



Department of  
Environmental  
Conservation

# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	<b>4952</b>	NAICS Code:	<b>221320</b>	SPDES Number:	<b>NY 0215791</b>
Discharge Class (CL):	<b>07</b>	DEC Number:	<b>6-2232-00120/00002</b>		
Toxic Class (TX):	<b>N</b>	Effective Date (EDP):	<b>03/01/2020</b>		
Major-Sub Drainage Basin:	<b>03 - 03</b>	Expiration Date (ExDP):	<b>02/28/2025</b>		
Water Index Number:	<b>Ont-8 (Portion1)</b>	Item No.:	<b>0303-0010</b>	Modification Dates (EDPM):	
Compact Area:	<b>IJC</b>				

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

PERMITTEE NAME AND ADDRESS						
Name:	<b>Town of Clayton</b>			Attention:	<b>Town Supervisor</b>	
Street:	<b>405 Riverside Dr.</b>					
City:	<b>Clayton</b>			State:	<b>NY</b>	Zip Code: <b>13624</b>
Email:	<b>lpeterson@townofclayton.com</b>			Phone:	<b>(315) 686-3512</b>	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	<b>Clayton (T), Depauville SD STP</b>										
Address / Location:	<b>32333 Caroline St.</b>						County:	<b>Jefferson</b>			
City:	<b>Depauville</b>				State:	<b>NY</b>		Zip Code:	<b>13632</b>		
Facility Location:	Latitude:	<b>44</b> °	<b>08</b>	<b>12</b> " N	& Longitude:	<b>76</b> °	<b>04</b> ' <b>21</b> " W				
Primary Outfall No.:	<b>001</b>	Latitude:	<b>44</b> °	<b>08</b> ' <b>13</b> " N	& Longitude:	<b>76</b> °	<b>04</b> ' <b>23</b> " W				
Outfall Description:	<b>Treated Sanitary</b>	Receiving Water:	<b>Chaumont River</b>				Class:	<b>C</b>	Standard:		

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:**

CO BWP - Permit Coordinator  
BWP – Permit Writer  
CO BWC - SCIS  
RWE  
RPA  
EPA Region II  
NYSEFC

Permit Administrator:	<b>Jessica Hart</b>		
Address:	<b>317 Washington Street, Watertown NY 13601</b>		
Signature:		Date:	<b>/ /</b>

## DEFINITIONS

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

## PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year (unless otherwise specified)	Chaumont River	03/01/2020	02/28/2025

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	0.034	MGD			Continuous	Recorder	X		
pH	Daily Minimum	6.5	SU			5/Week	Grab	X	X	6
	Daily Maximum	8.5	SU							
Temperature	Daily Maximum	Monitor	°C			5/Week	Grab	X	X	6
BOD <sub>5</sub>	Daily Maximum	15	mg/L	4.3	lbs/d	Quarterly	Grab		X	1, 5
Total Suspended Solids (TSS)	Daily Maximum	15	mg/L	4.3	lbs/d	Quarterly	Grab		X	1, 5
Settleable Solids	Daily Maximum	0.1	mL/L			5/Week	Grab	X	X	6
Dissolved Oxygen	Daily Minimum	7.0	mg/L			5/Week	Grab	X	X	2, 6
Total Dissolved Solids	Daily Maximum	2230	mg/L	Monitor	lbs/d	Quarterly	Grab		X	5

EFFLUENT DISINFECTION		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Required Seasonal from May 1st - October 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./100 mL			2/Year	Grab		X	2, 7
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			2/Year	Grab		X	2, 7
Chlorine, Total Residual	Daily Maximum	30	µg/L			5/Week	Grab		X	2,3,4,6

### FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD<sub>5</sub> & TSS respectively. Influent concentrations shall be assumed as 200 mg/L.
- This is a final effluent limitation. See Schedule of Compliance for interim effluent limitation.
- Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
- This is a Compliance Level. The calculated WQBEL is 8.0 µg/L.
- Quarterly samples shall be collected in calendar quarters (Q1 – January 1<sup>st</sup> to March 31<sup>st</sup>; Q2 – April 1<sup>st</sup> to June 30<sup>th</sup>; Q3 – July 1<sup>st</sup> to September 30<sup>th</sup>; Q4 – October 1<sup>st</sup> to December 31<sup>st</sup>).
- 5/Week monitoring shall be performed on weekdays.
- 2/Year sampling shall be performed during each half of the disinfection season, once between May 1 – July 31 and once between August 1 – October 31.

## MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On 11/11/2022, 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<sup>1</sup> 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 Outfall 001 for 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)<sup>2</sup> communities and/or 2) Type II sanitary sewer overflow (SSO)<sup>3</sup> 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)<sup>4</sup> 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.

<sup>1</sup>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.

<sup>2</sup> CSO permits are included under the 05 and 07 permit classifications.

<sup>3</sup> These are overflow retention facilities (ORFs) and are included under the 05 and 07 permit classifications.

<sup>4</sup> 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:

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

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

## SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date <sup>5</sup>
001	<u>SCHEDULE OF COMPLIANCE STATUS REPORTS</u> Submit interim status reports on the progress related to meeting the specified final limits.	EDP + 9 Months, and every 9 months thereafter
001	<u>ENGINEERING REPORT</u> The permittee shall submit an approvable engineering report, prepared by a Professional Engineer licensed to practice engineering in New York State, detailing the designs that will be used to comply with the final effluent limitations for Fecal Coliform and Total Residual Chlorine (TRC).  <u>ENGINEERING PLANS / SPECIFICATIONS / SCHEDULE</u> The permittee shall submit approvable Engineering Plans, Specifications, and Construction Schedule for the implementation of disinfection requirements.  <u>BEGIN CONSTRUCTION</u> The permittee shall begin construction of the treatment facilities in accordance with the Department approved schedule.  <u>COMPLETE CONSTRUCTION &amp; COMMENCE OPERATION</u> The permittee shall complete construction and commence operation of the system and comply with the final effluent limitations for Fecal Coliform and TRC.	03/01/2022  May 1, 2025  In Accordance with Approved Eng. Report  May 1, 2027
001	<u>DISSOLVED OXYGEN</u> The permittee shall comply with the final effluent limitations for Dissolved Oxygen.	May 1, 2027

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

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.		
001	Dissolved Oxygen	Daily Minimum	Monitor	mg/L			5/Week	Grab	X	X	1, 2
001	Fecal Coliform	No Interim Requirements			N/A		N/A				2
001	Total Residual Chlorine	No Interim Requirements			N/A		N/A				2

Notes: 1. 5/Week monitoring shall be performed on weekdays.  
2. Interim limits expire 05/01/2027.

- b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:
1. A short description of the non-compliance;
  2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
  3. Any details which tend to explain or mitigate an instance of non-compliance; and
  4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

<sup>5</sup> 6 NYCRR 750-1.14 (a)

- c) The permittee shall submit copies of any document required by the above schedule of compliance to the NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

