



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	3714	NAICS Code:	333618	SPDES Number:	NY0000574
Discharge Class (CL):	03	DEC Number:	9-1464-00048/00004		
Toxic Class (TX):	T	Effective Date (EDP):	04/01/2025		
Major-Sub Drainage Basin:	01 - 01	Expiration Date (ExDP):	03/31/2030		
Water Index Number:	O-158	Modification Dates (EDPM):	XXXXXX		
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:	General Motors LLC			Attention:	Casey Essary, Environmental Engineer
Street:	2995 River Road				
City:	Buffalo			State:	NY Zip Code: 14207-1099
Email:	casey.essary@gm.com			Phone:	(716) 867-2530

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Tonawanda Engine Plant, General Motors Powertrain								
Address / Location:	2995 River Road						County:	Erie	
City:	Tonawanda (T)				State:	NY	Zip Code:	14207-1099	
Facility Location:	Latitude:	42 °	58 '	22 " N	& Longitude:	78 °	53 '	43 " W	
Primary Outfall No.:	001	Latitude:	42 °	57 '	45 " N	& Longitude:	78 °	55 '	20 " W
Wastewater Description:	Non-contact cooling water; Remediation system discharge; indoor garage floor drain; Stormwater and flow from DTE				Receiving Water:	Niagara River		Class:	A-Special

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:

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

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
01B	Treated Dewatering Water	Internal via Outfall 001	
Receiving Water: Niagara River		Class:	A-Special
Outfall	Wastewater Description	Outfall Latitude	Outfall Longitude
003	Stormwater runoff from GM (parking lots and adjacent paved areas) and flow from DTE (discharge from stormwater basin which also includes Cooling Tower Blowdown).	42 ° 57 ' 34 " N	78 ° 55 ' 4 " W
Receiving Water: Niagara River		Class:	A-Special

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING – 001

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Non-contact cooling water; Remediation system discharge; flow from indoor garage floor drain; Stormwater and flow from DTE (discharge from stormwater basin which also includes Cooling Tower Blowdown).	Niagara River (A-Special)	04/01/2025	03/31/2030

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	MGD			Continuous	Meter		X	
Flow	Daily Maximum	Monitor	MGD			Continuous	Meter		X	
pH	Daily Minimum	6.0	SU			Monthly	Grab		X	
	Daily Maximum	9.0	SU						X	
Temperature	Daily Maximum	90	°F			Monthly	Grab		X	
Oil and Grease	Daily Maximum	15	mg/L			Monthly	Grab		X	
Total Suspended Solids (TSS)	Daily Maximum	45	mg/L			Monthly	24-hr. Comp.		X	
Total Phenols	Monthly Average	Monitor	mg/L			Monthly	Grab		X	1
PCB-1016	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1221	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1232	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1242	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1248	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1254	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1260	Monthly Average	95	ng/L			Monthly	Grab		X	2
Total Phosphorus (as P)	Monthly Average	Monitor	mg/L			Monthly	24-hr. Comp.		X	
Total Mercury	Daily Maximum	50	ng/L			Monthly	Grab		X	
Total Aluminum	Daily Maximum	2.0	mg/L			2/Month	24-hr. Comp.		X	3
Total Copper	Daily Maximum	0.05	mg/L			2/Month	24-hr. Comp.		X	3
Total Iron	Daily Maximum	1.5	mg/L			Monthly	24-hr. Comp.		X	
Total Zinc	Daily Maximum	0.2	mg/L			Monthly	24-hr. Comp.		X	
Total Residual Chlorine	Daily Maximum	0.5	mg/L			3/Week	Grab		X	4,5
WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			15	TUa		See footnote		X	6
WET - Acute Vertebrate	See footnote			15	TUa		See footnote		X	6
WET - Chronic Invertebrate	See footnote			100	TUc		See footnote		X	6
WET - Chronic Vertebrate	See footnote			100	TUc		See footnote		X	6

PERMIT LIMITS, LEVELS AND MONITORING – 01B

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
01B	Internal monitoring point to Outfall 001. Batch Treatment of Dewatering Water from Construction/Renovation Onsite Projects	Flow from 01B discharging via Outfall 001.	04/01/2025	03/31/2030

