



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	8734	NAICS Code:	541380	SPDES Number:	NY0255874
Discharge Class (CL):	04	DEC Number:	5-1646-00215/00001		
Toxic Class (TX):	N	Effective Date (EDP):			
Major-Sub Drainage Basin:	10 - 03	Expiration Date (ExDP):			
Water Index Number:	-	Item No.:	-	Modification Dates (EDPM):	
Compact Area:	-				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State

PERMITTEE NAME AND ADDRESS					
Name:	Bionique Testing Laboratories LLC		Attention:	Gladis Zamparo, CEO	
Street:	156 Fay Brook Drive				
City:	Saranac Lake	State:	NY	Zip Code:	12983
Email:	gzamparo@bionique.com		Phone:	518-891-2356	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	Bionique Testing Laboratories LLC										
Address / Location:	156 Fay Brook Drive						County:	Franklin			
City:	Saranac Lake				State:	NY		Zip Code:	12983		
Facility Location:	Latitude:	44 °	23 '	7.7 " N	& Longitude:	74 °	11 '	33 " W			
Primary Outfall No.:	001	Latitude:	44 °	23 '	8.9 " N	& Longitude:	74 °	11 '	32 " W		
Wastewater Description:	See Limits Table	Receiving Water:	Groundwater			NAICS:	541380	Class:	GA	Standard:	GA

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)
 DOH Franklin County

Regional Permit Administrator:		
Address:		
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	Sanitary Wastewater, Laboratory Wash-water, and Cooling Water Blowdown	Groundwater	EDPM	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow (see footnotes)	Daily Maximum	600	GPD			Continuous	Estimate	X		1, 3
Flow (see footnotes)	Daily Maximum	1,440	GPD			Continuous	Estimate	X		2, 3
pH	Daily Minimum	6.5	SU			Monthly	Grab		X	
	Daily Maximum	8.5	SU							
Chloride	Daily Maximum	500	mg/l			Monthly	Grab		X	
Nitrate	Daily Maximum	20	mg/l			Monthly	Grab		X	

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
MW	Ambient Groundwater Monitoring	N/A	EDPM	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Chloride	Daily Maximum	250	mg/l			Quarterly	Grab			2, 4
Nitrate	Daily Maximum	10	mg/l			Quarterly	Grab			2, 4
Dissolved Solids, Total	Daily Maximum	500	mg/l			Quarterly	Grab			2, 4
Sodium	Daily Maximum	20	mg/l			Quarterly	Grab			2, 4

FOOTNOTES:

1. Limit applies until construction of the expanded disposal system is complete and the permittee receives written acceptance of an engineer's certification that the disposal system has been fully completed in accordance with the approved engineering report and plans.
2. Limit applies after construction of the expanded disposal system is complete and the permittee receives written acceptance of an engineer's certification that the disposal system has been fully completed in accordance with the approved engineering report and plans.
3. Flow shall be based on the run-time meters on the dosing pumps.
4. Ambient groundwater samples shall be collected from the monitoring well (MW).

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:

Outfall 001: Effluent samples shall be collected from the dosing pump station prior to discharge into the subsurface system.

MW: Ambient groundwater samples shall be collected from the monitoring well (MW).



GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|---|-----------------------------------|
| 1. Reporting requirements for non-POTWs | 6 NYCRR 750-2.5, 2.6, 2.7, & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.
- G. SPDES Permit Program Fee
The permittee shall pay to the DEC an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the DEC.
 2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used.
 3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: <http://www.dec.ny.gov/permits/93245.html>

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.
- B. 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 5
232 Golf Course Road, Warrensburg, New York, 12885-1172 Phone: (518) 623-1200

- C. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC's website.

Hard copy submission of the Annual Report shall be submitted to the Regional Water Engineer at the address below:

Department of Environmental Conservation
Regional Water Engineer, Region 5
232 Golf Course Road, Warrensburg, New York, 12885-1172 Phone: (518) 623-1200

- D. Schedule of Additional Submittals:

The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

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

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
001	<p><u>PRIORITY POLLUTANT SCAN</u> The permittee shall conduct a one-time priority pollutant (ref. 40 CFR Part 423, Appendix A) scan. The sample shall be collected on a day in which normal operating conditions are occurring. The sampling results from this scan shall be submitted to the Bureau of Water Compliance, 625 Broadway, Albany NY 12233-3506 and to the Region 5 Regional Water Engineer, 232 Golf Course Road, Warrensburg, New York, 12885-1172.</p> <p>The presence of any parameter not limited in this permit should be noted and accompanied by a short explanation as to the source of the parameter.</p>	EDPM + 1 year
001	<p><u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form <u>each year</u> that Water Treatment Chemicals are used. The form shall be submitted with the annual monitoring report.</p>	Annually by February 1 st

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

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

Permittee: **Bionique Testing Laboratories LLC**
Facility: **Bionique Testing Laboratories LLC**
SPDES Number: **NY0255874**
USEPA Non-Major/Class 04 Industrial

Date: **June 28, 2024**
Permit Writer: **Derek Thorsland**
Water Quality Reviewer: **N/A**

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SPDES Permit Fact Sheet

Bionique Testing Laboratories LLC NY0255874



**Department of
Environmental
Conservation**

Summary of Permit Changes

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

- Updated permit format, definitions, and general conditions.
- Added requirement for emerging contaminant monitoring.
- Added daily maximum flow limitations for the existing and expanded disposal systems of 600 and 1,440 GPD, respectively.
- Added daily minimum and maximum effluent limitations for pH of 6.5 and 8.5 SU, respectively.
- Added daily maximum effluent limitation for chloride of 500 mg/l.
- Added daily maximum effluent limitation for nitrate of 20 mg/l.
- Added daily maximum ambient groundwater limitations for chloride, nitrate, total dissolved solids, and sodium equal to the water quality standards to be sampled in the monitoring well (MW) once installed.

