State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**4952**	NAICS Code:	**221320**	SPDES Number:	**NY0272060**
Discharge Class (CL):	**07**			DEC Number:	**8-3238-00137/00002**
Toxic Class (TX):	**T**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**07 - 04**			Expiration Date (ExDP):	**EDP + 5 years**
Water Index Number:	**Ont. 66-12-52-P 286-18-2**	Item No.:	**898 - 200**	Modification Dates (EDPM):	
Compact Area:	**IJC**				

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:	**Village of Naples**	Attention:	**Mayor**		
Street:	**106 South Main Street, P.O. Box 386**				
City:	**Naples**	State:	**NY**	Zip Code:	**14512**
Email:	**brain@naplesny.gob**	Phone:	**(585) 374-2435**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL															
Name:	**Village of Naples Wastewater Treatment Plant**														
Address / Location:	**10 Ontario Street**											County:	**Ontario**		
City:	**Naples**						State:	**NY**				Zip Code:	**14512**		
Facility Location:		Latitude:	**42**	°	**37**	’	**07**	” N	& Longitude:	**77**	°	**23**	’	**47**	” W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**37**	’	**07**	” N	& Longitude:	**77**	°	**23**	’	**50**	” W
Outfall Description:	**Treated Sanitary**	Receiving Water:	**Grimes Creek Raceway (Tributary to Naples Creek)**					Class:	C			Standard:	C(TS)		

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. The co-permittees subject to one or more conditions of this permit are listed on page 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)
NYSEFC (sara.tully@efc.ny.gov)

Permit Administrator:	Ashley Kasperowicz
Address:	6274 E Avon-Lima Rd, Avon, NY 14414
Signature	Date

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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 DEC 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.
Percent Removal	Calculated as $([C_{Influent} - C_{effluent}] / C_{Influent}) \times 100$, where $C_{Influent}$ = Average influent concentration and $C_{Effluent}$ = Average effluent concentration, for a given monitoring period.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

EXISTING PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Year Round (unless otherwise specified)	Grimes Creek Raceway	EDP	Construction Completion(1)

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Average	0.05	MGD	-	-	Continuous	Meter	X	-	-
	Daily Maximum	Monitor	MGD	-	-	Continuous	Meter	X	-	-
pH	Daily Minimum	6.5	SU	-	-	1/day	Grab	X	X	-
	Daily Maximum	8.5	SU	-	-					
Temperature	Daily Maximum	Monitor	ºC	-	-	1/day	Grab	X	X	-
$CBOD_5$	Daily Maximum	5.0	mg/L	2.0	lbs/d	1/month	Grab	X	X	2
Percent Removal, $CBOD_5$	Monthly Minimum	85	%	-	-	1/month	Calculated	-	X	-
Total Suspended Solids (TSS)	Monthly Average	10	mg/L	4.0	lbs/d	1/month	Grab	X	X	2
Percent Removal, TSS	Monthly Minimum	85	%	-	-	1/month	Calculated	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/day	Grab	X	X	-
Dissolved Oxygen (DO)	Daily Minimum	Monitor	mg/L	-	-	1/month	Grab	-	X	-
Ammonia (as N) June 1st – October 31st	Daily Maximum	1.2	mg/L	-	-	1/month	Grab	-	X	-
Ammonia (as N) November 1st – May 31st	Daily Maximum	1.8	mg/L	-	-	1/month	Grab	-	X	-
Total Phosphorus (as P) May 1st – October 31st	Daily Maximum	1.0	mg/L	-	-	1/month	Grab	-	X	-

EFFLUENT DISINFECTION Required Seasonal from May 1st - October 31st		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL	-	-	1/month	Grab	-	X	-
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL	-	-	1/month	Grab	-	X	-
Chlorine, Total Residual	Daily Maximum	0.03	mg/L	-	-	1/day	Grab	-	X	3

FOOTNOTES FOR EXISTING FACILIITY:

1. The existing facility limitations will be effective until DEC acceptance of the construction completion certification of the Final Facility.

2. Effluent shall not exceed 15% and 15% of influent concentration values for $CBOD_5$ & TSS respectively.

3. This is a Compliance Level. The calculated WQBEL is 0.005 mg/L. If Ultraviolet Disinfection or other non-chlorine based disinfection is used, then TRC monitoring is NOT required.

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FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Year Round (unless otherwise specified)	Grimes Creek Raceway	Construction Completion(1)	EDP + 5 years

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Average	0.097	MGD	-	-	Continuous	Meter	X	-	-
	Daily Maximum	Monitor	MGD	-	-	Continuous	Meter	X	-	-
pH	Daily Minimum	6.5	SU	-	-	1/day	Grab	X	X	-
	Daily Maximum	8.0	SU	-	-					
Temperature	Daily Maximum	Monitor	ºC	-	-	1/day	Grab	X	X	-
$CBOD_5$	Daily Maximum	5.0	mg/L	4.0	lbs/d	1/month	Grab	X	X	2
Percent Removal, $CBOD_5$	Monthly Minimum	85	%	-	-	1/month	Calculated	-	X	-
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	8.1	lbs/d	1/month	Grab	X	X	2
Percent Removal, TSS	Monthly Minimum	85	%	-	-	1/month	Calculated	-	X	-
Settleable Solids	Daily Maximum	0.1	mL/L	-	-	1/day	Grab	X	X	-
Dissolved Oxygen (DO)	Daily Minimum	7.0	mg/L	-	-	1/month	Grab	-	X	3
Ammonia (as N) June 1st – October 31st	Monthly Average	0.54	mg/L	-	-	1/month	Grab	-	X	3
Ammonia (as N) November 1st – May 31st	Monthly Average	1.1	mg/L	-	-	1/month	Grab	-	X	3
Total Phosphorus (as P)	Monthly Average	0.5	mg/L	-	-	1/month	Grab	-	X	3
Total Mercury	Daily Maximum	25	ng/L	-	-	1/month	Grab	-	X	4
EFFLUENT DISINFECTION Required Seasonal from May 1st - October 31st		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL	-	-	1/month	Grab	-	X	-
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL	-	-	1/month	Grab	-	X	-
Chlorine, Total Residual	Daily Maximum	0.03	mg/L	-	-	1/day	Grab	-	X	5,6

FOOTNOTES FOR FINAL FACILIITY:

1. Upon DEC acceptance of the Construction Completion Certification, these effluent limitations shall become effective unless otherwise specified.

