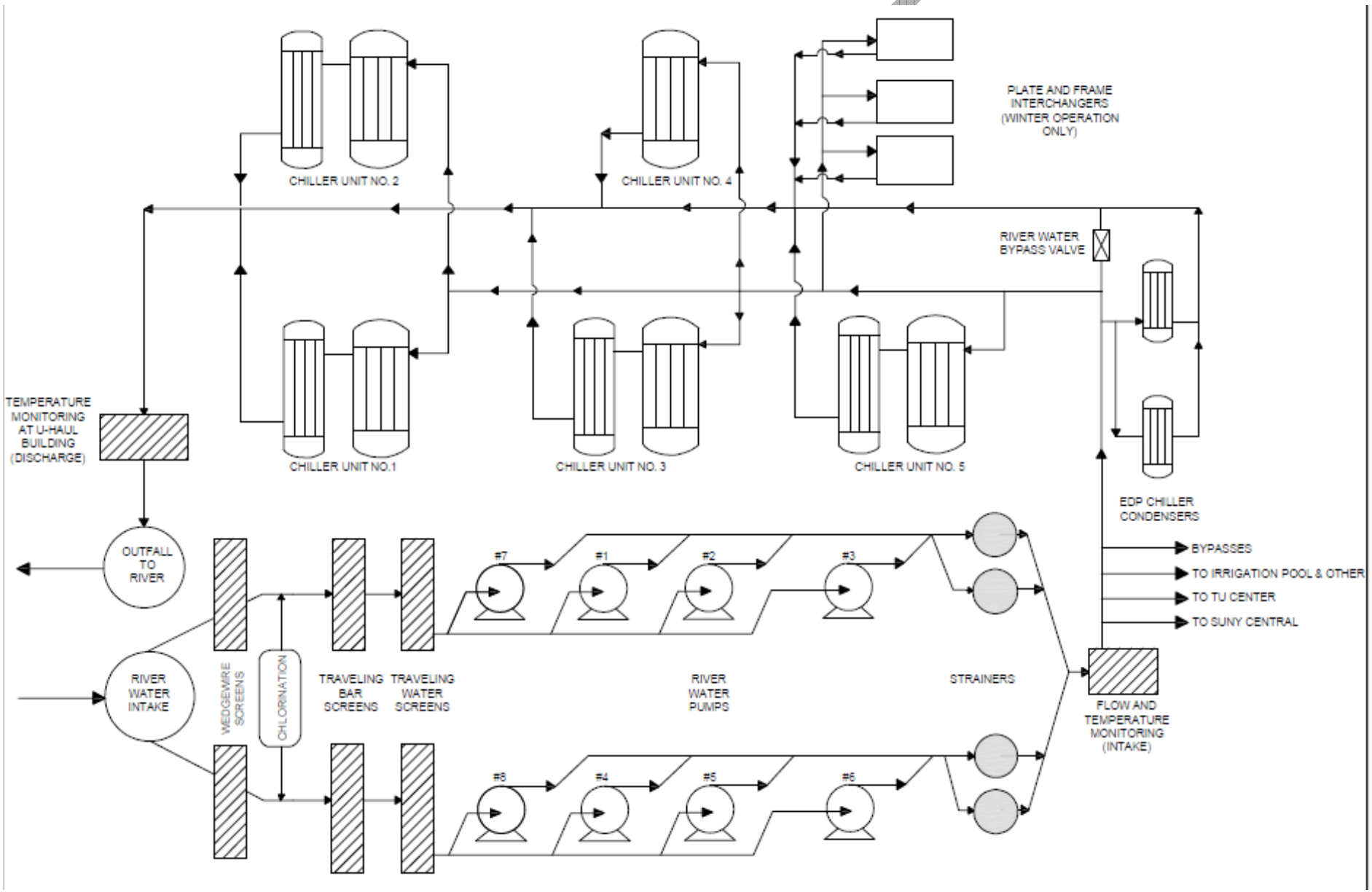
NYSDEC Division of Water Regional Phone: ( ) - ### -####

(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 locations(s) specified below:



GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

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

D. Monitoring and Records

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

E. Reporting Requirements

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

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

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

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The permittee shall retain the monitoring information required by this permit for a period of at least five years from the date of the sampling.

B. Discharge Monitoring Reports (DMRs): The permittee shall submit completed DMR forms for each one month reporting period in accordance with the DMR Manual available on DEC's website.