DRAFT



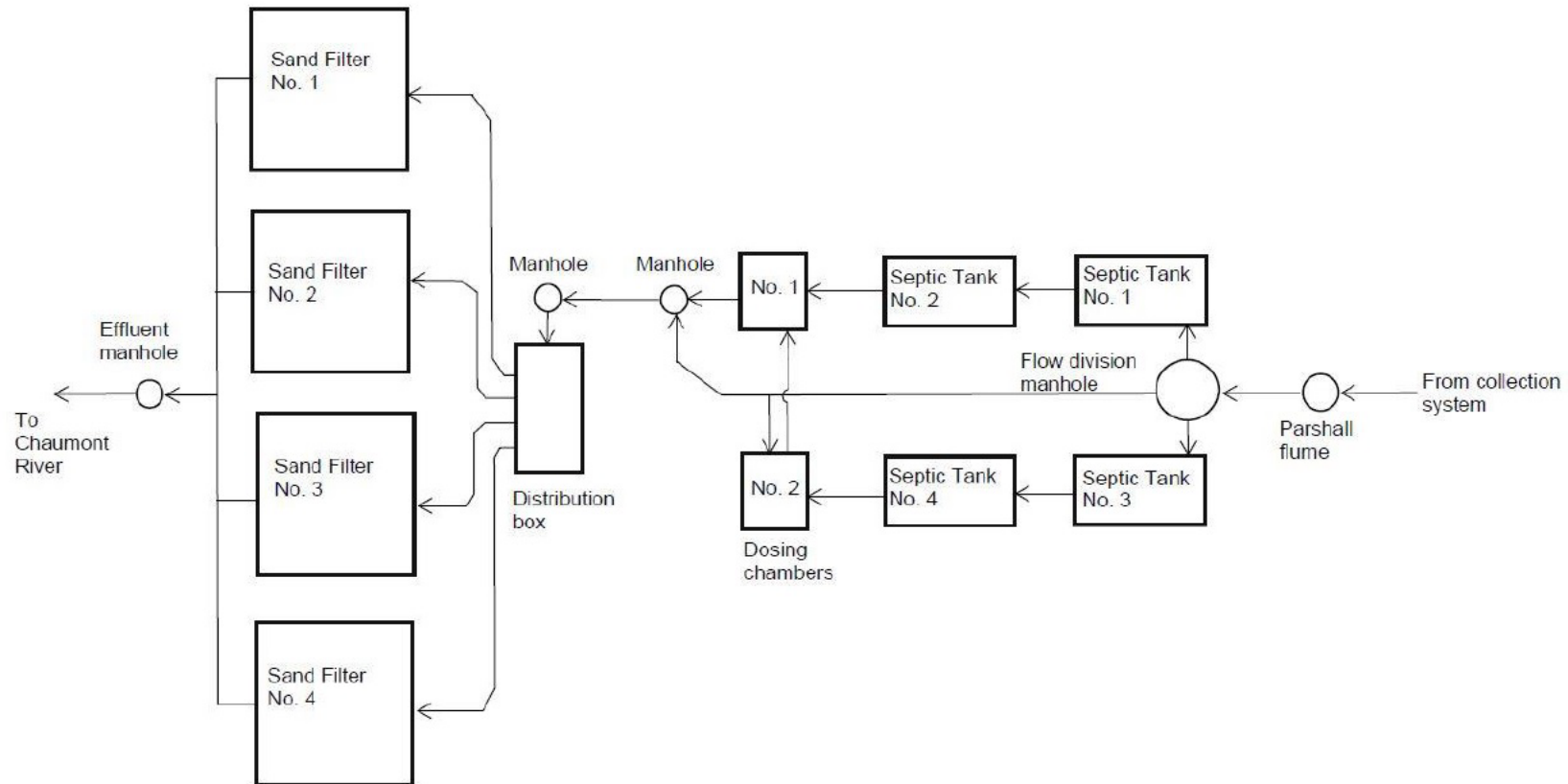
# MONITORING LOCATIONS

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

Influent: Flow Division Manhole

Effluent: (until disinfection system is complete): Effluent Manhole

Effluent: (after disinfection system is installed): Following disinfection



# GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- |  |   |
|--|---|
| 1. Duty to comply                                | 6 NYCRR 750-2.1(e) & 2.4                |
| 2. Duty to reapply                               | 6 NYCRR 750-1.16(a)                     |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g)                      |
| 4. Duty to mitigate                              | 6 NYCRR 750-2.7(f)                      |
| 5. Permit actions                                | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights                               | 6 NYCRR 750-2.2(b)                      |
| 7. Duty to provide information                   | 6 NYCRR 750-2.1(i)                      |
| 8. Inspection and entry                          | 6 NYCRR 750-2.1(a) & 2.3                |
- C. Operation and Maintenance
- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8                      |
| 2. Bypass                         | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset                          | 6 NYCRR 750-1.2(a)(94) & 2.8(c)      |
- D. Monitoring and Records
- |                           |  |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b)   |
- E. Reporting Requirements
- |   |                             |
|---|-----------------------------|
| 1. Reporting requirements                     | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance                  | 6 NYCRR 750-2.7(a)          |
| 3. Transfers                                  | 6 NYCRR 750-1.17            |
| 4. Monitoring reports                         | 6 NYCRR 750-2.5(e)          |
| 5. Compliance schedules                       | 6 NYCRR 750-1.14(d)         |
| 6. 24-hour reporting                          | 6 NYCRR 750-2.7(c) & (d)    |
| 7. Other noncompliance                        | 6 NYCRR 750-2.7(e)          |
| 8. Other information                          | 6 NYCRR 750-2.1(f)          |
| 9. Additional conditions applicable to a POTW | 6 NYCRR 750-2.9             |
- F. Planned Changes
- The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
    - The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
    - The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
    - The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

## GENERAL REQUIREMENTS (continued)

### 2. Notification Requirement for POTWs

All POTWs shall provide adequate notice to the Department and the USEPA of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice shall include information on:
  - i. the quality and quantity of effluent introduced into the POTW, and
  - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address:

U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866

### G. Sludge Management

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

### H. SPDES Permit Program Fee

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

### I. Water Treatment Chemicals (WTCs)

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

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

## RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/103774.html>. **Hardcopy paper DMRs will only be received at the address listed below, directed to the Bureau of Water Compliance, if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

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