2. Effluent shall not exceed 15% and 15% of influent concentration values for $CBOD_5$ & TSS respectively.

Footnotes Continued on Next Page

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3. This is a final effluent limit. See the Compliance Schedule for any applicable Interim Effluent Limitations.

4. This is a Compliance Level for total mercury. The calculated WQBEL is 0.7 ng/L.

5. This is a Compliance Level. The calculated WQBEL is 0.005 mg/L.

6. Sampling and reporting for total residual chlorine are only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.

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MERCURY MINIMIZATION PROGRAM (MMP) - Type II

1. General – To reduce mercury effluent levels with the goal of achieving the water quality standard of 0.7 ng/L, the permittee must develop, implement, and maintain a written MMP plan, which includes the elements set forth below.
2. Relevant Documents – incorporate by reference documents already prepared, if any, for the wastewater treatment facility.
3. Drawings or Maps – for the facility and collection system identifying key locations and other areas identified in the MMP Plan.
4. Monitoring Plan – All mercury outfall monitoring must be conducted using the methods specified in Table 8 of DOW 1.3.10. Monitoring at influent and other locations tributary to compliance points may be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations and conducted with the following frequencies:
    a. Influent/Effluent – sampled in accordance with the SPDES permit limitations table for Outfall and;
    b. Key Locations – sampled annually, chosen to identify potential mercury sources. Sampling of discharges from dental facilities that are in compliance with 6 NYCRR 374.4 is not required.
5. Hauled Wastes Procedures – establish procedures for the acceptance of hauled waste to ensure it is not a potential mercury source. The permittee must notify the DEC prior to acceptance of loads which may exceed 500 ng/L[1].
6. Control Strategy –
    a. Pretreatment/Sewer Use Law (SUL) – develop, include, and enforce pretreatment and SUL conditions which will support efforts to achieve the water quality standard of 0.7 ng/L in the effluent.
    b. Inventory – develop and maintain an inventory of known and potential mercury sources, including a subset list of dental facilities.
    c. Dental Facilities Requirements – once every five years, conduct and document either:
        i. Inspections at each dental facility to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4; OR,
        ii. An outreach program[2], which informs new and existing users of their responsibilities, and collection of the "Amalgam Waste Compliance Report for Dental Dischargers"[3] form. Ensure the "Amalgam Waste Compliance Report for Dental Dischargers" is submitted by new users. The permittee should conduct site inspections to support the outreach program.
    d. Other Potential Mercury Sources – once every five years, conduct and document either:
        i. Inspections at each identified location with potential mercury source(s), other than dental facilities; OR,
        ii. An outreach program which informs users of their responsibilities as identified locations with potential mercury source(s). The permittee should conduct site inspections to support the outreach program.
    e. Equipment and Materials – evaluate equipment and materials (e.g., thermometers, thermostats) used by the permittee for potential mercury contribution to the discharge. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.

[1] A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR 261.11. The 500 ng/L amount is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.
[2] For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.
[3] The form, "Amalgam Waste Compliance Report for Dental Dischargers," can be found here: https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf.

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

f. Bulk Chemical Evaluation – for chemicals used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain:
   i. A manufacturer's certificate of analysis;
   ii. A chemical analysis performed by a certified laboratory; OR,
   iii. A notarized affidavit that describes the substance's mercury concentration and the detection limit achieved.

   Where practicable, the permittee must only use bulk chemicals in the wastewater treatment process which contain <10 parts per billion (ppb) of mercury.

7. Status Report **–** the permittee must develop **an annual** report, in accordance with the Schedule of Additional Submittals, summarizing:
   a. All MMP monitoring results for Outfall 001 since the previous report;
   b. A list of known mercury sources and potential mercury sources for Outfall 001;
   c. All actions undertaken by the permittee, pursuant to the control strategy, since the previous report;
   d. Actions planned by the permittee, pursuant to the control strategy, for the upcoming reporting period; and,
   e. Progress toward achieving a dissolved mercury concentration of 0.7 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation or installation/modification of a treatment system).

   The first status report is due in accordance with the Schedule of Additional Submittals. The permittee must maintain a file on-site with all MMP documentation.

8. MMP Modification – the permittee must submit a permittee-initiated modification request to DEC whenever:
   a. The permittee meets the criteria for another MMP type;
   b. Changes at the facility, or within the collection system, increase the potential for mercury discharges; OR,
   c. Effluent discharges exceed the current permit limitation(s).

   The permittee may use information in the status reports, as applicable in accordance with item 7, as a basis for the permittee-initiated modification.

DEFINITIONS:

Key location – a location within the collection/wastewater system (e.g., including but not limited to a specific manhole/access point, tributary sewer/wastewater connection, or user discharge point) identified by the permittee as a potential mercury source. The permittee may adjust key locations based upon sampling and/or best professional judgement.

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:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address:

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

(e) The permittee shall provide for public review at the business office repository of the permittee or at the off-premises location of its choice, provided the custodian of the off-premise location grants written permission, (such off-premise location shall be the village, town, city or county clerk's office, local library or other location accessible by the public) all the Discharge Monitoring Reports (DMR) prepared by the permittee to demonstrate compliance with the SPDES permit conditions. A copy of each DMR shall be placed on file at such location at the same time it is sent to the department, or within 60 days of preparation for DMRs not required to be submitted to the Department. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.

