State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**8412**	NAICS Code:	**712110**	SPDES Number:	**NY0087084**
Discharge Class (CL):	**04**			DEC Number:	**8-4603-00004**
Toxic Class (TX):	**N**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**05 - 01**			Expiration Date (ExDP):	**ExDP**
Water Index Number:	**PA 3-52**	Item No.:	**811 - 59**	Modification Dates (EDPM):	
Compact Area:	**SRBC**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**Corning Museum of Glass**	Attention:	**Manager, Environmental Health & Safety**		
Street:	**One Museum Way**				
City:	**Corning**	State:	**NY**	Zip Code:	**14830**
Email:	**INFO@cmog.org**	Phone:	**(607) 438-5037**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL														
Name:	**Corning Museum of Glass**													
Address / Location:	**One Museum Way**										County:	**Steuben**		
City:	**Corning**						State:	**NY**			Zip Code:	**14830**		
Facility Location:		Latitude:	**42**	°	**08**	’	**60**	” N	& Longitude:		**77**	°	**03**	’	**16**	” W
Primary Outfall No.:	**001**	Latitude:	**42**	°	**09**	’	**17**	” N	& Longitude:		**77**	°	**03**	’	**01**	” W
Wastewater Description:	**Non-contact cooling water**	Receiving Water:	**Post Creek (Via Storm Sewer System)**				NAICS:	**712110**	Class:	**C**	Standard:	C		

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

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

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

Permit Administrator:	
Address:	625 Broadway Albany, NY 12233-1750
Signature	Date

SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
002	Non-Contact Cooling Water from Birkerts HVAC System	**7121110**	**42** ° **08** ' **52** " N	**77** ° **03** ' **23** " W
Receiving Water:	**Chemung River (Via Storm Sewer System),**		Class:	**C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
003	Non-Contact Cooling Water from North Wing HVAC	**7121110**	**42** ° **09** ' **17** " N	**77** ° **03** ' **01** " W
Receiving Water:	**Post Creek (Via Storm Sewer System)**		Class:	**C**
Outfall	Wastewater Description	NAICS Code	Outfall Latitude	Outfall Longitude
004	Non-Contact Cooling Water from Birkerts HVAC system	**7121110**	**42** ° **08** ' **52** " N	**77** ° **03** ' **23** " W
Receiving Water:	**Chemung River (Via Storm Sewer System),**		Class:	**C**

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Non-Contact Cooling Water from Original Glass Center HVAC System	Post Creek	**EDP**	**EXDP**

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Total	Monitor	MGD			Monthly	Instantaneous		X	
	Daily Average	Monitor	MGD			Daily	Instantaneous		X	
pH	Minimum	6.5	SU			Monthly	Grab		X	
	Maximum	8.5	SU							
Temperature	Maximum	90	ºF			Monthly	Grab		X	

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Non-Contact Cooling Water from Birkerts HVAC System	Chemung River (Via Storm Sewer System),	**EDP**	**EXDP**

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Total	Monitor	MGD			Monthly	Instantaneous		X	
	Daily Average	Monitor	MGD			Daily	Instantaneous		X	
pH	Minimum	6.0	SU			Monthly	Grab		X	
	Maximum	9.0	SU							
Temperature	Maximum	90	ºF			Monthly	Grab		X	

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING

003	Non-Contact Cooling Water from North Wing HVAC	Post Creek	**EDP**	**EXDP**

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Total	Monitor	MGD			Monthly	Instantaneous		X	
	Daily Average	Monitor	MGD			Daily	Instantaneous		X	
pH	Minimum	6.5	SU			Monthly	Grab		X	
	Maximum	8.5	SU							
Temperature	Maximum	90	ºF			Monthly	Grab		X	

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
004	Non-Contact Cooling Water from Birkerts HVAC system	Chemung River (Via Storm Sewer System),	**EDP**	**EXDP**

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly Total	Monitor	MGD			Monthly	Instantaneous		X	
	Daily Average	Monitor	MGD			Daily	Instantaneous		X	
pH	Minimum	6.0	SU			Monthly	Grab		X	
	Maximum	9.0	SU							
Temperature	Maximum	90	ºF			Monthly	Grab		X	

Notes & Prohibitions:

1. Discharges of process waste, sanitary sewage, or contact cooling waters are not authorized for discharge under this permit.
2. No Biocides. Corrosion control, or other water treatment chemicals are authorized for use under this permit. If such water treatment chemicals are intended to be use, prior NYSDEC authorization is required.