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	GPD			Continuous	Meter		X	
Flow	Daily Maximum	Monitor	GPD			Continuous	Meter		X	
pH	Daily Minimum	6.0	SU			Monthly	Grab		X	
	Daily Maximum	9.0	SU						X	
PCB-1016	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1221	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1232	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1242	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1248	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1254	Monthly Average	95	ng/L			Monthly	Grab		X	2
PCB-1260	Monthly Average	95	ng/L			Monthly	Grab		X	2

PERMIT LIMITS, LEVELS AND MONITORING – 003

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Stormwater runoff from GM [parking lots and adjacent paved areas] and flow from DTE (discharge from stormwater basin which also includes Cooling Tower Blowdown).	Niagara River (A-Special)	04/01/2025	03/31/2030

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Average	Monitor	GPD			Continuous	Meter		X	
Flow	Daily Maximum	Monitor	GPD			Continuous	Meter		X	
pH	Daily Minimum	6.0	SU			Monthly	Grab		X	
	Daily Maximum	9.0	SU						X	
Oil and Grease	Daily Maximum	15	mg/L			Monthly	Grab		X	
Total Suspended Solids (TSS)	Daily Maximum	Monitor	mg/L			Monthly	24-hr. Comp.		X	
Total Phosphorus (as P)	Monthly Average	Monitor	mg/L			Monthly	24-hr. Comp.		X	
Total Mercury	Daily Maximum	50	ng/L			Monthly	Grab		X	
Total Aluminum	Daily Maximum	Monitor	mg/L			Monthly	24-hr. Comp.		X	

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Total Residual Chlorine	Daily Maximum	0.5	mg/L			3/Week	Grab		X	4,5

FOOTNOTES:

- Total phenols shall be determined by colorimetric or spectrophotometric analysis using the most sufficiently sensitive method approved under 40 CFR Part 136 for total recoverable phenols.
- This is a Compliance Level. The calculated WQBEL is 0.001 ng/L. See the PCB Minimization Program for more information.
- Zebra Mussel Control Program:
 - The permittee has changed the Zebra Mussel Control Program from previously approved Betz Clam Trol CT 1 to the currently approved MACROTECH treatment system. This MACROTECH treatment system uses copper and aluminum anodes and operates with passive aluminum ionization.
 - The current MACROTECH treatment system may not be changed without the prior written approval of the Regional Water Engineer.
 - The permittee shall monitor Copper and Aluminum as set forth in this permit only during the facility's use of the MACROTECH treatment system.
- Sampling and reporting for total residual chlorine is only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.
- This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

6. **Whole Effluent Toxicity (WET) Testing:**

Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 50:1 for acute, and 100:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed quarterly (calendar quarters) [during calendar years ending in 5 and 0 beginning in January 2025.

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

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

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

BIOLOGICAL MONITORING REQUIREMENTS

All submissions under this section should provide:

- An electronic copy to the Energy Unit Leader
- One (1) copy of the cover letter to the Division of Water, Bureau of Water Compliance;
- One (1) copy of the cover letter to the Region 9 Regional Water Engineer.

Best Technology Available (BTA)

1. By 04/01/2025, the GM Tonawanda facility must continue operation of a closed-cycle cooling system, utilizing municipal water as the makeup water supply source.

General Requirement

2. Modification of the facility cooling water intake structure must not occur without prior Department approval. The permittee must submit written notification, including detailed descriptions and plans, to the NYSDEC Energy Unit; the Director of the Bureau of Water Compliance; and both the Regional Permit Administrator and the Regional Water Engineer, Region 9, at least 60 days prior to any proposed change which would result in the alteration of the permitted operation, location, design, construction, or capacity of the cooling water intake structure. The permittee must submit with the written notification a demonstration that the change reflects the best technology available for minimizing adverse environmental impacts pursuant to 6 NYCRR § 704.5, Commissioner Policy-52, and § 316(b) of the Clean Water Act. As determined by the Department, a permit modification application in accordance with 6 NYCRR § 621 may be 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 Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.
2. **Compliance Deadlines** –The initial BMP plan was received by the Department on 8/25/2021. 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 Department 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. **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 | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

BMPs FOR INDUSTRIAL FACILITIES (continued)

4. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater from Construction Activity to Surface Waters** - A SWPPP shall be developed prior to commencing any construction activity that will result in soil disturbance of one or more acres of uncontaminated area¹. (Note: the disturbance threshold is 5000 SF in the New York City East of Hudson Watershed). The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall be maintained on-site and submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of the NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges. SWPPPs must be developed for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.
5. **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 and/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 and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.

