



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	2082	NAICS Code:	312120	SPDES Number:	NY0272256
Discharge Class (CL):	04	DEC Number:	8-5444-00098/00004		
Toxic Class (TX):	N	Effective Date (EDP):			
Major-Sub Drainage Basin:	07-04	Expiration Date (ExDP):			
Water Index Number:	Not Applicable	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:	4320 Canandaigua Road, LLC			Attention:	Lori Kennedy	
Street:	1221 Empire Boulevard					
City:	Rochester			State:	NY	Zip Code: 14609
Email:	operations@k2brewing.com			Phone:	(585) 667-4419	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL										
Name:	K2 Brothers Brewing – Walworth									
Address / Location:	4320 Canandaigua Road						County:	Wayne		
City:	Walworth				State:	NY		Zip Code:	14568	
Facility Location:	Latitude:	43 °	9 ' ,	36 " N	& Longitude:	77 °	19 ' ,	14 " W		
Primary Outfall No.:	Latitude:	43 °	9 ' ,	38 " N	& Longitude:	77 °	19 ' ,	15 " W		
Wastewater Description:	Treated Brewery Process Wastewater			Receiving Water:	Groundwater		NAICS:	312120	Class:	GA

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

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

DISTRIBUTION:

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

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

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SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	Outfall Latitude			Outfall Longitude		
002	Treated Sanitary	49 °	9 '	32 " N	77 °	19 '	13 " W
Receiving Water: Groundwater					Class:	GA	
No Monitoring Required							

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DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Brewery process wastewater	Groundwater	EDP	EXDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Daily Maximum	Monitor	GPD			Continuous	Meter		X	1
Flow	Monthly Average	310	GPD			Continuous	Meter		X	1
Visual Observation	Weekly					1/week	Recorded			3
pH	Daily Minimum	6.5	SU			1/month	Grab		X	
	Daily Maximum	8.5	SU							
Total Dissolved Solids (TDS)	Daily Maximum	Monitor	mg/L		lbs/d	1/month	Grab		X	
Total Nitrogen (as N)	Daily Maximum	Monitor	mg/L		lbs/d	1/month	Grab		X	
Total Phosphorus (as P)	Daily Maximum	Monitor	mg/L		lbs/d	1/month	Grab		X	
Turbidity	Daily Maximum	Monitor	NTU			1/month	Grab		X	
Dissolved Oxygen	Daily Maximum	Monitor	mg/L		lbs/d	1/month	Grab		X	
COD	Daily Maximum	Monitor	mg/L		lbs/d	1/month	Grab		X	
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
BOD5	Monthly Average	10	mg/l			1/month			X	2
TSS	Monthly Average	10	mg/l			1/month			X	2

FOOTNOTES:

- Metered Flow to be measured at the last stage of the treatment prior to discharge to the outfall.
- Action Levels:** If levels higher than the action levels are confirmed, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may also be reopened by the DEC for consideration of revised action levels or effluent limits. Action level monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the sampling data.
- Visual observation is to verify that the treatment system is functioning properly and that no problems are observed in the discharge area. The weekly visual observations shall be documented and available for inspection to verify compliance with this requirement. Any corrective actions made because of the visual observations should be noted in the records as well.

SPECIAL CONDITIONS

- For the period of one year, sample results shall be submitted monthly to NYSDEC at the address listed on page 10 and submitted with the annual report.
- Discharges from proposed disposal systems, or increases in discharge from the modification or replacement of existing disposal systems are not authorized until appropriate action is taken as follows
 - Submit to the Regional Water Engineer an approvable engineering report, plans, and specifications that have been prepared by a Professional Engineer licensed to practice in New York State in accordance with standards accepted by the Department (discussed below);
 - The construction of such a modified disposal system shall not start until the discharger receives written approval of the system from the Department. The Department may require the discharger to remove any

constructed disposal system or portion thereof if such a system or portion thereof is constructed prior to written approval from the Department;

- c. The construction of such a modified system shall be under the general supervision of a PE. Upon completion of construction, the PE shall certify to the Department that the disposal system has been fully completed in accordance with the approved engineering report, plans and specifications, permit, and letter of approval; and the permittee shall receive written acceptance of such certificate from the Department prior to commencing discharge.
3. The staff responsible for daily operation of the treatment system must receive training on proper operation and maintenance of the system by the appropriate manufacturer staff.