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

- 6/1/1999 A SPDES permit was issued to Bionique Testing Laboratories LLC
- 3/5/2024 Bionique Testing Laboratories LLC submitted a complete NY-2C permit application
- 6/28/2024 The SPDES permit was modified based on the submitted application materials

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

Facility Information

This facility is a commercial facility that provides mycoplasma testing services for the life science industry, specializing in testing cell therapies, cell banks, raw materials, unprocessed bulk harvest, and final drug products.

The treatment system consists of septic tanks for primary treatment and dosed subsurface soil absorption for effluent treatment and dispersal to groundwater.

Sludge is periodically pumped from septic tanks and hauled offsite for disposal.

The facility is planning the following upgrades/improvements:

- An increase of the facility's testing services capacity and expansion of the associated wastewater treatment system capacity (from 600 to 1,440 gallons per day).

Site Overview



Enforcement History

The facility does not have any enforcement history.

Existing Effluent Quality

No existing effluent quality data exists for the facility other than that submitted with the NY-2C permit application.

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	8734	Sanitary wastewater, laboratory wash-water, and cooling water blowdown	Groundwater, Class GA

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](#).

Anti-backsliding

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

[Appendix Link](#)

Antidegradation

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

[Appendix Link](#)

¹ As prescribed by 6 NYCRR Part 617

Permittee: **Bionique Testing Laboratories LLC**
 Facility: **Bionique Testing Laboratories LLC**
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USEPA Non-Major/Class 04 Industrial

Date: **June 28, 2024**
 Permit Writer: **Derek Thorsland**
 Water Quality Reviewer: **N/A**

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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 (GPD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	44° 23' 8.9" N	74° 11' 32" W	Groundwater	GA	N/A	10 / 03	-	-	-	-	1,440	-	-	-

Permittee: **Bionique Testing Laboratories LLC**
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USEPA Non-Major/Class 04 Industrial

Date: **June 28, 2024**
 Permit Writer: **Derek Thorsland**
 Water Quality Reviewer: **N/A**

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POLLUTANT SUMMARY TABLES

Outfall 001

Outfall #	001	Description of Wastewater: Sanitary wastewater, laboratory wash-water, and cooling water blowdown													
		Type of Treatment: Septic tanks and subsurface soil absorption													
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 for WQBEL		
General Notes: Existing discharge data does not exist for this facility.															
Flow	GPD	Daily Max	600	-	-	1,440	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				703.2	-	TBEL	
		A new flow limit, set at the design flow of the wastewater treatment facility, is specified after the facility's expansion is complete.													
pH	SU	Minimum	-	7.3	1 / 0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	-	703.6	-	WQBEL
		Maximum	-	7.3	1 / 0	9.0		Consistent with 6 NYCRR Part 703.6 that specifies the pH shall not be lower than 6.5 or the pH of the natural groundwater, whichever is lower, nor shall be greater than 8.5 of the pH of the natural groundwater, whichever is greater.							
Mercury	ng/L	Daily Max	-	8.4	1 / 0	-	-	-	-	700	-	No Reasonable Potential	703.5	-	No Limitation
		No effluent limitation needed.													
Ammonia as N	mg/L	Daily Max	-	41	1 / 0	-	-	-	-	2.0	-	No Reasonable Potential	703.5	-	No Limitation
		No effluent limitation needed per TOGS 1.1.1.													
Chloride	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	250	-	500	703.6	-	WQBEL
		Consistent with 6 NYCRR Part 703.6 for groundwater effluent limitations for discharges to Class GA waters are being applied at Outfall 001. A limit equal to the water quality standard for groundwater is also specified at the monitoring well, MW.													
Nitrate	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	10	-	20	703.6	-	WQBEL
		Consistent with 6 NYCRR Part 703.6 for groundwater effluent limitations for discharges to Class GA waters are being applied at Outfall 001. A limit equal to the water quality standard for groundwater is also specified at the monitoring well, MW.													

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 Water Quality Reviewer: **N/A**

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Monitoring Well (MW)

Outfall #	MW	Description of Wastewater: Sanitary wastewater, laboratory wash-water, and cooling water blowdown													
		Type of Treatment: Septic tanks and subsurface soil absorption													
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 for WQBEL		
General Notes: Existing discharge data does not exist for this facility.															
Chloride	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	250	-	-	703.5	-	WQBEL
	A limit equal to the water quality standard for groundwater is specified at the monitoring well, MW.														
Nitrate	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	10	-	-	703.5	-	WQBEL
	A limit equal to the water quality standard for groundwater is specified at the monitoring well, MW.														
Dissolved Solids, Total	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	500	-	-	703.3	-	WQBEL
	A limit equal to the water quality standard for groundwater is specified at the monitoring well, MW.														
Sodium	mg/L	Daily Max	-	-	0 / 0	-	-	-	-	20	-	-	703.5	-	WQBEL
	A limit equal to the water quality standard for groundwater is specified at the monitoring well, MW.														

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the fact sheet for multiple types of SPDES permits. Portions of this Appendix may not be applicable to this specific permit.

Regulatory References

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

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

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

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

Outfall and Receiving Water Information

Existing Effluent Quality

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

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 law² and USEPA interpretation³ anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

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

Effluent Limitations

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

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.

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

³ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

Permittee: **Bionique Testing Laboratories LLC**
Facility: **Bionique Testing Laboratories LLC**
SPDES Number: **NY0255874**
USEPA Non-Major/Class 04 Industrial

Date: **June 28, 2024**
Permit Writer: **Derek Thorsland**
Water Quality Reviewer: **N/A**

v.1.25

Monitoring Requirements

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

Other Conditions

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.