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.

MERCURY MINIMIZATION PROGRAM (MMP) - Type III

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:
 - a. Monitoring - Monitoring at Outfall(s) 001 and 003, influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136². Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

Minimum required monitoring is as follows:

- i. Plant Influent and/or Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.
- ii. Key Locations and Potential Mercury Sources – The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least annually.
- iii. Decreased Monitoring Requirements - Facilities with EEQ at or below 12 ng/L are eligible for the following:
 - 1) Reduced requirements, through a permittee-initiated permit modification
 - a) Conduct influent monitoring, sampling semi-annually, in lieu of monitoring within the collection system, such as at *key locations*; and
 - b) Conduct effluent compliance sampling semi-annually.
 - 2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the Department may undertake a Department-initiated modification to remove the allowance of reduced requirements.
 - 3) Under the decreased permit requirements, the facility must continue to conduct an annual status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.
- iv. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).

² Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10*.

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

b. **Control Strategy** - The control strategy must contain the following minimum elements:

i. **Monitoring and Inventory/Inspections for Outfall(s)** - 001 and 003

- 1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must track down and minimize these sources.

- 2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.

a) **Potential mercury sources**

1. The permittee must maintain an inventory of *potential mercury sources*.
2. The permittee must inspect *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program³ which informs users of their responsibilities as *potential mercury sources*. The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
3. A file shall be maintained containing documentation demonstrating compliance with 2.b.i.2)a) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.

ii. **Equipment and Materials** – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.

iii. **Bulk Chemical Evaluation** – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

c. **Status Report** - An **annual** status report must be developed and maintained on site, in accordance with the **Schedule of Additional Submittals**, summarizing:

- i. All MMP monitoring results for Outfall(s) 001 and 003 for the previous reporting period;
- ii. A list of known and *potential mercury sources* for Outfall(s) 001 and 003
 - 1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated modification;
- iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
- iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
- v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).

3. **MMP Modification** - The MMP must be modified whenever:

- a. Changes at the facility increase the potential for mercury discharges;
- b. Effluent discharges exceed the current permit limitation(s); or
- c. A letter from the Department identifies inadequacies in the MMP.

The Department may use information in the status reports, as applicable in accordance with 2.c of this MMP, to determine if the permit limitations and MMP Type is appropriate for the facility.

DEFINITIONS:

³ For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.

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

Potential mercury source – a source identified by the permittee that may reasonably be expected to have total mercury contained in the discharge. Some potential mercury sources include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, batteries, hauled wastes, universities, hospitals, laboratories, landfills, Brownfield sites, or raw material storage.

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PCB MINIMIZATION PROGRAM – INDUSTRIAL FACILITIES

1. **General** - The permittee shall develop, implement, and maintain a Polychlorinated Biphenyl Minimization Program (PCBMP) for those outfalls which have effluent limits for PCBs (including Aroclors). The PCBMP is required because the 95 nanograms/liter (ng/L) permit limit per PCB Aroclor exceeds the water quality based effluent limit (WQBEL) of 0.001 ng/L for Total PCBs. The goal of the PCBMP is to reduce PCB effluent levels in pursuit of the WQBEL. The basis for the 95 ng/L per Aroclor limit is the EPA Method 608.3 analytical Minimum Level for Aroclors.

2. **PCBMP Elements** - The PCBMP shall be documented in narrative form and shall include any necessary drawings or maps. Other related documents already prepared for the facility may be used as part of the PCBMP and may be incorporated by reference. As a minimum, the PMP plan shall include an on-going program consisting of: periodic monitoring; an acceptable control strategy which will become enforceable under this permit; and submission of annual status reports.

A. **Monitoring** - The permittee shall conduct periodic monitoring designed to quantify and, over time, track the reduction of PCBs. Wastewater treatment plant influents and effluents, and other outfalls shall be monitored using EPA Method 608.3 at a minimum frequency of quarterly. Key locations in the wastewater and/or stormwater collection systems, and known or potential PCB sources, including raw materials as appropriate, shall be monitored using EPA Method 608.3 at a minimum frequency of semi-annually. Additional monitoring must be completed as may be required elsewhere in this permit or upon Department request. Any such monitoring shall utilize EPA Method 608.3.