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

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

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

2. **Compliance Deadlines** – The initial BMP plan shall be submitted in accordance with the Schedule of Submittals to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

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

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

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

BMPs FOR INDUSTRIAL FACILITIES (continued)

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

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

DISCHARGE NOTIFICATION REQUIREMENTS

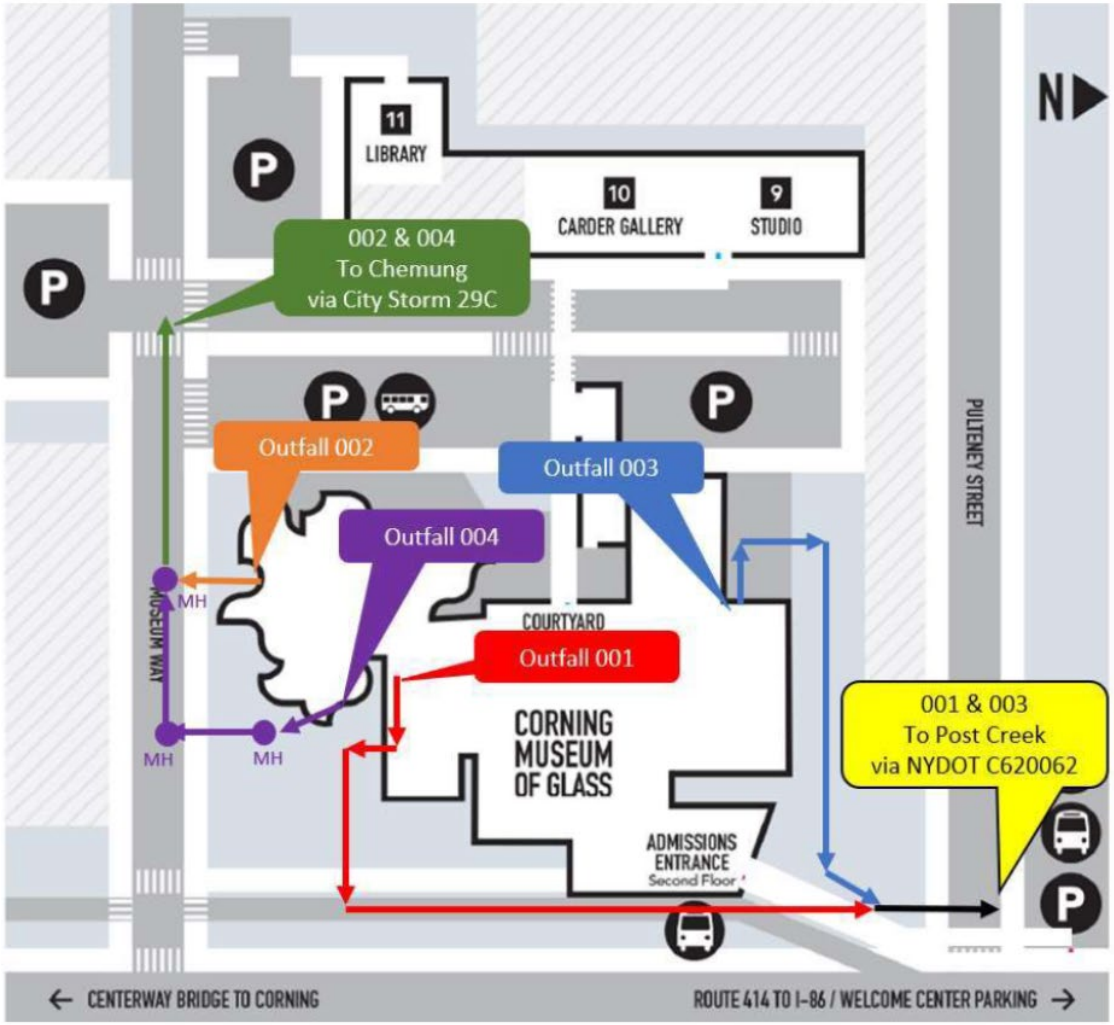
The permittee has obtained a waiver for the installation of signs at all outfalls. The waiver was submitted and accepted on August 29, 2024.