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

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

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  
State Office Building, Watertown, New York, 13601-3787      Phone: (315) 785-2513

- D. Annual SPDES Monitoring Reports: An annual report shall be submitted to the Department by February 1<sup>st</sup> 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 Department'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 6  
State Office Building, Watertown, New York, 13601-3787      Phone: (315) 785-2513

- E. Bypass and Sewage Pollutant Right to Know Reporting: In accordance with the Sewage Pollutant Right to Know Act (ECL § 17-0826-a), Publicly Owned Treatment Works (POTWs) are required to notify DEC and Department of Health within two hours of discovery of an untreated or partially treated sewage discharge and to notify the public and adjoining municipalities within four hours of discovery. Information regarding reporting and other requirements of this program may be found on the Department's website. In addition, POTWs are required to provide a five-day incident report and supplemental information to the DEC in accordance with Part 750-2.7(d) by utilizing the Division of Water Report of Noncompliance Event form unless waived by DEC on a case-by-case basis.

- F. Schedule of Additional Submittals:

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

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
	<u>ANNUAL FLOW CERTIFICATION</u> The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(C)(4). The form shall be attached to the February DMR or submitted through nForm.	February DMR (March 28 <sup>th</sup> )
	<u>MERCURY - CONDITIONAL EXCLUSION CERTIFICATION</u> Permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status. As part of the certification the permittee will be required to sample the effluent and measure <12 ng/L.	EDPM and every 5 years thereafter
	<u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	<b>Maintained Onsite</b> By January 28 <sup>th</sup> Each Year

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

- G. 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.
- H. 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.
- I. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- J. 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.
- K. 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: Town of Clayton  
Facility: Clayton (T), Depauville Sewer District STP  
SPDES Number: NY0215791  
USEPA Non-Major/Class 07 Municipal

Date: December 12, 2022  
Permit Writer: Jacqueline Smith-Gagnon, P.E.  
Water Quality Reviewer: Michael Bocchi

# **SPDES Permit Fact Sheet**

## **Town of Clayton**

### **Clayton (T), Depauville Sewer District STP**

**NY0215791**



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## Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification has been drafted for the Clayton (T), Depauville Sewer District STP. The changes to the permit are summarized below:

- Revised effluent limitations for total dissolved solids based on updated receiving water information.
- Revised Mercury Minimization Program requirements.
- Revised the Schedule of Compliance by extending the completion date for effluent disinfection to May 1, 2027.
- Added a new Schedule of Compliance to meet the effluent limits for Dissolved Oxygen by May 1, 2027.
- Added a new Schedule of Submittals.
- Updated permit pages to reflect current NYSDEC format, nomenclature, definitions, and latest general conditions.

