



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	2026	NAICS Code:	31151, 311511	SPDES Number:	NY0004189
Discharge Class (CL):	01	DEC Number:	7-0824-00001/00001		
Toxic Class (TX):	N	Effective Date (EDP):	EDP		
Major-Sub Drainage Basin:	06 - 01	Expiration Date (ExDP):	ExDP		
Water Index Number:	SR-146	Item No.:	931 - 1004	Modification Dates (EDPM):	
Compact Area:	SRBC				

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:	Chobani, LLC			Attention:	Trevor Anderson	
Street:	669 County Route 25					
City:	New Berlin			State:	NY	Zip Code: 13411
Email:	trevor.anderson@chobani.com			Phone:	(208) 732-1899	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL												
Name:	Chobani, LLC South Edmeston, NY											
Address / Location:	669 County Route 25						County:	Chenango				
City:	New Berlin				State:	NY		Zip Code:	13411			
Facility Location:	Latitude:	42 °	75 '	14 " N	& Longitude:	75 °	19 '	30 " W				
Primary Outfall No.:	001	Latitude:	42 °	41 '	5 " N	& Longitude:	75 °	19 '	13 " W			
Wastewater Description:	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Receiving Water:	Unadilla River			NAICS:	31151, 311511		Class:	C	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:		
Address:	625 Broadway Albany, NY 12233-1750	
Signature	Date	

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SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude			Outfall Longitude		
01A	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	31151, 311511	42 °	41 '	5 " N	75 °	19 '	30 " W
Receiving Water: Unadilla River (internal to 001)						Class: C		

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DEFINITIONS

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

INTERIM PERMIT LIMITS, LEVELS AND MONITORING - 001

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River	EDP	ExDP or Commencement of Operations at Updated Facility +3 Months ¹

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.5	SU			1/week	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Monthly Average	Monitor	°F			1/day	Grab		X	
	Daily Maximum	90	°F			1/day	Grab		X	
BOD ₅	Monthly Average	Monitor	mg/L	330	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	630	lbs/d	1/week	24-hr. Comp.		X	2
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	240	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	830	lbs/d	1/week	24-hr. Comp.		X	2
Settleable Solids	Monthly Average	0.3	mL/L			1/week	Grab		X	
Dissolved Oxygen	Daily Minimum	4.0	mg/L			1/week	Grab		X	
Total Residual Chlorine (TRC)	Daily Maximum	Monitor	mg/L			2/event	Grab		X	3
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrate (NO ₃) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrite (NO ₂) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Total Nitrogen (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	Calculated		X	4
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	5
	12 Month Rolling Load		mg/L	28.000	lbs/yr	1/month	Calculated		X	6
Ammonia (as N)	Monthly Average	Monitor	mg/L			1/week	24-hr. Comp.		X	2
Total Phosphorus (as P)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	7
	12 Month Rolling Load		mg/L	1,750	lbs/yr	1/month	Calculated		X	8

Interim Permit Limits Table and Footnotes Continued Below

INTERIM PERMIT LIMITS, LEVELS, AND MONITORING – 001 Continued

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River	EDP	ExDP or Commencement of Operations at Updated Facility +3 Months ¹

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			1/week	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			1/week	Grab		X	

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			1.4	TUa	Quarterly	See footnote		X	9,10
WET - Acute Vertebrate	See footnote			1.4	TUa	Quarterly	See footnote		X	9,10
WET - Chronic Invertebrate	See footnote			8.3	TUc	Quarterly	See footnote		X	9,10
WET - Chronic Vertebrate	See footnote			8.3	TUc	Quarterly	See footnote		X	9,10

Footnotes Continued Below

FINAL PERMIT LIMITS, LEVELS AND MONITORING - 001

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River	Commencement of Operations at Updated Facility +3 Months ¹	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.5	SU			1/week	Grab		X	
	Daily Maximum	8.5	SU							
Temperature	Monthly Average	Monitor	°F			1/day	Grab		X	
	Daily Maximum	90	°F			1/day	Grab		X	
BOD ₅	Monthly Average	Monitor	mg/L	330	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	670	lbs/d	1/week	24-hr. Comp.		X	2
Dissolved Oxygen (DO)	Daily Minimum	4.0	mg/L		lbs/d	1/week	Grab		X	
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	420	lbs/d	1/week	24-hr. Comp.		X	2
	Daily Maximum	Monitor	mg/L	840	lbs/d	1/week	24-hr. Comp.		X	2
Settleable Solids	Daily Maximum	0.1	mL/L			1/week	Grab		X	
Total Residual Chlorine (TRC)	Daily Maximum	Monitor	mg/L			2/event	Grab		X	3
Total Kjeldahl Nitrogen (TKN) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrate (NO ₃) (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Nitrite (NO ₂) (as N)	Monthly Average	1.0	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
Ammonia (as N) Summer (June 1- October 31)	Monthly Average	4.0	mg/L			1/week	24-hr. Comp.		X	2
Ammonia (as N) Winter (November 1 – May 31)	Monthly Average	5.9	mg/L			1/week	24-hr. Comp.		X	2
Total Nitrogen (as N)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	Calculated		X	4
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	5
	12 Month Rolling Load		mg/L	28,000	lbs/yr	1/month	Calculated		X	6
Total Phosphorus (as P)	Monthly Average	1.0	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	2
	Monthly Total		mg/L	Monitor	lbs/mo	1/month	Calculated		X	7
	12 Month Rolling Load		mg/L	1,750	lbs/yr	1/month	Calculated		X	8

Final Permit Limits Table and Footnotes Continued Below

FINAL PERMIT LIMITS, LEVELS AND MONITORING – 001 Continued

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River	Commencement of Operations at Updated Facility +3 Months ¹	ExDP

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			1/week	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			1/week	Grab		X	

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote	1.7	TUa		TUa	Quarterly	See footnote		X	9,10
WET - Acute Vertebrate	See footnote	1.7	TUa		TUa	Quarterly	See footnote		X	9,10
WET - Chronic Invertebrate	See footnote	10	TUc		TUc	Quarterly	See footnote		X	9,10
WET - Chronic Vertebrate	See footnote	10	TUc		TUc	Quarterly	See footnote		X	9,10

OUTFALL 001 INTERIM AND FINAL FOOTNOTES:

- The interim facility limitations will be effective until either the expiration date of the permit or DEC acceptance of the Construction Completion Certification of the proposed project +3 months, whichever occurs first. Submittal of the Construction Completion Certification is required under the [Schedule of Additional Submittals](#) in this permit. Upon DEC acceptance of the certification +3 months, the final facility limitations will become effective.
- All 24-hour composite samples must be flow proportional.
- Sampling and reporting for total residual chlorine is only necessary if chlorine is used in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR. During a chlorine dosing event, or other event that may introduce chlorine to the receiving waterbody, the permittee will sample the effluent twice per event, at a time representative of chlorine concentration in the effluent.
- Total Nitrogen (as N) = [Total Kjeldahl Nitrogen (TKN), as N] + [Nitrite (NO₂), as N] + [Nitrate (NO₃), as N].
- The month total (lbs/month) for Total Nitrogen is calculated as the monthly average load (lbs/d) multiplied by the number of days in the month.
- The 12-month total (lbs/year) for Total Nitrogen is calculated as the current month load (lbs/month) added to the month loads from the previous eleven months.
- The month total (lbs/month) for Total Phosphorous is calculated as the monthly average load (lbs/d) multiplied by the number of days in the month.
- The 12-month total (lbs/year) for Total Phosphorous is calculated as the current month load (lbs/month) added to the month loads from the previous eleven months.
- 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).

FOOTNOTES CONTINUED ON NEXT PAGE

OUTFALL 001 INTERIM AND FINAL FOOTNOTES CONTINUED:**10. Whole Effluent Toxicity (WET) Testing:**

Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the DEC. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing.

INTERIM REQUIREMENTS: The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 1.4:1 for acute, and 8.3:1 for chronic for the interim facility WET requirements. WET testing shall be performed quarterly (calendar quarters) during calendar years ending in 5 and 0.

FINAL REQUIREMENTS: The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 1.7:1 for acute, and 10:1 for chronic for the final facility WET requirements. WET testing shall be performed quarterly (calendar quarters) on a continuous basis.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48\text{-hr LC50})$ [note that Acute data is generated by both Acute and Chronic testing] and $TU_c = (100)/(7\text{-day NOEC})$ or $(100)/(7\text{-day IC25})$ when Chronic testing has been performed or $TU_c = (TU_a) \times (10)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC50, 7-day NOEC and/or IC25 are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC25 and resulting highest TU_c . For Acute results, report a TU_a of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TU_a of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC50. Also, in the absence of a 48-hr LC50, use 1.0 TU_a for the Chronic prediction from the Acute data, and report a TU_c of 10.0.