SPDES permit limit compliance monitoring shall be performed at the frequency specified on the permit limits page(s) using Method 608.3. Results from the monitoring referenced in this paragraph shall not be used for determining compliance with the 95 ng/L Aroclor permit limits. Additional monitoring must be completed as may be required elsewhere in this permit or upon Department request. Any such monitoring shall utilize EPA Method 608.3. Monitoring shall be coordinated so that the results can be effectively compared between locations; compared between analytical methods; used to identify PCB sources; and, used to gauge the effectiveness of PCB reduction and control efforts.

The permittee may request, and the Department may optionally approve, alternate methods for PCB analyses provided the alternate method is demonstrated to be equivalent or superior to the above method. The specific analysis method shall be approved by the New York State Department of Health under its Environmental Laboratory Approval Program and shall be sufficiently sensitive. "Total PCBs" shall be calculated as the sum of all detections at or above the Minimum Level. A separate sum of "Estimated PCBs" detected at or above the Method Detection Limit and below the Minimum Level shall also be determined.

B. **Control Strategy** - An acceptable control strategy is required for reducing PCB discharges via cost-effective measures, including but not limited to source identification and more stringent control of industrial processes. The control strategy will become enforceable under this permit and shall contain the following minimum elements:

- i. **Periodic Inspection** - The permittee must inspect users as necessary to support the PCBMP.
- ii. **Records** - A file shall be maintained containing all PCBMP documentation which shall be available for review by DEC representatives.

C. **Annual Status Report** - An annual status report shall be submitted to the Regional Water Engineer summarizing: (a) all PCBMP monitoring results for the previous year; (b) a list of known and potential PCB sources; (c) all action undertaken pursuant to the strategy during the previous year; (d) actions planned for the upcoming year; and, (e) progress toward the goal. The first annual status report is due in accordance with the Schedule of Submittals. A file shall be maintained containing all PCBMP documentation which shall be available for review by NYSDEC representatives. Copies shall be provided upon request.

3. **PCBMP Modification** - The PCBMP shall be reviewed, and if necessary modified by the permittee, whenever: (a) changes at the facility or within the collection system(s) increase the potential for PCB discharges; (b) new information is discovered concerning the source, nature, or extent of any PCB source(s) and/or discharges from the facility; (c) actual discharges contain detectable Aroclors as measured with EPA Method 608.3. and/or (d) there are inadequacies in the PCBMP.

DISCHARGE NOTIFICATION REQUIREMENTS

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

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

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

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall	Compliance Action	Compliance Date ⁴
001, 003	INTERIM PROGRESS REPORT The permittee shall provide a status update for the <i>Design Documents</i> .	01/01/27
001, 003	DESIGN DOCUMENTS The permittee shall submit approvable ² Design Documents including a Basis of Design Report (BODR), Plans, Specifications, and Construction Schedule for the selected alternative that will ensure compliance with final effluent limitation(s) for Total Residual Chlorine.	04/01/27
001, 003	INTERIM PROGRESS REPORT The permittee shall provide a status update for <i>Complete Construction</i> .	01/01/28 10/01/28 07/01/29
001, 003	COMPLETE CONSTRUCTION The permittee shall provide a Construction Completion Certification ⁵ to the Department that the disposal system has been fully completed in accordance with the approved Design Documents.	10/01/29
001, 003	COMMENCE OPERATION Following receipt of Department acceptance of the Construction Completion Certification, the permittee shall comply with the final effluent limitation(s) described in this permit for Total Residual Chlorine.	Upon Department Acceptance

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

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS			Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf. Eff.	
001	Total Residual Chlorine	Daily Maximum	2.0	mg/L	-	-	3/Week	Grab	- X	1,2
003	Total Residual Chlorine	Daily Maximum	2.0	mg/L	-	-	3/Week	Grab	- X	1,2
Notes:	1. Sampling and reporting for total residual chlorine is only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR. 2. Interim limits expire 10/01/29.									