(f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date[4]
001	INTERIM PROGRESS REPORT[5] The permittee shall provide a status update on the facility expansion.	EDP + 9 Months, every 9 Months until Construction Completion
	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification[6] to the DEC (send to the Regional Water Engineer and NetDMR@dec.ny.gov) that the disposal system has been fully completed in accordance with the approved Design Documents.	Upon Construction Completion
	COMMENCE OPERATION Following receipt of DEC acceptance of the Construction Completion Certification, the permittee shall comply with the final effluent limitation(s) described in the FINAL LIMITS table unless otherwise specified.	Upon Department Acceptance
Unless noted otherwise, the above actions are one-time requirements.		
See next page for Interim Effluent Limits.		

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[4] 6 NYCRR 750-1.14 (a)
[5] 6 NYCRR 750-1.14 (b)
[6] 6 NYCRR 750-2.10 (c)

SCHEDULE OF COMPLIANCE – Interim Effluent Limits

OUTFALL	EXPIRING
001	Construction Completion + 6 months

PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Dissolved Oxygen	Daily Minimum	Monitor	mg/L	-	-	1/Month	Grab	-	X	-
Ammonia (as N)	Monthly Average	1.2	mg/L	-	-	1/Month	Grab	-	X	1
Ammonia (as N)	Monthly Average	1.8	mg/L	-	-	1/Month	Grab	-	X	2
Total Phosphorus (as P)	Monthly Average	1.0	mg/L	-	-	1/Month	Grab	-	X	

Notes:
1. June 1st – October 31st
2. November 1st – May 31st

b) The permittee shall submit a Report of Non-Compliance Event form with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All notifications shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. Any details which tend to explain or mitigate an instance of non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

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

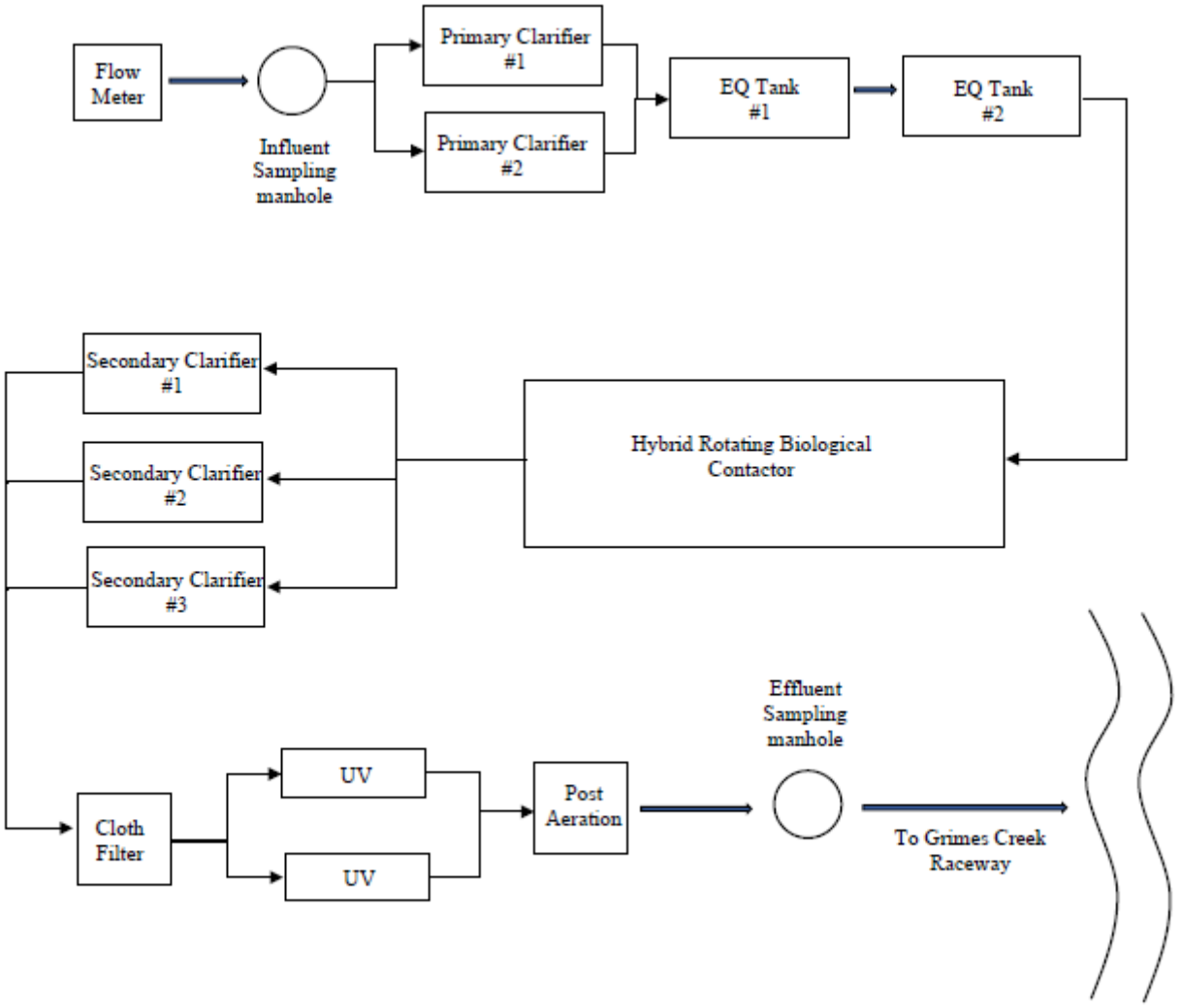
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EXISTING MONITORING LOCATIONS

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

Influent: influent sampling manhole (after flow meter chamber)

