NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT
Special Conditions

First3.99

Industrial Code:	**4953**	SPDES Number:	**NY- 007 2061**
Discharge Class (CL):	**03**	DEC Number:	**9-2934-00022/00049**
Toxic Class (TX):	**T**	Effective Date (EDP):	**EDP**
Major Drainage Basin:	**01**	Expiration Date (ExDP):	**ExDP**
Sub Drainage Basin:	**01**	Modification Dates:(EDPM)	**EDPM**
Water Index Number:	**O-158**		
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.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: **CWM Chemical Services, LLC** Attention: **District Manager**
Street: **P.O. Box 200, 1550 Balmer Road**
City: **Model City** State: **NY** Zip Code: **14107**
is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **CWM Chemical Services, LLC**
Location (C,T,V): **Porter (T)** County: **Niagara**
Facility Address: **1550 Balmer Road**
City: **Model City** State: **NY** Zip Code: **14107**
NYTM -E: NYTM - N:
From Outfall No.: **001** at Latitude: **43 ° 13 ′ 06 ″** & Longitude: **79 ° 02 ′ 56 ″**
into receiving waters known as: **Niagara River** **O-158** Class: **A-Special**
and; (list other Outfalls, Receiving Waters & Water Classifications)

01A	**Treated process wastewater to Pre-Qualification Tanks**	**NA**	**NA**		
01B	**Treated process wastewater to Pre-Qualification Tanks**	**NA**	**NA**		
002	**Storm water to Tributary of Fourmile Creek**	**O-156-1C-3**	**Class C**	**43° 13' 47"**	**78° 58' 54"**
02A	**Internal storm water outfall to Outfall 002**	**NA**	**NA**		
02B	**Internal storm water outfall to Outfall 002**	**NA**	**NA**		
02C	**Internal storm water outfall to Outfall 002**	**NA**	**NA**		
003	**Storm water to Tributary of Fourmile Creek**	**O-156-1C-3**	**Class C**	**43° 13' 44"**	**78° 58' 24"**
004	**Storm water to Tributary of Twelvemile Creek**	**O-152a**	**Class C**	**43° 13' 19"**	**78° 57' 54"**

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **CWM Chemical Services, LLC**
Street: **P.O. Box 200, 1550 Balmer Road**
City: **Model City** State: **NY** Zip Code: **14107**
Responsible Official or Agent: **Jill Banaszak** Phone: **(716) 754-0246**

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:
DEC Bureau of Water Permits
DEC Region 9 DOW
USEPA, Reg 2: Attention Jeff Gratz
J. Devald - NCHD

Permit Administrator:	
Address:	
Signature:	Date: / /

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: 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 MAX.: The highest allowable daily discharge. DAILY MIN.: The lowest allowable daily discharge.

DAILY AVG or 30 DAY ARITHMETIC MEAN (30 day 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.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

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.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. TYPE I : The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. TYPE II: The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Treated Process Wastewater following Fac Pond Storage	Niagara River	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	One per batch	Grab	1,2

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	1.0	MGD			Continuous	Recorder	2
Specific Conductance	Monitor	Monitor	µmho/cm			One per batch	Grab	1
Alkalinity	Monitor	Monitor	mg/l			One per batch	Grab	1
Hardness	Monitor	Monitor	mg/l			One per batch	Grab	1
Solids, Total Suspended	Monitor	45	mg/l			One per batch	Grab	1
Solids, Total Dissolved	Monitor	8000	mg/l			One per batch	Grab	1
Solids, Volatile Dissolved	Monitor	Monitor	mg/l			One per batch	Grab	1
Solids, Settleable	Monitor	0.2	ml/l			One per 4 hours	Grab	2
Dissolved Oxygen (Prequalification)	Monitor	6.0 (**Minimum**)	mg/l			One per batch	Grab	1
Dissolved Oxygen (Outfall)	Monitor	6.0 **(Minimum)**	mg/l			Two per batch	Grab	2
BOD_5 (Prequalification)	Monitor	45	mg/l			One per batch	Grab	1
BOD_5 (Outfall)	Monitor	45	mg/l			Two per batch	Grab	2
Carbon, Total Organic	Monitor	Monitor	mg/l			One per batch	Grab	1
Chlorides, Total	Monitor	Monitor	mg/l			One per batch	Grab	1
Chlorine, Total Residual	Monitor	0.5	mg/l			One per batch	Grab	1
Cyanide, Total	Monitor	0.05	mg/l			One per batch	Grab	1
Fluoride, Total	Monitor	6.0	mg/l			One per batch	Grab	1
MBAS	Monitor	1.0	mg/l			One per batch	Grab	1
Nitrogen, Ammonia (as N)	Monitor	11	mg/l			One per batch	Grab	1
Nitrogen, Total Organic	Monitor	Monitor	mg/l			One per batch	Grab	1
Nitrite (as N)	Monitor	1.5	mg/l			One per batch	Grab	1
Nitrite & Nitrate (as N)	Monitor	10	mg/l			One per batch	Grab	1
Oil & Grease	Monitor	15	mg/l			One per batch	Grab	1
Phosphorus, Total	Monitor	0.5	mg/l			One per batch	Grab	1

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (Continued)	Treated Process Wastewater following Fac Pond Storage	Niagara River	EDPM	ExDP

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Sulfate, Total	Monitor	Monitor	mg/l			One per batch	Grab	1
Sulfide, Total	Monitor	0.4	mg/l			One per 2 weeks	Grab	1,2
Aluminum, Total	Monitor	1000	µg/l			One per batch	Grab	1
Antimony, Total	Monitor	60	µg/l			One per batch	Grab	1
Arsenic, Total	Monitor	20	µg/l			One per batch	Grab	1
Barium, Total	Monitor	200	µg/l			One per batch	Grab	1
Beryllium, Total	Monitor	10	µg/l			One per batch	Grab	1
Cadmium, Total	Monitor	10	µg/l			One per batch	Grab	1
Chromium, Total	Monitor	210	µg/l			One per batch	Grab	1
Cobalt, Total	Monitor	50	µg/l			One per batch	Grab	1
Copper, Total	Monitor	50	µg/l			One per batch	Grab	1
Iron, Total	Monitor	1500	µg/l			One per batch	Grab	1
Lead, Total	Monitor	50	µg/l			One per batch	Grab	1
Manganese, Total	Monitor	1100	µg/l			One per batch	Grab	1
Mercury, Total	Monitor *	250 *	ng/l			One per batch	Grab	1,3
Mercury, Total	Monitor	Monitor	ng/l			One per batch	Grab	1,3
Molybdenum, Total	Monitor	410	µg/l			One per batch	Grab	1
Nickel, Total	Monitor	550	µg/l			One per batch	Grab	1
Selenium, Total	Monitor	40	µg/l			One per batch	Grab	1
Silver, Total	Monitor	30	µg/l			One per batch	Grab	1
Strontium, Total	Monitor	4000	µg/l			One per batch	Grab	1,4
Thallium, Total	Monitor	50	µg/l			One per batch	Grab	1
Tin, Total	Monitor	10	µg/l			One per batch	Grab	1
Titanium, Total	Monitor	1000	µg/l			One per batch	Grab	1
Vanadium, Total	Monitor	42	µg/l			One per batch	Grab	1
Zinc, Total	Monitor	50	µg/l			One per batch	Grab	1

* Interim limit expires 18 months from the EDPM. Final monitoring/compliance requirements will be at Outfall 01A (see Footnote No. 3).