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

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:

- Outfalls 001 and 003 - Sample locations are located inside of buildings and labeled.
- Outfalls 002 and 004 - Sample locations are located inside of buildings and labeled.



GENERAL REQUIREMENTS

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

B. General Conditions

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

C. Operation and Maintenance

1.	Proper Operation & Maintenance	6 NYCRR 750-2.8
2.	Bypass	6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7
3.	Upset	6 NYCRR 750-1.2(a)(94) & 2.8(c)

D. Monitoring and Records

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

E. Reporting Requirements

1.	Reporting requirements for non-POTWs	6 NYCRR 750-2.5, 2.6, 2.7, &1.17
2.	Anticipated noncompliance	6 NYCRR 750-2.7(a)
3.	Transfers	6 NYCRR 750-1.17
4.	Monitoring reports	6 NYCRR 750-2.5(e)
5.	Compliance schedules	6 NYCRR 750-1.14(d)
6.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR 750-2.7(e)
8.	Other information	6 NYCRR 750-2.1(f)

F. Sludge Management

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

G. SPDES Permit Program Fee

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

H. Water Treatment Chemicals (WTCs)

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

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

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

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

Department of Environmental Conservation
Regional Water Engineer, Region 8
7291 Coon Road, Bath, New York, 14810 Phone: (607) 776-2165

C. **Annual SPDES Monitoring Reports:** An annual report shall be submitted to DEC by February 28th each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC's website.

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

Department of Environmental Conservation
Regional Water Engineer, Region 8
7291 Coon Road, Bath, New York, 14810 Phone: (607) 776-2165

D. Schedule of Additional Submittals:

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

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
001, 002, 003, 004	BMP PLAN The permittee shall submit the completed BMP plan and review the BMP plan on an annual basis thereafter. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the Annual Report, that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	EDP + 6 Months, Annually thereafter on February 28th

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

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

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

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

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

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

SPDES Permit Fact Sheet
Corning Museum of Glass
Corning Museum of Glass
NY0087084

Summary of Permit Changes

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

- Updated permit format, definitions, and general conditions
- Removed the groundwater discharge from the permit
- Added Outfalls 003 & 004
- Updated the flow monitoring requirements from Monthly Average & Daily Max to Monthly Total & Daily Average, respectively for all outfalls
- Updated the Monitoring Locations Page
- Added a Schedule of Additional Submittals

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

3/1/1993 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 3/1/1998. The 1993 permit has formed the basis of this permit. The Corning Museum of Glass permit was subsequently administratively renewed until 2023.

2/28/2023 The Corning Museum of Glass SPDES permit expired February 28, 2023

1/26/2024 The Corning Museum of Glass submitted a complete NY-2C permit application.