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DISCHARGE NOTIFICATION REQUIREMENTS

- (a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any new discharge location.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

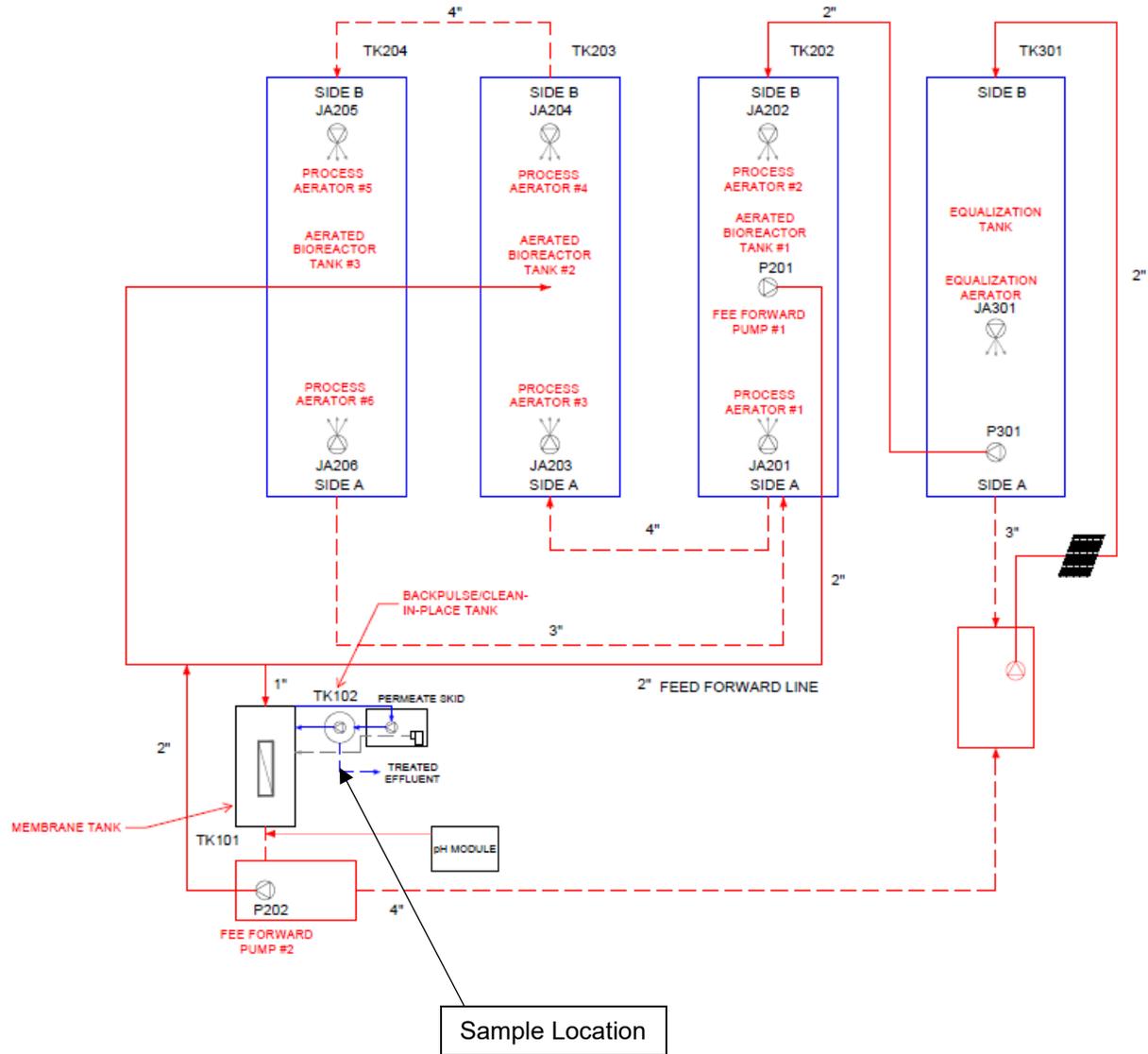
The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