Effluent: post aeration tank

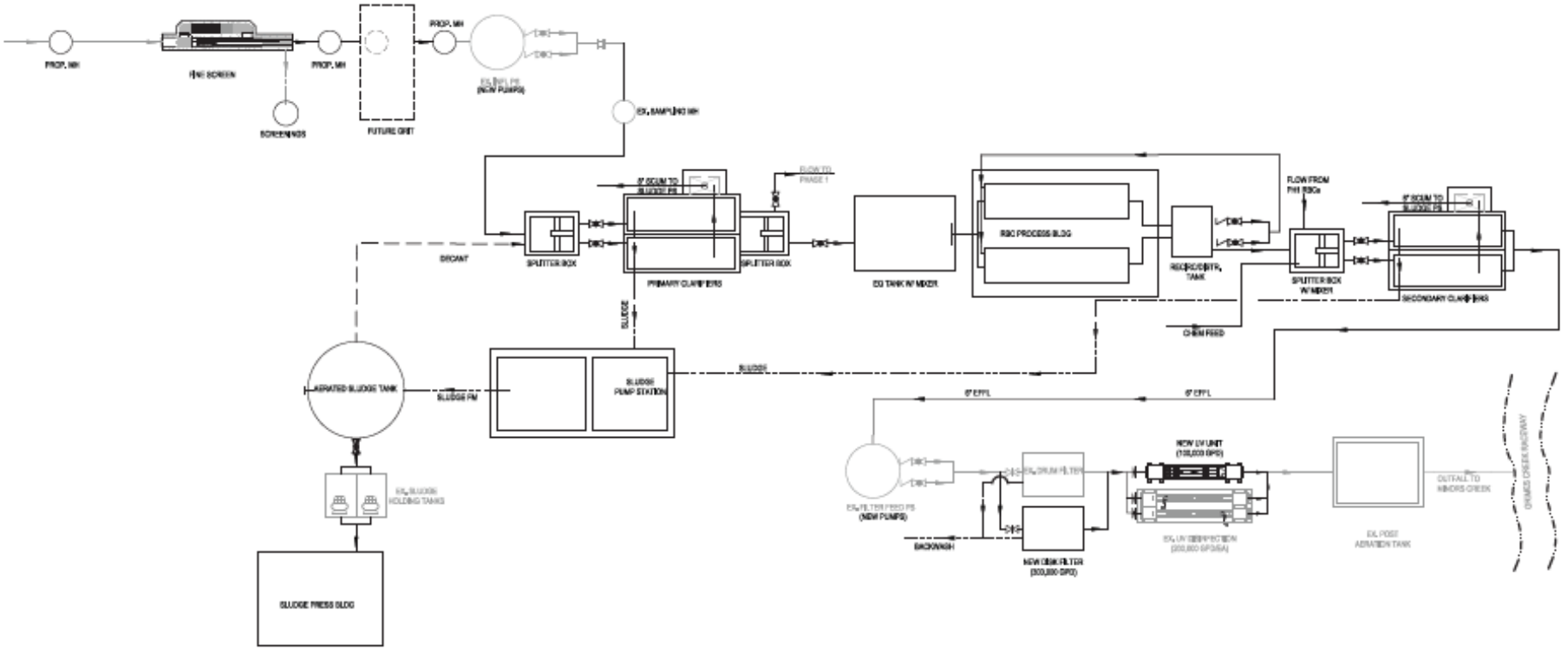


FINAL MONITORING LOCATIONS

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

Influent: influent sampling manhole

Effluent: post aeration tank



GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

1.	Proper Operation & Maintenance	6 NYCRR 750-2.8
2.	Bypass	6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7
3.	Upset	6 NYCRR 750-1.2(a)(98) & 2.8(c)

D. Monitoring and Records

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

E. Reporting Requirements

1.	Reporting requirements	6 NYCRR 750-2.5, 2.7 & 1.17
2.	Anticipated noncompliance	6 NYCRR 750-2.7(a)
3.	Transfers	6 NYCRR 750-1.17
4.	Monitoring reports	6 NYCRR 750-2.5(e)
5.	Compliance schedules	6 NYCRR 750-1.14(d)
6.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR 750-2.7(e)
8.	Other information	6 NYCRR 750-2.1(f)
9.	Additional conditions applicable to a POTW	6 NYCRR 750-2.9

F. Planned Changes

1. In accordance with 6 NYCRR 750-2.7, the permittee shall give notice to the DEC at least 45 days prior to planned physical alterations or additions to the permitted facility when:

   a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

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GENERAL REQUIREMENTS (continued)

2. Notification Requirement for POTWs
   All POTWs shall provide adequate notice to the Department and the USEPA of the following:

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

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

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

H. SPDES Permit Program Fee
   The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the 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.

I. Water Treatment Chemicals (WTCs)
   New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed under the current permit. The 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 in writing 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 that excessive levels of WTCs are not used.
   3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: http://www.dec.ny.gov/permits/93245.html

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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 DEC or its designated agent.

B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with 6 NYCRR 750-2.5(e). NYSDEC has made available the DMR Manual on the website as a reference to assist permittees with completing DMR's.

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.**

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

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

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 8
6274 E. Avon-Lima Road, Avon, New York, 14414-9519 Phone: (585) 226-5450

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

E. Schedule of Additional Submittals:

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

SCHEDULE OF ADDITIONAL SUBMITTALS

Outfall(s)	Required Action	Due Date
001	WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM 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.	December DMR (January 28th)
	ANNUAL FLOW CERTIFICATION The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(c)(4). The form shall be attached to the February DMR or submitted through nForm.	February DMR (March 28th)

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SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
001	ANNUAL EMERGENCY RESPONSE PLAN CERTIFICATION The permittee shall submit a certification of compliance with the Emergency Response Plan requirements in accordance with 6 NYCRR 750-2.9(d) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28th, each year
	ANNUAL CYBERSECURITY CONTROLS CERTIFICATION The permittee shall submit a certification of compliance with the cybersecurity controls requirements in accordance with 6 NYCRR 750-2.9(e) and (f). The form shall be submitted electronically using a NYSDEC approved form.	March 28th, each year
	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite a mercury minimization plan and subsequent annual mercury minimization status reports in accordance with the requirements of this permit.	***Maintained Onsite*** Construction Completion + 12 months, annually thereafter

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

F. 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.

G. 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.

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

I. 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.

J. 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
Village of Naples
Village of Naples WWTP
NY0272060

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Summary of Permit Changes

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

General Permit Changes

- Updated permit format, definitions, and general conditions
- Updated the Grimes Creek Raceway standard from C to C(TS)
- Updated schematic and monitoring locations pages