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (Continued)	Treated Process Wastewater following Fac Pond Storage	Niagara River	EDPM	ExDP

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Benzidine	Monitor	2.0	µg/l			One per batch	Grab	1
Benzo(a)anthracene	Monitor	0.20	µg/l			One per batch	Grab	1
Benzo(b)fluoranthene	Monitor	0.20	µg/l			One per batch	Grab	1
Benzo(ghi)perylene	Monitor	5.5	µg/l			One per batch	Grab	1
Bis(2-chloroethyl)ether	Monitor	3.0	µg/l			One per batch	Grab	1
Bis(2-ethylhexyl)phthalate	Monitor	20	µg/l			One per batch	Grab	1
2-Chloroethyl vinyl ether	Monitor	20	µg/l			One per batch	Grab	1
2-Chlorophenol	Monitor	10	µg/l			One per batch	Grab	1
1,4-Dichlorobenzene	Monitor	20	µg/l			One per batch	Grab	1
3,3'-Dichlorobenzidine	Monitor	20	µg/l			One per batch	Grab	1
Dichlorodifluoromethane	Monitor	10	µg/l			One per batch	Grab	1
2,4-Dinitrophenol	Monitor	60	µg/l			One per batch	Grab	1
Indeno(123cd)pyrene	Monitor	0.20	µg/l			One per batch	Grab	1
2-Methyl-4,6-Dinitrophenol	Monitor	70	µg/l			One per batch	Grab	1
Pentachlorophenol	Monitor	20	µg/l			One per batch	Grab	1
Phenanthrene	Monitor	10	µg/l			One per batch	Grab	1
Phenols, Total	Monitor	10	µg/l			One per batch	Grab	1, 5
2,4,6-Trichlorophenol	Monitor	10	µg/l			One per batch	Grab	1
Semi-volatile Organics	Monitor	10	µg/l			One per batch	Grab	1, 6
Volatile Organics	Monitor	10	µg/l			One per batch	Grab	1, 7

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (Continued)	Treated Process Wastewater following Fac Pond Storage	Niagara River	EDPM	ExDP

PARAMETER	COMPLIANCE LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Aroclor 1016		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1221		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1232		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1242		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1248		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1254		65	ng/l	65	200	One per batch	Grab	1,8
Aroclor 1260		65	ng/l	65	200	One per batch	Grab	1,8

Whole Effluent Toxicity (WET) Requirements

PARAMETER	Effluent Limit		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Ave.	Daily Max.	TYPE I	TYPE II				
WET - Acute Invertebrate			15		TUa	See Footnote 9	See Footnote 9	9
WET - Acute Vertebrate			15		TUa	See Footnote 9	See Footnote 9	9
WET - Chronic Invertebrate			100		TUc	See Footnote 9	See Footnote 9	9
WET - Chronic Vertebrate			100		TUc	See Footnote 9	See Footnote 9	9

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.*	WASTEWATER TYPE	RECEIVING WATER*	EFFECTIVE	EXPIRING
01A	Process Wastewater - Total Mercury, PCB Aroclors, Pesticides, and "Multiple Wastestreams" 40 CFR Part 437 - Subpart B & C (Oils & Organics) ** Immediately Following All Treatment Processes, Before Discharge to Tanks T-58 or T-125	NA for CWT Parameters; Niagara River for Total Mercury, PCBs, Pesticides	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Once per week	Grab	

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	Monitor	GPD			Daily	Totalizer	
BOD_5	Monitor	Monitor	mg/l			Weekly	Weekly	1
Solids, Total Suspended	31	74	mg/l			Weekly	Grab	
Oil & Grease	38	130	mg/l			Weekly	Grab	
Mercury, Total ***	Monitor ***	Monitor ***	ng/l			2/Month	Grab	3
Mercury, Total	Monitor	50	ng/l			2/Month	Grab	3
Acetone	8000	30000	µg/l			Weekly	24-Hour Comp.	10
Acetophenone	56	110	µg/l			Weekly	24-Hour Comp.	10
Bis (2-ethylhexyl) phthalate	100	220	µg/l			Weekly	24-Hour Comp.	10
2-Butanone	1800	4800	µg/l			Weekly	24-Hour Comp.	10
Butylbenzyl phthalate	89	190	µg/l			Weekly	24-Hour Comp.	10
Carbazole	280	600	µg/l			Weekly	24-Hour Comp.	10
o-Cresol	560	1900	µg/l			Weekly	24-Hour Comp.	10
p-Cresol	200	700	µg/l			Weekly	24-Hour Comp.	10
n-Decane	440	950	µg/l			Weekly	24-Hour Comp.	10
Fluoranthene	27	54	µg/l			Weekly	24-Hour Comp.	10
n-Octadecane	300	590	µg/l			Weekly	24-Hour Comp.	10
Phenols, Total	1100	3700	µg/l			Weekly	24-Hour Comp.	10
Pyridine	180	370	µg/l			Weekly	24-Hour Comp.	10
2,4,6-Trichlorophenol	110	160	µg/l			Weekly	24-Hour Comp.	10

* Except for Total Mercury, PCB Aroclors, and Pesticides, this outfall is not a final discharge outfall, but is an internal monitoring point established for determining compliance with **Centralized Waste Treatment** (CWT) requirements.

** Compliance with CWT Metals limits is required at Outfall 01B.

*** Interim limit expires 18 months from the EDPM. Final monitoring/compliance requirements will be at Outfall 01A (see Footnote No. 3).

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL No.*	WASTEWATER TYPE	RECEIVING WATER*	EFFECTIVE	EXPIRING
01A	Process Wastewater - Total Mercury, PCB Aroclors, and "Multiple Wastestreams" 40 CFR Part 437 - Subpart B & C (Oils & Organics) ** Immediately Following All Treatment Processes, Before Discharge to Tanks T-58 or T-125	NA for CWT Parameters; Niagara River for Total Mercury, PCBs, Pesticides	EDPM	ExDP

PARAMETER	COMPLIANCE LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Pesticides (Method 608)	Monitor	Monitor	µg/l			Monthly	24-Hour Comp	
Aroclor 1016	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1221	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1232	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1242	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1248	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1254	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11
Aroclor 1260	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8,11

* Except for Total Mercury, PCB Aroclors, and Pesticides, this outfall is not a final discharge outfall, but is an internal monitoring point established for determining compliance with **Centralized Waste Treatment** (CWT) requirements.

** Metals - Compliance with CWT Subpart A (Metals) limits is required at Outfall 01B.

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PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.*	WASTEWATER TYPE	RECEIVING WATER*	EFFECTIVE	EXPIRING
01B	"Metals Treatment and Recovery" Process Wastewater 40 CFR Part 437 - Subpart A (Metals) Following Filter Press, Before Filtrate Tank T-100	NA - CWT Internal Monitoring Point	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Once per week	Grab	

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	Monitor	GPD			Daily	Totalizer	
Antimony	210	250	µg/l			Weekly	24-Hour Comp.	12
Arsenic, Total	100	160	µg/l			Weekly	24-Hour Comp.	12
Cadmium, Total	96	470	µg/l			Weekly	24-Hour Comp.	12
Chromium, Total	3100	1600	µg/l			Weekly	24-Hour Comp.	12
Cobalt, Total	120	190	µg/l			Weekly	24-Hour Comp.	12
Copper, Total	1100	4100	µg/l			Weekly	24-Hour Comp.	12
Lead, Total	280	1300	µg/l			Weekly	24-Hour Comp.	12
Mercury, Total (Method 245)	740	2300	ng/l			Weekly	24-Hour Comp.	12
Nickel, Total	1400	4000	µg/l			Weekly	24-Hour Comp.	12
Silver, Total	35	120	µg/l			Weekly	24-Hour Comp.	12
Tin, Total	120	410	µg/l			Weekly	24-Hour Comp.	12
Titanium, Total	62	95	µg/l			Weekly	24-Hour Comp.	12
Vanadium, Total	660	220	µg/l			Weekly	24-Hour Comp.	12
Zinc, Total	640	2900	µg/l			Weekly	24-Hour Comp.	12

* This outfall is not a final discharge outfall, but is an internal monitoring point established for determining compliance with **Centralized Waste Treatment** (CWT) requirements.