**This factsheet summarizes the information used to determine the effluent limitations and other conditions contained in the permit specific to the portions being modified. General background information including the regulatory basis for the effluent limitations and other conditions are in [Appendix A](#) linked throughout this factsheet.**

## Administrative History

- 03/01/2020 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 02/28/2025. The 2020 permit has formed the basis of this permit.
- 01/01/2022 The Town of Clayton submitted a request to have NYSDEC review the current effluent limitations for total dissolved solids and dissolved oxygen.
- 11/11/2022 The Town of Clayton submitted a request to extend the disinfection compliance schedule to by three years until May 1, 2027.

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

## Facility Information

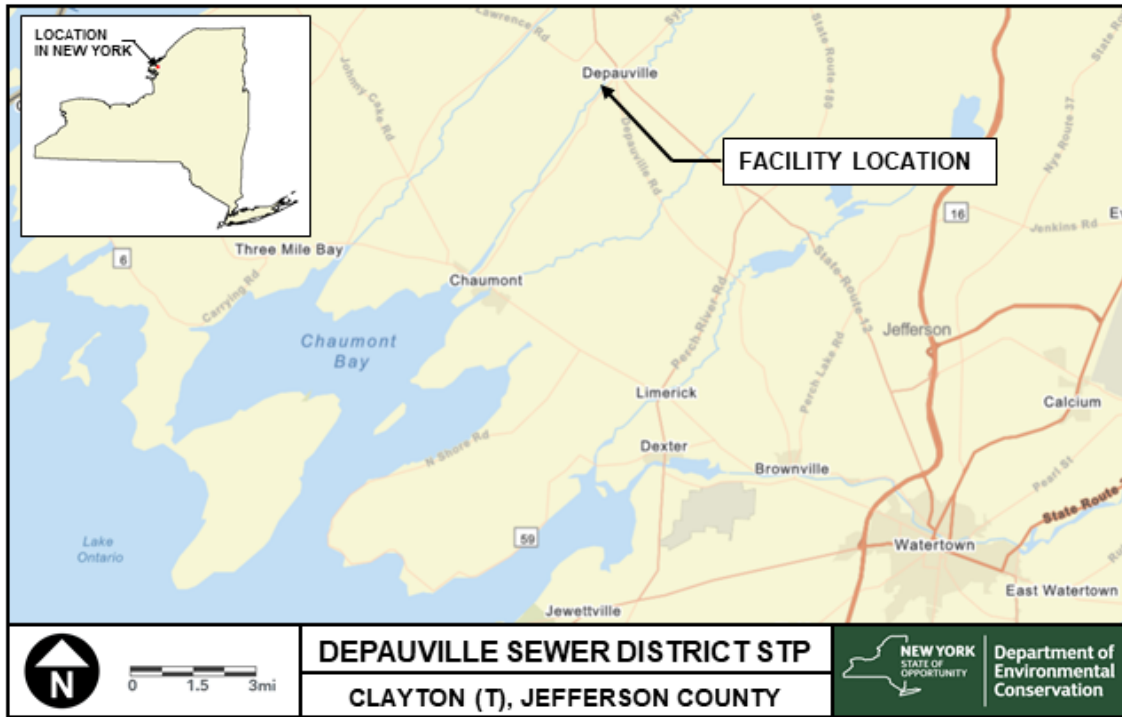
### Site Overview

Depauville is a hamlet in the Town of Clayton, Jefferson County, New York, located about 14 miles northwest of the City of Watertown.

