



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	8999	NAICS Code:	722511	SPDES Number:	NY0171034
Discharge Class (CL):	02	DEC Number:	9-1424-00053/00002		
Toxic Class (TX):	N	Effective Date (EDP):			
Major-Sub Drainage Basin:	01-03	Expiration Date (ExDP):			
Water Index Number:	E-1-4-8	Item No.:	143	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:	612 Buffalo 1033, LLC			Attention:	Jordan Litwiniak	
Street:	2730 Transit Rd			State:	NY	Zip Code: 14224
City:	West Seneca			Phone:	(716) 228-8987	
Email:	jlitwiniak@regerholdings.com					

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL											
Name:	Angelina's										
Address / Location:	7901 Seneca Street						County:	Erie			
City:	East Aurora				State:	NY		Zip Code:	14052		
Facility Location:	Latitude:	42 °	46 '	57 " N	& Longitude:	78 °	38 '	43 " W			
Primary Outfall No.:	001	Latitude:	42 °	46 '	57 " N	& Longitude:	78 °	38 '	43 " W		
Outfall Description:	Treated Sanitary		Receiving Water:	Tributary to Cazenovia Creek				Class:	C		

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2. The co-permittees subject to one or more conditions of this permit are listed on page 2.

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

DISTRIBUTION:

CO BWP - Permit Coordinator
CO BWC - SCIS
RWE
RPA
Erie County HD

Permit Administrator:			
Address:	700 Delaware Avenue, Buffalo, New York 14209		
Signature:		Date:	/ /

DEFINITIONS FOR PERMIT LIMITS, LEVELS AND MONITORING TERMS

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 12.
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	Year-Round	Tributary to Cazenovia Creek	EDP	ExDP
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	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.		
Flow	Monthly Average	2300	gpd			Continuous	Recorder	X	X	
pH	Range	6.5 – 8.5	SU			1/Month	Grab		X	
Temperature	Daily Maximum	Monitor	°F			1/Month	Grab		X	
Settleable Solids	Daily Maximum	0.1	mL/L			2/year	Grab		X	
Dissolved Oxygen	Daily Minimum	7.0	mg/L			2/Year	Grab		X	
BOD ₅	Daily Maximum	5	mg/L	0.01	lbs/d	2/Year	Grab		X	1
Total Suspended Solids (TSS)	Daily Maximum	10	mg/L	0.02	lbs/d	2/Year	Grab		X	1
Phosphorus, Total	Daily Maximum	Monitor	mg/L			2/Year	Grab		X	
Ammonia (as N) – June 1 – Oct. 31	Daily Maximum	1.2	mg/L			2/Year	Grab		X	
Ammonia (as N) – Nov. 1 – May 31	Daily Maximum	1.8	mg/L			2/Year	Grab		X	
Visual Observation	N/A					Daily	N/A		X	
EFFLUENT DISINFECTION		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Required Seasonal from May 1st - October 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./100 mL			2/Year	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			2/Year	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.005	mg/L			2/Week	Grab		X	2
Chlorine, Total Residual	Daily Maximum	2.0	mg/L			2/Week	Grab		X	3

FOOTNOTES:

1. Effluent shall not exceed 15% and 15% of influent concentration values for BOD₅ & TSS respectively.
2. This is a final effluent limitation that goes into effect at EDP + 1.5 years.
3. This is an interim effluent limitation that expires at EDP + 1.5 years.

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 discharge.
- (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, sampling results shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Due Date
001	<p>Submit an engineering report, plans, and construction schedule prepared by a licensed Professional Engineer detailing the treatment system that will be constructed to comply with the final effluent limitation for Total Residual Chlorine.</p> <p>Complete construction of the approved treatment system.</p>	<p>EDP + 6 months</p> <p>EDP + 1.5 Years</p>

The above compliance actions are one-time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the "SPDES NOTICE/RENEWAL APPLICATION/PERMIT" letter.

- 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.
- 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.