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a , 48-hr LC50 for Acute tests and/or TU_c , NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the DEC may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with DEC guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

PERMIT LIMITS, LEVELS AND MONITORING – 01A

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Process and Non-contact Cooling Water, Septic Tank Effluent, and Boiler Blowdown	Unadilla River (internal to 001)	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.0	SU			1/week	Grab		X	
	Daily Maximum	9.0	SU							
BOD ₅	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
Total Suspended Solids (TSS)	Monthly Average	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
	Daily Maximum	Monitor	mg/L	Monitor	lbs/d	1/week	24-hr. Comp.		X	1
Settleable Solids	Daily Maximum	Monitor	mL/L			1/week	Grab		X	

OUTFALL 01A FOOTNOTES:

1. All 24-hour composite samples must be flow proportional.

SPECIAL CONDITIONS

1. **Reporting of Raw Materials:** The permittee shall report on an annual basis the total milk and other applicable raw materials received by the facility. The report shall be attached to the December DMR and submitted to the Regional Water Engineer and the Bureau of Water Permits; and the report shall contain the quantity of milk and other raw materials received and the units being reported.
2. **Production Increases:** The permittee shall submit to the Regional Water Engineer notice of any production changes of 20% or more, from the production occurring at the time of permit issuance. Production for this facility is measured by the amount of milk or other applicable raw materials received by the facility in a calendar year.
3. **Construction Commencement:** Consistent with [6 NYCRR Part 750-2.10](#), the permittee is not authorized to commence construction until the Department has approved final engineering design documents. If any changes are made to the approved design during construction, the permittee must notify the Department.
4. **Commencement of Operations:** Consistent with [6 NYCRR Part 750-2.10](#), the permittee is not authorized to commence discharge from the proposed upgraded/expanded facility until the permittee has submitted a Construction Completion Certification (see Schedule of Additional Submittals) and received DEC acceptance of the certification.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility are required to obtain coverage under the current Multi-Sector General Permit (MSGP) Sector [U] Food & Kindred Products (GP-0-23-001).

MERCURY MINIMIZATION PROGRAM (MMP) – Type IV

On 8/12/2021, 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 elements⁴ 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 for Outfall 001 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)⁵ communities and/or 2) Type II sanitary sewer overflow (SSO)⁶ 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)⁷ 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.

- 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 DEC 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 DEC 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 DEC identifies inadequacies in the MMP.

The DEC 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.

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

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.

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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>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY_____</p> <p>OUTFALL No. : _____</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.

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 DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.
2. **Compliance Deadlines** –The initial BMP plan was received by the Department on 2/27/2015. 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 DEC 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. At a minimum, the plan shall include the following BMPs:

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

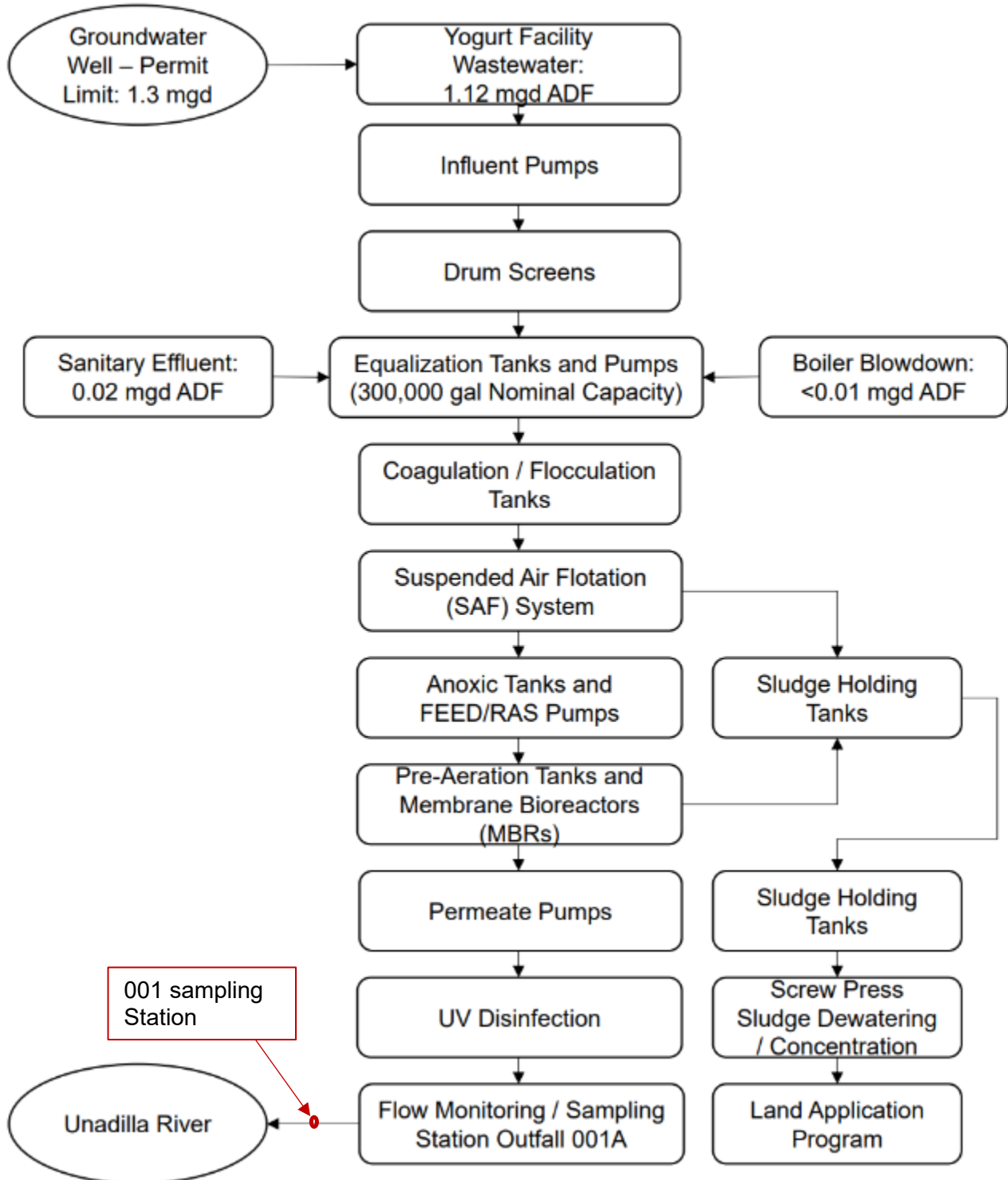
BMPs FOR INDUSTRIAL FACILITIES (continued)

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 area¹. (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 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, isolation, or B.A.T. treatment of wastewaters emanating from the segment.

¹Uncontaminated 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.

MONITORING LOCATIONS (POST-FACILITY UPGRADE)

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



GENERAL REQUIREMENTS

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

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 7
 5786 Widewaters Parkway, Syracuse, NY 13214-1867 Phone: (315) 426-7500

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
01A	<p><u>EMERGING CONTAMINANT SHORT-TERM MONITORING</u> 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 2 consecutive months. The results shall be reported through the "Emerging Contaminants Survey for Industrial Facilities" found at: Emerging Contaminants In NY's Waters - NYSDEC.</p> <p>The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for Industrial Facilities" available at the above link.</p> <p>The DEC may periodically request updates or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.</p>	<p style="color: red; text-align: center;">EDP + 6 months</p> <p>Within 90 days of DEC written notification</p>

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	<p><u>BMP PLAN</u> The permittee shall review the completed BMP plan, submitted to this DEC on 2/23/2015, on an annual basis. The BMP plan 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 DEC 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.</p>	<p>Annually on January 28th</p>
001	<p><u>WHOLE EFFLUENT TOXICITY (WET) TESTING</u> WET testing shall be performed as required in the footnote of the permit limits table. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.</p>	<p>Within 60 days following the end of each monitoring period</p>
001/01A	<p><u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.</p>	<p>Annually with December DMR</p>
001	<p><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.</p>	<p>Maintained Onsite Initial due 3/1/2025, annually thereafter</p>
001	<p><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.</p>	<p>8/1/2026 and every 5 years thereafter</p>
001	<p><u>REPORTING OF RAW MATERIALS</u> The permittee shall report on the December DMRs, to the Regional Water Engineer, and the Bureau of Water Permits on an annual basis as required in the Special Conditions section of the permit.</p>	<p>Annually with December DMR</p>
001	<p><u>TOTAL RESIDUAL CHLORINE SUMMARY REPORT</u> The permittee shall summarize at least 10 months of data collected on Total Residual Chlorine use in the wastewater treatment process as compared against the applicable water quality-based effluent limit of 0.05 mg/L and submit to the Bureau of Water Permits.</p>	<p>Construction Completion +12 months</p>
	<p><u>COMPLETE CONSTRUCTION</u> The permittee shall provide a Construction Completion Certification² to the DEC (send to the Regional Water Engineer, NetDMR@dec.ny.gov, and WET@dec.ny.gov) that the treatment system has been fully completed in accordance with the approved Design Documents.</p>	<p>Prior to Commencement of Operation of Proposed Facility Upgrades</p>

Unless noted otherwise, the aforementioned 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.

² 6 NYCRR 750-2.10 (c)

SCHEDULE OF ADDITIONAL SUBMITTALS (Continued)

- 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.