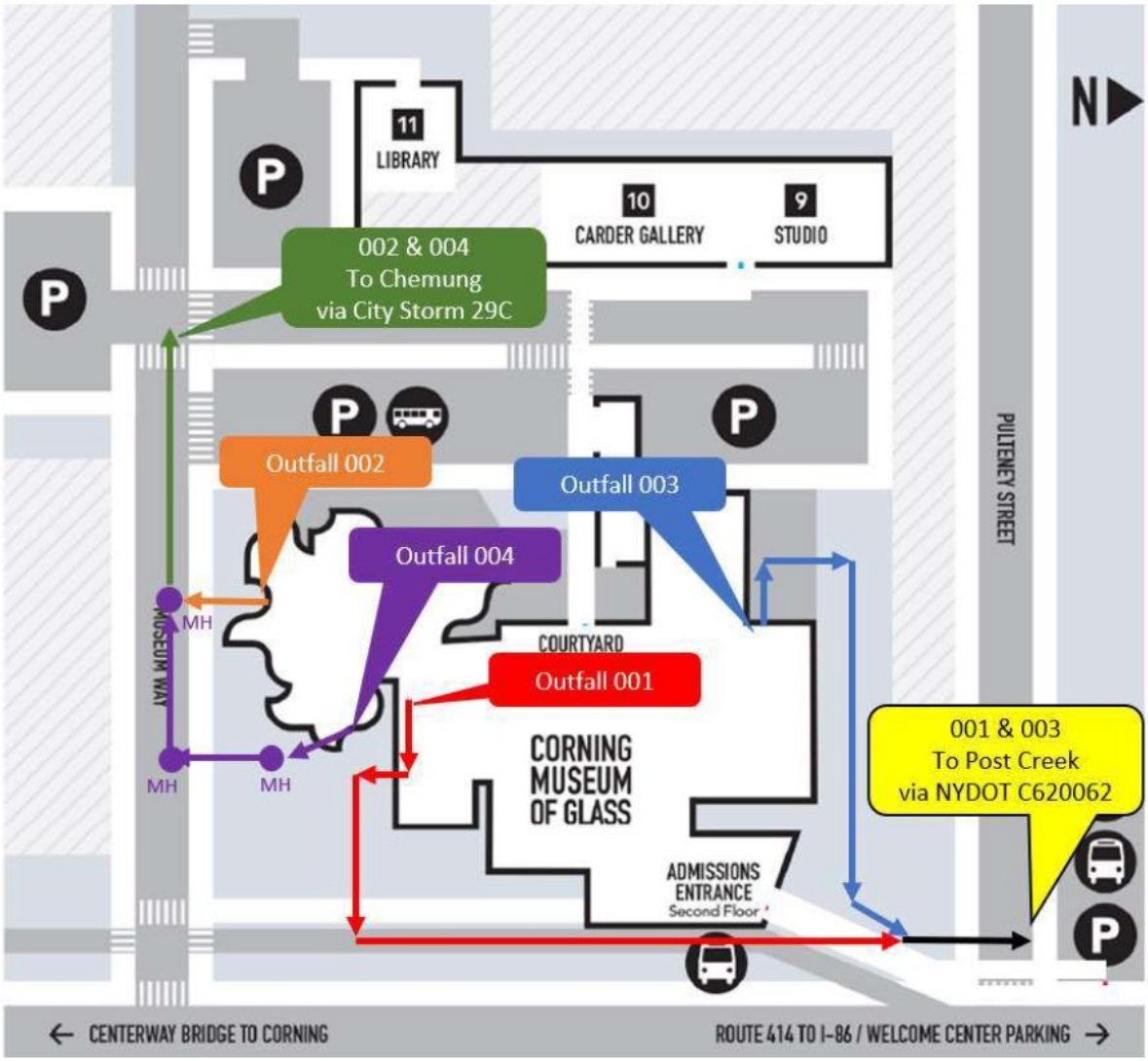
The Notice of Complete Application, published in the Environmental Notice Bulletin and newspapers, contains information on the public notice process.

Facility Information

This is an industrial facility (SIC code 8412) that discharges non-contact cooling water (NCCW). The original system was constructed in 1975.

- NCCW is sourced from five wells for the HVAC system and is discharged into the City of Corning and NYSDOT stormwater collection system, respectively, via 4 outfalls.
- Outfalls 001 and 003 discharge to the NYSDOT storm sewer system at manhole C620062. The storm sewer ultimately discharges to Post Creek (Class C).
- Outfalls 002 and 004 discharge to the City of Corning's storm sewer via a manhole located south of the glass museum. The storm sewer ultimately discharges to the Chemung River (Class C).

Site Overview:



Enforcement History

On 12/18/2023, the permittee was issued Consent Order R8-2023-0417-47 which required the facility to submit a permit modification that reflects the correct source of all discharges and the correct outfall for each source.

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from the application submitted by the permittee for the period 1/9/2023 to 11/20/2023.

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001[1] (Removed)	8412	Non-Contact Cooling Air Conditioning Water	Groundwater, Class GA
001	8412	Non-Contact Cooling Water from Original Glass Center HVAC System	Post Creek, (Via NYSDOT Storm Sewer System), Class C
002	8412	Non-Contact Cooling Water from Birkerts HVAC System	Chemung River (Via Corning Storm Sewer System), Class C
003	8412	Non-Contact Cooling Water from North Wing HVAC	Post Creek, (Via NYSDOT Storm Sewer System), Class C
004	8412	Non-Contact Cooling Water from Birkerts HVAC System	Chemung River (Via Corning Storm Sewer System), Class C

Critical Receiving Water Data & Mixing Zone

Chemung River

The low flow condition for the Chemung River was obtained from a drainage basin ratio analysis with USGS gage station 01529950, Chemung River located at Corning. The 1Q10, 7Q10 and 30Q10 flows at the gage were found from the USGS SW Toolbox software and an analysis of data from 1974 to 2020.