Existing Facility Limits

- Adjusted significant figures for $CBOD_5$ and TSS loadings
- Added Dissolved Oxygen monitoring requirement
- Adjusted footnotes accordingly

Final Facility Limits

- Increased monthly average flow limit from 0.05 MGD to 0.097 MGD
- Reduced summer ammonia (as N) limit from 1.2 mg/L to 0.54 mg/L
- Reduced winter ammonia (as N) limit from 1.8 mg/L to 1.1 mg/L
- Reduced total phosphorus (as P) limit from 1.0 mg/L to 0.5 mg/L
- Changed total phosphorus (as P) limit from seasonal to year-round
- Added a total mercury limit of 25 ng/L
- Updated/Added footnotes accordingly

Schedule of Compliance

- Added a Schedule of Compliance for achieving the final effluent limit(s) for the Final Facility
- Added interim limits for dissolved oxygen, ammonia (as N) and total phosphorus (as P)

Schedule of Additional Submittals

- Removed previous Notice of Construction Completion item
- Added Water Treatment Chemical (WTC) Annual Report Form submittal
- Added Annual Flow Certification submittal
- Added Annual Emergency Response Plan Certification submittal
- Added Annual Cyber Security Controls Certification submittal
- Added Mercury Minimization Plan item

This fact sheet summarizes the information used to determine the effluent limitations (limits) and other conditions contained in the permit. General background information including the regulatory basis for the effluent limitations and other conditions are in the Appendix linked throughout this fact sheet.

Administrative History

6/1/2019 The last full technical review was performed, and the SPDES permit became effective with a new five-year term and expiration date of 5/31/2024. The 2019 permit, along with all subsequent modifications, has formed the basis of this permit.

The permit was administratively renewed in 2024. The current permit administrative renewal is effective until 5/31/2029.

11/1/2020 Permit was modified to include the fecal coliform and total residual chlorine sample frequencies.

1/12/2026 The Village of Naples submitted a NY-2A permit application to modify the permit to expand the design flow of the treatment plant.

2/2/2026 DEC issued a Notice of Incomplete Application (NOIA) for various items on the NY-2A.

3/11/2026 The Village of Naples re-submitted an updated NY-2A application which was missing the mayor's signature.

4/9/2026 The Village of Naples submitted a complete NY-2A permit application. This addressed all remaining NOIA items.

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

Facility Information

This facility is a publicly owned treatment works that receives flow from domestic users, with effluent consisting of treated sanitary sewage. The collection system consists of separate sewers. The facility does not have any significant industrial users (SIUs).

The current 0.05 MGD treatment plant consists of:

- Manual 2-inch basket screen
- Primary clarification
- Equalization
- Algalwheel system (hybrid RBCs) with secondary clarification
- Chemical addition for phosphorus removal
- Disk Filters
- Ultraviolet (UV) disinfection
- Post Aeration

Sludge is aerated in sludge holding tanks and dewatered with a screw press. Lime is added to meet stabilization requirements.

The facility proposes to increase its design flow to 0.097 MGD and consist of:

- Mechanical fine screens
- Primary clarification
- Equalization
- Algalwheel system (hybrid RBCs) with secondary clarification
- Chemical addition for phosphorus removal
- Disk Filters
- UV disinfection
- Post Aeration

Sludge will continue to be digested in a new aerated sludge holding tank and dewatered with a screw press. Lime will continue to be added to meet stabilization requirements.

The primary outfall (Outfall 001) is an 8-inch PVC pipe located along the bank of Grimes Creek Raceway.

The facility accepts wastewater from the following municipalities:

Municipality	POSS # or SPDES #	Collection System
Village of Naples	NY0272060	Separate

Site Overview



Outfall 001



Enforcement History

The facility is operating under Order on Consent R8-20250602-30 effective 1/7/2026. The Order requires the following compliance actions:

- Update the O&M plans to include solids removal from the algalwheel pods on a regular basis;
- Develop and implement a process control monitoring plan; and
- Provide the Department with a written plan for obtaining and/or training someone for the assistant operator position.

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

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period 3/1/2021 to 2/28/2026. Appendix Link

Interstate Water Pollution Control Agencies

Outfall(s) 001 is located within the Great Lakes watershed and International Joint Commission (IJC) compact area and are subject to 40 CFR Part 132. Appendix Link

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated Sanitary Sewage	Grimes Creek Raceway Class C, Standard C(TS)

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

Impaired Waterbody Information

Naples Creek, lower and minor tributaries segment (PWL No. 0704-0051) is not listed on the 2022 New York State Section 303(d) List of Impaired/TMDL Waters. As such, a TMDL has not been developed and therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data

Reach Description: Grimes Creek Raceway is a spring fed waterway which is not currently depicted on the reference maps. In accordance with 6 NYCRR 898.2(b)(3)(k), all streams or other bodies of water which are not shown on the reference maps herein shall be assigned to class D, as set forth in Part 701, *supra*, except that any continuous flowing natural stream which is not shown on the reference maps shall have the same classification and assigned standards as the waters to which it is directly tributary. Grimes Creek Raceway converges with an unnamed tributary of Naples Creek approximately 0.75 miles from the outfall. The unnamed tributary then flows approximately 200 feet to converge with Naples Creek (Class C, Standard C(TS)). Given the close proximity to Naples Creek, a prominent trout stream in the area, Grimes Creek Raceway shall be assigned the same class and standard as Naples Creek (Class C, Standard C(TS)) to protect downstream water quality.



Hazlitt Red Cat Cellars discharges process and sanitary wastewater to the unnamed tributary of Naples Creek prior to converging with Grimes Creek Raceway. The 1977 303(e) Water Quality Management Plan for the Western Oswego River Basin lists this unnamed tributary segment as an intermittent stream. Therefore, it is assumed Grimes Creek Raceway is intermittent as well. Furthermore, the Naples WWTP outfall is located on the bank, reducing the overall velocity of the discharge entering the receiving water. This causes the effluent plume to attach to the bank and greatly reduces mixing potential which further supports a conservative dilution ratio. Therefore,

intermittent stream effluent limits (ISEL) have been applied, and the water quality standards have been applied as end-of-pipe limitations.

