State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**4226**	NAICS Code:	**493190**	SPDES Number:	**NY0218090**
Discharge Class (CL):	**01**			DEC Number:	**6-3044-00023/00005**
Toxic Class (TX):	**T**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**12 - 01**			Expiration Date (ExDP):	**EXDP**
Water Index Number:	**H-240 (portion 12a)**	Item No.:	**876 - 16**	Modification Dates (EDPM):	
Compact Area:	**-**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**Sunoco, LLC**	Attention:	**Pete Welker, Sr. Manager Terminal Operations**		
Street:	**9678 River Rd**				
City:	**Marcy**	State:	**NY**	Zip Code:	**13403**
Email:	**Peter.Welker@sunoco.com**	Phone:	**(585) 481- 3189**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																		
Name:	**Sunoco Marcy Terminal**																	
Address / Location:	**9678 River Rd**													County:	**Oneida**			
City:	**Marcy**								State:	**NY**				Zip Code:	**13403**			
Facility Location:		Latitude:	**43**	°	**7**	'	**45**	" N	& Longitude:	**75**	°	**14**	'	**50**	" W			
Primary Outfall No.:	**003**	Latitude:	**43**	°	**7**	'	**31**	" N	& Longitude:	**75**	°	**14**	'	**52**	" W			
Wastewater Description:	**Stormwater runoff and hydrostatic test water**	Receiving Water:	**Storm Sewer Tributary of the Barge Canal**						NAICS:	**493190**		Class:	**D**		Standard:	**C**		

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

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

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

Permit Administrator:	Todd J. Phillips
Address:	207 Genesee Street Utica, New York 13501
Signature	Date

Contents

SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
03A	**Hydrostatic Test Water**	**493190**	**-** ° **-** ' **-** " N	**-** ° **-** ' **-** " W
Receiving Water:	**Storm Sewer Tributary of the Barge Canal (internal to Outfall 003)**		Class:	**C**

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING – Outfall 003

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Stormwater and Hydrostatic Test Water	Unnamed Tributary of the Barge Canal	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	Monitor	GPD	-	-	Monthly	Meter		X	2
Oil and Grease	Daily Maximum	15	mg/L	-	-	Monthly	Grab		X	2
Benzene	Daily Maximum	5.0	µg/L	-	-	Quarterly	Grab		X	1,2
Toluene	Daily Maximum	5.0	µg/L	-	-	Quarterly	Grab		X	1,2
Xylenes	Daily Maximum	5.0	µg/L	-	-	Quarterly	Grab		X	1,2
Ethylbenzene	Daily Maximum	5.0	µg/L	-	-	Quarterly	Grab		X	1,2

FOOTNOTES FOR OUTFALL 003:

1. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).

2. Stormwater Sampling

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

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

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

PERMIT LIMITS, LEVELS AND MONITORING – Outfall 03A

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
03A	Hydrostatic Test Water	Unnamed Tributary of the Barge Canal (internal to Outfall 003)	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION			MONITORING REQUIREMENTS				FN
						Location		
	Type	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Daily Maximum	Monitor	gallons/month	Each Discharge	Calculated		X	1
Oil and Grease	Daily Maximum	15	mg/L	Each Discharge	Grab		X	
Benzene	Daily Maximum	6.0	µg/L	Each Discharge	Grab		X	
Toluene	Daily Maximum	20	µg/L	Each Discharge	Grab		X	
Xylenes	Daily Maximum	20	µg/L	Each Discharge	Grab		X	
Ethylbenzene	Daily Maximum	17	µg/L	Each Discharge	Grab		X	
Total Residual Chlorine (TRC)	Daily Maximum	0.03	mg/L	Each Discharge	Grab		X	2,3,4

FOOTNOTES FOR OUTFALL 03A:

1. Flow shall be calculated by determining the volume of water used during testing.
2. Sampling and reporting for total residual chlorine (TRC) is only necessary if chlorine is used for tank testing, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
3. This is a Compliance Level for TRC of 0.03 mg/L. The WQBEL is 0.005 mg/L.
4. Sampling for TRC may be conducted in the tank being tested or downstream at the Outfall 003 sampling location.
5. All discharges of hydrostatic test water must be conducted in accordance with the special conditions contained within this permit.