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

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

⁴ 6 NYCRR 750-1.14 (a)

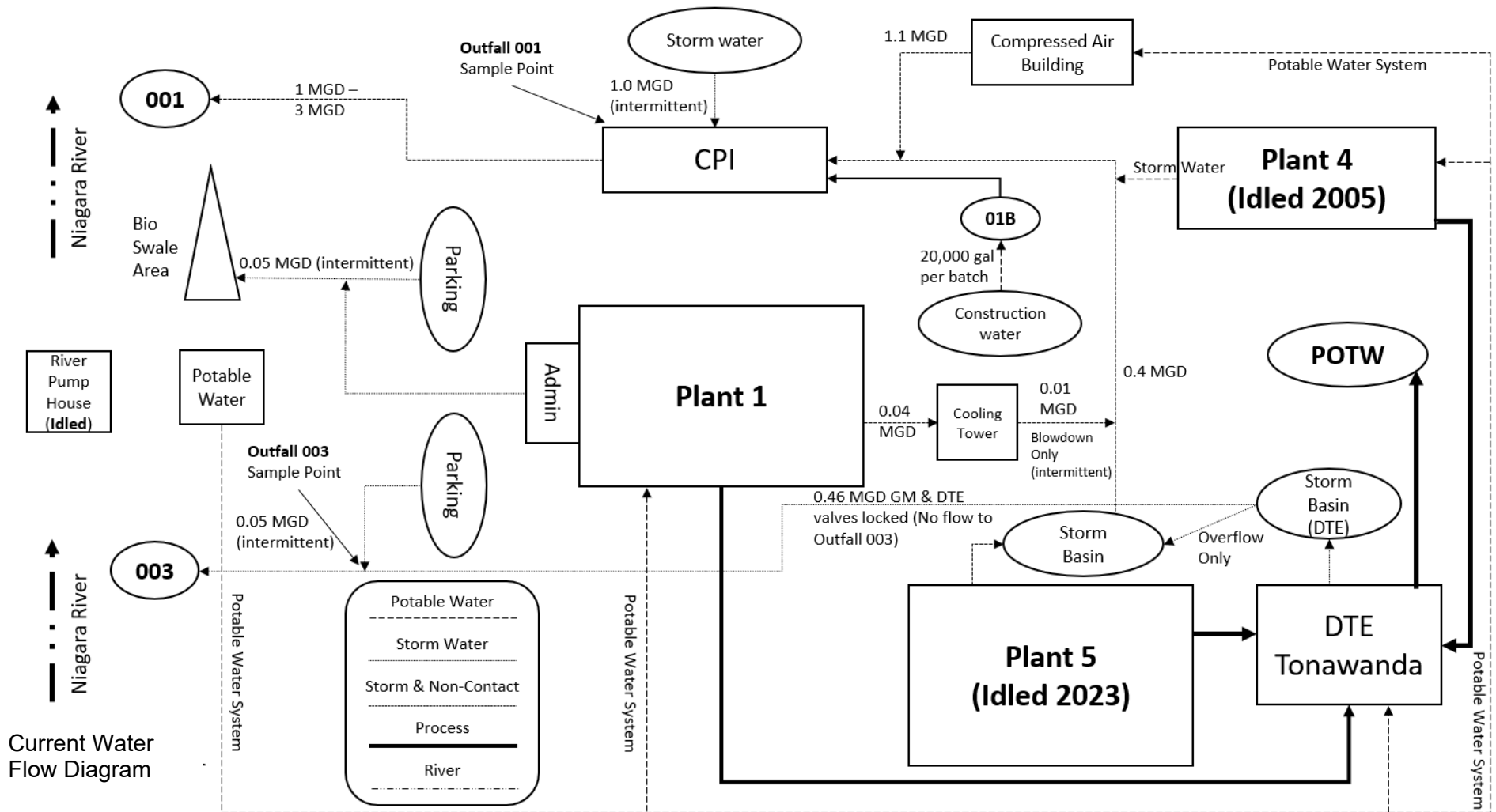
⁵ 6 NYCRR 750-2.10 (c)

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

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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 Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- H. Water Treatment Chemicals (WTCs)
- New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the Department.
 2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used.
 3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form* and *WTC Annual Report Form* are available from the Department's website at: <http://www.dec.ny.gov/permits/93245.html>

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

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

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

- C. Additional information required to be submitted by this permit shall be summarized and reported to the RWE 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 9
700 Delaware Avenue, Buffalo, NY 14209