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

Appendix Link

Antidegradation

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

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 has been 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 has been continued from the previous permit.

Mercury

The DOW 1.3.10 Mercury – Multiple Discharge Variance (MDV), dated December 31, 2025, provides the framework for DEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. All of the following permit conditions are consistent with the MDV. Appendix Link

The facility is a Class 07 State Significant facility with a mercury source. The permit includes requirements for the implementation of MMP Type II.

The new daily max limit of 25 ng/L represents the general level currently achievable (GLCA). Based on 3 data point(s) with a max of 5.37 ng/L, the facility is expected to meet the limit (with monthly sampling frequency). Once ten or more data points are collected from monthly sampling, DEC will establish an additional 12-month rolling average effluent limit during the next permit review.

The MMP consists of the following:

- Additional monitoring of key locations, as defined in the MMP;

[1] As prescribed by 6 NYCRR Part 617

- Control strategy for implementation of the MMP; and,
- Annual status report (maintained onsite)

Schedule of Compliance

A Schedule of Compliance has been included[2] for the following items (Appendix Link):

- Compliance period for attainment of final facility effluent limits at Outfall 001 for dissolved oxygen, winter & summer ammonia (as N), and total phosphorus. The limits were reduced and a major modification to the treatment facility or operations may be needed and will take a significant amount of time to achieve.

Emerging Contaminant Monitoring

Based on the available data, no additional monitoring for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and 1,4-dioxane (1,4-D) is required at this time. Please see the Pollutant Summary Table below for more information.

Appendix Link

Schedule of Additional Submittals

WTC Annual Report

In accordance with 6 NYCRR 750-2.1(i), the permit requires submission of an annual report each year that the permittee uses and discharges WTCs. The permittee must summarize all WTC use for the prior calendar year, January 1 through December 31, and attach it either to the December DMR or annual monitoring report required by the permit. More information is located on the DEC's website under SPDES Permitting of Water Treatment Chemicals.

Annual Flow Certification

In accordance with 6 NYCRR 750-2.9(c)(4), the chief fiscal officer of the municipality shall submit an Annual Flow Certification form, located on DEC's website at Wastewater forms, as an attachment to its February DMR or through nForm. The municipal chief fiscal officer may also submit an explanation for a deviation, where compliance certification cannot be provided.

Annual Emergency Response Plan Certification

In accordance with 6 NYCRR 750-2.9(d), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) shall submit an Annual Emergency Response Plan Certification form electronically using a NYSDEC approved form.

Annual Cybersecurity Controls Certification

In accordance with 6 NYCRR 750-2.9(e), the principal executive officer or ranking elected official of the municipality or a duly authorized representative of that person (as defined in 6 NYCRR 750-2.9(f)) shall submit an Annual Cybersecurity Controls Certification form electronically using a NYSDEC approved form.

Mercury Minimization Plan (MMP) and Status Report

Please see above discussion of MMP and the required annual Status Report., in accordance with 6 NYCRR 750-1.14(f).

[2] Pursuant to 6 NYCRR 750-1.14

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/L)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	42° 37' 07" N	77° 23' 50" W	Grimes Creek Raceway (Tributary to Naples Creek)	C(TS)	Ont. 66-12-52-P 286-18-2 PWL: 0704	07/04	233[3]	ISEL – TOGS 1.3.1			0.05 / 0.097[4]	No Dilution		

POLLUTANT SUMMARY TABLE

Outfall 001 – Existing Facility

The existing 0.05 MGD facility (manual basket screen, primary clarification, equalization, Algalwheels, chemical addition, secondary clarification, disk filtration, UV disinfection, and post aeration) shall have limits consistent with the current permit. These limits will expire upon Construction Completion Certification.

Outfall 001 – Final Facility

Outfall #	001	**Description of Wastewater:** Treated Sanitary Sewage														
		Type of Treatment: Mechanical fine screen, primary clarification, equalization, Algalwheels, chemical addition, secondary clarification, disk filters, UV disinfection, and post aeration.														
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		
General Notes: Existing discharge data from March 1, 2021 to February 28, 2026 was obtained from Discharge Monitoring Reports provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.																
Flow Rate	MGD	Monthly Avg	0.05	0.023 Actual Average	60/0	**0.097**	40 CFR 133.102 TOGS 1.3.3	No alterations that will impair the waters for their best usages.					6 NYCRR 703.2	-	TBEL
	MGD	Daily Max	Monitor	0.050 Actual Max	60/0	**Monitor**	6 NYCRR 750-1.13 Monitor							-	TBEL
	Consistent with 40 CFR Part 133.102 and TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant has been specified.															

[3] Ambient hardness was established from a 2023 analysis of median watershed specific data collected by DEC through the Rotating Integrated Basin Studies (RIBS) program from 2012-2022. This data is available through the RIBS Data Portal.

[4] The Village of Naples is undergoing upgrades and expansion to a design flow of 0.097 MGD.

[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	**Description of Wastewater:** Treated Sanitary Sewage **Type of Treatment:** Mechanical fine screen, primary clarification, equalization, Algalwheels, chemical addition, secondary clarification, disk filters, UV disinfection, and post aeration.													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[5]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis	ML	Basis for Permit Requirement
pH	SU	Minimum	6.5	6.5 Actual Min	60/0	**6.5**	6 NYCRR 750-1.10	8.3[6]	-	6.5 – 8.5	Range	-	6 NYCRR 703.3	-	TBEL
		Maximum	8.5	8.55 Actual Max	60/0	**8.0**	-								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution. The facility has voluntarily decided to accept a more stringent pH limit to increase the ammonia limitation as the stream is effluent dominated. A pH of 8.0 SU is within the acceptable range for water quality protection.														
Temperature	°C	Daily Max	Monitor	28.3 Actual Max	60/0	**Monitor**	6 NYCRR 750-1.13 Monitor	-	(Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				6 NYCRR 704.2	-	TBEL
	Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions. This requirement has been continued from the previous permit. Temperature monitoring completed by the facility in 2021 & 2022, upstream of Outfall 001 and prior to the convergence of Grimes Creek Raceway and Naples Creek showed the effluent temperature did not have a noticeable impact on the receiving stream temperature. Therefore, no effluent temperature limitation is necessary for downstream protection.														
Dissolved Oxygen (DO)	mg/L	Daily Min	-	-	-	7.0	TOGS 1.3.1	-	-	(TS) 7.0 mg/L		**7.0**	6 NYCRR 703.3	-	WQBEL
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. Water quality was evaluated with consideration to Trout-Spawning water quality criteria. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste.														
5-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	mg/L	Daily Max	5.0	22	55/4	**5.0**	TOGS 1.3.1	-	See Dissolved Oxygen for Surrogate Standard				6 NYCRR 703.3	-	TBEL
	lbs/d	Daily Max	2.0	4.9	43/15	**4.0**	-								
	% Rem	Minimum	85	84 Actual Min	59/1	**85**	40 CFR Part 133.102								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. Loading limitations were calculated using the expanded design flow of the facility. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.														