SPECIAL CONDITIONS

Hydrostatic Test Water Discharges:

Each discharge of hydrostatic test water will be through Outfall 003. A sample (or samples) must be taken and analyzed for all parameters that are indicated in the Outfall 03A table above prior to discharge.

Unless specifically otherwise authorized by the Regional Water Engineer, analytical results of sampling must be reviewed by company personnel for compliance before initiation of a discharge. If effluent limitations are not attained, additional measures to achieve compliance must be implemented.

The Regional Water Engineer must be informed at least 2 business days prior to the discharge of hydrostatic test water.

Any discharge of hydrostatic test water must be done under the direct supervision of plant personnel. A visual check for the presence of oil and floating substances must be made prior to and during the discharge.

Data associated with hydrostatic test water shall be kept at the facility for a period of 5 years and be available to department personnel upon request.

Additional requirements such as: Sampling at a minimum of 3 levels within a tank (eg. bottom, middle, and top), submission of analytical results prior to discharge and /or written authorization for discharge prior to discharge may be imposed at the discretion of the Regional Water Engineer or their representative.

The discharge of tank test water must be done in a manner that minimizes soil or sediment and does not cause flooding in the area of discharge. It must be done in a manner that minimizes the impact on the fisheries.

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

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

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

2. **Compliance Deadlines** The initial BMP plan was previously received by the Department on 10/13/92 and 1/18/93. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

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

4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

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

BMPs FOR INDUSTRIAL FACILITIES (continued)

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

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

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

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

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

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

BMPs FOR INDUSTRIAL FACILITIES (continued)

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

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

(i) *Bulk Storage Secondary Containment Systems:*

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

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

(ii) *Transfer Area Secondary Containment Systems:*

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

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

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

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

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

MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On 11/9/2023, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10.

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements[2] as described in detail below:

    a. Conditional Exclusion Certification - A certification (Appendix D of *DOW 1.3.10*), signed in accordance with 750-1.8 Signature of SPDES forms, must be submitted once every five (5) years to the Regional Water Engineer and to the Bureau of Water Permits certifying that the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:

    - The facility is or receives discharge from 1) individually permitted combined sewer overflow (CSOs)[3] communities and/or 2) Type II sanitary sewer overflow (SSO)[4] facilities;
    - One or more effluent samples which exceed 12 ng/L, including samples taken as a result of the SPDES application process;
    - Internal or tributary waste stream samples exceed the GLCA effluent limitation **AND** the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
    - A permit application or other information indicates that mercury is handled on site and could be discharged through outfalls;
    - Outfalls which contain legacy mercury contamination;
    - The facility's collection system receives discharges from a dental and/or categorical industrial user (CIU)[5] that may discharge mercury;
    - The facility accepts hauled wastes; or,
    - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories which have their own SPDES permit.

    b. Control Strategy - The control strategy must contain the following minimum elements:

    i. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.

    ii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

[2]Neither monitoring nor outreach is required for facilities meeting the criteria for MMP Type IV, but monitoring and/or outreach can be included in the permittee's control strategy.
[3] CSO permits are included under the 05 and 07 permit classifications.
[4] These are overflow retention facilities (ORFs) and are included under the 05 and 07 permit classifications.
[5] CIUs include those listed under Federal Regulation in 40 CFR Part 400.

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

c. **Status Report** - An **annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:

   i. Review of criteria to determine if the facility has a potential mercury source;
      a. If the permittee no longer meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated permit modification;
   ii. All actions undertaken, pursuant to the control strategy, during the previous year; and
   iii. Actions planned, pursuant to the control strategy, for the upcoming year.

   The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).

3. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility, or within the collection system, increase the potential for mercury discharges;
   b. A letter from the Department identifies inadequacies in the MMP.

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

DEFINITIONS:

Potential mercury source – a source identified by the permittee that may reasonably be expected to have total mercury contained in the discharge. Some potential mercury sources include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, batteries, hauled wastes, universities, hospitals, laboratories, landfills, Brownfield sites, or raw material storage.