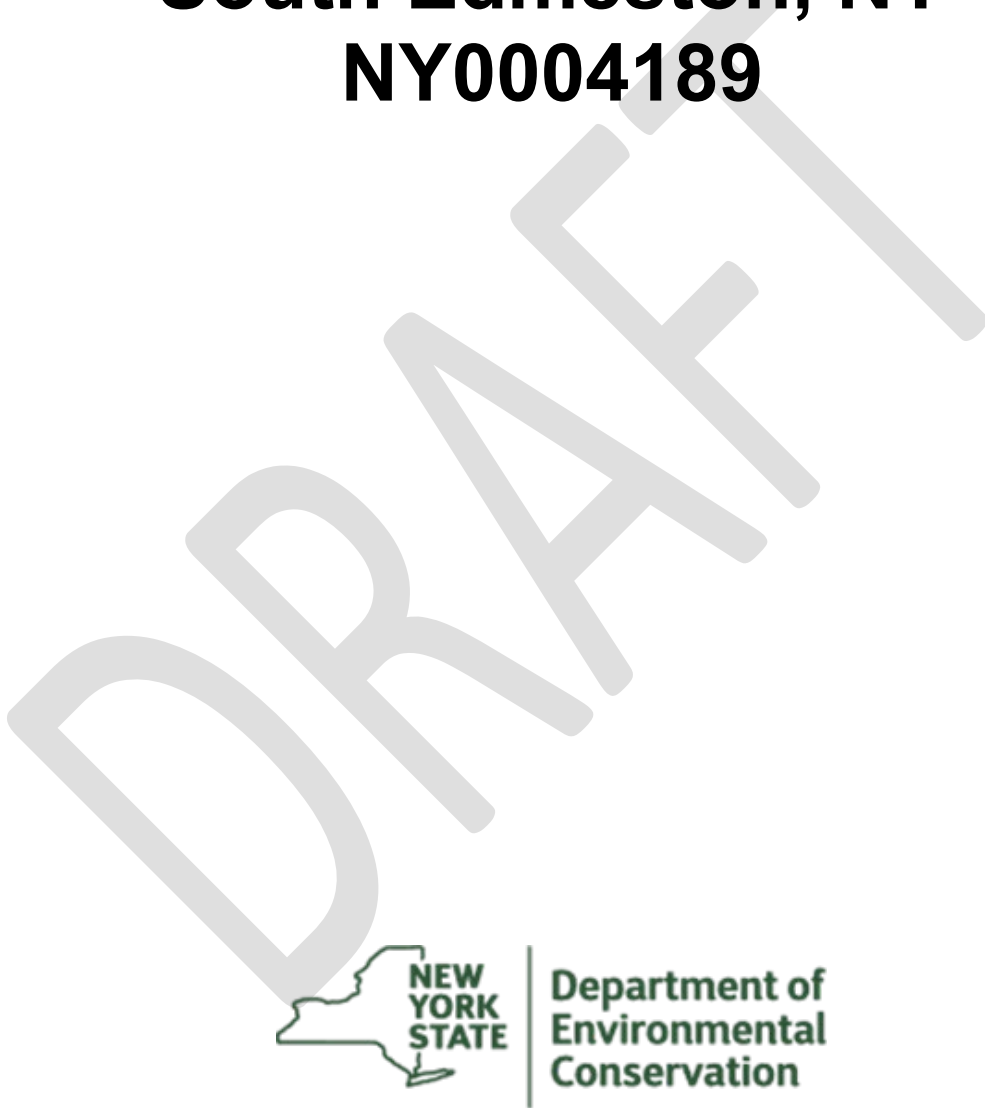
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SPDES Permit Fact Sheet

Chobani, LLC

South Edmeston, NY

NY0004189



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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit renewal and full technical review, with changes requested by the permittee, has been drafted for the Chobani South Edmeston, NY facility. The changes to the permit are summarized below:

General Updates

- Updated permit format, definitions, and general conditions
- Updated North American Industry Classification System (NAICS) code from 311513 to 31151 & 311511
- Separated 001 footnotes and 01A footnotes by outfall limits table
- Added both an interim and final permit limits table for Outfall 001 to capture the existing and upgraded facility
- Removed all influent monitoring from both Outfall 01A and 001 (interim and final)
- Removed stormwater Outfalls 01B, 002, 003, 004, 005, 006, 007, and 008 (and associated footnotes) as they are now MSGP covered
- Removed Special Condition to report in both mass and concentration as this is reflected in the permit limits table
- Removed Special Condition definition of approvable as it is no longer required in the permit
- Added Special Condition for the reporting of production increases of 20% or more
- Added Special Condition defining Construction Commencement and Commencement of Operations
- Added Emerging Contaminant Short Term monitoring to the Schedule of Additional Submittals
- Added submission of Construction Completion Certification to the Schedule of Additional Submittals

Updates to Outfall 001:

- Added Interim Limits Table for Outfall 001 to take effect at issuance of permit until commencement of operation plus three (3) months of upgraded facility. This table is equivalent to the Outfall 001 Permit Limits Table in the previous permit with the addition of ammonia concentration monitoring and a Total Residual Chlorine (TRC) limit of 0.04mg/L
- Final Limits Table for Outfall 001 includes the following changes:
 - Load limits for Biological Oxygen Demand (BOD₅) have been increased from Daily Max (DM) 630 lbs/d to DM 670 lbs/d
 - Load limit for Total Suspended Solids (TSS) DM has been increased from 830 lbs/d to 840 lbs/d and MA from 240 lbs/d to 420 lbs/d
 - Concentration limit for Settleable solids has been decreased from 0.3mL/L to 0.1mL/L
 - A monthly average concentration limit of 1.0 mg/L has been added to Total Phosphorous
 - A monthly average concentration limit of 1.0 mg/L has been added to Nitrite (NO₃) (as N)
 - A new monthly average concentration limit has been added for summer ammonia of 4 mg/L and winter ammonia of 5.9 mg/L
 - WET Action Levels have been changed to Limits and updated to 1.7 TUa and 10 TUC to reflect the new dilution values

- WET footnote has been updated to reflect new limit values and increase to continuous quarterly sampling
- Added footnote specifying 24-hour composite samples must be flow proportional.
- Removed footnote specifying disinfection season, season is defined in the Permit Limits table

Updates to Outfall 01A:

- Decreased sampling frequency for Settleable Solids from 2/week to 1/week

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

- 9/1/2014 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration 8/31/2019. The 2014 permit, along with all subsequent modifications, has formed the basis of this permit.
- The permit was administratively renewed in 2019, and again in 2024. The current permit administrative renewal is effective until 8/31/2029.
- 3/1/2024 Permit was modified to include updated facility name, address, and SIC code, updated Chesapeake Bay TMDL limitations, and Mercury MMP Type IV requirements.
- 3/27/2024 Chobani, LLC submitted a NY-2C application with a request to modify the permit for a proposed flow expansion and to move the Outfall 001 sampling point.
- 6/6/2024 The Department sent a Notice of Incomplete Application (NOIA) to Chobani requesting clarification and supplemental information to the application submittal.
- 7/26/2024 Chobani, LLC completed submission of all items requested in the NOIA.
- 8/15/2024 Chobani, LLC submitted a letter rescinding the request to move the Outfall 001 sampling point.

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 2026) that produces yogurt and other dairy products and is subject to categorical effluent limit guidelines (ELGs) as set out in 40 CFR 405 (see [summary table](#) at the end of this factsheet). Facility effluent currently consists of process and cooling wastewater, septic tank effluent, and boiler blowdown water. The current treatment system was constructed in 2013 and consists of drum screens, followed by coagulation/flocculation into a dissolved air flotation (DAF) system, anoxic and pre-aeration tanks, and membrane bioreactors (MBR) before either being discharged through Outfall 001 or, seasonally, going through a UV disinfection process and then out to Outfall 001. Sludge is dewatered and land applied.

Outfall 001 is a 16" diameter non-diffused pipe located beneath the County Route 25 bridge that spans the Unadilla River (Class C). Outfall 001 extends approximately 60 feet from the western bank of the river and is angled to a direction parallel to the river flow.

As requested, the permit has been modified to reflect the proposed expanded wastewater treatment plant including a flow increase from 600,000 GPD to 1.25 MGD (average daily flow). The expanded treatment plant is in anticipation of a future increase in production and will consist of an equalization tank, suspended air flotation (SAF), pre-aeration and anoxic treatment, and MBR before seasonal UV disinfection. Sludge will continue to be dewatered and land applied. Outfall 001's configuration and location will not change. Currently, Chobani's production has not changed significantly since the previous permit review.

Outfall 01A is an internal outfall that was previously used for compliance sampling for the wastewater treatment facility. The permittee is currently working to confirm there are no additional flows between 01A and 001 sampling points and is encouraged to submit a modification request in the future, when the conditions have been confirmed. Until that time, the monitoring requirements and pH limitation at 01A will continue.

Outfall 01B is a stormwater outfall that was previously considered internal to Outfall 001 but has since been found to combine with the Outfall 001 pipe after the compliance sampling point for 001. Outfall 01B has a sampling location that captures only the stormwater to this pipe. This outfall has been removed from the individual SPDES permit and the facility has obtained coverage under the Multi-sector General Permit (MSGP) Sector U.

Outfalls 002-008 are stormwater outfalls that have also been removed from the individual SPDES permit and the facility has obtained coverage under the Multi-sector General Permit (MSGP) Sector U.

Site Overview

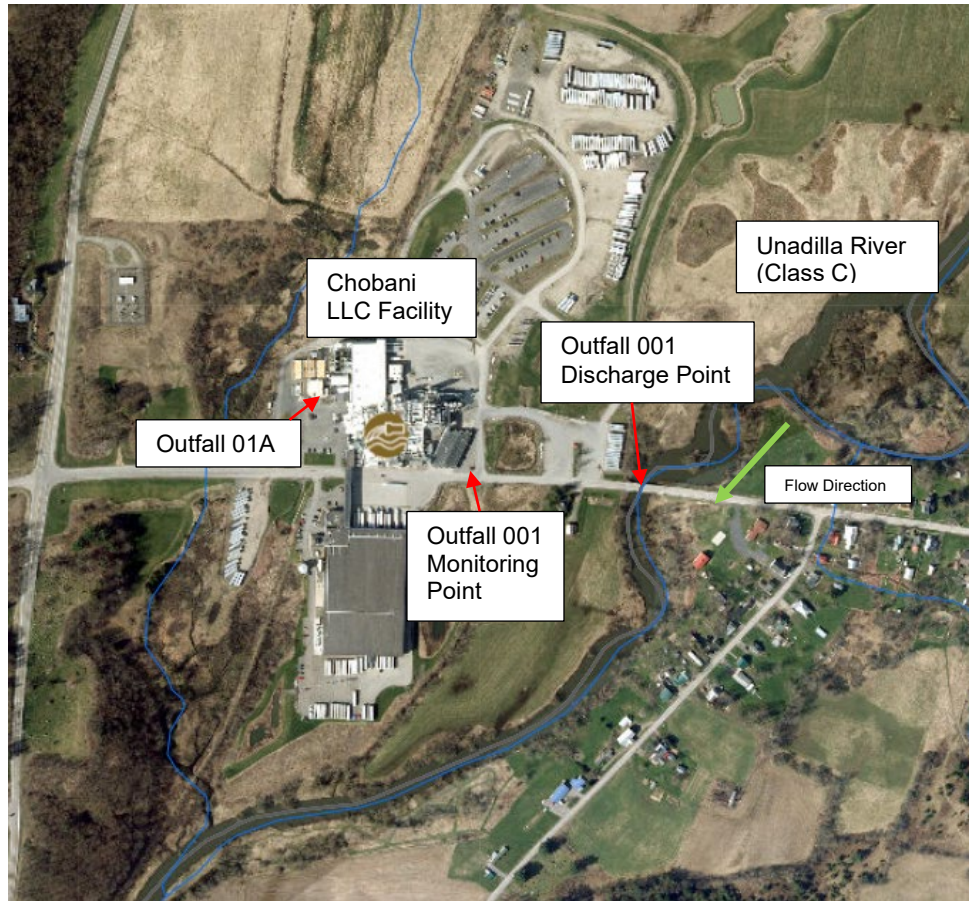


Figure 1. Satellite overview of the Chobani site, including Outfall 001 and 01A monitoring locations and final discharge location to the Unadilla River.