[6] Ambient pH was established as the 80th percentile of the 60 maximum effluent pH samples as Grimes Creek Raceway is assumed to be effluent dominated.

Outfall #	001	**Description of Wastewater:** Treated Sanitary Sewage **Type of Treatment:** Mechanical fine screen, primary clarification, equalization, Algalwheels, chemical addition, secondary clarification, disk filters, UV disinfection, and post aeration.													
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		
Total Suspended Solids (TSS)	mg/L	Daily Max	10	55	35/24	**10**	TOGS 1.3.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				6 NYCRR 703.2	-	TBEL
	lbs/d	Daily Max	4.0	8.4	52/7	**8.1**	-								
	% Rem	Minimum	85	60 Actual Min	59/1	**85**	40 CFR Part 133.102								
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. Loading limitations were calculated using the expanded design flow of the facility. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.														
Settleable Solids	mL/L	Daily Max	0.1	0.3 Actual Max	50/10	**0.1**	TOGS 1.3.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				6 NYCRR 703.2	-	TBEL
	Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. These limits represent the highest degree of treatment that can reasonably be achieved by a wastewater treatment facility treating domestic type waste. These limits are more stringent than the secondary treatment standards under 40 CFR Part 133.102.														
Nitrogen, Ammonia (as N) SUMMER 6/1 – 10/31	mg/L	Monthly Avg	1.2	18.7 Actual Max	28/0	1.2	6 NYCRR 750-1.10	-	-	0.54	A(C)	**0.54**	6 NYCRR 703.5	-	WQBEL
	The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 8.0 SU and a summer temperature of 25°C. The pH used to assess the applicable standard was 8.0 SU which is the maximum permitted value for pH, as the critical effluent flow (maximum facility flow) is assumed to be greater than the critical stream flow or effluent dominated. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.														
Nitrogen, Ammonia (as N) WINTER 11/1 – 5/31	mg/L	Monthly Avg	1.8	24 Actual Max	30/0	1.8	6 NYCRR 750-1.10	-	-	1.1	A(C)	**1.1**	6 NYCRR 703.5	-	WQBEL
	The WQS for Ammonia was determined from TOGS 1.1.1 from a pH of 8.0 SU and a summer temperature of 10°C. The pH used to assess the applicable standard was 8.0 SU which is the maximum permitted value for pH, as the critical effluent flow (maximum facility flow) is assumed to be greater than the critical stream flow or effluent dominated. The temperature of the receiving waterbody was an assumed value and consistent with TOGS 1.3.1E. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.														
Total Phosphorus (as P) 5/1 – 10/31 Revised to Year Round	mg/L	Monthly Avg.	1.0	6.8 Actual Max	24/3	**0.5**	TOGS 1.3.6	-	None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.				6 NYCRR 703.2	-	TBEL
	Consistent with TOGS 1.3.6, any proposed expansion of an existing discharge within a lake watershed which requires a permit modification of an existing SPDES permit, should provide Best Treatment Technology for phosphorus removal to the degree that after the modification, the phosphorus loading is no greater than the discharge prior to modification. At the time of permit development, there is no numeric water quality standard for Class C waterbodies, however there is an applicable narrative water quality standard in 6 NYCRR 703.2. Effluent limitations equal to the TBEL are specified and are expected to ensure compliance with the narrative water quality standard.														

Outfall #	001	**Description of Wastewater:** Treated Sanitary Sewage
		Type of Treatment: Mechanical fine screen, primary clarification, equalization, Algalwheels, chemical addition, secondary clarification, disk filters, UV disinfection, and post aeration.

Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[5]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis	ML	Basis for Permit Requirement
Coliform, Fecal	#/100 ml	30d Geo Mean	200	2,500	17/10	**200**	TOGS 1.3.3	-	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				6 NYCRR 703.4	-	TBEL
		7d Geo Mean	400	28,000	17/10	**400**	TOGS 1.3.3	-							
5/1-10/31	Consistent with TOGS 1.3.3, effluent disinfection is required seasonally from May 1st - October 31st, due to the class of the receiving waterbody. Fecal coliform limits equal to the TBEL have been specified.														
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.03	-	-	0.03	6 NYCRR 750-1.10	-	-	0.005	A(C)	0.005	6 NYCRR 703.5	**0.03**	WQBEL ML
	Effluent disinfection is currently required seasonally and has been continued. The facility employs UV disinfection, and therefore no effluent sampling data was recorded for TRC within the permit review period. Consistent with TOGS 1.3.1, intermittent stream effluent limits (ISEL) are applied to effluent discharges to streams where little or no streamflow is available for dilution. As such, the water quality standards have been applied as end-of-pipe limitations with no mixing or dilution.														
Additional Pollutants Detected															
Total Mercury	ng/L	Daily Max	-	5.37 Actual Max	3/0	-	-	-	-	0.7	H(FC)	**25**	DOW 1.3.10 GLCA	-	WQBEL GLCA
	See Mercury section of this fact sheet.														