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: ( ) - ### -####

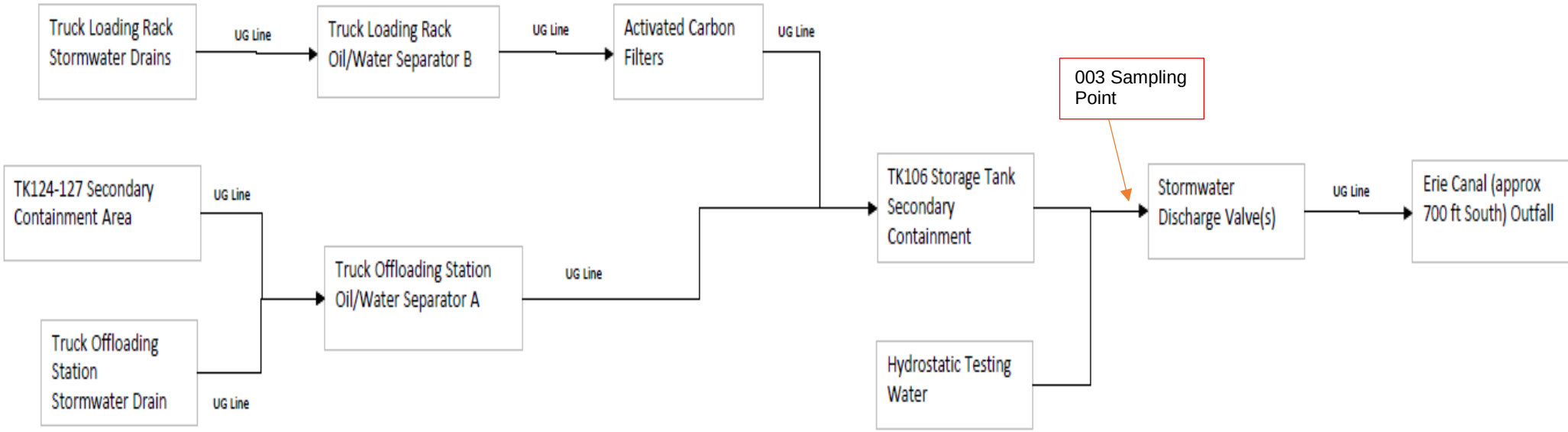
(e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for 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:

Effluent: Outfall 003 Sampling occurs immediately prior to the stormwater discharge valve
Outfall 03A Sampling occurs in the hydrostatic test water tank before discharge



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

H. Water Treatment Chemicals (WTCs)

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at https://www.dec.ny.gov/chemical/103774.html. **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 6
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
003	EMERGING CONTAMINANT SHORT-TERM MONITORING The permittee shall collect grab samples of effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) utilizing EPA analytical method 1633. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a monthly basis for at least 3 consecutive months. The results shall be reported through the "Emerging Contaminants Survey for Industrial Facilities" found at: Emerging Contaminants In NY's Waters - NYSDEC. The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for Industrial Facilities" available at the above link. The Department may periodically request updates and/or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.	EDP + 6 months Within 90 days of DEC written notification

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	BMP PLAN A single submission of the BMP plan is requested in the year following permit issuance (for DEC records). After that, the BMP plan shall continue to be reviewed annually and modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	Submit on January 28th of the year following EDP Review annually on January 28th
	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite*** EDP + 12 months, annually thereafter
	MERCURY - CONDITIONAL EXCLUSION CERTIFICATION Permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status.	11/9/2028 and every 5 years thereafter

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

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

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

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

H. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.

I. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

SPDES Permit Fact Sheet
Sunoco, LLC
Sunoco Marcy Terminal
NY0218090

Contents

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) EBPS permit renewal with changes requested by the permittee has been drafted for the Sunoco Marcy Terminal. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Updated facility name, permittee name, and contact information
- Updated facility SIC code from 5171 to 4226
- Removed Outfalls 001 and 002 from SPDES permit
- Updated receiving waterbody classification to D with a standard of C
- Updated Hydrostatic Test Water Discharge condition….
    - Removed Outfall 001 from allowing discharges
    - Increased record retention time from 3 years to 5
- Replaced monitoring locations diagram with an updated diagram
- New requirement for Mercury Minimization Program (MMP) Type IV
- New Schedule of Additional Submittals and short-term monitoring requirement for Emerging Contaminants

Outfall 003

- Removed action levels for benzene, toluene, xylene, and ethylbenzene
- New daily max effluent limitations for benzene, toluene, ethylbenzene, and xylene of 5.0 ug/L
- Changed benzene limitation type from Monthly Average to Daily Maximum
- Removed oil and grease footnote requiring up to 3 samples to be collected starting within the first 15 minutes of an event and replaced with new footnote requiring stormwater sampling of all Outfall parameters within the first 30 minutes of a discharge consistent with MSGP requirements
- New footnote specifying timeframes for each quarterly sampling