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 2024. [Appendix Link](#)

Interstate Water Pollution Control Agencies

Outfall 001 is located within the Chesapeake Bay watershed and Susquehanna River Basin Commission (SRBC) compact area which places additional requirements in the SPDES permit. [See Chesapeake Bay TMDL Watershed Information](#) section below. [Appendix Link](#)

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	2026	Process and non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River , Class C
01A	2026	Process and non-contact cooling water, septic tank effluent, and boiler blowdown	Unadilla River , Class C
01B		Former Outfall 01B – Moving to MSGP Permit # NYR00H020	
002		Former Outfall 002 – Moving to MSGP Permit # NYR00H020	
003		Former Outfall 003 – Moving to MSGP Permit # NYR00H020	
004		Former Outfall 004 – Moving to MSGP Permit # NYR00H020	
005		Former Outfall 005 – Moving to MSGP Permit # NYR00H020	
006		Former Outfall 006 – Moving to MSGP Permit # NYR00H020	
007		Former Outfall 007 – Moving to MSGP Permit # NYR00H020	
008		Former Outfall 008 – Moving to MSGP Permit # NYR00H020	

Reach Description: The Unadilla River (Water Index Number SR-146; Priority Waterbody List 0601-0037) is located within the Susquehanna River drainage basin and is part of the Chesapeake Bay watershed. [See Chesapeake Bay TMDL Watershed Information](#) section below.

At Chobani's point of discharge, Outfall 001, the Unadilla River is classified as Class C (6NYCRR 931.4, Table 1, Item 1004). The Unadilla River changes to Class B approximately 3 miles downstream from the discharge (6 NYCRR 931.4, Table 1, Item 1003). There are no other individually permitted SPDES facilities discharging directly to the Unadilla River in the vicinity of Outfall 001.

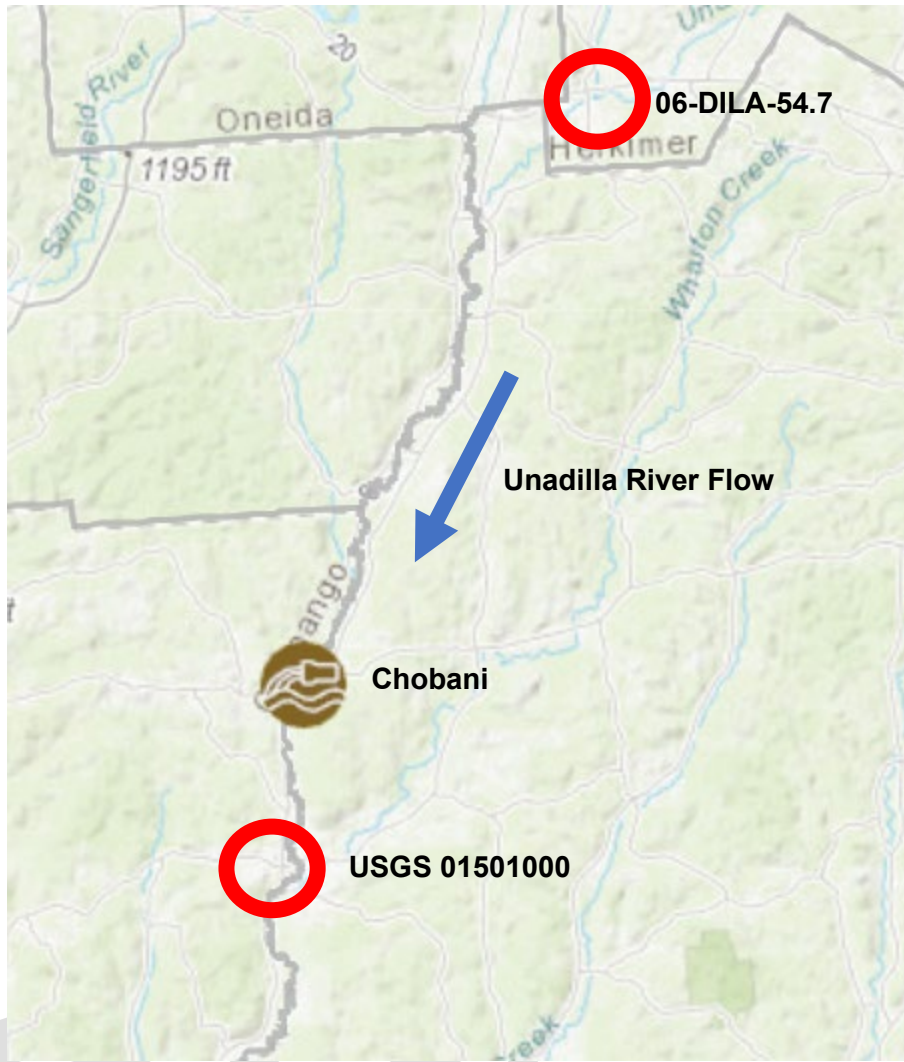


Figure 2. USGS gage station 01501000 on the Unadilla River at New Berlin, NYSDEC RIBS Station 06-DILA-54.7 at West Winfield, and Chobani facility in South Edmeston.

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

Chesapeake Bay TMDL Watershed Information

Chobani, LLC is considered a “Bay-Significant” industrial facility for the Phase III WIP as its total nitrogen loads exceed 27,000 pounds per year and total phosphorus loads exceeded 3,800 pounds per year. In accordance with the Phase III WIP, these nitrogen and phosphorus loads warrant discharge limits and effluent monitoring for these parameters.

Chobani, LLC is required to sample and report Total Phosphorus as P, as well as Total Kjeldahl Nitrogen (TKN) as N, Nitrite (NO₂) as N, Nitrate (NO₃) as N, and to calculate Total Nitrogen as N. The Total Nitrogen and Total Phosphorus 12-month loads (TN 12-ML and TP 12-ML, respectively) are defined as the sum of the current month loads added to the month loads from the eleven previous months for Nitrogen and Phosphorus, respectively. See the [Pollutant Summary Table](#) for a discussion on the derivation of Total Nitrogen and Total Phosphorus effluent limits. No changes to the TMDL requirements are being made in this permit review.

The Water Quality Based Effluent Limits (WQBELs) below are set by DEC in accordance with the Phase III WIP.

WIP III Limits Currently Effective

Total Phosphorus (as P) 12-month Load (TP 12-ML): 1,750 lb/year

Total Nitrogen (as N) 12-month Load (TN 12-ML): 28,000 lb/year

Freshwater Mussels

Chobani's Outfall 001 discharges to an area of concern (AOC) on the Unadilla River for freshwater mussels¹. Ammonia limitations have been established and included in the permit based on facility discharge data. This limit in conjunction with the mixing zone are expected to be protective of the mussel habitat in the Unadilla River.

Critical Receiving Water Data & Mixing Zone

Consistent with TOGS 1.3.1, the outfall information submitted as part of the NY-2C application was used to develop a CORMIX mixing zone model to establish dilution ratios for the water quality analysis. CORMIX is an EPA-supported plume modeling software program. The model showed the mixing experiences a rapid buoyant rise within the near-field region – the portion of the model where the effluent forces are stronger than the ambient forces. Past the near field region, the plume experiences “pancaking” at the river surface further spreading the plume.

Since neither outfall velocity nor average depth metrics meet the criteria used to establish an acute mixing zone in USEPA's *Technical Support Document for Water Quality-based Toxics Control* (TSD), March 1991, the near-field region was selected as the spatial distance with which the acute dilution was established. This approach was more conservative than the alternatives specified in the TSD. The resulting dilutions are listed below and differ from the previous 2014 8.3:1 chronic dilution ratio due to new information, revised modeling techniques, and a higher effluent flow.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	5.5:1	10:1	10:1	TOGS 1.3.1

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

The WET testing requirements will continue based on the following criteria: [Appendix Link](#)

- Treatment plants which equal or exceed a discharge of 1.0 MGD. (#7)
- There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five. (#4)

Consistent with TOGS 1.3.2, a reasonable potential analysis was performed using the existing WET data for this facility from both the most recent routine year in 2020 as well as the required follow up year (2022-2023) (see data below). It was determined that there is the potential for

¹ [Unadilla River Biological Assessment, 2012](#)

toxicity in the effluent and the WET action levels have been adjusted to effluent limitations as had been previously stated in the letter sent to Chobani dated February 10, 2022. Given the dilution available and facility location outside of the Great Lakes basin, the permit will continue to require chronic only WET testing. Samples will continue to be collected quarterly but with completion of the facility upgrades will now be required on a continuous basis due to the observed toxicity, WTCs in use at the facility, and facility expansion. WET testing limits of 1.7 TUa and 10 TUC have been included in the permit for each species and are based off the updated dilution ratios. These limits represent a recalculation based on the new dilution available to the facility. Reasonable potential for toxicity is still possible with these recalculated values and therefore they have been included in the permit as limits. The acute limits for each species represent the acute dilution ratio of 5.5 times a factor of 0.3. The chronic limits represent the chronic dilution ratio of 10. The limits will take effect upon commencement of operations plus three (3) months of the expanded facility. Until this time, the previous action levels and testing frequency will continue.