The 1Q10, 7Q10, and 30Q10 flows were used to calculate the acute, chronic, and human, aesthetic, wildlife (HEW) dilution ratios, respectively. In accordance with TOGS 1.3.1, the acute and chronic/HEW dilution ratio are limited to 50:1 and 100:1, respectively.

Dilution Ratio = (Facility Flow + Low Flow) / Facility Flow

DRAINAGE BASIN RATIO	1Q10	7Q10	30Q10
Gage Name	Chemung River at Corning		
Gage ID Number	01529950		
Low Flow at Gage (cfs)	124	130	156
Drainage Area at Gage (mi^2)	2006		
Drainage Area at Facility (mi^2)	2000		

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
002	50:1	100:1	100:1	TOGS 1.3.1
004	50:1	100:1	100:1	

[1] Outfall was closed out in accordance with 6 NYCRR 750-2.11 and is being removed from the permit

Post Creek

The low flow condition for the Chemung River was obtained from a drainage basin ratio analysis with USGS gage station 01530200, Post Creek located at Corning. The 7Q10 flow and drainage area at the gage were found from the USGS/NYSDEC Bulletin 74, 1979. The 1Q10 flow was estimated as half the 7Q10 and the 30Q10 flow was estimated as 1.2 x 7Q10.

The 1Q10, 7Q10, and 30Q10 flows were used to calculate the acute, chronic, and human, aesthetic, wildlife (HEW) dilution ratios, respectively.

Dilution Ratio = (Facility Flow + Low Flow) / Facility Flow

DRAINAGE BASIN RATIO	1Q10	7Q10	30Q10
Gage Name	Post Creek at Corning		
Gage ID Number	01530200		
Low Flow at Gage (cfs)	0.25	0.5	0.6
Drainage Area at Gage (mi^2)	31.6		
Drainage Area at Facility (mi^2)	34		

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	Effluent Dominated – No Dilution (1:1)			TOGS 1.3.1
003	Effluent Dominated – No Dilution (1:1)			

Permit Requirements

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.

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[2] determination.

Appendix Link

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. The permittee requested a waiver on August 5, 2024 and was granted a waiver on August 29, 2024.

[2] As prescribed by 6 NYCRR Part 617

Best Management Practices (BMPs) for Industrial Facilities

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

Schedule of Additional Submittals

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

- Submit BMP Plan and Annually review BMP Plan

Permittee: Corning Museum of Glass
Facility: Corning Museum of Glass
SPDES Number: NY0087084
USEPA Non-Major/Class 04 Industrial

Date: March 7, 2025 v.1.25
Permit Writer: Chris Cicora
Water Quality Reviewer: Abigail Johnson
Full Technical Review

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° 09' 17" N	77° 03' 01" W	Post Creek (Via Storm Sewer System)	C	Pa 3-52 PWL: 0501-0047	05/01	95[3]	0.14	0.29	0.35	0.64[4]	Effluent Dominated – No Dilution (1:1)		
002	42° 08' 52" N	77° 03' 23" W	Chemung River (Via City of Corning Storm Sewer System)	C	Pa 3-4 PWL: 0501-0017	05/01	120[5]	67	70	84	0.70[4]	50:1	100:1	100:1
003	42° 09' 17" N	77° 03' 01" W	Post Creek (Via Storm Sewer System)	C	Pa 3-52 PWL: 0501-0047	05/01	95[3]	0.14	0.29	0.35	0.57[4]	Effluent Dominated – No Dilution (1:1)		
004	42° 08' 52" N	77° 03' 23" W	Chemung River (Via City of Corning Storm Sewer System)	C	Pa 3-4 PWL: 0501-0017-	05/01	120[5]	67	70	84	0.58[4]	50:1	100:1	100:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater:** Non-Contact Cooling Water														
		Type of Treatment: N/A														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[6]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 01/09/2023 to 11/20/2023 was obtained from the application 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. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category J (miscellaneous) treatment systems															
Flow Rate	MGD	Monthly Avg	Monitor	0.40 Actual Avg	34/0	**Monitor**	TOGS 1.2.1	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor
	MGD	Daily Max	Monitor	0.64 Actual Max		**Monitor**	TOGS 1.2.1							-	Monitor
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.														