Outfall 03A

- Reduced daily max effluent limitation for total residual chlorine from 0.1 mg/L to 0.03 mg/L
- Reduced daily max effluent limitation for ethylbenzene from 20 ug/L to 17 ug/L
- Changed benzene limitation type from Monthly Average to Daily Maximum in line with all other parameters
- Changed flow measurement to volume, to reflect that it is measured in the tank before discharge and added clarifying footnote
- Added footnote for sampling of total residual chlorine (TRC) required only if chlorine has the potential to be discharged
- Added footnote for TRC compliance level
- Added footnote allowing TRC sampling to be conducted in the tested tank or at the Outfall 003 sampling location

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

5/1/1995 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 5/1/2000. The 1995 permit, along with all subsequent modifications, has formed the basis of this permit.

The permit was modified in 1996 and 1999.

The permit was administratively renewed in 2000, 2005, 2010, 2015 and again in 2020. The current permit administrative renewal is effective until 10/31/2025.

4/25/2018 The permit for Marcy Terminal was transferred from Superior Plus Energy Services Inc. to Sunoco, LLC.

7/12/2023 Department conducted a facility inspection and identified that the SPDES permit did not reflect current facility operations and the permittee was required to submit an NY-2C application and modification request by 10/11/2023.

10/2/2023 Sunoco, LLC submitted an NY-2C form and request to modify the following permit items:

- Remove Outfall 001 from the SPDES permit
- Remove Outfall 002 from the SPDES permit
- Modify Outfall 003 to include additional sampling requirements

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

Facility Information

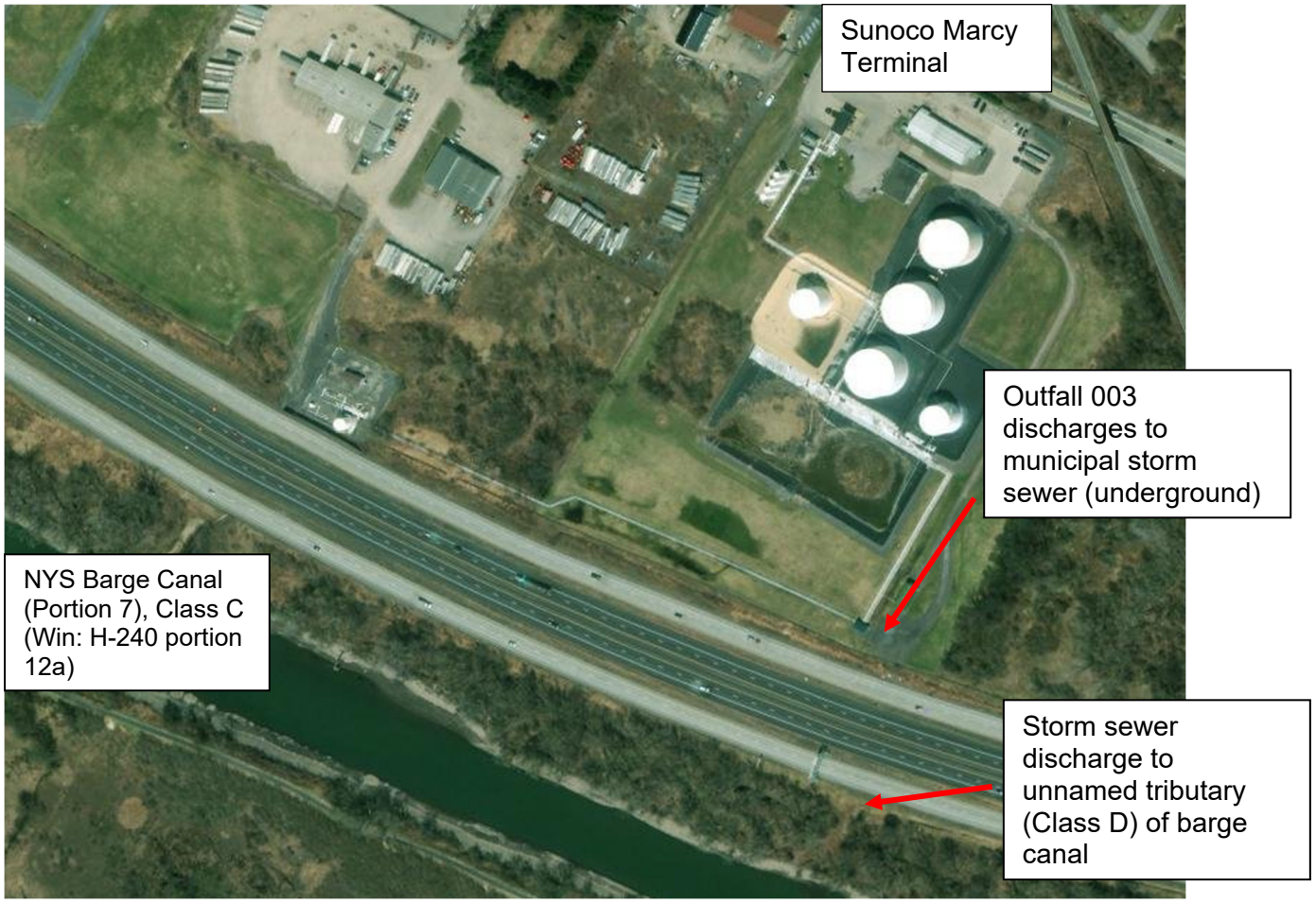
This is an industrial facility (SIC code 4226) for special warehousing and storage, including the storage of diesel fuel, home heating oil, and kerosene. As requested by the permittee, the SIC code listed on the SPDES permit is changing from 5171 to 4226 to better reflect the primary function of the facility. There are no effluent limitation guidelines (ELGs) promulgated under Section 304 of the CWA that apply to the discharge from this facility. Effluent consists of stormwater runoff and hydrostatic test water. The current treatment system consists of oil/water separators and activated carbon filters before the effluent is discharged through Outfall 003 to the nearby municipal storm sewer. The storm sewer travels approximately 700 feet before discharging into an unnamed tributary of the Barge Canal (Class D). The tributary extends approximately 100 feet before merging with the Barge Canal (Class C).