The Clayton (T), Depauville Sewer District Sewage Treatment Plant is a publicly owned treatment works that was constructed in 1991 and serves the hamlet of Depauville. The facility receives flow from domestic users, with effluent consisting of treated sanitary sewage. The collection system consists of individual septic tanks and about 2 miles of separate sewers. The facility does not have any significant industrial users (SIUs).



### Facility Location



### Outfall Location



The treatment plant has a design flow 0.034 MGD and consists of four (4) septic tanks (2 in series and 2 in parallel) followed by four (4) intermittent open sand filters. Sludge from the septic tanks is hauled as needed to the Watertown Water Pollution Control Facility (WPCP).

### 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 3/1/2020 to 4/30/2022. [Appendix A Link](#)

## Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated Sanitary Sewage	Chaumont River, Class C

**Reach Description:** The Chaumont River is a tributary to Lake Ontario with a total drainage area of around 45 square miles. The drainage area at Outfall 001 is 26.5 square miles. About 6 miles downstream from the facility, the Chaumont River empties into Lake Ontario at Chaumont Bay.

The segment of the Chaumont River at Outfall 001 is specified in 6 NYCRR Part 847, Table 1, Item 19, with a Waters Index Number (WIN) of Ont. 8 and is classified as Class C. The best usage of Class C waters is fishing. These waters shall be suitable for fish, shellfish and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

The classifications of individual surface waters are specified in 6 NYCRR Parts 800 - 941. The best uses and standards of quality and purity applicable to specific water classes are specified in 6 NYCRR Parts 701-706.

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

### Impaired Waterbody Information

The Chaumont River segment (PWL No. 0303-0010) at Outfall 001 is not 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

NYSDEC uses critical low flows to evaluate effluent limitations to ensure water quality standards are maintained. The 1Q10 flow is used to assess for aquatic acute A(A), the 7Q10 for aquatic chronic A(C), and the 30Q10 for human, aesthetic, wildlife (HEW) water quality standards. The

1Q10, 7Q10 and 30Q10 flows are the lowest 1-Day, 7-Day and 30-Day average flows that occurs on average once every 10 years, respectively.

A few miles upstream of the discharge location, limited flow information is available at the United States Geological Survey (USGS) Gaging Station 04260700, Chaumont River near Depauville NY. Critical low flows were estimated by extending the flow record with long-term term gaging station USGS 04232100, Sterling Creek at Sterling NY using correlation techniques (Maintenance of Variance Extension Type 1) based on concurrent flows made on the same day. The Sterling Creek gage was the nearest long-term gage with over ten years of daily flow measurements that had similar hydrologic characteristics to that of the Chaumont River gage.

The 1Q10, 7Q10 and 30Q10 flows of 0.18, 0.22, 0.30 CFS were estimated using USGS SW Toolbox software for the extended record at the Chaumont River gage, transferred to the discharge location using drainage area weighting (26.5/18.3) and converted to MGD using a multiplier of 0.646.

### Critical Receiving Water Flows

Outfall No.	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)
001	0.17	0.21	0.28

The 1Q10, 7Q10, and 30Q10 flows and the treatment plant design flow of 0.034 MGD were used to calculate the acute, chronic, and human, aesthetic, wildlife (HEW) dilution ratios, respectively.

$$\text{Dilution Ratio} = (\text{Facility Flow} + \text{Low Flow}) / \text{Facility Flow}$$

### Dilution Ratios

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	6:1	7:1	9:1	TOGS 1.3.1

Critical receiving water data are listed in the [Pollutant Summary Table](#) at the end of this fact sheet. [Appendix A 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](#).