<p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY_____</p> <p>OUTFALL No. : _____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: () - ### - #####</p>
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- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

MONITORING LOCATIONS

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



GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|---|-----------------------------------|
| 1. Reporting requirements for non-POTWs | 6 NYCRR 750-2.5, 2.6, 2.7, & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.
- G. SPDES Permit Program Fee
The permittee shall pay to the DEC an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
- | |
|--|
| 1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the DEC. |
| 2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used. |
| 3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The <i>WTC Notification Form</i> and <i>WTC Annual Report Form</i> 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
6274 E. Avon-Lima Road, Avon, New York, 14414-9519 Phone: (585) 226-5450

- C. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st 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
6274 E. Avon-Lima Road, Avon, New York, 14414-9519 Phone: (585) 226-5450

- 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	<p>EMERGING CONTAMINANT SHORT-TERM MONITORING</p> <p>The permittee shall collect grab samples of both the influent and effluent from the facility's treatment system(s) associated with the identified outfall for Per-and Polyfluoroalkyl Substances (PFAS) utilizing EPA draft analytical method 1633 and 1,4-Dioxane (1,4-D) utilizing EPA Method 8270D SIM or 8270E SIM. The samples must represent normal discharge conditions and treatment operations and shall be obtained on a monthly basis for at least 3 consecutive months.</p> <p>The results shall be reported through the "Emerging Contaminants Survey for Industrial Facilities" found at: https://www.dec.ny.gov/chemical/127939.html.</p> <p>The permittee shall initiate track down of potential sources by completing the "Emerging Contaminants Investigation Checklist for Industrial Facilities" available at the above link.</p> <p>The DEC may periodically request updates or additional monitoring to check progress on track down investigations. Elements of the checklist may be used as permit conditions in future permit modifications.</p>	<p>EDP or EDPM + 6 months</p> <p>Within 90 days of DEC written notification</p>
	<p>The permittee shall obtain coverage under the Multi Sector General Permit (MSGP) GP-0-23-001 or submit a No Exposure Certification. The No Exposure Certification can be found at https://dec.ny.gov/environmental-protection/water/water-quality/stormwater/msgp.</p>	EDP + 2 Months
002	<p>The permittee must submit a Notice of Termination to terminate SPDES ID NYG003564.</p>	EDP + 15 days

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.

Permittee: 4320 Canandaigua Road, LLC
Facility: K2 Brothers Brewing – Walworth
SPDES Number: NY0272256
USEPA Non-Major/Class 04 Industrial

Date: May 15, 2024
Permit Writer: Cecelia McAuliffe
Water Quality Reviewer: Cecelia McAuliffe
Full Technical Review

SPDES Permit Fact Sheet

4320 Canandaigua Road, LLC

K2 Brothers Brewing – Walworth

NY0272256



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

Administrative History

5/1/2024 The 4320 Canandaigua Road, LLC 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

Outfall 001 receives industrial wastewater from a brewery that produces 1,800 gallons of beer per day . Effluent consists of process wastewater. The proposed treatment system will be constructed in 2024 to provide aeration and filtration and includes the following treatment units:

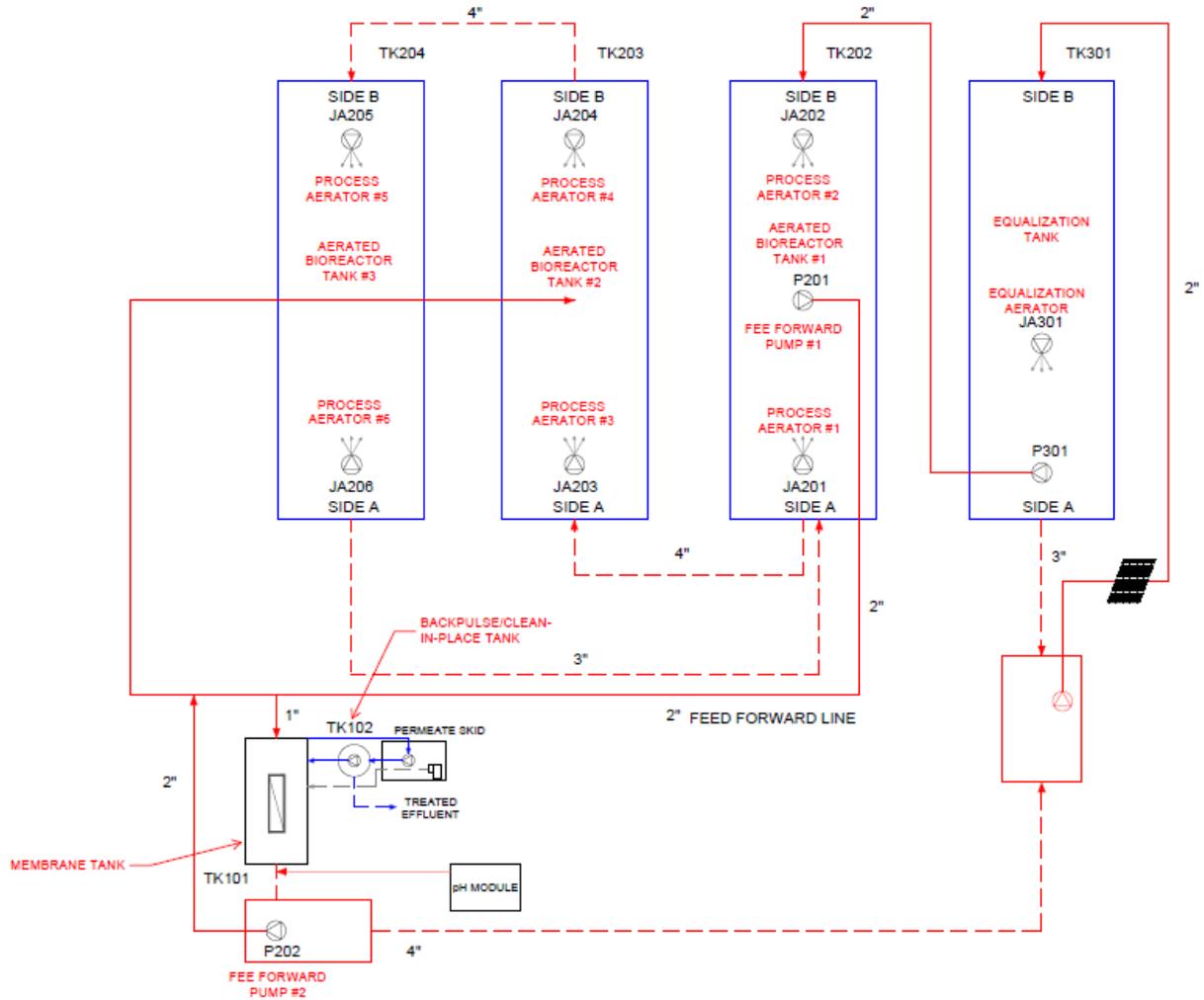
- Preliminary Treatment: Screening
- Primary Treatment: Equalization
- Secondary Treatment: Aerated BioReactor
- Tertiary Treatment: Membrane Filtration module

Solids are hauled to a local farm. The outfall is a stormwater discharge pipe to overland sheet flow.

Outfall 002 receives sanitary wastewater from a restaurant/bar. The sanitary waste is treated with an existing septic tank and leach field.

Site Overview





Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	2082	Process Water	Groundwater, Class GA
002	5813	Treated Sanitary	Groundwater, Class GA

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

Critical Receiving Water Data & Mixing Zone

The facility discharges to groundwater, Class GA, via a private storm sewer which discharges overland flow to a wooded area. The effluent limitations for Outfall 001 were developed with no dilution, based on groundwater quality standards found in 6 NYCRR 703.5 and TOGS 1.1.1 (Part I) and groundwater effluent standards contained in 6 NYCRR 703.6 and TOGS 1.1.1 (Part II).