Outfall 001 previously discharged runoff from the loading rack area into the tributary of the Barge Canal. The outfall has been removed from the permit as the runoff now discharges through Outfall 003.

Outfall 002 previously discharged effluent from the groundwater recovery system into the unnamed tributary of the Barge Canal. The outfall has been removed from the permit as the recovery system is no longer in operation.

Outfall 003, which was previously used only for stormwater runoff from the tank farm, is now the primary outfall with the effluent previously from Outfall 001 being added to the discharge from Outfall 003. Outfall 03A remains active as a sample point for any hydrostatic test water which ultimately discharges to Outfall 003. No hydrostatic testing occurred during the last permit term.

Site Overview



Enforcement History

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

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period 2019 to 2023. Appendix Link

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
003	4226	Stormwater and Hydrostatic Test Water	Unnamed tributary of Barge Canal, Class D
03A	4226	Hydrostatic test water	Unnamed tributary of Barge Canal, Class D
001	Former Outfall 001 – Removing from Permit		
002	Former Outfall 002 – Removing from Permit		

See the Outfall and Receiving Water Summary Table and Appendix for additional information.

Impaired Waterbody Information

Neither the unnamed tributary of the Barge Canal (Class D) nor the Barge Canal (Class C) are listed on the 2018 New York State Section 303(d) List of Impaired/TMDL Waters, and therefore, there are no applicable wasteload allocations (WLAs) for this discharge.

Critical Receiving Water Data

This facility discharges to a storm sewer that flows into an unnamed tributary of the nearby Barge Canal. The unnamed tributary travels approximately 100 feet overland before merging with the canal. Intermittent stream effluent limits (ISEL) have been applied consistent with the previous permit. Consistent with TOGS 1.3.1, the water quality standards are applied as end-of-pipe limitations with no mixing or dilution. In accordance with the 6 NYCRR 750-1.2(a)(101) definition of *waters of the State*: 'a discharge to a storm sewer shall be regulated as a discharge at the point where the storm sewer discharges to waters of the State.' Due to the proximity of the Barge Canal, both Class D and Class C standards were evaluated, and effluent limitations are protective of both receiving waterbodies.