2020

Test Date	¹ MSS 48H LC50 (%Effluent)	² MSS TUa	³ TUa Action Level	⁴ MSS Survival 100% Effluent	⁵ Acute Test Result	⁶ MSS RPD TUa	⁷ Acute WET Limit Required	⁸ MSS 7D NOEC/IC25 (%Effluent)	⁹ MSS NOEC/IC25 TUC	¹⁰ TUC Action Level	¹¹ Chronic Test Result NOEC/IC25	¹² MSS RPD IC25 TUC	¹³ Chronic WET Limit Required
02/20	>100% (F)	<0.3 (F)	1.4	100%(F)	Pass	<0.8	No	50% (I) / 54.3% (I)	2.0 (I) / 1.8 (I)	8.3	Pass/Pass	4.7	No
06/20	>100% (F)	<0.3 (F)	1.4	90% (I)	Pass	<0.8	No	50% (I) / 32.8% (I)	2.0 (I) / 3.1 (I)	8.3	Pass/Pass	8.1	No
07/20	70.7% (I)	1.41 (I)	1.4	0% (I)	Fail	3.6	Yes	25% (I) / 34.5% (I)	4.0 (I) / 2.9 (I)	8.3	Pass/Pass	7.5	No
10/20	>100% (F)	<0.3 (F)	1.4	100% (F)	Pass	<0.8	No	50% (I) / 44.3% (I)	2.0 (I) / 2.3 (I)	8.3	Pass/Pass	6.0	No

¹Most Sensitive Species 48-hour Lethal Concentration: (F=Fish; I=Invertebrate) is the concentration or percentage of effluent that is lethal to 50% of the exposed organisms over a 48-hour period, and often indicates one species is more sensitive than the other during effluent testing.

²Most Sensitive Species Toxic Units Acute: is calculated as (100 / MSS 48H LC50). However, because ≤ 0.3 TUa is defined as the acceptable amount of acute toxicity at the edge of the acute mixing zone, and mathematically $100 / 100 = 1.0$ (i.e. a "failing result"), non-toxic acute test results are indicated as < 0.3 .

³Toxic Unit Acute Action Level/Limit: is calculated as [(Acute Dilution Factor+1) x 0.3 TUa] representing the maximum allowable effluent TUa at the edge of the acute mixing zone using the seven-day once-in-ten year low flow (7Q10) ensuring acute protection of the receiving water. When the Acute Dilution Factor is < 3.3 , the default Acute Action Level of 0.3 TUa is used representing the maximum allowable effluent TUa at the end of pipe.

⁴Most Sensitive Species Survival in 100% Effluent: is the lowest percentage of surviving organisms in 100% effluent, providing additional evidence of unacceptable acute toxicity when the necessary 50% or greater mortality required to generate an LC50 has not been attained. *Denotes statistically significant mortality in 100% effluent as compared to the control.

⁵Acute Test Result: MSS TUa \leq TUa Action Level/Limit for passing effluent test result and MSS TUa $>$ TUa Action Level/Limit for a failing effluent test result. If unacceptable mortality (i.e. statistically significant as compared to the control) is noted in 100% effluent, this may also be considered a failing test result.

⁶Most Sensitive Species Reasonable Potential Determination Toxic Units Acute: is calculated as (MSS TUa x 2.6), the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based action level.

⁷Acute Whole Effluent Toxicity Limit Required: MSS RPD TUa \leq TUa Action Level, then no toxicity-based limit is required, and the action level remains in place. If MSS RPD TUa $>$ TUa Action Level, then a toxicity-based limit is required, and the action level becomes the limit. **In low dilution situations, the application of the RPD to the acute results often mathematically suggests the need for acute WET limits even when there is no toxicity evident in 100% effluent (a non-detect). Therefore, this data cannot be used to implement a WET limit.

⁸Most Sensitive Species 7-day No Observed Effect Concentration or 25% Inhibition Concentration: is the highest concentration or percentage of effluent tested that causes no statistically significant effect to the exposed test organisms as compared to the control over a 7-day period, or the concentration or percentage of effluent that causes a 25% reduction in reproduction or growth for the test population.

⁹Most Sensitive Species Toxic Units Chronic: is calculated as (100 / MSS 7D NOEC) or (100 / MSS 7D IC25).

¹⁰Toxic Unit Chronic Action Level/Limit: is calculated as [(Chronic Dilution Factor+1) x 1.0 TUC] representing the maximum allowable effluent TUC at the edge of the chronic mixing zone using the seven-day once-in-ten year low flow (7Q10) ensuring chronic protection of the receiving water.

¹¹Chronic Test Result: MSS NOEC/IC25 TUC \leq TUC Action Level/Limit for passing effluent test result and MSS NOEC/IC25 TUC $>$ TUC Action Level/Limit for a failing effluent test result.

¹²Most Sensitive Species Reasonable Potential Determination Toxic Units Chronic: is calculated as (MSS IC25 TUC x 2.6), the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based action level.

¹³Chronic Whole Effluent Toxicity Limit Required: MSS RPD IC25 TUC ≤ TUC Action Level, then no toxicity-based limit is required, and the action level remains in place. If MSS RPD IC25 TUC > TUC Action Level, then a toxicity-based limit is required, and the action level becomes the limit. ***In low dilution situations, the application of the RPD to the chronic results often mathematically suggests the need for chronic WET limits even when there is no toxicity evident in 100% effluent (a non-detect). Therefore, this data cannot be used to implement a WET limit.

2022-2023

Test Date	¹ MSS 48H LC50 (%Effluent)	² MSS TUA	³ TUA Action Level	⁴ MSS Survival 100% Effluent	⁵ Acute Test Result	⁶ MSS RPD TUA	⁷ Acute WET Limit Required	⁸ MSS 7D NOEC/IC25 (%Effluent)	⁹ MSS NOEC/IC25 TUC	¹⁰ TUC Action Level	¹¹ Chronic Test Result NOEC/IC25	¹² MSS RPD IC25 TUC	¹³ Chronic WET Limit Required
06/22	>100% (FI)	<0.3 (FI)	1.4	100% (FI)	Pass	<0.8	No	12.5% (I)/ ⁸ 16.3% (I)	8.0 (FI)/ ⁶ 6.1 (I)	8.3	Pass/Pass	15.9	Yes
09/22	^100% (I)	^1.0 (I)	1.4	*60% (I)	Pass	2.6	Yes	25% (I)/ ⁸ 32.5% (I)	4.0 (I)/ ⁶ 3.1 (I)	8.3	Pass/Pass	8.1	No
11/22	>100% (FI)	<0.3 (FI)	1.4	90% (I)	Pass	<0.8	No	50% (I)/38.4% (I)	2.0 (I)/2.6 (I)	8.3	Pass/Pass	6.8	No
02/23	81.2% (I)	1.2 (I)	1.4	30% (I)	Pass	3.1	Yes	[#] 25% (I)/32.2% (I)	[#] 4.0 (I)/3.1 (I)	8.3	Pass/Pass	8.1	No

⁸The TTU calculated the invertebrate survival IC25s using EPA's WET statistical package, as it was the most sensitive endpoint in these tests compared to reproduction.

⁴40% mortality in 100% effluent compared to 100% survival in the receiving water control is considered significant given Chobani's current 2022/23 and prior 2020 Acute results. The LC50 is therefore equal to 100% and indicated as 1.0 TUA for the invertebrate species.

[#]The invertebrate reproductive NOEC was likely underestimated and is considered to be 25% or 4.0 TUC given the 50% effect in 50% effluent compared to the receiving water control. Test reproductive rates ranged from 15.1 (control), 26.7 (6.25% effluent), 17.9 (12.5% effluent), 20.0 (25% effluent), 7.5 (50% effluent), and 0.0 (100% effluent), with the PMSD exceeding the upper bound at 73%, meaning the NOEC statistical results were insufficiently sensitive.

¹Most Sensitive Species 48-hour Lethal Concentration: (F=Fish; I=Invertebrate) is the concentration or percentage of effluent that is lethal to 50% of the exposed organisms over a 48-hour period, and often indicates one species is more sensitive than the other during effluent testing.

²Most Sensitive Species Toxic Units Acute: is calculated as (100 / MSS 48H LC50). However, because ≤ 0.3 TUA is defined as the acceptable amount of Acute toxicity at the edge of the Acute mixing zone, and mathematically 100 / 100 = 1.0 (i.e. a failing result), non-toxic Acute test results are indicated as < 0.3.

³Toxic Unit Acute Action Level/Limit: is calculated as [Acute Dilution Factor x 0.3 TUA] representing the maximum allowable effluent TUA at the edge of the Acute mixing zone ensuring Acute protection of the receiving water. When the Acute Dilution Factor is < 3.3, the default Acute Action Level of 0.3 TUA is used representing the maximum allowable effluent TUA at the end of pipe.