Footnotes listed on page 14 of 30

PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Storm Water Runoff	Tributary to Fourmile Creek	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Weekly	Grab	

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	Monitor	MGD			Daily	Totalizer	
Solids, Total Suspended	20	40	mg/l			2/Month	24-Hour Comp.	
Solids, Total Dissolved	Monitor	Monitor	mg/l			2/Month	24-Hour Comp.	
Solids, Settleable	Monitor	0.1	ml/l			Weekly	Grab	
BOD_5	Monitor	Monitor	mg/l			Monthly	Grab	
Dissolved Oxygen	Monitor	Monitor	mg/l			Monthly	Grab	
Ammonia (as N)	1.5	Monitor	mg/l			Monthly	Grab	
Oil & Grease	Monitor	15	mg/l			2/Month	Grab	
Copper, Total	Monitor	25	µg/l			Monthly	Grab	
Zinc, Total	Monitor	80	µg/l			Monthly	Grab	
Aroclor 1016	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1221	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1232	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1242	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1248	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1254	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1260	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Dichlorodifluoromethane	Monitor	10	µg/l			Monthly	Grab	13
Phenols, Total	10	Monitor	µg/l			Monthly	Grab	5
Volatile Organics Analyses	Monitor	10	µg/l			2/Month	Grab	7

Footnotes listed on page 14 of 30

PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NOs. *	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
02A (Site SMP-05) 02B (Site SMP-04) 02C (Site SMP-03)	Storm Water Runoff	NA - Internal Monitoring Point	EDPM	ExDP

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Solids, Total Suspended	Monitor	Monitor	mg/l			Monthly	24-Hour Comp.	
Solids, Total Dissolved	Monitor	Monitor	mg/l			Monthly	24-Hour Comp.	
Solids, Settleable	Monitor	Monitor	ml/l			Monthly	Grab	
Aroclor 1016	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1221	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1232	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1242	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1248	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1254	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8
Aroclor 1260	Monitor	200	ng/l	65	200	Monthly	24-Hour Comp.	8

* These Stormwater Monitoring Points (SMPs) are an internal outfall established in accordance with 40 CFR Part 122.45(h) and NYSDEC Division of Water TOGS 1.2.1, Section I.B.7.

Footnotes listed on page 14 of 30

PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Storm Water Runoff	Tributary to Fourmile Creek	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Weekly	Grab	

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	Monitor	MGD			Daily	Totalizer	
Solids, Total Suspended	20	40	mg/l			2/Month	24-Hour Comp.	
Solids, Total Dissolved	Monitor	Monitor	mg/l			2/Month	24-Hour Comp.	
Solids, Settleable	Monitor	0.1	ml/l			Weekly	Grab	
BOD_5	Monitor	Monitor	mg/l			Monthly	Grab	
Dissolved Oxygen	Monitor	Monitor	mg/l			Monthly	Grab	
Ammonia (as N)	1.5	Monitor	mg/l			Monthly	Grab	
Oil & Grease	Monitor	15	mg/l			2/Month	Grab	
Copper, Total	Monitor	25	µg/l			Monthly	Grab	
Zinc, Total	Monitor	135	µg/l			Monthly	Grab	
Aroclor 1016	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1221	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1232	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1242	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1248	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1254	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1260	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Dichlorodifluoromethane	Monitor	10	µg/l			2/Month	Grab	13
Phenols, Total	10	Monitor	µg/l			Monthly	Grab	5
Volatile Organics Analyses	Monitor	10	µg/l			2/Month	Grab	7

Footnotes listed on page 14 of 30

PERMIT LIMITS, LEVELS AND MONITORING - Continued

OUTFALL NO.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
004	Storm Water Runoff	Tributary to Twelvemile Creek	EDPM	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Weekly	Grab	

PARAMETER	EFFLUENT LIMIT		UNITS	MDL	PQL	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Average	Daily Maximum						
Flow	Monitor	Monitor	MGD			Daily	Totalizer	
Solids, Total Suspended	20	40	mg/l			2/Month	24-Hour Comp.	
Solids, Total Dissolved	Monitor	Monitor	mg/l			2/Month	24-Hour Comp.	
Solids, Settleable	Monitor	0.1	ml/l			Weekly	Grab	
BOD_5	Monitor	Monitor	mg/l			Monthly	Grab	
Dissolved Oxygen	Monitor	Monitor	mg/l			Monthly	Grab	
Ammonia (as N)	1.5	Monitor	mg/l			Monthly	Grab	
Oil & Grease	Monitor	15	mg/l			2/Month	Grab	
Copper, Total	Monitor	25	µg/l			Monthly	Grab	
Zinc, Total	Monitor	80	µg/l			Monthly	Grab	
Aroclor 1016	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1221	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1232	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1242	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1248	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1254	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Aroclor 1260	Monitor	200	ng/l	65	200	Weekly	24-Hour Comp.	8
Dichlorodifluoromethane	Monitor	10	µg/l			2/Month	Grab	13
Phenols, Total	10	Monitor	µg/l			Monthly	Grab	5
Volatile Organics Analyses	Monitor	10	µg/l			2/Month	Grab	7

Footnotes listed on page 14 of 30

FOOTNOTES

1. **PREQUALIFICATION SAMPLING BEFORE DISCHARGE - FAC POND TO OUTFALL 001** - Before discharge from any fac pond, prequalification sampling and analyses are required for all parameters listed for Outfall 001 except for *Flow* and *Settleable Solids.* The procedures for pre-qualification sampling are as follows:

   a. *Special Parametric Requirements*:

      BOD_5 - Each grab sample from a given depth shall be analyzed separately and not composited, since combining aliquots would result in aeration of the samples and yield an inaccurate result. The results of each depth shall then be averaged for reporting purposes.

      NOTE: Prequalification sampling of the fac pond, rather than sampling at Outfall 01A, also satisfies *Centralized Waste Treatment* compliance monitoring requirements for BOD_5

      Dissolved Oxygen - Each grab sample from a given depth shall be analyzed separately and not composited, since combining aliquots would result in aeration of the samples and yield inaccurate results. The results of each depth shall then be averaged for reporting purposes.

      Total Mercury - EPA Method 1669 is recommended for sample collection. Grab samples for obtaining aliquots for compositing shall be collected during sampling for other parameters, in accordance with 1.b. Each aliquot must be composited by the laboratory performing the analysis. EPA Method 1631 is required for all analyses.

      PCB Aroclors - Must be sampled and analyzed in accordance with EPA Method 608 requirements.

   b. *Monitoring and Sample Collection* - Unless specified otherwise above, grab samples shall be taken from the top, middle, and bottom of the pond or lagoon at five different locations spaced uniformly around the body of treated wastewater. All five grab samples ***from same respective depth*** (not vertically) shall be composited in a laboratory, resulting in three spatial composite samples for each of the three depths (top, middle, and bottom). Each composite sample shall then be analyzed and reported separately, along with the arithmetic average of the results from each of the three depths.

   c. *Other Analytical Requirements* - If during a GC/MS analysis, peaks are found in the chromatogram whose retention time and/or mass spectra do not correspond to analytes for which analyses are currently being performed, and if those peaks are greater than 10% of the nearest internal standard in either peak height or peak area, then the laboratory must attempt to identify those peaks through a computer search against the most recent NIST mass spectral library. The results from such a search must be reported with the analytical data.

   d. *Approval to Discharge* - Upon the review and acceptance of the prequalification testing procedures and all analyses, plus the taking of any additional samples as may be required by the Department, upon written notification from the Department, the specific pond or lagoon may then be discharged on a continuous "batch basis" subject to all other conditions or limitations specified for that pond or lagoon and/or subject to all other conditions or limitations imposed as provided herein.

   e. *Data Reporting* - All analytical data, shall be transmitted to the Department's Region 9 Office and Central Office Bureau of Water Permits weekly, with the first report submitted within one week of the end of the initial discharge week. Actual pen-chart flow recordings shall be kept on site and need not be submitted with these weekly data summaries.