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

The limitations contained in this permit are at least as stringent as those contained in the previous permit, and in some cases more. Therefore, there are no instances of backsliding. Appendix Link

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice

Bulletin contains information on the State Environmental Quality Review (SEQR)[1] determination. Appendix Link

Discharge Notification Act Requirements

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

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is being continued from the previous permit.

Best Management Practices (BMPs) for Industrial Facilities

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

Stormwater Pollution Prevention Requirements

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

At the permittee's request, the stormwater discharges at this facility will continue to be covered under this individual SPDES permit to maintain continuity with other similar facilities, rather than obtaining coverage under the current Multi-Sector General Permit (MSGP) (GP-0-23-001). Requirements for the MSGP program were reviewed during development of the permit, to ensure consistency between the two programs. Specifically, the MSGP requires the implementation of Best Management Practices (BMPs) and benchmark testing of Oil & Grease, Chemical Oxygen Demand (COD), Benzene, Ethylbenzene, Toluene, and Xylene. The requirements applied in this permit are at least as stringent as those prescribed in the MSGP for each specified pollutant, except COD. COD requirements were not included in this permit based on the data submitted as part of the NY-2C application indicating non-detect. Further comparison of MSGP Requirements is included in the Pollutant Summary Table.

Mercury[2]

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

The facility is an industrial facility for warehousing and storage of diesel, home heating oil, and kerosene that does not have a mercury source onsite and is not located in the Great Lakes Basin. On 11/9/2023, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10 and the effluent measured <12 ng/L. Therefore, consistent with DOW 1.3.10, the permit includes requirements for the implementation of MMP Type IV and does not include mercury effluent limitations. The Schedule of Additional Submittals includes a mercury minimization plan annual status report (maintained onsite), and re-certification of the exclusion every five years. As part of the re-certification, the effluent must be sampled and continue to measure <12 ng/L. This requirement is new to the permit. Appendix Link

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

Emerging Contaminant Monitoring

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial products as well as in manufacturing processes for decades. These contaminants do not break down easily, therefore their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the NYSDEC Division of Water web page: Emerging Contaminants In NY's Waters - NYSDEC.

Required Sampling: The department has reviewed the sample sent in with the NY-2C application and is requiring further monitoring. Pursuant to 6 NYCRR Part 750-1.13(b), the permit includes a short-term monitoring program listed in the Schedule of Additional Submittals to evaluate the effluent discharge levels of Per-and Polyfluoroalkyl Substances (PFAS). This monitoring program is consistent with PFAS guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

The Department will review the additional monitoring results and pursuant to 6 NYCRR 750-2.1(i) may notify the permittee of the need for further monitoring to identify potential sources as specified in the Emerging Contaminants Investigation Checklist for Industrial Facilities. The department will consider this information and any previous progress made to track down and reduce or eliminate the source of the identified pollutants in determining if a permit modification is needed to incorporate a pollutant minimization program per 6 NYCRR 750-1.14(f).

Schedule(s) of Additional Submittals

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

- Mercury Minimization Plan Annual Status Report (maintained onsite)
- Mercury Conditional Exclusion Certification
- Emerging Contaminants Short Term Monitoring
- Updated BMP Plan

Special Conditions

A special condition has been continued from the previous permit for hydrostatic test water sampling and analysis prior to its release through Outfall 03A.

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
003	43° 7' 31" N	75° 14' 52" W	Unnamed Tributary of the Barge Canal	D & C*	H-240 (portion 12a)* PWL: 1201-0064	12/01	-	-	-	-	0.13	1:1*		

*As described in the Critical Receiving Water Data section above, the permit has been drafted to be protective of both Class D and C standards as end-of-pipe limitations.

Outfall 003

Outfall #	003	**Description of Wastewater:** Stormwater and Hydrostatic Test Water **Type of Treatment:** Oil/Water Separator, Activated Carbon														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[3]	# 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 from 2019 to 2023 was obtained from Discharge Monitoring Reports provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. Outfall 001 has been re-routed to discharge through Outfall 003 and as such data from Outfall 001 is summarized in the existing effluent quality and was reviewed for development of limits at Outfall 003.																
Flow Rate	GPD	Daily Max	**Monitor**	1,948 Actual Average	52/0	-	-	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor 750-1.13	
A max flow of 130,000 GPD was reported in the NY-2C application. Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.																
Oil and Grease	mg/L	Daily Max	15	6	1/52	**15**	TOGS 1.2.1	Narrative: No residue attributable to sewage, industrial wastes, or other wastes, nor visible oil film nor globules of grease					703.5	-	TBEL	
The existing limitation is consistent with both the TBEL limit from TOGS 1.2.1 Attachment C, and the MSGP benchmark requirements, and will continue.																
Additional Pollutants Previously Limited at Outfall 001																
Benzene	µg/L	Daily Max	-	<1	0/19	**5**	TOGS 1.2.1	-	-	10	H(FC)	No reasonable potential	703.5	-	TBEL	

[3] Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects). Less than values represent non-detections.