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](#).

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

Stormwater Pollution Prevention Requirements

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

Within two months of permit issuance, the permittee is required to either obtain coverage under the Multi Sector General Permit (MSGP) GP-0-23-001 or submit a No Exposure Certification.

Anti-backsliding

This is a new permit; therefore, antibacksliding does not apply.

[Appendix Link](#)

Antidegradation

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

[Appendix Link](#)

Emerging Contaminant Monitoring

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial product as well as in manufacturing processes for decades. These contaminants do not break down easily, therefore their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the DEC Division of Water web page: <https://www.dec.ny.gov/chemical/127939.html>.

Pursuant to 6 NYCRR Part 750-1.13(b), the permit includes a short-term monitoring program listed in the Schedule of Additional Submittals to evaluate the influent and effluent discharge levels of Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane. This monitoring program is consistent with guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

The DEC will review the monitoring results and pursuant to 6 NYCRR 750-2.1(i) may notify the permittee of the need for further monitoring to identify potential sources as specified in the Emerging Contaminants Investigation Checklist for Industrial Facilities to determine whether cause exists to modify the permit to incorporate a pollutant minimization program per 6 NYCRR 750-1.14(f).

The DEC will consider this information and progress made to track down and reduce or eliminate the source of the identified pollutants in determining if a permit modification is needed.

¹ As prescribed by 6 NYCRR Part 617

Permittee: 4320 Canandaigua Road, LLC
Facility: K2 Brothers Brewing – Walworth
SPDES Number: NY0272256
USEPA Non-Major/Class 04 Industrial

Date: May 15, 2024
Permit Writer: Cecelia McAuliffe
Water Quality Reviewer: Cecelia McAuliffe
Full Technical Review

Schedule of Additional Submittals

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

- Emergent Contaminant Short Term Monitoring
- MSGP Coverage or No Exposure Certification
- Terminate General Permit NYG003564

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 (GPD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	43° 9' 38" N	49° 9' 32" W	Groundwater	GA	N/A	07/04	N/A	N/A	N/A	N/A	310	N/A	N/A	N/A
002	77° 19' 15" N	77° 19' 13" W	Groundwater	GA	N/A	07/04	N/A	N/A	N/A	N/A	4225	N/A	N/A	N/A

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Treated Brewery Process Wastewater												
		Type of Treatment: Screening, equalization, aeration and filtration												
Effluent Parameter	Units	Averaging Period	TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement		
			Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL				
Flow Rate	GPD	Daily Max	Monitor	Design Flow	Narrative: No alterations that will impair the waters for their best usages.						703.2	-	TBEL	
	GPD	Monthly Average	310	Design Flow										
Flow will be monitored daily for informational purposes. The monthly average of 310 gpd was determined by the design flow provided in the application														
pH	SU	Minimum	Monitor	750-1.13	N/A	-	6.5 – 8.5	Range	6.5 - 8.5	703.6	-	WQBEL		
		Maximum	Monitor											
pH limits are based on the 703.6 groundwater effluent limitations for discharges to Class GA waters.														
Total Suspended Solids will be monitored for informational purposes.														
Total Dissolved Solids (TDS)	mg/L	Daily Max	Monitor	750-1.13	-	-	500	Narrative	-	703.3	-	TBEL		
		Total Dissolved Solids will be monitored for informational purposes.												
Total Nitrogen (as N)	mg/L	Daily Max	Monitor	750-1.13	-	-	-	-	-	-	-	TBEL		
		Total Nitrogen will be monitored for informational purposes.												
Total Phosphorus	mg/L	Daily Max	Monitor	750-1.13	-	-	-	-	-	-	-	TBEL		
		Total Phosphorus (as P) will be monitored for informational purposes.												