2. **MONITORING DURING DISCHARGE - OUTFALL 001** - Following are requirements during batch discharging to the Niagara River:

   a. *Monitoring and Sample Collection* - Monitoring must take place for these parameters (in addition to prequalification sampling, except Flow) at the outfall, at the specified frequency:

      Flow - Flow data shall be collected continuously with a recorder over the duration of the discharge.

      Dissolved Oxygen - Grab sample twice per day, approximately 8 hours apart, once on the first day of the discharge and once near the end of the discharge. Report the Daily Minimum and Daily Average values separately for each day.

      pH, BOD_5, Settleable Solids, Total Sulfide - Grab sample twice per day, approximately 8 hours apart, once on the first day of the discharge and once near the end of the discharge. Report the Daily Average and Daily Maximum values separately for each day.

   b. *Data Reporting* - All analytical and Flow measurements, including tabulated totalized Flow, shall be transmitted to the Department's Region 9 Office and Central Office Bureau of Water Permits weekly, with the first report submitted within one week of the end of the initial discharge week. Actual pen-chart flow recordings shall be kept on site and need not be submitted with these weekly data summaries.

FOOTNOTES (Continued)

3. **TOTAL MERCURY LIMITS** - Total Mercury monitoring for Daily Average (DA) and Daily Maximum (DM) must be performed using EPA Method 1631 at the specified frequency. Use of EPA Method 1669 is recommended during sampling. Total Mercury shall have Interim limits for a period of 18 months from the EDPM, after which Final limits will apply, as follows:

	Interim Limit (DA/DM)	Final Limit (DA/DM)
Outfall 001	Monitor/250 ng/l	Monitor/Monitor (compliance to be at Outfall 01A)
Outfall 01A	Monitor/Monitor	Monitor/50 ng/l

For Outfall 01A, samples must be collected prior to entering tank T-58 or T-125 (CWT monitoring point 01A).

4. **TOTAL STRONTIUM ANALYSIS** - Total Strontium shall be analyzed using EPA Method E200.7, unless instructed differently by the Department.

5. **TOTAL PHENOLS ANALYSIS** - Total Phenols must be analyzed using EPA Method 4AAP.

6. **SEMI-VOLATILE ORGANIC ANALYTES (SVOAs) - OUTFALL 001** - Each individual semi-volatile organic compound listed in EPA Method 625 shall be at or below 10 µg/l in order to demonstrate compliance with this limitation. All positive detections must be included in the fac pond prequalification report submitted to the Department for review and approval prior to discharge. SVOAs specifically limited for this outfall are exempt from this requirement.

7. **VOLATILE ORGANIC ANALYTES (VOAs):**

Outfall 001 - Each individual volatile organic compound listed in EPA Method 624 shall be at or below 10 µg/l in order to demonstrate compliance with this limitation. All positive detections must be included in the pond prequalification report submitted to the Department for review and approval prior to discharge. VOAs specifically limited for this outfall are exempt from this requirement.

Outfalls 002, 003 & 004 - Each individual volatile organic compound listed in EPA Method 624 shall be at or below 10 µg/l in order to demonstrate compliance with this limitation. All positive detections at or above the MDL shall be noted and appended to the DMR. VOAs specifically limited for this outfall are exempt from this requirement.

8. **PCB AROCLORS - OUTFALLS 001, 01A, 002, 02A, 02B & 02C, 003 & 004:** All PCB Aroclor compliance monitoring must be performed using EPA Method 608.

9. **WHOLE EFFLUENT TOXICITY (WET) TESTING - OUTFALL001:**

Testing Requirements - WET testing shall be completed during the prequalification phase of sampling before discharge from the fac pond to the Niagara River, and shall consist of **Acute and if necessary Chronic** test procedures. WET 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 bracketing the instream waste concentration (IWC) and including one exposure group of 100% effluent should be used to generate a definitive test endpoint. Otherwise an immediate rerun of the test is 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.

Monitoring Period - WET testing shall be performed once per batch discharge.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa = (100)/(48 hr LC50) or (100)/(48 hr EC50) (note that Acute data is generated by both Acute and Chronic testing) and TUc = (100)/(NOEC) when Chronic testing has been performed or TUc = (TUa) x (20) when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC50 or 48 hr EC50 and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TUc. Report a TUa of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.

The complete test report including all corresponding results, 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 to the New York State Department of Environmental Conservation, Division of Water, Toxicity Testing Unit, 625 Broadway, Albany, New York, 12233. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48 hr LC50 or 48 hr EC50 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.

FOOTNOTES (Continued)

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 Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

10. **ORGANIC PARAMETERS - INTERNAL OUTFALL 01A (CWT) -** Must be analyzed using EPA Method 625.

11. **PCB AROCLORS - INTERNAL OUTFALL 01A -** Samples must be collected prior to entering tank T-58 or T-125 (Outfall 01A). PCB Aroclors shall have Interim Limits for a period of 18 months from the EDPM, as follows, after which Final Limits specified on Page 8 will apply.

    Interim Limits:

	Daily Average	Daily Maximum
Aroclor 1016	Monitor	300 ng/l
Aroclor 1221	Monitor	300
Aroclor 1232	Monitor	300
Aroclor 1242	Monitor	4000
Aroclor 1248	Monitor	4000
Aroclor 1254	Monitor	600
Aroclor 1260	Monitor	600

12. Sampling for CWT Metals can only take place when the waste stream is not commingled with landfill leachate from SLFs 1 - 6 or SLFs 7 - 11, other than as a water cushion (in a process tank), i.e., only when metals-containing wastes received from gate receipts are being processed. Composite sampling shall consist of 4 grab samples aliquots taken over the anticipated duration of the batch treatment, not to exceed 24 hours, with 1 aliquot taken at the beginning of the batch treatment and 1 aliquot taken at the end of the batch treatment, with 2 aliquots taken at evenly-spaced times between the beginning and end sampling. Aliquots should be taken with approximately equal time between each sampling. If a treated batch of metals -containing wastewater needs to be treated a second time, only the filtrate from the 2nd (or last) batch need be sampled for CWT compliance monitoring purposes. If the processing time for a batch is less than 24 hours, the permittee can determine the number and spacing of the sampling which will be adequate for the final composite sample.

13. **DICHLORDIFLUOROMETHANE ANALYSIS - OUTFALLS 002, 003 & 004 -** It is acceptable to use either EPA Method 601 or EPA Method 624 (Semi-Volatile Organic Analytes) to analyze samples for Dichlorodifluoromethanes.

SPECIAL CONDITIONS - GENERAL

1. When water cushion is required to be added to any tank for heat absorption during transfer and mixing of wastes from gate receipts, the source of such water shall be site water and/or landfill leachate only. Municipal water is not allowed for this purpose.

2. If acid product is not available for pH adjustment step in treatment train, waste acid (generally classified as CWT "Metals Subcategory") may be used to lower the pH in any treatment batch. This allowance is conditioned on the following:

    a. Waste acid can only be added to tanks T-210 and/or T-230.

    b. When any waste acid is used for pH adjustment for any wastestream (including oils and organics), CWT Metals compliance testing must be completed for all wastestreams at Outfall 01B.

    c. When any waste acid is used for pH adjustment for any wastestream (including oils and organics), each batch to be discharged through Outfall 01B (not just one batch per month) has to be tested for CWT Metals.

SPECIAL CONDITIONS - OUTFALL SPECIFIC

Outfall 001

1. Limitation on Wastewater Addition - Unless authorized by the Department, no additional wastes shall be added to any pond from the time the pond is sampled for prequalification analyses, until the discharge has been completed. If the Department does authorize the addition of any wastes to any pond following initial pre-qualification and partial discharge, the Department may require resampling and approval before re-commencing the discharge. Upon completion of a discharge, as determined by the permittee, the permittee shall notify the Department's Regional Office of such fact, and the permittee will be prohibited from any further discharges until another prequalification sampling event is completed.

2. Limitation on Discharge Period - No discharge shall take place during the period from December 1 in any year to April 1 of the following year or until the spring ice break-up occurs in the Niagara River, whichever event occurs later, unless authorized by the Department.