Outfall 001 EMERGING CONTAMINANTS

Emerging Contaminants: Outfall # 001															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[7]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis	ML	Basis for Permit Requirement
Notes: See Emerging Contaminant Monitoring section above. Effluent samples were analyzed for the 40 PFAS compounds and 1,4-Dioxane.															
Perfluoro-butanoic Acid (PFBA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														

[7] 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)

Emerging Contaminants: Outfall # 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Perfluoro-pentanoic Acid (PFPeA)	ng/L	Daily Max	-	2.40 *Estimate	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time. *Result reported by laboratory with a J-qualifier indicating estimated value.														
Perfluoro-hexanoic Acid (PFHxA)	ng/L	Daily Max	-	3.85	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-heptanoic Acid (PFHpA)	ng/L	Daily Max	-	0.841 *Estimate	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time. *Result reported by laboratory with a J-qualifier indicating estimated value.														
Perfluoro-octanoic Acid (PFOA)	ng/L	Daily Max	-	1.34 *Estimate Actual Max	1/0	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-nonanoic Acid (PFNA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-decanoic Acid (PFDA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-undecanoic Acid (PFUnA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-dodecanoic Acid (PFDoA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-tridecanoic Acid (PFTriA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-tetradecanoic Acid (PFTeA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	6.42*	1/0	-	-	-	-	-	-	-	-	-	No Limitation

Emerging Contaminants: Outfall # 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Perfluoro-butanesulfonic Acid (PFBS)	Based on available data, no additional monitoring is required at this time. *F qualified – The ratio of quantifier ion response to qualifier ion response falls outside of the laboratory criteria. Results are considered to be an estimated maximum concentration.														
Perfluoro-pentanesulfonic Acid (PFPeS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-hexanesulfonic Acid (PFHxS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-heptanesulfonic Acid (PFHpS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-octanesulfonic Acid (PFOS)	ng/L	Daily Max	-	ND Actual Max	0/1	-	-	-	-	160,000	A(C)	-	TOGS 1.1.1	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-nonanesulfonic Acid (PFNS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-decanesulfonic Acid (PFDS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-dodecane-sulfonic Acid (PFDoS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro-octane-sulfonamide (FOSA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-methyl Perfluoro-octanesulfon-amidoacetic Acid (NMeFOSAA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

Emerging Contaminants: Outfall # 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
N-ethyl Perfluoro-octanesulfon-amidoacetic Acid (NEtFOSAA)	Based on available data, no additional monitoring is required at this time.														
4:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
6:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
8:2 Fluorotelomer Sulfonic Acid (FTS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-ethyl Perfluoro-octanesulfon-amide (NEtFOSA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-methyl Perfluoro-octanesulfon-amide (NMeFOSA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-methyl Perfluoro-octanesulfon-amidoethanol (NMeFOSE)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
N-ethyl Perfluoro-octanesulfon-amidoethanol (NEtFOSE)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														

Emerging Contaminants: Outfall # 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
9-Chlorohexadeca-fluoro-3-oxanonane-1-sulfonic Acid (9Cl-PF3ONS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Hexafluoro-propylene Oxide Dimer Acid (HFPO-DA or GenX)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic Acid (11Cl-PF3OUdS)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
4,8-Dioxa-3H-perfluorononanoic Acid (ADONA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
3-Perfluoropropyl Propanoic Acid (3:3 FTCA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
2H,2H,3H,3H-Perfluoro-octanoic Acid (5:3 FTCA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
3-Perfluoroheptyl Propanoic Acid (7:3 FTCA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Nonafluoro-3,6-dioxaheptanoic Acid (NFDHA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation

Emerging Contaminants: Outfall # 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[7]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Perfluoro-4-methoxy-butanoic Acid (PFMBA)	Based on available data, no additional monitoring is required at this time.														
Perfluoro-3-methoxy-propanoic Acid (PFMPA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
Perfluoro(2-ethoxyethane)sulfonic Acid (PFEESA)	ng/L	Daily Max	-	ND	0/1	-	-	-	-	-	-	-	-	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														
1,4-Dioxane	µg/L	Daily Max	-	ND	0/3	-	-	-	-	18,000	A(C)	-	TOGS 1.1.1	-	No Limitation
	Based on available data, no additional monitoring is required at this time.														

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) and 750-1.10(d), CWA sections 402(o), 303(d)(4), ECL 17-0809, 40 CFR 122.44(*l*)
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(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law[8] and USEPA interpretation[9] 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.

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

Antidegradation Policy

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

Effluent Limitations

In developing a permit, the DEC determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs)

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

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR 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 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 6 NYCRR 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.

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

Mercury

Mercury is widespread in New York State (NYS) waters at levels above the most stringent dissolved mercury water quality standard (WQS) of 0.7 ng/L. SPDES permittees cannot comply with a Water Quality-Based Effluent Limitation (WQBEL) for mercury. Therefore, an MDV is appropriate, 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, 2020, and 2025. Each iteration of the MDV builds off the previous version supporting the State's effort to reduce mercury pollution and make reasonable progress toward achieving the WQBEL for mercury. This iteration of the MDV refines the content and application of the MDV for mercury.

The MDV does not change the WQS of 0.7 ng/L; it establishes a variance of the WQBEL which is based on the WQS. SPDES permits which include this variance comply with 40 CFR 122.44.

DOW 1.3.10 explains which surface water permittees are eligible for the MDV.

Schedules of Compliance

Schedules of compliance are included in accordance with 40 CFR Part 132 Attachment F, Procedure 9, 40 CFR 122.47 and 6 NYCRR 750-1.14. Schedules of compliance are intended to, in the shortest reasonable time, achieve compliance with applicable effluent standards and limitations, water quality standards, and other applicable requirements. Where the time for compliance is more than nine months, the schedule of compliance must include interim requirements and dates for their achievement. If the time necessary to complete the interim milestones is more than nine months, and not readily divisible into stages for completion, progress reports must be required.

Schedule(s) of Additional Submittals

Schedules of Additional Submittals are used to summarize the deliverables required by the permit not identified in a separate Schedule of Compliance.