Permittee: 4320 Canandaigua Road, LLC
 Facility: K2 Brothers Brewing – Walworth
 SPDES Number: NY0272256
 USEPA Non-Major/Class 04 Industrial

Date: May 15, 2024
 Permit Writer: Cecelia McAuliffe
 Water Quality Reviewer: Cecelia McAuliffe
 Full Technical Review

Outfall #	001	Description of Wastewater: Treated Brewery Process Wastewater										
		Type of Treatment: Screening, equalization, aeration and filtration										
Effluent Parameter	Units	Averaging Period	TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Turbidity	NTU	Daily Max	Monitor	750-1.13	-	-	5.0	Narrative	-	703.3	-	TBEL
	Turbidity will be monitored for informational purposes.											
Dissolved Oxygen (DO)	mg/L	Daily Max	Monitor	750-1.13	-	-	-	-	-	-	-	TBEL
	Dissolved Oxygen will be monitored for informational purposes.											
Chemical Oxygen Demand (COD)	mg/L	Daily Max	Monitor	750-1.13	-	-	-	-	-	-	-	TBEL
	Chemical Oxygen Demand will be monitored for informational purposes											
Visual Observation	-	Weekly	Monitor	750-1.13	-	-	-	-	-	-	-	Monitor
	Visual observation is to verify that the treatment system is functioning properly and that no problems are observed in the discharge area.											
5-day Biochemical Oxygen Demand (BOD5)	mg/L	Daily Max	10	Design	-	-	-	-	-	-	-	Action Level
	This discharge is overland flow to groundwater, to limit odor and nuisance conditions, a limit of 10 mg/L is specified as it is equal to the treatment system performance as stated in the manufacturer's System Manual.											
Total Suspended Solids (TSS)	mg/L	Daily Max	10	Design	-	-	-	-	-	-	-	Action Level
	This discharge is overland flow to groundwater, to limit odor and nuisance conditions, a limit of 10 mg/L is specified as it is equal to the treatment system performance as stated in the manufacturer's System Manual.											

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)

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 law² and USEPA interpretation³ 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

² American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

³ 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.

[Technology-based Effluent Limitations \(TBELs\) for Industrial Facilities to Groundwater](#)

TBELs aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. Requirements for discharges from industrial facilities to groundwater are summarized in TOGS 1.2.1. In accordance with TOGS 1.2.1, for facilities discharging to groundwater:

- Discharges will typically be limited to the more stringent of the groundwater effluent standards in 6 NYCRR 703.6 or the applicable treatment technology listed in TOGS 1.2.1 Attachment (C).
- Discharges from industrial facilities which contain nitrogen or nitrogen compounds include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent.

[Water Quality-Based Effluent Limitations \(WQBELs\) for Discharges to Groundwater](#)

The procedure for developing WQBELs includes identifying the pollutants present in the discharge(s), identifying water quality criteria applicable to these pollutants, determining if WQBELs are necessary (reasonable potential), and calculating the WQBELs. For groundwater discharges, if the expected concentration of the pollutant of concern in the receiving water may exceed the ambient groundwater quality standard or guidance value, then there is reasonable potential that the discharge may cause or contribute to a violation of the water quality, and a WQBEL for the pollutant is required.

WQBELs for groundwater discharges are based on the groundwater effluent limits set forth in 6 NYCRR Part 703 (Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations) except as noted in 6 NYCRR 702.21. TOGS 1.1.1 provides a listing of groundwater effluent limitations for substances having an ambient water quality standard or guidance value. Groundwater effluent limitations are applied at the point of discharge to the groundwater distribution system.

For land treatment systems with no accessible final sampling points, such as constructed wetland treatment systems or buried sand filters, permit limitations for groundwater discharges are typically based on ambient groundwater quality standards or guidance values applied at representative down gradient monitoring well(s). Limitations at the downgradient sampling point are set at the Class GA ambient groundwater standards, rather than at the groundwater effluent limits promulgated under 6 NYCRR 703.6, as compliance is determined based upon the concentrations present in the downgradient groundwater monitoring well at the groundwater interface.

Class GA standards are established for the protection of sources of drinking water designated as Health (Water Source) or H(WS) in TOGS 1.1.1. As such, effluent limitations based on aquatic life criteria and WET testing requirements are not applicable to groundwater discharges.

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.

For groundwater discharges, monitoring of downstream wells may be included to demonstrate compliance with ambient groundwater quality standards. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required.

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.