Department of Environmental Conservation
Energy Unit Leader
625 Broadway, Albany, New York 12233-4756

Phone: (518) 402-8920

- 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
	<u>BMP PLAN</u> The permittee shall annually review the completed BMP plan, submitted to this Department on 8/25/2021, on an annual basis. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	10/01/25 Annually thereafter on January 28 th
003	<u>SHORT-TERM HIGH-INTENSITY MONITORING PROGRAM</u> The permittee shall collect 10 samples representative of normal discharge conditions and treatment operations over a 4-week period for the identified parameters. The permittee shall use approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters listed. The permittee shall submit a summary of the results. Outfall 003 – Formaldehyde, Chlorides	06/01/25

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
001	<u>WHOLE EFFLUENT TOXICITY (WET) TESTING</u> WET testing shall be performed as required in the footnote of the permit limits table. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.	Within 60 days following the end of each monitoring period
	<u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	December 31 st , Annually
	<u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	Maintained Onsite 04/01/26, annually thereafter
	<u>PCB MINIMIZATION PROGRAM – STATUS REPORT</u> The permittee shall submit an annual PCB minimization program status report. The report shall follow the guidelines of this permit, summarizing: (a) all PCBMP monitoring results for the previous year; (b) a list of known and potential PCB sources; (c) all action undertaken pursuant to the strategy during the previous year; (d) actions planned for the upcoming year; and, (e) progress toward the goal. A file shall be maintained containing all PCBMP documentation which shall be available for review by NYSDEC representatives. Copies shall be provided upon request.	04/01/26, annually thereafter

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

General Motors LLC

General Motors Tonawanda

Engine Plant

NY0000574



**Department of
Environmental
Conservation**

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permit modification was drafted for the General Motors Tonawanda Engine Plant. The changes to the permit are those agreed to as a result of a Stipulation of Discontinuance as discussed in the Administrative History below. The Stipulation includes agreement to remove reference of Method 1668C.

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

- 4/1/2025 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 3/31/2030. The 2025 permit has formed the basis of this permit.
- 4/15/2025 General Motors LLC requested an adjudicatory proceeding to challenge Paragraph 2A of the Polychlorinated Biphenyls (PCB) Minimization Program – Industrial Facilities on page 15 of the SPDES permit of a requirement to use EPA Method 1668C as the congener specific analysis method to measure and quantify total PCBs discharged from the facility. The request included a stay of the contested conditions.
- 5/5/2025 The Department notified General Motors that the contested conditions were stayed pending the outcome of an adjudicatory proceeding.
- 5/5/2025 – 5/7/2026 General Motors and the Department engaged in discussions to remove reference of Method 1668C for PCB congeners in the SPDES permit.
- 5/7/2026 General Motors LLC and the Department reached agreement through a Stipulation of Discontinuance to propose a modification to the SPDES permit to remove reference to Method 1668C.

Appendix: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c) and 750-1.10(d), CWA sections 402(o), 303(d)(4), ECL 17-0809, 40 CFR 122.44(l)
Best Management Practices (BMPs) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25, 2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (DOW 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRTK)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

Outfall and Receiving Water Information

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 law¹ and USEPA interpretation² 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 DEC determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs) 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).

¹ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

² 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)

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 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.

Action Levels

As defined in 6 NYCRR 750-1.2(a)(2), when used in a SPDES permit, an Action Level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee monitoring and DEC review to determine if numerical effluent limitations should be imposed.

The application of an Action Level is provided in TOGS 1.2.1. If the Action Level is exceeded, the permittee is required to conduct confirmatory monitoring. If Action Levels are routinely or excessively exceeded, they will be reconsidered and adjusted or replaced by limits in accordance with the Environmental Benefit Permit Strategy

Permittee: General Motors LLC
Facility: General Motors Tonawanda Engine Plant
SPDES Number: NY0000574
USEPA Major/Class 03 Industrial

Date: July 23, 2026
Permit Writer: Danyel King
Water Quality Reviewer: Danyel King
Full Technical Review

(EBPS). An Action Level is not a limit, and an exceedance does not constitute a permit violation unless the confirmatory sampling is not performed in accordance with the permit requirements.

Other Conditions

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.

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