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

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

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 04
1130 North Westcott Road, Schenectady, New York, 12306-2014 Phone: (518) 357-2045

D. 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.

E. 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.

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

G. 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.

H. 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
New York State Office of General Services
Empire State Plaza
0104060

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Empire State Plaza. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Increased the daily maximum temperature limit from 90°F to 100°F for the period from May through October
- Added a new footnote to clarify calculation of the differential temperature (monthly average intake subtracted from the daily maximum discharge temperature)
- Changed the sample type for differential temperature from "recorder" to "calculated"
- Updated the biological monitoring requirements and removed the schedule of compliance, to reflect the status of the thermal discharge evaluation
- Corrected an error in the temperature intake units from "MGD" to "°F"
- Changed the sample type of temperature intake and flow from "calculated" to "recorder"

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

8/1/2019 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 7/31/2024. The 2019 permit has formed the basis of this permit modification.

8/1/2024 The permit was administratively renewed and is effective until 7/31/2029.

7/17/2025 The New York State Office of General Services (OGS) submitted a Thermal Variance Report and request to modify the SPDES permit to increase the maximum daily discharge temperature from 90°F to 100°F from May through October.

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

Facility Information

This is an industrial facility (SIC code 8888). The facility withdraws Hudson River water for use in the Empire State Plaza central air conditioning system. The heated water then passes through a plant chiller and is ultimately discharged back into the Hudson River. Appendix A contains the Biological Fact Sheet, which provides additional information about the facility.

Anti-backsliding

The discharge temperature limitation is increasing from 90°F to 100°F from May through October and backsliding is allowed under 750-1.10(2)(i) as new information is available. The Thermal Discharge Evaluation and biological study discussed in Appendix A demonstrates the increased temperature will remain protective of the water quality standard under 704.1(a). All other limitations contained in the permit are at least as stringent as the previous permit limits.

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
001	42° 39' 50"	-73° 45' 27"	Hudson River	C	H (portion 5) / 1301-0002	13/01

POLLUTANT SUMMARY TABLE - 001

Outfall #	001	**Description of Wastewater:** Non-contact cooling water **Type of Treatment:** None														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Temperature	°F	Daily Max May - October	90	-	-	-	-	-	(Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition.			**100**	704.1(a) 704.2(b)(1)(i) 40 CFR 125.73	-	WQBEL
	°F	Daily Max November - April	**90**	-	-							90			
	The discharge temperature effluent limitation has been adjusted from 90°F to 100°F for May thru October and remains protective of the water quality standard under 704.1(a). See the discussion in Appendix A for more information.														

Appendix A – Biological Fact Sheet

Biological Fact Sheet - Cooling Water Intake Structure
Bureau of Habitat, Energy Unit

Name of Facility: Empire State Plaza
Owner/Operator: New York State Office of General Services
SPDES #: NY0104060
Location: Hudson River, City of Albany, Albany County

1. Description of Facility

The Empire State Plaza (ESP) cooling water intake structure (CWIS) is located on the western shore of the Hudson River in Albany. The ESP employs a once-through cooling system, withdrawing water from the Hudson River to supply non-contact cooling water for use in the Central Air Conditioning Plant for the plaza. The facility currently uses technologies and operational measures that comprise the Best Technology Available (BTA) to minimize impingement of fish at the intake, and entrainment of smaller aquatic organisms within the cooling system. These measures include installation and seasonal operation of cylindrical wedgewire screens (CWWS), operated at a through slot velocity of ≤ 0.5 feet per second, and water usage at a level less than design flow.

The ESP uses six circulating water pumps to withdraw water for cooling. From October through March, the water is withdrawn through a surface-oriented 10’ high x 16’ wide screened opening. The water then flows to a forebay that divides into two separate channels, each with an angled bar screen (to collect additional debris) and a 3/8-inch mesh vertical traveling screen. Any impinged fish and river debris are washed off the traveling screens with a high-pressure wash once every two hours, then returned to the river. Survival of impinged fish is unknown and may be adversely affected by the two-hour screen cleaning rotation and the high-pressure spray wash. From April through September, four 0.75 mm slot-width CWWS with a 0.5 fps through slot velocity are deployed. The slot size and through slot velocity of the screens prevent most adult fish that interact with the screens from being harmed by the operation of the intake. The intake is also outfitted with a bypass gate in the event that the CWWS malfunction. Prior impingement studies indicated that 84% of impingement occurs between May and September. The seasonal CWWS deployment is designed to be most efficient at minimizing impingement mortality while preventing damage to or operational issues with the screens during winter weather conditions. Ultimately the cooling water is pumped to the Air Conditioning Plant, piped through the heat exchangers, then finally the heated water is discharged into the river about 0.4 mile south of the intake structure. The permitted change in temperature for the facility is 24°F, with a maximum discharge temperature of 100°F. The facility has a designed pumping capacity of 108 million gallons a day (MGD) but can only physically withdraw a maximum flow of 92 MGD. Of this 92 MGD, 10.8 MGD is used as non-contact cooling water for the SUNY Administration Building and Times Union Center.