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:

Outfall 001: Following chlorination/dechlorination

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(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 | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Planned Changes
- The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
 - The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
 - The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
 - The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

GENERAL REQUIREMENTS (continued)

G. Sludge Management

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

H. SPDES Permit Program Fee

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

I. 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 in writing 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 that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the 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. 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 Ave., Buffalo, New York 14209 Phone: (716) 851-7070

- C. Annual SPDES Monitoring Reports: An annual report shall be submitted to the Department 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 Department'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 9
700 Delaware Ave., Buffalo, New York 14209 Phone: (716) 851-7070

- 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:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>ANNUAL REPORT</u> Submit an annual report in accordance with Item C on this page.	February 1 st of each year

Unless noted otherwise, the actions listed above are one-time requirements. The permittee shall submit the results of the above actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the above submittals, unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS (continued)

- 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 annual report.
- 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 annual report 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: 612 Buffalo 1033, LLC
Facility: Angelina's
SPDES Number: NY0171034
USEPA Non-Major/Class 02 PCI

Date: June 10, 2022
Permit Writer: Jessica Schwallie
Water Quality Reviewer: Jessica Schwallie
Full Technical Review

SPDES Permit Fact Sheet

Angelina's

NY0171034



Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for Angelina's (formerly Kettles/Bourbon Street). The previous permit formed the basis for this permit. Changes are as follows:

- The ammonia limit was changed to 1.2 mg/l as N (summer) and 1.8 mg/l as N (winter).
- A phosphorus monitoring requirement was added.
- The total residual chlorine limit was changed to 0.005 mg/L, and a compliance schedule was added to allow the permittee time to comply with the final limit.
- An annual reporting requirement was added.

This factsheet 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 factsheet.

Administrative History

6/2/2022 A complete PCI SPDES permit application was received.

10/23/1996 DEC sent the permittee a notice of indefinite permit extension.

6/4/1992 The permit was issued with an effective date of 7/1/1992 and an expiration date of 7/1/1997.

Facility Information

The facility is a restaurant discharging treated sanitary wastewater at a design flow of 2300 gallons per day (gpd). Treatment consists of settling, sand filtration and chlorination.

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	8999	Treated Sanitary	Tributary to Cazenovia Creek, Class C

Impaired Waterbody Information

The Cazenovia Creek and Tribs segment (PWL No. 0103-0009) is not listed on the 2018 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters, and therefore, there are no applicable wasteload allocations (WLAs) for this discharge.

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Critical Receiving Water Data & Mixing Zone

The low flow condition was obtained from the USGS/NYSDEC Bulletin 74, 1979.

Gage Name: West Branch Cazenovia near East Aurora
Gage ID: 04215250
7Q10 Flow at Gage (cfs): 1.9 Source: Bulletin 74
Calculated 7Q10 Flow at Facility (cfs): 0.004

Since the calculated 7Q10 flow is <0.1 cfs, intermittent stream effluent limits (ISELs) apply.

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](#).

Anti-backsliding

The limitations contained in the permit are new. There are no instances of backsliding. [Appendix Link](#)

Antidegradation

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

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. Additionally, the permit contains a requirement to make sampling data available to the public upon request.

Schedule(s) of Compliance

A schedule of compliance has been included with the following schedule items:

- Achieve compliance with the final effluent limit for total residual chlorine.

A schedule of additional submittals has been included with the following deliverable:

- Annual report submission.

[Appendix Link](#)

¹ As prescribed by 6 NYCRR Part 617

Permittee: 612 Buffalo 1033, LLC
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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	1Q10 (cfs)	7Q10 (cfs)	30Q10 (cfs)	Critical Effluent Flow (cfs)	Dilution Ratio		
											A(A)	A(C)	HEW
001	42° 46' 57" N	78° 38' 43" W	Tributary to Cazenovia Creek	C	WIN: E-1-4-8 PWL: 0103-0009	01/03	N/A	0.004	N/A	0.0036	N/A	N/A	N/A

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	Description of Wastewater: Treated sanitary wastewater														
		Type of Treatment: Sand filtration, chlorination														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Flow Rate	GPD	Monthly Avg	2300	-	-	2300	Design Flow	Narrative: No alterations that will impair the waters for their best usages.						703.2	-	TBEL
			The flow limit is set at the design flow of the on-site wastewater treatment system.													
pH	SU	Minimum	6.5	-	-	6.0	TOGS 1.3.3	-	-	6.5 – 8.5	Range	-	703.3	-	WQBEL	
		Maximum	8.5	-	-	9.0		Consistent with ECL 17-0509, TBELs for facilities treating sanitary sewage are reflective of secondary treatment standards. Since adequate dilution is not available, a limit equal to the water quality standard is applied.								
Temperature	°F	Daily Max	-	-	-	-	-	Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition						704.2	-	Monitor
			Consistent with 6 NYCRR 750-1.13(a), monitoring is required and may be used to inform future permitting decisions.													
Dissolved Oxygen (DO)	mg/L	Daily Min	7.0	-	-	7.0	TOGS 1.3.1	-	-	(Non-Trout) 4.0 mg/L	Narrative	-	703.3	-	TBEL	
			Since adequate dilution is not available, the intermittent stream effluent limit for dissolved oxygen is applied.													