3. Prohibition Against Agitation - No mechanical or physical equipment shall be used to stir or agitate the contents of any pond or lagoon at any time during the discharge operation, except as needed to meet the requirements related to Sulfides or Dissolved Oxygen, and as permitted by the Department.

4. Visual Inspection - The final effluent discharge and discharge area of the Niagara River must be visually inspected at least once per day during each day that the batch discharge occurs. If foaming or any other apparent abnormal condition is observed, the discharge shall be immediately terminated until the cause of the apparent abnormal condition(s) is investigated and final effluent determined to be of acceptable quality.

5. Discharge System Modification - The Permittee shall not make any substantive changes in the design, layout, type of equipment, or the proposed method of inspection and operation of the discharge system unless such changes are first approved by the Department.

6. Conditions Relating to the Discharge Pipeline:

   a. *Annual Inspection/Certification* - Following the spring ice break-up each year, the diffuser structure shall be inspected by a diver engaged by the Permittee, and the diver shall certify to the Department staff that the diffuser ports are clear and that there has been no damage to the diffuser structure, before the Permittee recommences operation. If any damage has occurred, the Permittee shall make necessary repairs and certify the results to the Department staff. This requirement for the yearly inspection may be waived at the discretion of Department staff, upon the request of the Permittee, if there have not been any substantial ice floes or ice jams within Peggy's Eddy during either the winter season or during the spring ice break-up.

   b. *Leakage Test Requirements* - Leakage testing must take place at least annually within 4 months prior to anticipated discharge. All leakage tests for the pipeline shall be at a test pressure of 50 psig and be carried out in accordance with the ANSI/AWWA C600-87 standards. The results of all such tests shall be documented and submitted to Department Region 9 and Central Office staff. The plan detailing all procedures for testing the pipeline, and all countermeasure procedures in the event a significant leak occurs, must be implemented in accordance with Department approval.

   c. *Piezometer Monitoring Requirements* - Piezometers installed in monitoring wells at low points along the pipeline shall be monitored for conductivity or other indicator parameter approved by the Department, at a minimum of once per week during discharge. Reference readings shall also be obtained where possible from the groundwater prior to use of the pipeline.

   d. *Air Bleed Inspection* - Air bleeds at line high points on the pipeline shall be inspected at a minimum of once per week during discharge.

   e. *Pipeline Inspection During Discharge* - The portion of the pipeline between the terminal metering pit and the energy dissipation chamber shall be visually inspected by personnel walking down the bank at least once during the 24-hour period following the initial start-up of the discharge for each separate batch. Thereafter, during the entire period for each continuous discharge such inspections shall be carried out at least once during every week. In addition, to check for any visual leakage, the entire pipeline route shall also be visually inspected by one person walking along the entire right-of-way at least once during the first week of each continuous discharge. A record of these inspections shall be kept by the Permittee and forwarded to the Department staff and the Town of Porter upon request.

   f. *Reporting of Leaks During Inspection* - In the event the inspections required in e., or other information brought to the attention of the Permittee by any party, indicate any visible leaks (below the level which would activate the alarm and shut down the pump), the Permittee shall immediately report such finding to the Department and immediately carry out further investigations as appropriate to determine the exact location and extent of the leak. Thereafter, the Permittee shall immediately take such remedial action as necessary to repair the leak, unless the Department determines that the location and extent of the leak is insignificant and no repairs are required. The Permittee shall also promptly report completion of the necessary repair work to the Department.

SPECIAL CONDITIONS - OUTFALL SPECIFIC (Continued)

7. Bioaccumulation Studies - The permittee will commence bioaccumulation studies for appropriate compounds within nine months of notification by the Regional Water Engineer.

Outfalls 002 - 004

1. Sample Collection - All samples must be collected near the channel bottom during periods of discharge.

2. Data Reporting - The Permittee must report both concentration (mg/l, µg/l or ng/l) and mass loading (lb/d for all parameters except PCBs, which shall be in g/d) on the DMRs, for all parameters except Flow, pH, and Settleable Solids.

Outfalls 02A, 02B, 02C

1. Discharge Operations - Discharge from SMP-03, SMP-04, and SMP-05 shall take place in a manner so as to minimize the possibility of storm water overtopping the carbon cloth structures. If during any discharge event, the discharge by-passes the carbon cloth by flowing over or around the structure, or if it appears that a significant amount of sediments are visibly flowing through a carbon cloth structure for any reason, the permittee shall take the following steps:

   a. Notify the Regional Water Engineer verbally within 2 hours of the time of observation or, if outside of normal business hours, within 2 hours of the beginning of normal business hours on the first business day thereafter.

   b. Collect grab samples during the by-passing for analyses of PCB Aroclors (EPA Method 608).

   c. Report such event, including date(s), location(s), duration of bypassing, and all analytical results in terms of concentration, in an attachment to the first DMR due following receipt of the analytical results.

2. Sample Collection - All samples must be collected as close to the channel bottom as possible during periods of discharge through the control gate, without re-suspension of particles from the channel bottom, except during periods of flow-through of visible sediment, in which case the sample must be obtained from the liquid layer in which the sediment is evident.

3. Activated Carbon Cloths - Records of all changeouts shall be maintained at the facility for a period of at least three (3) years.

SPECIAL CONDITIONS - CENTRALIZED WASTE TREATMENT REQUIREMENTS

1. In addition to other federal NPDES and SPDES regulations, this facility is also regulated under **40 CFR Part 437 - The Centralized Waste Treatment Point Source Category**. In accordance with 40 CFR 437.41(a), the permittee has submitted to the Department an *Initial Certification Statement*, dated October 21, 2004. Due to the wastestream and treatment configuration of the permitted facility, the permittee has requested in this certification to be regulated in accordance with *Subpart D - Multiple Waste Stream Category* of **The Centralized Waste Treatment Point Source Category** regulations, under the "equivalent treatment" provisions as defined in subdivision 437.2(h) of 40 CFR Part 437.

2. The permittee must submit an *Annual Certification Statement* certifying that the facility is operating its treatment systems to provide equivalent treatment as detailed in the initial certification, in accordance with 437.41(b) of 40 CFR Part 437.

3. The permittee shall maintain onsite and make available for inspection *On-site Compliance Paperwork* which supports the initial and periodic certification statements, in accordance with subdivision 437.41(c) of 40 CFR Part 437.

4. In the event that the treatment system is modified, the permittee must submit a description of the modified system and information and supporting data to establish that the modified system will achieve equivalent treatment.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES

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 BMP plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the Department as required in item No. 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 completed BMP plan shall be submitted within 6 months of the EDPM to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate; or (c) a letter from the Department identifies inadequacies in the plan. The Permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the required annual review has been completed. All BMP plan revisions

   (with the exception of SWPPPs - see item (5) below) must be submitted to the Regional Water Engineer within 30 days. Note that the Permittee is not required to obtain Department approval of the BMP plan (or of any SWPPP) unless notified otherwise. Subsequent modification 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 Tables 6-10 of SPDES application Form NY-2C (available at *http://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf*) or that are required to be monitored for by the SPDES permit.

4. **BMP Minimum Requirements** - Whenever the potential for a release of pollutants to State waters is determined to be present, the Permittee shall identify the BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, an 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 the September 1992 manual *Storm Water Management for Industrial Activities,* EPA 832-R-92-006 (available from NTIS, 703-487-4650, order # PB 92235969). As a minimum, the plan shall include the following BMPs:

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

   Note that for some facilities, especially those with few employees, some of the above 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.

5. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters** - As part of BMP Requirement No. 11 above, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 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. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES - (Continued)

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual,* unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. 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 also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the Permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be 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/8696.html prior to soil disturbance. Note that submission of an 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, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The Permittee is responsible for ensuring that the provisions of each SWPPP is properly implemented.

6. **Required Sampling For "Hot Spot" Identification** - Development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater 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.