Outfall #	003	**Description of Wastewater:** Stormwater and Hydrostatic Test Water													
		Type of Treatment: Oil/Water Separator, Activated Carbon													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[3]	# 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		
	The effluent limitation has been decreased to equal the TBEL from TOGS 1.2.1 Attachment C. The limitation type has been adjusted from monthly average to daily max to match the TBEL citation in TOGS 1.2.1. This is more protective than both the WQS and the MSGP benchmark requirements and is protective of water quality. Based on performance, the facility is expected to meet the decreased limit.														
Toluene	µg/L	Daily Max	10	<1	0/19	**5**	TOGS 1.2.1	-	-	100 GV	A(C)	No reasonable potential	TOGS 1.1.1	-	TBEL
	The effluent limitation has been decreased to equal the TBEL from TOGS 1.2.1 Attachment C. This is more protective than both the guidance value and the MSGP benchmark requirements and is protective of water quality. Based on performance, the facility is expected to meet the decreased limit.														
Xylenes	µg/L	Daily Max	10	<2	0/19	**5**	TOGS 1.2.1	-	-	65 GV	A(C)	No reasonable potential	TOGS 1.1.1	-	TBEL
	The effluent limitation has been decreased to equal the TBEL from TOGS 1.2.1 Attachment C. This is more protective than both the guidance value and the MSGP benchmark requirements and is protective of water quality. Based on performance, the facility is expected to meet the decreased limit.														
Ethylbenzene	µg/L	Daily Max	10	1	1/18	**5**	TOGS 1.2.1	-	1-	17	A(C)	No reasonable potential	TOGS 1.1.1	-	TBEL
	The effluent limitation has been decreased to equal the TBEL from TOGS 1.2.1 Attachment C. This is more protective than both the WQS and the MSGP benchmark requirements and is protective of water quality. Based on performance, the facility is expected to meet the decreased limit.														
Additional Pollutants Detected as Part of the Application															
Biochemical Oxygen Demand (BOD_5)	mg/L	Daily Max	-	1.9	1/0	-	-	-	-	Class D DO Standard = 3.0 mg/L Class C DO Standard = 4.0 mg/L			703.3	-	No Limitations or Monitoring
	The waste stream consists of stormwater runoff and is not expected to have significant amounts of BOD_5 such that dissolved oxygen in the tributary or canal would be impacted. This assumption was confirmed by the sample collected as part of the NY-2C application. As such, no limitations or monitoring is required at this time.														
Total Suspended Solids	mg/L	Daily Max	-	4.1	1/0	20	TOGS 1.2.1	Narrative 703.2: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.						-	No Limitations or Monitoring
	The sample collected as part of the application indicates suspended solids significantly lower than the recommended TBEL in TOGS 1.2.1. As such, no effluent limitation or monitoring is being required at this time.														
Total Mercury	ng/L	Daily Max	-	<5*	1/0	-	-	-	-	0.7	H(FC)	-	GLCA	-	DOW 1.3.10
	See Mercury section of this fact sheet. *Single sample taken as part of the application process														