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Outfall #	001	Description of Wastewater: Treated sanitary wastewater													
		Type of Treatment: Sand filtration, chlorination													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	Daily Maximum	5	-	-	5	TOGS 1.3.1	-	See Dissolved Oxygen			-	703.3	-	TBEL
				-	-		TOGS 1.3.1					-			
	lbs/d	Daily Maximum	0.01	-	-	0.01	TOGS 1.3.1					-			
				-	-		TOGS 1.3.1					-			
% Rem	Minimum	85	-	-	85	TOGS 1.3.3	-								
Intermittent stream effluent limits are applied.															
Total Suspended Solids (TSS)	mg/L	Daily Maximum	10	-	-	10	TOGS 1.3.1	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.			703.2	-	TBEL	
				-	-		TOGS 1.3.1								-
	lbs/d	Daily Maximum	0.02	-	-	0.02	TOGS 1.3.1								-
				-	-		TOGS 1.3.1								-
% Rem	Minimum	85	-	-	85	TOGS 1.3.3	-								
Intermittent stream effluent limits are applied.															
Settleable Solids	mL/L	Daily Max	0.1	-	-	0.1	TOGS 1.3.3	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages			703.2	-	TBEL	
															Consistent with TOGS 1.3.3, the effluent limitation is equal to the TBEL of 0.1 mL/L for facilities providing secondary treatment with filtration.
Phosphorus, Total	mg/L	Monthly Avg	-	-	-	-	TOGS 1.3.3	-	Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.			703.2	-	Monitor	
															No limit is necessary. Monitoring shall be required for informational purposes.
Nitrogen, Ammonia (as N)	mg/L	Monthly Avg	1.2	-	-	-	-	-	-	1.2 (S)/ 1.8 (W)	A(C)	1.2 (S)/ 1.8 (W)	TOGS 1.1.1	-	WQBEL
	lb/d	Monthly Avg	-	-	-	-	-	-	-	-	-	-			
The previous limit was 1.5 mg/L as NH ₃ , equivalent to 1.2 mg/L as N. The WQS for Ammonia was determined from TOGS 1.1.1 using a pH of 7.5 and a summer temperature of 25°C and a winter temperature of 10°C. The pH and temperature of the receiving waterbody were assumed values and consistent with TOGS 1.3.1E.															

Permittee: 612 Buffalo 1033, LLC
 Facility: Angelina's
 SPDES Number: NY0171034
 USEPA Non-Major/Class 02 PCI

Date: June 10, 2022
 Permit Writer: Jessica Schwallie
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 Full Technical Review

Outfall #	001	Description of Wastewater: Treated sanitary wastewater													
		Type of Treatment: Sand filtration, chlorination													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & QBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. QBEL	Basis for QBEL		
Coliform, Fecal	#/100 ml	30d Geo Mean	200	-	-	200	TOGS 1.3.3	-	Narrative: The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.				703.4	-	TBEL
		7d Geo Mean	400	-	-	400	TOGS 1.3.3	-							
Consistent with TOGS 1.3.3, effluent disinfection is required seasonally because it is necessary to protect public health. Fecal coliform effluent limitations equal to the TBEL are specified.															
Total Residual Chlorine (TRC)	mg/L	Daily Max	2.0	-	-	2.0	TOGS 1.3.3	-	-	0.005	A(C)	0.005	703.5	0.03	QBEL
As adequate dilution is not available, a limit equal to the QBEL is specified as a final limit. The previous limit is carried over as an interim limit.															

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the factsheet 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 factsheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
Schedules of Compliance	6 NYCRR 750-1.14
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

Outfall and Receiving Water Information

Impaired Waters

The [NYS 303\(d\) List of Impaired/TMDL Waters](#) identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a WLA of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed to determine the existing capabilities of the wastewater treatment plants and to assure that wasteload allocations (WLAs) are allocated equitably.

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, and/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 factsheet. 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)

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

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants

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)

or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using $1.2 \times 7Q10$ to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

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.

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Full Technical Review

Other Conditions

Schedules of Compliance

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

Schedule(s) of Additional Submittals

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