⁴Most Sensitive Species Survival in 100% Effluent: is the lowest percentage of surviving organisms in 100% effluent, providing additional evidence of unacceptable Acute toxicity when the necessary 50% or greater mortality required to generate an LC50 has not been attained. *Denotes statistically significant mortality in 100% effluent as compared to the control.

⁵Acute Test Result: MSS TUA ≤ TUA Action Level/Limit for passing effluent test result and MSS TUA > TUA Action Level/Limit for a failing effluent test result. If unacceptable mortality (i.e. statistically significant as compared to the control) is noted in 100% effluent, this may also be considered a failing test result.

⁶Most Sensitive Species Reasonable Potential Determination Toxic Units Acute: is calculated as (MSS TUA x 2.6), the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based Action Level.

⁷Acute Whole Effluent Toxicity Limit Required: MSS RPD TUA ≤ TUA Action Level, then no toxicity-based Limit is required, and the Action Level remains in place. If MSS RPD TUA > TUA Action Level, then a toxicity-based Limit is required, and the Action Level becomes the Limit. ***In low dilution situations, the application of the RPD to the Acute results often mathematically suggests the need for Acute WET Limits even when there is no toxicity evident in 100% effluent (i.e. a non-detect). Therefore, this data cannot be used to implement a WET Limit.

⁸Most Sensitive Species 7-day No Observed Effect Concentration or 25% Inhibition Concentration: is the highest concentration or percentage of effluent tested that causes no statistically significant effect to the exposed test organisms as compared to the control over a 7-day period, or the concentration or percentage of effluent that causes a 25% reduction in survival, growth, or reproduction for the test population.

⁹Most Sensitive Species Toxic Units Chronic: is calculated as (100 / MSS 7D NOEC) or (100 / MSS 7D IC25).

¹⁰Toxic Unit Chronic Action Level/Limit: is calculated as [Chronic Dilution Factor x 1.0 TUC] representing the maximum allowable effluent TUC at the edge of the Chronic mixing zone ensuring Chronic protection of the receiving water.

¹¹Chronic Test Result: MSS NOEC/IC25 TUC ≤ TUC Action Level/Limit for passing effluent test result and MSS NOEC/IC25 TUC > TUC Action Level/Limit for a failing effluent test result.

¹²Most Sensitive Species Reasonable Potential Determination Toxic Units Chronic: is calculated as (MSS IC25 TUC x 2.6), the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity-based Action Level.

¹³Chronic Whole Effluent Toxicity Limit Required: MSS RPD IC25 TUC ≤ TUC Action Level, then no toxicity-based Limit is required, and the Action Level remains in place. If MSS RPD IC25 TUC > TUC Action Level, then a toxicity-based Limit is required, and the Action Level becomes the Limit. ***In low dilution situations, the application of the RPD to the Chronic results often mathematically suggests the need for Chronic WET Limits even when there is no toxicity evident in 100% effluent (i.e. a non-detect). Therefore, this data cannot be used to implement a WET Limit.

Anti-backsliding

Stormwater Outfalls 01B, and 002 through 008 have been removed from this permit and granted coverage under the MSGP Permit NYR00H020. These outfalls were grouped together in the previous individual permit and given monitoring requirements for flow and BOD₅, action levels for total suspended solids (TSS) and oil and grease, and effluent limitations for pH. The MSGP Sector U does not have any numeric effluent limitations or applicable benchmarks for these outfalls. The removal of monitoring and action level requirements does not constitute backsliding. However, removal of the pH limitation is considered backsliding and is allowable under 6 NYCRR 750-1.10(c)(2)(i) because additional information is available demonstrating a >5-year record of no exceedances (minimum or maximum) of sampling results taken at the stated outfalls.

Effluent limitations have increased at Outfall 001 for BOD₅ Monthly Average and Daily Max loading and TSS Monthly Average and Daily Max mass loading. This increase is allowable under 6 NYCRR 750-1.10(c)(2)(i) due to the new production information provided in the supplement H submitted by the permittee as part of the application.

[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)² 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.

Stormwater Pollution Prevention Requirements

The permittee has obtained coverage of their stormwater outfalls separately under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) (GP-0-23-001) Sector [U] Food & Kindred Products.

Mercury³

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

The facility is a class 01 industrial facility not located in the Great Lakes basin and does not contain a mercury source. On 8/12/2021, 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

² As prescribed by 6 NYCRR Part 617

³ In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

part of the re-certification, the effluent must be sampled and continue to measure <12 ng/L. This requirement is being continued from the previous permit. [Appendix Link](#)

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 product 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 DEC Division of Water web page: [Emerging Contaminants In NY's Waters - NYSDEC](#).

Required Sampling: The department has reviewed the single 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 of Additional Submittals

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

- Emerging Contaminants Short-Term Monitoring Program
- Mercury Minimization Annual Status Report (maintained onsite)
- Mercury Conditional Exclusion Certification Form
- Notification of Construction Completion

Special Conditions

- Requirement for the yearly reporting of raw materials received by facility will be continued from the previous permit
- Requirement for informing DEC if production changes of greater than 20% occur at the facility, which is new to this permit
- Definition and requirements of Commencement of Construction and Commencement of Operations, which is new to this permit

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	42° 41' 5" N	-75° 19' 13" W	Unadilla River	Class C	SR-146 (Portion 2) PWL: 0601-0037	06/01	235 ⁴	49	59	70	1.25*	5.5:1	10:1	10:1
01A	42° 41' 5" N	-75 19' 30" W	Unadilla River	Class C	SR-146 (Portion 2) PWL: 0601-0037	06/01	Internal Outfall							

*The proposed daily average flow of the expanded facility is 1.25 MGD.

POLLUTANT SUMMARY TABLE

Outfall 001/01A Combined

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown													
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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		
<p>General Notes: Existing discharge data from 2019 to 2024 was obtained from Discharge Monitoring Reports and the NY-2C application provided by the permittee. Application data provided from the facility was a compilation of samples from both Outfall 01A and Outfall 001 for the time from January 2022 through October 2023, with the highest value of the dataset used to complete the application tables, resulting in a conservative summary of effluent characteristics. The timeframe was considered to be representative of existing operations. Because of the data reported in the application, this table represents both Outfall 01A and 001 with Existing Effluent Quality (EEQ) representing the greater value of EEQ from either Outfall 001 or Outfall 01A.</p> <p>The permit now contains an interim and final permit limits table for Outfall 001. The interim limits will expire at construction completion + 3 months, at which time the final limits will take effect. In most cases, unless specifically discussed below, the interim limits have been left at their previous values and the proposed changes will take effect with the final limits.</p> <p>All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent value.</p> <p>The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, and USEPA effluent limitation guidelines found at 40 CFR 405 and calculated in the USEPA Effluent Limitation Guideline Calculations table below.</p>															

⁴ Ambient hardness was calculated from RIBS station 06-DILA-54.7, located ~20 miles upstream of Outfall 001, using the average of 10 samples collected in 2009.

⁵ 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)

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown														
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality ⁵	# 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			
Flow Rate	MGD	Monthly Avg	Monitor	0.68 Actual Average Outfall 001	60/0	-	-	No alterations that will impair the waters for their best usages.						703.2	-	Monitor 750-1.13
	MGD	Daily Max	Monitor	0.78 Actual Average Outfall 001	60/0											Monitor 750-1.13
Flow will continue to be monitored for informational purposes and to calculate pollutant loadings. This is consistent with policy specified in TOGS 1.2.1.																
pH	SU	Minimum	6.5	6.5 Actual Min Outfall 001	60/0	6.0	USEPA NSPS TOGS 1.3.3	8.3 ⁶	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	WQBEL	
		Maximum	8.5	8.4 Actual Max Outfall 001	60/0	9.0										
The permittee operates a treatment facility with an activated sludge process, therefore consistent with TOGS 1.3.3, TBELs reflect secondary treatment standards and are equal to the limitations found in 40 CFR 405 for calculation of ELGs for Dairy Processing facilities. Given the available dilution, an effluent limitation equal to the existing permit limitation and the WQS is appropriate.																
Temperature	°F	Monthly Avg	Monitor	78 Actual Average Outfall 001	60/0	-	-	-	The water temperature at the surface of a stream shall not be raised to more than 90°F at any point and...shall not be raised or lowered to more than 5°F over the temperature that existed before the addition				704.2	-	Monitor 750-1.13	
		Daily Max	90	88 Actual Max Outfall 001	60/0	-	-	-							WQBEL	
The existing daily maximum temperature limit is protective of water quality and will remain. Consistent with 6 NYCRR 750-1.13(a), monthly average temperature monitoring is being continued and may be used to inform future permitting decisions.																
Dissolved Oxygen (DO)	mg/L	Daily Min	4.0	4.1 Actual Minimum Outfall 001	60/0	-	-	-	7.1 Critical Point	(Non-Trout) 4.0 mg/L	Narrative	No Reasonable Potential	703.3	-	Antiback sliding	
																The downstream DO concentration was modeled using the Streeter-Phelps equations and the following assumptions: effluent DO = 4.0 mg/L (equal to the existing minimum DO value), effluent UOD = 190 mg/L (calculated from existing effluent data for BOD ₅ and TKN), effluent BOD ₅ = 25 mg/L (99th percentile of existing effluent data), effluent NOD = 154 mg/L (99th percentile of existing effluent data for TKN). Reach Description: The model only included one reach, from Outfall 001 to the confluence with Wharton Creek, a distance of approximately 6.4 river miles. There are no significant confluences or discharges to Unadilla River within this reach. The model showed that DO standards are maintained at the existing minimum limit of 4.0 mg/L, as such, this limit will continue. WQBELs for ultimate oxygen demand, and biochemical oxygen demand are unnecessary and the TBELs for these parameters are protective of water quality.