2. Ecological Resource

The Hudson River in the vicinity of the intake structure is classified as Class C waters. The best usage of Class C waters is fishing, and these waters shall support fish and wildlife propagation and survival. The water quality shall also be suitable for primary and secondary contact recreation.

Many species of fish inhabit the river at this location and use it as a spawning ground. Some of these fish species include striped bass, American shad, alewife, blueback herring, white perch, and the federally listed endangered Atlantic and shortnose sturgeon.

3. Thermal Discharge Evaluation and Variance Request

In 2024, OGS completed a comprehensive biological study intended to demonstrate that the existing thermal discharge would ensure the protection of a balanced and indigenous population of fish and wildlife in the vicinity of the discharge. OGS submitted a "Thermal Variance Report" that included a thorough assessment of the historical and predictive effects of an alternate effluent criteria of 100°F at the discharge on the biotic categories (e.g. aquatic invertebrates, vegetation, fish) that compose the Hudson River ecosystem near the discharge. The Department found that Thermal Variance Report provided enough information and analysis to support OGS' claim that the 100°F discharge will meet the water quality standard in 6 NYCRR §704.1(a).

4. Determination of Best Technology Available

The Department affirms that the current technology of 0.75 mm slot-width CWWS with a through-slot velocity of less than 0.5 fps, in conjunction with actual facility cooling water flows, continues to be BTA for this facility. This suite of technologies and operational measures meets the requirements of 6 NYCRR § 704.5 and will meet the performance goals of Commissioner Policy-52. In addition, given the impact to species of concern (American shad, alewife, blueback herring, and American eels), CWWS will meet the goals of the Hudson River Estuary Action Agenda to minimize or eliminate cooling water withdraw impacts to Hudson River anadromous and catadromous fish species.

5. Monitoring Requirements

Biological monitoring requirement number 3 states that OGS must submit annual water usage reports summarizing the daily maximum flow for each month, and monthly summaries of flows of Hudson River water used for the previous year.

6. Legal Requirements

The requirements for the cooling water intake structure in this State Pollutant Discharge Elimination System permit are consistent with the policies and requirements embodied in the New York State Environmental Conservation Law, in particular - Sec.1-0101.1.; 1-0101.2.; 1-0101.3.b., c.; 1-0303.19.; 3-0301.1.b., c., i., s. and t.; 11-0107.1; 11-0303.; 11-0535.2; 11-1301.; 11-1321.1.; 17-0105.17.; 17-0303.2., 4.g.; 17-0701.2 and the rules thereunder, specifically 6NYCRR § 704.5 and the performance requirements of CP-52. In addition, the requirements are consistent with the Clean Water Act, in particular Section 316(b).

7. References

6 NYCRR Part 701.8. Classification of waters.

Henningson, Durham & Richardson Architecture and Engineering, P.C. in association with HDR Engineering, Inc. July 2011. Wedgewire Screen Biological Efficacy Evaluation. Prepared for NYS Office of General Services, Empire State Plaza.

Henningson, Durham & Richardson Architecture and Engineering, P.C. in association with HDR Engineering, Inc. January 2012. Impingement and Entrainment Characterization Study. Prepared for NYS Office of General Services, Empire State Plaza.

NYSDEC. Hudson River Estuary Action Agenda 2026-2030.

8. Summary of Proposed Permit Conditions

Biological Monitoring Requirement 1	Requires continued use of 0.75 mm cylindrical wedgewire screens, less than 0.5 fps through-slot velocity
Biological Monitoring Requirement 2	Requires reductions in Impingement Mortality and Entrainment
Biological Monitoring Requirement 3	The permittee must submit annual Water Use Summary reports
Biological Monitoring Requirement 4	States this permit does not authorize Take for purposes of compliance with Endangered Species Act
Biological Monitoring Requirement 5	The permittee must maintain records of all data, reports and analysis pertaining to compliance with 6NYCRR Part 704 and Section 316(b) CWA for a period no less than 10 years from EDP.
Biological Monitoring Requirement 6	Prohibits modification of CWIS without prior Department approval