### 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. [Appendix A Link](#)

The proposed permit has a less stringent limit for Total Dissolved Solids (TDS) and a less stringent interim limit for Dissolved Oxygen (DO). The final limit for DO is being continued from the existing permit.

CWA section 402(o)(1) allows relaxation of WQBELs if the relaxation is consistent with the provisions of CWA section 303(d)(4) or if one of the exceptions in CWA section 402(o)(2) is met.

CWA section 402(o)(2)(B)(i) allows the relaxation of a permit limit if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. The revised WQBEL was calculated using updated critical low flow information that ensures water quality standards will be attained for TDS.

CWA section 402(o)(2)(B)(ii) allows the relaxation of a permit limit if technical mistakes or mistaken interpretations of law were made in issuing the permit. When the existing permit was issued, a new TBEL of 7.0 mg/L for DO was specified but left out a compliance schedule in accordance with 40 CFR Part 122.47 and 6 NYCRR 750-1.14 to give the permittee time to achieve compliance with the limit. The proposed permit includes a final effluent of 7.0 mg/L for DO and provides a compliance schedule to achieve compliance with the effluent limit.

#### [Appendix A Link](#)

#### Antidegradation

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

#### [Appendix A Link](#)

#### Mercury<sup>2</sup>

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

The MDV became effective on December 30, 2020, and requires that either a new MMP, an individual discharge variance (IDV) or an effluent limitation of 0.70 ng/L be included whenever a SPDES permit is modified to conform to the MDV.

The facility is USEPA Non-Major/Class 07 Municipal located in a Great Lakes Basin. On 11/11/2022, 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 (7.4 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

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<sup>1</sup> As prescribed by 6 NYCRR Part 617

<sup>2</sup> In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

Permittee: Town of Clayton  
Facility: Clayton (T), Depauville Sewer District STP  
SPDES Number: NY0215791  
USEPA Non-Major/Class 07 Municipal

Date: December 12, 2022  
Permit Writer: Jacqueline Smith-Gagnon, P.E.  
Water Quality Reviewer: Michael Bocchi

part of the re-certification, the effluent must be sampled and continue to measure <12 ng/L. This requirement is updated from the existing permit.

### Schedule(s) of Compliance

The existing Schedule of Compliance<sup>3</sup> to implement effluent disinfection is being extended to May 1, 2027, at the request of the permittee to provide the necessary time to conduct an income survey and to secure funding for the required upgrades.

The Schedule of Compliance to meet the effluent limits for total dissolved solids is being removed because it has expired.

The Schedule of Compliance has been revised to allow the permittee time to achieve compliance with the effluent limits for dissolved oxygen by May 1, 2027, to coincide with disinfection schedule. This is a new permit requirement.

### Schedule(s) of Additional Submittals

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

- Mercury Minimization Program Annual Status Report (maintained onsite).
- Mercury Conditional Exclusion Certification every five years.
- Annual Flow Certification Form in accordance with 750-2.9(c)(4).

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<sup>3</sup> Pursuant to 6 NYCRR 750-1.14

## OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	44° 08' 13" N	76° 04' 23" W	Chaumont River	C	WIN: Ont. 8 PWL: 0303-0010	03 / 03	131 <sup>4</sup>	0.17	0.21	0.28	0.034	6:1	7:1	9:1