7. **Facilities with Petroleum and/or Chemical Bulk Storage (PBS and CBS) Areas** - Compliance must be maintained with all applicable regulations including those involving releases, registration, handling and storage (6NYCRR 595-599 and 612-614). Stormwater discharges from handling and storage areas should be eliminated where practical. If a stormwater discharge does occur from PBS and/or CBS containment areas, the following sections mut be complied with:

   A. Spill Cleanup - All spilled or leaked substances must be removed from secondary containment systems as soon as practical and for CBS storage areas within 24 hours, unless written authorization is received from the Department . The containment system must be thoroughly cleaned to remove any residual contamination which could cause contamination of stormwater and the resulting discharge of pollutants to waters of the State. Following spill cleanup the affected area must be completely flushed with clean water three times and the water removed after each flushing for proper disposal in an on-site or off-site wastewater treatment plant designed to treat such water and permitted to discharge such wastewater. Alternately, the permittee may test the first batch of stormwater following the spill cleanup to determine discharge acceptability. If the water contains no pollutants it may be discharged. Otherwise it must be disposed of as noted above. See *Discharge Monitoring* below for the list of parameters to be sampled for.

   B. Discharge Operation - Stormwater must be removed before it compromises the required containment system capacity. Each discharge may only proceed with the prior approval of the permittee staff person responsible for ensuring SPDES permit compliance. Bulk storage secondary containment drainage systems must be locked in a closed position except when the operator is in the process of draining accumulated stormwater. Transfer area secondary containment drainage systems must be locked in a closed position during all transfers and must not be reopened unless the transfer area is clean of contaminants. Stormwater discharges from secondary containment systems should be avoided during periods of precipitation. A logbook shall be maintained on site noting the date, time and personnel supervising each discharge.

   C. Discharge Screening - Prior to each discharge from a secondary containment system the stormwater must be screened for contamination.* All stormwater must be inspected for visible evidence of contamination. Additional screening methods shall be developed by the Permittee as part of the overall BMP Plan, e.g. the use of volatile gas meters to detect the presence of gross levels of gasoline or volatile organic compounds. If the screening indicates contamination, the Permittee must collect and analyze a representative sample** of the stormwater. If the water contains no pollutants it may be discharged. Otherwise it must either be disposed of in an on site or off site wastewater treatment plant designed to treat and permitted to discharge such wastewater or the Regional Water Engineer can be contacted to determine if it may be discharged without treatment.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES - (Continued)

D. Discharge Monitoring - Unless the discharge from any bulk storage containment system outlet is identified in the SPDES permit as an outfall with explicit effluent and monitoring requirements, the Permittee shall monitor the outlet as follows:

(i) *Bulk Storage Secondary Containment Systems:*

(a) The volume of each discharge from each outlet must be monitored. Discharge volume may be calculated by measuring the depth of water within the containment area times the wetted area converted to gallons or by other suitable methods. A representative sample shall be collected of the first discharge* following any cleaned up spill or leak. The sample must be analyzed for pH, the substance(s) stored within the containment area and any other pollutants the permittee knows or has reason to believe are present.**

(b) Every fourth discharge* from each outlet must be sampled for pH, the substance(s) stored within the containment area and any other pollutants the Permittee knows or has reason to believe are present.**

(ii) *Transfer Area Secondary Containment Systems:* The first discharge* following any spill or leak must be sampled for Flow, pH, the substance(s) transferred in that area and any other pollutants the Permittee knows or has reason to believe are present.**

E. Discharge Reporting - Any results of monitoring required above, excluding screening data, must be submitted to the Department by appending them to the corresponding DMR. Failure to perform the required discharge monitoring and reporting shall constitute a violation of the terms of the SPDES permit.

F. Prohibited Discharges - **In all cases, any discharge which contains a visible sheen, foam, or odor, or may cause or contribute to a violation of water quality is prohibited.** The following discharges are prohibited unless specifically authorized elsewhere in this SPDES permit: spills or leaks, tank bottoms, maintenance wastewaters, wash waters where detergents or other chemicals have been used, tank hydrotest and ballast waters, contained fire fighting runoff, fire training water contaminated by contact with pollutants or containing foam or fire retardant additives, and unnecessary discharges of water or wastewater into secondary containment systems.

* Discharge includes stormwater discharges and snow and ice removal. If applicable, a representative sample of snow and/or ice should be collected and allowed to melt prior to assessment.

** If the stored substance is gasoline or aviation fuel then sample for oil & grease, benzene, ethylbenzene, naphthalene, toluene and total xylenes (EPA method 602). If the stored substance is kerosene, diesel fuel, fuel oil, or lubricating oil then sample for oil & grease and polynuclear aromatic hydrocarbons (EPA method 610). If the substance(s) are listed in Tables 6-8 of SPDES application form NY-2C then sampling is required. If the substance(s) are listed in NY-2C Tables 9-10 sampling for appropriate indicator parameters may be required, e.g. BOD_5 or toxicity testing. Contact the facility inspector for further guidance. In all cases flow and pH monitoring is required.

SPECIAL CONDITIONS - PCB MINIMIZATION PROGRAM

1. **General** - The permittee shall develop, implement, and maintain a Polychlorinated Biphenyl Minimization Program (PCBMP) for those outfalls which have effluent limits for PCBs. The PCBMP is required because the 200 nanograms/liter (ng/L) permit limit per PCB Aroclor exceeds the calculated 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 200 ng/L per Aroclor limit is the EPA Method 608 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 PCBMP 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, in accordance with the following requirements. EPA Method 1668B shall be used for all sampling and analyses for PCBMP purposes. No result from any sampling for PCBMP purposes shall be used for determining compliance with any permit limit.

      Influent Sampling - Influent wastewaters to the AWT system include gate receipts, ground water from the extraction system, landfill leachate, and possibly other site waters, with various introduction points to the treatment system. Any combination of the influent streams for these wastewater categories may be operational at one time. Influent sampling should occur for each discreet wastewater stream, at a location which will be representative of the influent quality before significant treatment occurs (such as sand filtration or activated carbon treatment). Sample timing should take into consideration the estimated hydraulic retention of the AWT system, such that influent sampling results can be compared with effluent sampling results. Four grab samples should be collected over a 24-hour period at each location and composited by the laboratory on a flow-weighted basis, if possible. Monitoring shall be performed at a minimum frequency of **Quarterly.**

      Effluent Sampling -

      Outfall 01A - The AWT system effluent shall be monitored such that sample timing takes into consideration the estimated hydraulic retention of the treatment system, so that influent sampling results can be compared with effluent sampling results. Four grab samples should be collected on a flow-weighted basis, if possible, over a 24-hour period at each location, for later compositing by the laboratory. Monitoring shall be performed at a minimum frequency of **Quarterly.**

      Outfall 001 - The final treated effluent to be discharged to the Niagara River shall be monitored by collecting one composite sample during each prequalification sampling, in accordance with Footnote 1.b.

      Stormwater Sampling - *Outfalls 002, 02A, 02B, 02C, 003 & 004* - Shall be monitored at a minimum frequency of **Quarterly**. Key locations within the stormwater collection systems shall be monitored at a minimum frequency of **Semi-annually**.

      Additional Monitoring - Must be completed as may be required elsewhere in this permit or upon Department request. Monitoring shall be coordinated so that the results can be effectively compared between internal locations and final outfalls, and between different analytical methods.

   B. Control Strategy - An acceptable control strategy is required for reducing PCB discharges via cost-effective measures, which may include, but not be limited to, source identification, more stringent control of tributary waste streams, remediation, and/or installation of new or improved treatment facilities. Required monitoring shall also be used, and supplemented if appropriate, to determine the most effective procedures to operate the wastewater and storm water treatment and control systems, including changeout of activated carbon cloths or other control mechanisms, to ensure effective removal of PCBs while maintaining compliance with other permit requirements.