Outfall #	003	**Description of Wastewater:** Stormwater and Hydrostatic Test Water														
		Type of Treatment: Oil/Water Separator, Activated Carbon														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[3]	# 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		
Temperature	°F	Daily Max	-	36	1/0	-	-	(Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition					704.2	-	No Limitation or Monitoring
	The waste stream consists of stormwater runoff and is not expected to have a thermal impact to the receiving waterbody. As such, no limitations or monitoring is required at this time.														
pH	SU	Minimum	-	7.6	1/0	-	-	-	-	6.5 – 8.5	Range	No reasonable potential	703.3	-	No Limitation or Monitoring
		Maximum	-			-									
	The waste stream consists of stormwater runoff and is not expected to have pH values outside the range of the WQS. As such, no limitations or monitoring is required at this time.														
Emerging Contaminants															
Perfluorooctanoic Acid (PFOA)	µg/L	Daily Max	-	0.0043	1/0	-	-	-	0.0043	-	-	-	-	-	Short-term Monitoring
Perfluorohexanesulfonic Acid (PFHxS)	µg/L	Daily Max	-	0.0033	1/0	-	-	-	0.0033	-	-	-	-	-	
Perfluorooctanesulfonic Acid (PFOS)	µg/L	Daily Max	-	0.0094	1/0	-	-	-	0.0094	160 GV	A(C)	No Reasonable Potential	TOGS 1.1.1 2023 Addendum	-	
As detailed in the Emerging Contaminant section above, additional short-term monitoring has been included in the Schedule of Additional Submittals to provide additional data on the presence of emerging contaminants in the stormwater runoff.															

Outfall 03A

Outfall #	03A	**Description of Wastewater:** Hydrostatic Test Water **Type of Treatment:** Internal outfall to outfall 003 – no treatment														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[4]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis for WQBEL	ML	Basis for Permit Requirement
General Notes: No DMR data was reported for the last 5 years as the facility has not undergone this process. TBELs are not applicable to this outfall as no treatment is provided prior to discharge to Outfall 003. WQBELs were evaluated at Outfall 003, except where noted below for TRC.															
Flow	Gallons/ Month	Daily Max	**Monitor**	-	0/0	-	-	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitoring 750-1.13
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings. Flow will be reported in gallons per month as a measure of the volume of water used for testing.														
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.1	-	0/0	-	-	-	-	0.005	A(C)	0.005	703.5	**0.03**	ML
	The previous limit has been decreased to the ML for TRC based on EPA's Method Update Rule for 40 CFR 136. Sampling for TRC may be conducted from the hydrostatic test water or downstream at Outfall 003 since this limitation is for the protection of water quality.														
Oil and Grease	mg/L	Daily Max	**15**	-	0/0	-	-	-	-	Narrative: No residue attributable to sewage, industrial wastes, or other wastes, nor visible oil film nor globules of grease			703.2	-	Antibacksliding
	The previous permit limit will continue and is expected to be protective of water quality.														
Benzene	µg/L	Daily Max	**6.0**	-	0/0	-	-	-	-	10	H(FC)	See Outfall 003	703.5	-	Antibacksliding
	The previous permit limit will remain and is expected to be protective of water quality.														
Toluene	µg/L	Daily Max	**20**	-	0/0	-	-	-	-	100 GV	A(C)	See Outfall 003	TOGS 1.1.1	-	Antibacksliding
	The previous permit limit will remain and is expected to be protective of water quality.														
Xylenes	µg/L	Daily Max	**20**	-	0/0	-	-	-	-	65 GV	A(C)	See Outfall 003	TOGS 1.1.1	-	Antibacksliding
	The previous permit limit will remain and is expected to be protective of water quality.														
Ethylbenzene	µg/L	Daily Max	20	-	0/0	-	-	-	-	**17**	A(C)	See Outfall 003	TOGS 1.1.1	-	WQBEL
	The limit has been decreased to the water quality standard to be protective of water quality.														

[4] Existing Effluent Quality: Unless otherwise stated, Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Appendix: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

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

Outfall and Receiving Water Information

Impaired Waters

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

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

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

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

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law[5] and USEPA interpretation[6] 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

[5] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[6] U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

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

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies and/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/or 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 Department 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.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest

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

Reasonable Potential Analysis (RPA)

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

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

2) identify water quality criteria applicable to these pollutants;

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

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

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

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

The Division of Water has been using the TMDL approach in permit limit development for the control of toxic substances. Since the early 1980's, the loading capacity for specific pollutants has been determined for each drainage basin. Water quality-limiting segments and pollutants have been identified, TMDLs, wasteload allocations and load allocations have been developed, and permits with water quality-based effluent limits have been issued. In accordance with TOGS 1.3.1, the Division of Water implements a Toxics Reduction Strategy which is committed to the

application of the TMDL process using numeric, pollutant-specific water quality standards through the Watershed Approach. The Watershed Approach accounts for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments.

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

Mercury

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

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

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.