## POLLUTANT SUMMARY TABLE

### Outfall 001

Outfall #	Description of Wastewater: Treated Sanitary														
	Type of Treatment: Septic Tanks followed by Intermittent Sand Filtration														
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		
<b>General Notes:</b> Existing discharge data from 3/1/2020 to 9/30/2022 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.															
Total Dissolved Solids (TDS)	mg/L	Daily Max	650	884/1400	9/0	-	-	220	540	500	Narrative	2230	6 NYCRR Part 703.3	-	WQBEL
	Existing effluent quality listed is the average/maximum. An ambient receiving water TDS background concentration of 220 mg/L is based on one receiving water quality sample provided in the permit application for the existing permit. Because of the limited number of TDS effluent samples, an effluent value of 2520 mg/L was calculated using a multiplier of 1.8 based on 9 samples and a coefficient of variability (CV) of 0.6 at the 95% confidence level applied to the maximum reported effluent value of 1400 mg/L for estimating the projected instream concentration (PIC).														
	$\text{PIC} = (0.21 \text{ MGD} \times 220 \text{ mg/L}) + (0.034 \text{ MGD} \times 2520 \text{ mg/L}) / (0.21 + 0.034 \text{ MGD}) = 540 \text{ mg/L}$ <p>The PIC indicates a reasonable potential to exceed the water quality standard of 500 mg/L, so a WQBEL is necessary.</p> $\text{WQBEL} = (0.21 \text{ MGD} \times 220 \text{ mg/L}) + (0.034 \text{ MGD} \times \text{WQBEL mg/L}) / (0.21 + 0.034 \text{ MGD}) \times 500 \text{ mg/L}$ $\text{WQBEL} = 2230 \text{ mg/L}$														
Total Mercury	ng/L	Daily Max	-	7.4	1/0	-	-	-	-	0.7	H(FC)	-	MDV	-	DOW 1.3.10
	Please see the <a href="#">Mercury</a> section of this factsheet regarding the multiple discharge variance (MDV).														

<sup>4</sup> Ambient hardness data obtained from the SPDES permit application.

## Appendix A: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the factsheet 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 factsheet:

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.

### Interstate Water Pollution Control Agencies

Some POTWs may be subject to regulations of interstate basin/compact agencies including: Interstate Sanitation Commission (ISC), International Joint Commission (IJC), Delaware River Basin Commission (DRBC), Ohio River Valley Water Sanitation Commission (ORSANCO), and the Susquehanna River Basin Commission (SRBC). Generally, basin commission requirements focus principally on water quality and not treatment technology. However, interstate/compact agency regulations for the ISC, IJC, DRBC and NYC Watershed contain explicit effluent limits which must be addressed during permit drafting. 6 NYCRR 750-2.1(d) requires SPDES permits for discharges that originate within the jurisdiction of an interstate water pollution control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

### Existing Effluent Quality

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

### Permit Requirements

#### Basis for Effluent Limitations

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

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, 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 factsheet. Consistent with current case law<sup>5</sup> and USEPA interpretation<sup>6</sup> anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

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<sup>5</sup> American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

<sup>6</sup> U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)



## Antidegradation Policy

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

## Effluent Limitations

In developing a permit, the 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.

### *Technology-based Effluent Limitations (TBELs)*

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/l, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

### *Water Quality-Based Effluent Limitations (WQBELs)*

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. 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 and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

### *Mixing Zone Analyses*

In accordance with TOGS 1.3.1., the Department may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:

"EPA Technical Support Document for Water Quality-Based Toxics Control" (March 1991); EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1, "Total

Maximum Daily Loads and Water Quality-Based Effluent Limitations” (July 1996); “CORMIX v11.0” (2019).

#### Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using  $1.2 \times 7Q10$  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.

A Watershed Maximum Daily Load (WMDL) may be developed by the Department to account for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments. The WMDL uses a simple dilution model, assuming full mix in the receiving stream, to calculate the maximum allowable pollutant load that can be discharged and still meet water quality standards during critical low flow in downstream segments such as those with sensitive receptors (e.g. public water supply) or higher water classification. WQBELs are established to ensure that the cumulative mass load from point source discharges does not exceed the maximum allowable load to ensure permit limits are protective of water quality.

### *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.

Permittee: Town of Clayton  
Facility: Clayton (T), Depauville Sewer District STP  
SPDES Number: NY0215791  
USEPA Non-Major/Class 07 Municipal

Date: December 12, 2022  
Permit Writer: Jacqueline Smith-Gagnon, P.E.  
Water Quality Reviewer: Michael Bocchi

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.