   C. Annual Status Report - An annual status report shall be submitted to the Regional Water Engineer and to the Bureau of Water Permits summarizing: (a) all PCBMP monitoring results for the previous year; (b) a list of known and potential PCB sources; (c) all actions 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 one year after the permit is modified to include the PCBMP requirement and follow-up status reports are due **Annually** thereafter.

3. **PCBMP Modification** - The PCBMP shall be modified whenever: (a) changes at the facility or within the collection system(s) increase the potential for PCB discharges; (b) actual discharges contain detectable Aroclors as measured with EPA Method 608; (c) a letter from the Department identifies inadequacies in the PCBMP; or (d) pursuant to a permit modification.

SPECIAL CONDITIONS - MERCURY MINIMIZATION PROGRAM

1. **General** - The permittee shall develop, implement, and maintain a Mercury Minimization Program (MMP) for those outfalls which have Mercury effluent limits. The MMP is required because the 50 ng/l permit limit exceeds the state-wide calculated water quality based effluent limit (WQBEL) of 0.70 nanograms/liter (ng/l) for Total Mercury. The goal of the MMP is to reduce Mercury effluent levels in pursuit of the calculated WQBEL.

2. **MMP Elements** - The MMP 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 MMP and may be incorporated by reference. As a minimum, the MMP 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 Mercury, in accordance with the following requirements. EPA Method 1631 shall be used for all analyses for MMP purposes, and it is suggested that EPA Method 1669 be used for sampling. All samples shall be grabs. No result from any sampling for MMP purposes shall be used for determining compliance with any permit limit.

      Influent Sampling - Influent wastewaters to the AWT system include gate receipts, ground water from the extraction system, landfill leachate, and possibly other site waters, with various introduction points to the treatment system. Any combination of the influent streams for these wastewater categories may be operational at one time. Influent sampling should occur for each discreet wastewater stream, at a location which will be representative of the influent quality before significant treatment occurs (such as sand filtration or activated carbon treatment). Sample timing should take into consideration the estimated hydraulic retention of the AWT system, such that influent sampling results can be compared with effluent sampling results. Sampling shall be at a minimum frequency of **Monthly**.

      Effluent Sampling -

      Outfall 01A - The AWT system effluent shall be monitored such that sample timing takes into consideration the estimated hydraulic retention of the treatment system, so that influent sampling results can be compared with effluent sampling results. Four grab samples should be collected over a 24-hour period at each location and composited by the laboratory on a flow-weighted basis, if possible. Monitoring shall be performed at a minimum frequency of **Quarterly.**

      Outfall 001 - The final treated effluent to be discharged to the Niagara River shall be monitored by collecting one composite sample during each prequalification sampling, in accordance with Footnote No. 1.a (for Total Mercury).

      Additional Monitoring - Must be completed as may be required elsewhere in this permit or upon Department request. Monitoring shall be coordinated so that the results can be effectively compared between internal locations and final outfalls, and between different analytical methods.

   B. Control Strategy - An acceptable control strategy is required for reducing PCB discharges via cost-effective measures, which may include, but not be limited to, source identification, more stringent control of tributary waste streams, remediation, and/or installation of new or improved treatment facilities. Required monitoring shall also be used, and supplemented if appropriate, to determine the most effective procedures to operate the wastewater and storm water treatment and control systems, including changeout of activated carbon cloths or other control mechanisms, to ensure effective removal of PCBs while maintaining compliance with other permit requirements.

   C. Annual Status Report - An annual status report shall be submitted to the Regional Water Engineer and to the Bureau of Water Permits summarizing: (a) all MMP monitoring results for the previous year; (b) a list of known and potential Mercury sources; (c) all actions 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 one year after the permit is modified to include the MMP requirement and follow-up status reports are due **Annually** thereafter.

3. **MMP Modification** - The MMP shall be modified whenever: (a) changes at the facility or within the collection system increase the potential for Mercury discharges; (b) actual discharges exceed 50 ng/l; (c) a letter from the Department identifies inadequacies in the MMP; or (d) pursuant to a permit modification.

SCHEDULE OF COMPLIANCE

The permittee shall comply with the following schedule.

a) Dioxins/Furans

Outfall Number(s)	Compliance Action	Due Date
01A	The permittee shall commence a one year study of EPA Method 1613B for Dioxins/Furans. The permittee shall monitor Dioxins/Furans once every 2 months (6 samples in all) by grab sampling.	EDPM
	The permittee shall submit to the Department the results of the one year study described above. The results may not be used to assess compliance with effluent limitations. The results shall be reported in both "hard copy" (paper) and electronic format, with the following tabulated rows: individual Dioxin/Furan Congener, Total Congeners (considering non-detect results to be equal to zero), detection limit for each Congener, and the estimated daily flow (cubic feet per second) for the day on which the sample was collected; and columns for each date that samples were collected. All sampling results shall be reported in parts per quadrillion (pg/l). If there is no flow for an entire month, this shall be stated in the report. The permittee shall also report the laboratory(s) performing the analyses.	EDPM plus 14 months

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. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."**

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. A description or any factors which tend to explain or mitigate the 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 NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS **and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505**, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

The permittee shall comply with the following schedule.

a) Pesticides

Outfall Number(s)	Compliance Action	Due Date
02A, 02B, 02C	The permittee shall commence a one year study of Organochlorine pesticides using EPA Method 608 requirements for sampling and analyses. The permittee shall collect one grab sample once every 2 months (6 samples in all) during flowing conditions for this special sampling program.	EDPM
	The permittee shall submit to the Department the results of the one year study described above. The results may not be used to assess compliance with effluent limitations. The results shall be reported in both "hard copy" (paper) and electronic format, with the following tabulated rows: pesticide name, detection limit, and the estimated daily flow (cubic feet per second) for the day on which the sample was collected; and columns for each date that samples were collected. All sampling results shall be reported in parts per billion (µg/l). If there is no flow for an entire month, this shall be stated in the report. The permittee shall also report the laboratory(s) performing the analyses.	EDPM plus 14 months

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. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

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. A description or any factors which tend to explain or mitigate the 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 NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS **and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505**, unless otherwise specified in this permit or in writing by the Department.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) Except as provided in (c), (f) and (g) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. 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:

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) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of three years.

(continued)

(f) If, upon November 1, 1997, the permittee has installed signs that include the information required by 17-0815-a(2)(a) of the ECL, but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.

(g) All requirements of the Discharge Notification Act, including public repository requirements, are waived for any outfall meeting any of the following circumstances, provided Department notification is made in accordance with (h):

(i) such sign would be inconsistent with any other state or federal statute;

(ii) the Discharge Notification Requirements contained herein would require that such sign could only be located in an area that is damaged by ice or flooding due to a one-year storm or storms of less severity;

(iii) instances in which the outfall to the receiving water is located on private or government property which is restricted to the public through fencing, patrolling, or other control mechanisms. Property which is posted only, without additional control mechanisms, does not qualify for this provision;

(iv) instances where the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water; or