⁶ Ambient pH calculated from RIBS station 06-DILA-54.7, located ~20 miles upstream of Outfall 001, using the 80th percentile (per TOGS 1.3.1E) of 10 samples collected in 2009.

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown													
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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		
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	Monthly Avg	Monitor	6.4 Outfall 001	31/29	-	-	-	See Dissolved Oxygen				703.3	-	Monitor 750-1.13
		Daily Max	Monitor	24 Outfall 001	32/28	-	-								TBEL
	lbs/d	Monthly Avg	330	28 Outfall 001	59/1	334	USEPA NSPS								TBEL
		Daily Max	630	130 Outfall 001	60/0	668	USEPA NSPS								TBEL
TBELs are representative of Effluent Limitation Guidelines , additional information on how these parameters were calculated is specified below. For the water quality review of this parameter, see justification for Dissolved Oxygen above. Loading limitations have been rounded to two significant digits.															
Total Suspended Solids (TSS)	mg/L	Monthly Avg	Monitor	3.0 Outfall 01A	57/3	-	-	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	Monitor 750-1.13
		Daily Max	Monitor	13 Outfall 01A	57/3	-	-								TBEL
	lbs/d	Monthly Avg	240	15 Outfall 001	60/0	415	USEPA NSPS								TBEL
		Daily Max	830	82 Outfall 01A	60/0	840	USEPA NSPS								TBEL
An increased daily maximum and monthly average load limit has been included in the permit as calculated from the submitted Supplement H and outlined in the Effluent Limitation Guideline Calculations section below. Monitoring for concentration has been continued in the permit for informational purposes and to inform future permit decisions.															
Settleable Solids	mL/L	Daily Max	0.3	1.0 Actual max Outfall 01A	1/59	0.1	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages				703.2	-	TBEL
		Consistent with TOGS 1.2.1 Attachment C for facilities with filtration, the decreased daily maximum TBEL of 0.1 mL/L has been added to the permit as it is reflective of the membrane bioreactor (MBR) technology and is protective of the WQS.													

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown													
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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		
Total Kjeldahl Nitrogen (TKN) (as N)	mg/L	Monthly Average	Monitor	7.5 Outfall 001	59/1	-	-	-	-	-	-	-	-	-	Monitor 750-1.13
	lbs/d		Monitor	45 Outfall 001	60/0										Monitor 750-1.13
	mg/L	Daily Max	-	34 Outfall 001	59/1										No Limitation or Monitoring
	lbs/d		-	204 Outfall 001	60/0										No Limitation or Monitoring
A water quality standard does not exist for this parameter for discharges to Class C waterbodies. Monthly average monitoring will continue as required by the Phase WIP III and TMDL. Note influent monitoring for this parameter (both pre- and post-expansion) has been discontinued as it is not required under Phase WIP III or needed to ensure water quality standards are being met.															
Nitrate (NO ₃) (as N)	mg/L	Monthly Average	Monitor	4.4 Outfall 001	60/0	-	-	-	-	-	-	-	-	-	Monitor 750-1.13
	lbs/d		Monitor	26 Outfall 001	60/0										Monitor 750-1.13
	mg/L	Daily Max	-	16 Actual Max Outfall 001	6/0										No Limitation or Monitoring
	lbs/d		-	66 Actual Max Outfall 001	6/0										No Limitation or Monitoring
A water quality standard does not exist for this parameter for discharges to Class C waterbodies. Monthly average monitoring will continue as required by the Phase WIP III and TMDL. Note influent monitoring for this parameter (both pre- and post-expansion) has been discontinued as it is not required under Phase WIP III or needed to ensure water quality standards are being met.															

Outfall #	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown														
	Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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		
Nitrite (NO ₂) (as N)	mg/L	Monthly Average	Monitor	1.9 Actual Max Outfall 001 0.28 Actual Average Outfall 001	60/0	-	-	-	0.19	0.10	A(C)	1.0	TOGS 1.1.1	-	WQBEL
	lbs/d		Monitor	8.2 Outfall 001	60/0	-	-	-	-	-	-	-	-	-	Monitor
<p>The WQS for Nitrite was determined from TOGS 1.1.1 for warm water fishery waters (non-trout). Projected instream concentration was calculated with the maximum measured value of 1.9 mg/L, a multiplier⁷ of 1.0 (based on the number of samples), and the chronic dilution ratio. A comparison of the projected instream concentration to the WQS indicates a reasonable potential to cause or contribute to a WQS violation and therefore a WQBEL is specified for the final limits table. Note influent monitoring for this parameter (both pre- and post-expansion) has been discontinued as it is not required under WIP III or needed to ensure water quality standards are being met</p>															
Total Nitrogen	mg/L	Monthly Avg	Monitor	8.3 Outfall 001	60/0	-	-	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.				703.2	-	Chesapeake Bay TMDL and WIP III
	lb/d	Monthly Avg	Monitor	52 Outfall 001	60/0	-	-	-							
	lb/mo	Monthly Total	Monitor	917 Average Outfall 001	60/0	-	-	-							
	lb/yr	12 Month Rolling Load	28,000	9,199 Average 16,413 Max Outfall 001	60/0	-	-	-							
<p>Consistent with the Phase III WIP, the permit will continue to include an annual loading limitation of 28,000 lbs/yr. See the Chesapeake Bay TMDL discussion in this fact sheet for more information.</p>															

⁷ The multiplier was selected from EPA's Technical Support Document Chapter 3.3..

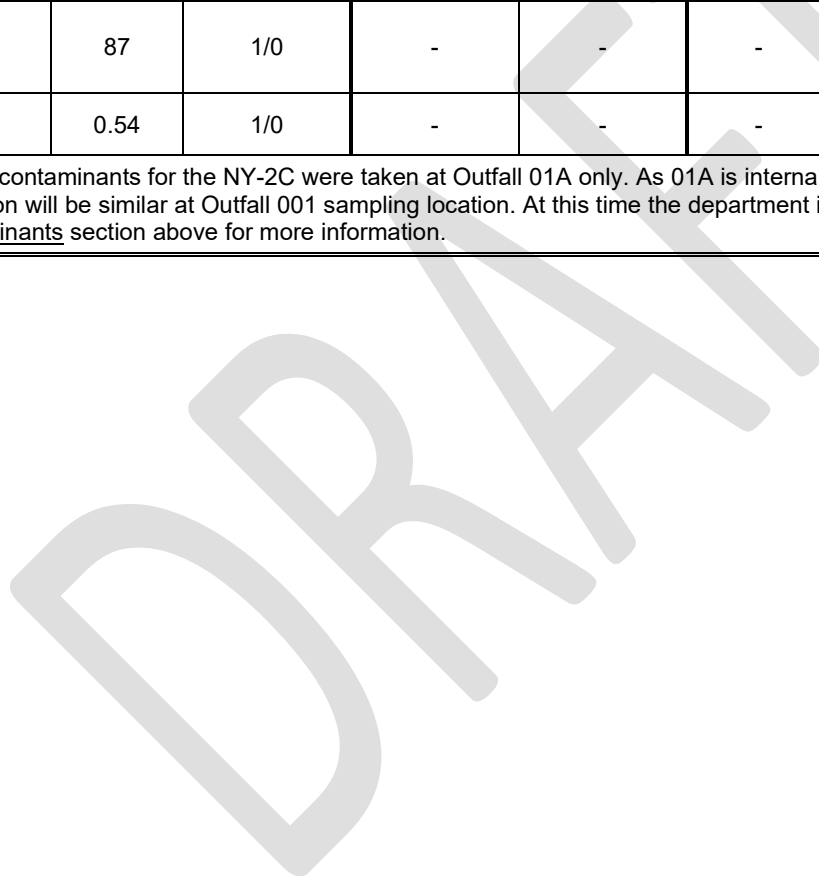
Outfall #	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown																	
	Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection																	
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement		
			Permit Limit	Existing Effluent Quality ⁵	# 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					
Total Phosphorus	mg/L	Monthly Avg	Monitor	0.89 Outfall 001	60/0	1.0	BPJ	-	-	-	-	-	-	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.	703.2	-	Chesapeake Bay TMDL and WIP III
	lb/d	Monthly Avg	Monitor	6.6 Outfall 001	60/0													
	lb/mo	Monthly Total	Monitor	84 Average Outfall 001	60/0	-	-											
	lb/yr	12 Month Rolling Load	1,750	763 Average 1958 Max Outfall 001	60/0													
<p>Consistent with the Phase III WIP, and to maximize phosphorus removal⁸, the permit will continue to include a total phosphorus loading limitation of 1,750 lbs/yr. In addition, the facility has been given a 1.0 mg/L monthly average phosphorus concentration limit based on the existing performance of the treatment system and consistent with requirements for similar facilities under TOGS 1.3.3. The annual loading limitation was calculated from a 0.5 mg/L concentration at the design flow of 1.15 MGD (the flow used to develop the Chesapeake Bay TMDL) for 365 days of the year. Additional information is provided in Chesapeake Bay TMDL discussion in this fact sheet. Note influent monitoring for this parameter (both pre- and post-expansion) has been discontinued as it is not required under WIP III or needed to ensure water quality standards are being met.</p>																		
Coliform, Fecal	#/100 mL	30d Geo Mean	200	9.9 Outfall 001	17/13	200	TOGS 1.3.3	-	-	-	-	-	-	-	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.	703.4	-	TBEL
		7d Geo Mean	400	296 Outfall 001	18/12	400	TOGS 1.3.3											
<p>Consistent with 6 NYCRR 703.4, effluent disinfection will continue to be required seasonally from May 1st – October 31st, due to the class of the receiving waterbody. Fecal coliform limits equal to the TBEL are specified. These limits are continued from the previous permit.</p>																		

⁸ Consistent with 6 NYCRR 750-2.8(a)(5).