[3] Ambient hardness was calculated from RIBs station 05-POSC-1.6 & 05-POSC-1.3, located ~0.69 & 0.42 miles, respectively, upstream of the outfalls, using 10 samples collected from 2013-2022.
[4] Maximum Flow reported on the NY-2C application
[5] Ambient hardness was taken from the City of Corning WWTP 2022 factsheet, located ~2 miles downstream from the outfalls
[6] 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:** Non-Contact Cooling Water														
		Type of Treatment: N/A														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[6]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
pH	SU	Minimum	6.0	6.6 Actual Min	34/0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	**6.5 - 8.5**	703.3	-	WQBEL	
		Maximum	9.0	8.0 Actual Max		9.0										
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.															
Temperature	°F	Daily Max	**90**	83 Actual Max	34/0	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	WQBEL	
	The discharge is a thermal discharge consisting of non-contact cooling water (NCCW). To achieve standards specified in 6 NYCRR Part 704, an effluent temperature limit of 90 ºF is specified.															
Additional Pollutants Detected																
Total Organic Carbon (TOC)	mg/L	Daily Max	-	5.6 Actual Max	8/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	A numeric water quality standard for does not exist for Class C waterbodies. Therefore, no limitation or monitoring is specified.															
Total Suspended Solids (TSS)	mg/L	Daily Max	-	4.2 Actual Max	2/6	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)				703.2	-	**No limitation**	
	TSS was detected just above the reporting limit in the effluent. Most of the samples were less than the reporting limit. Therefore, no monitoring or limitation is specified.															

Outfall 002

Outfall #	002	**Description of Wastewater:** Non-Contact Cooling Water **Type of Treatment:** N/A														
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 for WQBEL	ML	Basis for Permit Requirement
General Notes: Existing discharge data from 01/09/2023 to 11/20/2023 was obtained from the application 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	Monitor	0.62 Actual Avg	5/0	**Monitor**	TOGS 1.2.1	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor
	MGD	Daily Max	Monitor	0.70 Actual Max		**Monitor**	TOGS 1.2.1							-	Monitor
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.														
pH	SU	Minimum	6.0	7.3 Actual Min	10/0	**6.0**	TOGS 1.2.1	-	-	6.5 – 8.5	Range	-	703.3	-	TBEL
		Maximum	9.0	7.9 Actual Max		**9.0**									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.														
Temperature	°F	Daily Max	**90**	77 Actual Max	10/0	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	WQBEL
	The discharge is a thermal discharge consisting of non-contact cooling water (NCCW). To achieve standards specified in 6 NYCRR Part 704, an effluent temperature limit of 90 ºF is specified.														
Additional Pollutants Detected															
Total Organic Carbon (TOC)	mg/l	Daily Max	-	7.7 Actual Max	8/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	A numeric water quality standard for does not exist for Class C waterbodies. Therefore, no limitation or monitoring is specified.														

[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)

Outfall #	002	**Description of Wastewater:** Non-Contact Cooling Water													
		Type of Treatment: N/A													
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 for WQBEL		
Total Suspended Solids (TSS)	mg/l	Daily Max	-	27 Actual Max	2/6	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)				703.2	-	**No Limitation**
	TSS was detected in the effluent. Most of the samples were less than the reporting limit. Therefore, no monitoring or limitation is specified.														

Outfall 003

Outfall #	003	**Description of Wastewater:** : Non-Contact Cooling Water													
		Type of Treatment: None													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[8]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 01/09/2023 to 11/20/2023 was obtained from the application 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	Monitor	0.45 Actual Avg	23/0	**Monitor**	TOGS 1.2.1	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor
	MGD	Daily Max	Monitor	0.57 Actual Max		**Monitor**	TOGS 1.21.							-	Monitor
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.														
pH	SU	Minimum	6.0	6.0 Actual Min	23/0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	**6.5 – 8.5**	703.3	-	WQBEL
		Maximum	9.0	8.9 Actual Max		9.0									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the WQS is appropriate.														