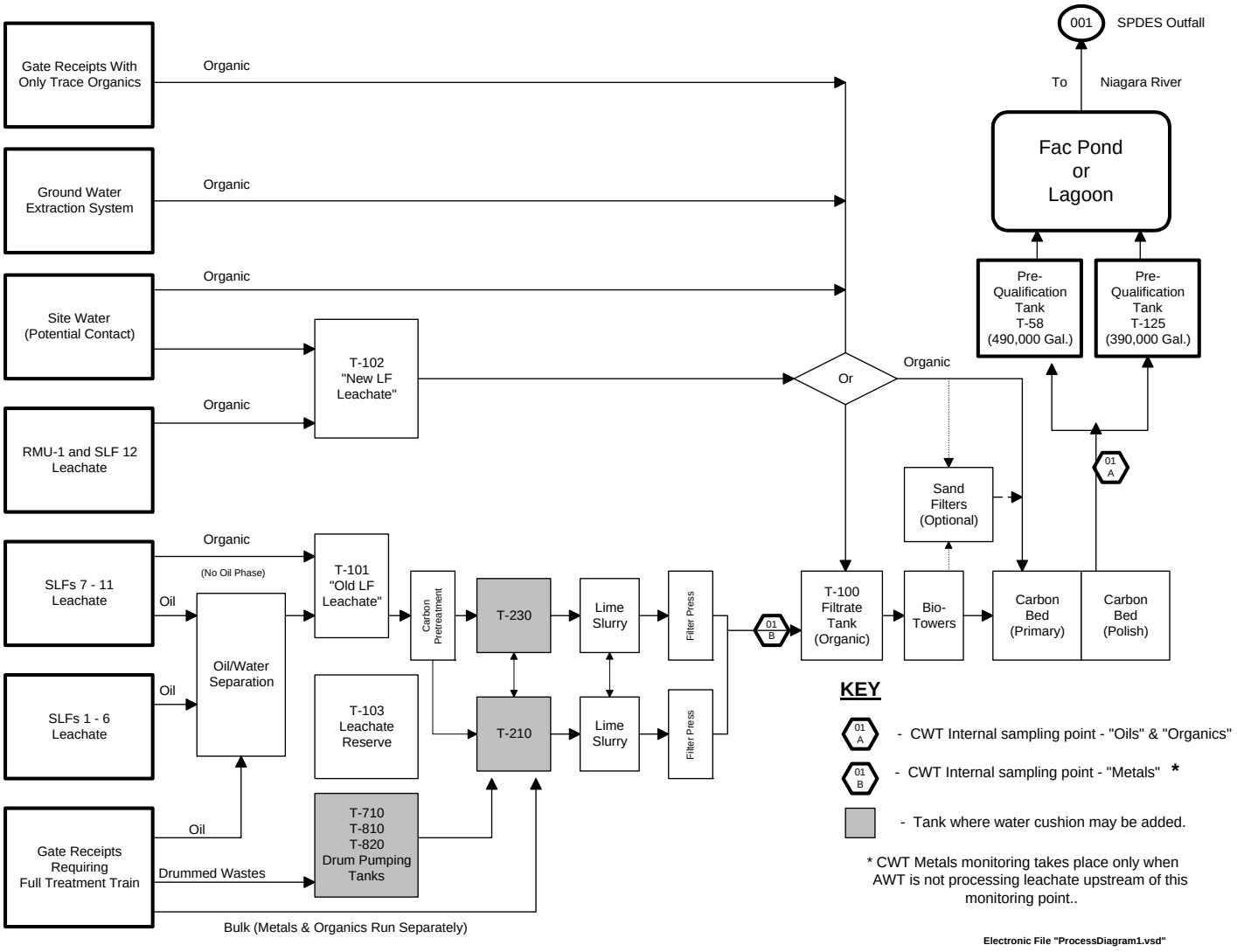
(v) instances in which the discharge from the outfall is located in the receiving water, two-hundred or more feet from the shoreline of the receiving water.

(h) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the waiver criteria listed in (g) above, notification (form enclosed) must be made to the Department's Bureau of Water Permits, Central Office, of such fact, and, provided there is no objection by the Department, a sign and DMR repository for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and associated regulations are complied with.

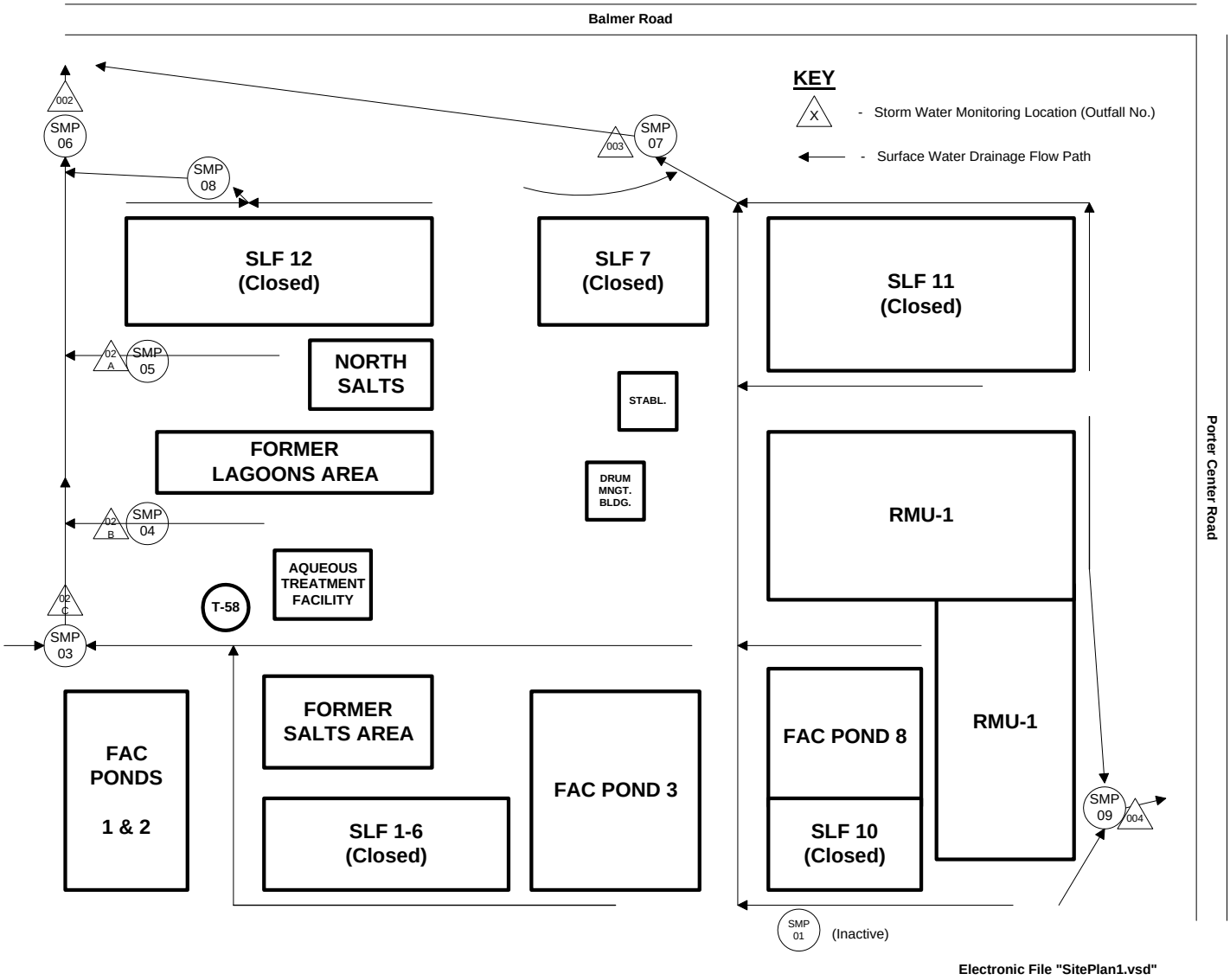
(i) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

PROCESS WASTEWATER SCHEMATIC AND CENTRALIZED WASTE TREATMENT MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the Centralized Waste Treatment monitoring requirements specified in this permit, at the internal sampling location specified below:



CHEMICAL WASTE MANAGEMENT
STORM WATER FLOW SCHEMATIC & MONITORING LOCATIONS



RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) The permittee shall also refer to 6 NYCRR Part 750-1.2(a) and 750-2 for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be summarized, signed and retained for a period of five years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also, monitoring information required by this permit shall be summarized and reported by submitting;

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[ ] (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

[ ] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:
[ ] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Watershed Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:

Department of Environmental Conservation, Region 9
Regional Water Engineer
270 Michigan Avenue
Buffalo, NY 14203-2999

Phone: (716) 851-7070

Send an **additional copy** of each DMR page to:
Niagara County Health Department
5467 Upper Mountain Road
Lockport, NY 14094-1899 Phone: (716) 439-7444

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two 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 sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences , The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.