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown														
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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			
Additional Pollutants Detected																
Additional pollutants detected are included based on application data submitted by the permittee consisting of the highest value of the combined data from Outfall 001 and Outfall 01A. It is reasonable to use the combined data as internal Outfall 01A flows into Outfall 001 and there are no additional sources of flow or pollutants between them.																
Chemical Oxygen Demand (COD)	mg/L	Daily Max	-	32 Actual Max	92/0	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring	
	lbs/d		-	210 Actual Max	92/0	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring	
There are no applicable water quality standards for chemical oxygen demand, as such no effluent limits or monitoring is specified. See above for evaluation of dissolved oxygen and BOD ₅ .																
Total Organic Carbon (TOC)	mg/L	Daily Max	-	6 Actual Max	22/0	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring	
	lbs/d		-	35 Actual Max	22/0	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring	
There are no applicable water quality standards for total organic carbon, as such no effluent limits or monitoring is specified. See above for evaluation of dissolved oxygen and BOD ₅ .																
Ammonia (as N)	mg/L	Monthly Average	-	3.3 Average 28 Actual Max	93/0	20	TOGS 1.2.1	0.03*	3.1 Summer And Winter	0.4 Summer 0.6 Winter	A(C)	4.0 Summer 5.9 Winter	703.5	-	WQBEL	
	lbs/d		-	191 Actual Max	93/0	-	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring
Application data did not differentiate between summer and winter seasons, therefore the same EEQ values were applied to both seasons. The WQS for Ammonia was determined from TOGS 1.1.1 and 703.5 from a pH of 8.3 S.U., an assumed summer temperature of 25°C, and an assumed winter temperature of 10°C. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E. Projected instream concentration was calculated with the maximum measured value of 28 mg/L, a multiplier of 1.1 (based on the number of samples), and the HEW dilution ratio. A comparison of the projected instream concentration to the WQS indicates a reasonable potential to cause or contribute to a WQS violation and therefore a WQBEL is specified for the final limits table. Monitoring has been added for the interim limits.																
*Ambient background was taken from RIBS station 06-DILA-54.7.																

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown														
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs							ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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			
Oil and Grease	mg/L	Daily Max	-	5.8 Actual Max	91/0	15	TOGS 1.2.1	-	No residue attributable to sewage, industrial wastes, or other wastes, nor visible oil film nor globules of grease	-	-	-	-	703.2	-	No Limitation or Monitoring
	lbs/d		-	42 Actual Max	91/0	-	-	-		-	-	-	-	-	-	-
A TBEL to be protective of the narrative water quality standards in not required given an analysis of the existing effluent data.																
Sulfate (as SO ₄)	mg/L	Daily Max	-	859 Actual Max	22/0	-	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring
	lbs/d		-	5156 Actual Max	22/0	-	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring
There are no applicable water quality standards for sulfates to Class C waterbodies, as such no effluent limits or monitoring is specified.																
Total Magnesium	mg/L	Daily Max	-	8.9 Actual Max	22/0	-	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring
	lbs/d		-	62 Actual Max	22/0	-	-	-	-	-	-	-	-	-	-	No Limitation or Monitoring
There are no applicable water quality standards for magnesium to Class C waterbodies, as such no effluent limits or monitoring is specified.																
Total Mercury	ng/L	Daily Max	-	1.0*	1/0	-	-	-	-	0.7	H(FC)	-	GLCA	-	DOW 1.3.10	
See Mercury section of this fact sheet . *Single sample provided as part of the NY-2A application process																
Total Residual Chlorine (TRC)	mg/L	Daily Max	-	-	-	2.0	TOGS 1.2.1	-	-	0.005	A(C)	0.05	703.5	-	Monitor 750-1.13	
TRC monitoring has been included in both the interim and final permit table as a result of Chobani's request for increased use of the water treatment chemicals (WTC) that contain chlorine, submitted with the NY-2C. The collected data will be evaluated for reasonable potential and the WQBEL is shown above to give Chobani a metric to assess performance.																

Outfall #	001/ 01A	Description of Wastewater: Process wastewater, non-contact cooling water, septic tank effluent, and boiler blowdown													
		Type of Treatment: Drum Screens, Coagulation/Flocculation, Suspended Air Flotation, Anoxic & Pre-aeration tanks, Membrane Bioreactors, and UV Disinfection													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# 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		
Emerging Contaminants															
Perfluorobutanoic Acid (PFBA)	ng/L	Daily Max	-	87	1/0	-	-	-	-	-	-	-	-	-	Monitor
Perfluorohexanoic Acid (PFHxA)	ng/L	Daily Max	-	0.54	1/0	-	-	-	-	-	-	-	-	-	Monitor
Samples for emerging contaminants for the NY-2C were taken at Outfall 01A only. As 01A is internal and prior to 001 with no additional sources of flow, it is reasonable to assume concentration will be similar at Outfall 001 sampling location. At this time the department is requesting Short Term Monitoring to be conducted at Outfall 01A. See <u>Emerging Contaminants</u> section above for more information.															



USEPA EFFLUENT LIMITATION GUIDELINE (ELG) CALCULATIONS

[Appendix Link](#)

For the applicable categorical limitations under 40 CFR Part 405 Subparts B and C, the following basis was used to determine the TBEL:

Outfall	001	001
40 CFR Part/Subpart	§40 CFR 405 Subpart B	§40 CFR 405 Subpart C
Subpart Name	Fluid Products Subcategory	Cultured Products Subcategory

ELG Pollutant	Daily Max Multiplier	Monthly Avg. Multiplier	Pounds of BOD ₅ Input (lbs/d)	Daily Max TBEL (lbs/d)	Monthly Avg. TBEL (lbs/d)
40 CFR Part 405.25 Subpart B – ELGs for New Sources					
Biochemical Oxygen Demand (BOD ₅)	0.074	0.037	490,160	363	181
Total Suspended Solids (TSS)	0.093	0.046	490,160	456	225
pH	Within the range 6.0 to 9.0 S.U.				
40 CFR Part 405.35 Subpart C – ELGs for New Sources					
Biochemical Oxygen Demand (BOD ₅)	0.074	0.037	412,407	305	153
Total Suspended Solids (TSS)	0.093	0.046	412,407	384	190
pH	Within the range 6.0 to 9.0 S.U.				
40 CFR Part 405 Sum of Subparts B and C – ELGs for New Sources					
Biochemical Oxygen Demand (BOD ₅)	-	-	-	668	334
Total Suspended Solids (TSS)	-	-	-	840	415
pH	Within the range 6.0 to 9.0 S.U.				
Note: Permittee indicated in sections 5.1 and 5.2 of the submitted NY-2C that Effluent Limitation Guidelines (ELGs) under 40 CFR Part 405 apply to their facility. The submitted Supplement H for Dairy Products Processing facilities further indicated that Subparts B and C apply to their production. Treatment processes for the facility's wastewater were completely upgraded in 2013 and are proposed to be further upgraded as indicated in the submitted NY-2C application, therefore New Source Performance Standards (NSPS) apply to the facility and were used for ELG calculations. Final TBELs included in the permit were calculated by summing the calculated limitations from each subpart as all flows are combined, treated, and discharged via Outfall 001. At this time, production has not changed significantly from the previous permit, though the design flow of the facility has been increased in anticipation of future production increases. At the time of production increase, equal to or greater than 20 percent of the production at time of issuance, the permittee must submit written notification to the DEC pursuant to 6 NYCRR 750-2.6(b)(1).					

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 waste load allocation (WLA) of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed to determine the existing capabilities of the wastewater treatment plants and to assure that WLAs are allocated equitably.

Interstate Water Pollution Control Agencies

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

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 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, 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(i) 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 law⁹ and USEPA interpretation¹⁰ 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

⁹ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

¹⁰ 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)

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.

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 DEC considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

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

“EPA Technical Support Document for Water Quality-Based Toxics Control” (March 1991); EPA Region VIII’s “Mixing Zones and Dilution Policy” (December 1994); NYSDEC TOGS 1.3.1, “Total Maximum Daily Loads and Water Quality-Based Effluent Limitations” (July 1996); “CORMIX v11.0” (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as

required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

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

- 1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the DEC;
- 2) identify water quality criteria applicable to these pollutants;
- 3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,
- 4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

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

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

The Division of Water has been using the TMDL approach in permit limit development for the control of toxic substances. Since the early 1980's, the loading capacity for specific pollutants has been determined for each drainage basin. Water quality-limiting segments and pollutants have been identified, TMDLs, wasteload allocations and load allocations have been developed, and permits with water quality-based effluent limits have been issued. In accordance with TOGS 1.3.1, the Division of Water implements a Toxics Reduction Strategy which is committed to the application of the TMDL process using numeric, pollutant-specific water quality standards through the Watershed Approach. The Watershed Approach accounts for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments.

Whole Effluent Toxicity (WET) Testing:

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity testing should be included in SPDES permits. The authority to require toxicity testing is in 6NYCRR 702.9. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include

toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

1. There is the presence of substances in the effluent for which ambient water quality criteria do not exist.
2. There are uncertainties in the development of TMDLs, WLAs, and WQBELs, caused by inadequate ambient and/or discharge data, high natural background concentrations of pollutants, available treatment technology, and other such factors.
3. There is the presence of substances for which WQBELs are below analytical detectability.
4. There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five.
5. There are observed detrimental effects on the receiving water biota.
6. Previous WET testing indicated a problem.
7. POTWs which exceed a discharge of 1 MGD. Facilities of less than 1 MGD may be required to test, e.g., POTWs <1 MGD which are managing industrial pretreatment programs.

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 DEC 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.

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.