[8] 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 #	003	**Description of Wastewater:** : Non-Contact Cooling Water														
		Type of Treatment: None														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[8]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Temperature	°F	Daily Max	**90**	75 Actual Max	22/0	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	WQBEL	
	The discharge is a thermal discharge consisting of non-contact cooling water (NCCW). To achieve standards specified in 6 NYCRR Part 704, an effluent temperature limit of 90 ºF is specified.															
Additional Pollutants Detected																
Total Organic Carbon (TOC)	mg/l	Daily Max	-	6.5 Actual Max	8/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	A numeric water quality standard for does not exist for Class C waterbodies. Therefore, no limitation or monitoring is specified															
Total Suspended Solids (TSS)	mg/l	Daily Max	-	3.8 Actual Max	1/7	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)				703.2	-	**No Limitation**	
	TSS was detected in the effluent. Most of the samples were less than the reporting limit. Therefore, no monitoring or limitation is specified.															

Outfall 004

Outfall #	004	**Description of Wastewater:** : Non-Contact Cooling Water **Type of Treatment:** None														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data: Permit Limit	Existing Discharge Data: Existing Effluent Quality[9]	Existing Discharge Data: # of Data Points Detects / Non-Detects	TBELs: Limit	TBELs: Basis	Water Quality Data & WQBELs: Ambient Bkgd. Conc.	Water Quality Data & WQBELs: Projected Instream Conc.	Water Quality Data & WQBELs: WQ Std. or GV	Water Quality Data & WQBELs: WQ Type	Water Quality Data & WQBELs: Calc. WQBEL	Water Quality Data & WQBELs: Basis for WQBEL	ML	Basis for Permit Requirement
General Notes: Existing discharge data from 01/09/2023 to 11/20/2023 was obtained from the application 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	Monitor	0.54 Actual Avg	5/0	**Monitor**	TOGS 1.2.1	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	Monitor
	MGD	Daily Max	Monitor	0.58 Actual Max		**Monitor**	TOGS 1.2.1							-	Monitor
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.															
pH	SU	Minimum	6.0	7.2 Actual Min	8/0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	**6.5 - 8.5**	703.3	-	TBEL
		Maximum	9.0	8.0 Actual Max		9.0									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS.															
Temperature	°F	Daily Max	**90**	73 Actual Max	5/0	Monitor	750-1.13 Monitor	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	WQBEL
	The discharge is a thermal discharge consisting of non-contact cooling water (NCCW). To achieve standards specified in 6 NYCRR Part 704, an effluent temperature limit of 90 ºF is specified.															
Additional Pollutants Detected																
Total Organic Carbon (TOC)	mg/l	Daily Max	-	4.2 Actual Max	8/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	A numeric water quality standard for does not exist for Class C waterbodies. Therefore, no limitation or monitoring is specified															
Total Suspended Solids (TSS)	mg/l	Daily Max	-	5.9 Actual Max	3/5	-	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages. (703.2)				703.2	-	**No Limitation**	
	TSS was detected in the effluent. Most of the samples were less than the reporting limit. Therefore, no monitoring or limitation is specified.															

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

Appendix: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

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

Outfall and Receiving Water Information

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

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

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this fact sheet. Consistent with current case law[10] and USEPA interpretation[11] anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

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

Effluent Limitations

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

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and Best Professional Judgment (BPJ).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable

[10] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[11] 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)

guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the USEPA Effluent Limitation Guideline Calculations Table.

Best Professional Judgement (BPJ)

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the DEC is authorized to issue a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11. The BPJ limitation considers the existing technology present at the facility, the statistically calculated existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

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

Schedules of Compliance

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

Schedule(s) of Additional Submittals

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

Best Management Practices (BMP) for Industrial Facilities

BMP plans are authorized for inclusion in NPDES permits pursuant to Sections 304(e) and 402 (a)(1) of the Clean Water Act, and 6 NYCRR 750-1.14(f). The regulations pertaining to BMPs are promulgated under 40 CFR Part 125, Subpart K. These regulations specifically address surface water discharges.