

PERMIT PROFILES: STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM

TECHNICAL PROGRAM: Division of Water

STATUTORY AUTHORITY: Article 17, Titles 7 & 8 of the Environmental Conservation Law
Clean Water Act

APPLICABLE REGULATIONS: 6NYCRR Parts 750-757 and Federal Regulations 40 CFR (many parts)

LEGISLATIVE INTENT:

To maintain reasonable standards of purity of the waters of the state consistent with public health and enjoyment thereof, propagation and protection of fish and wildlife, and the industrial development of the state; and to that end require the use of all known available and reasonable methods to prevent and control the pollution of the New York State waters.

REGULATED ACTIVITIES:

- ! Construction or use of an outlet or point source discharging into the surface waters or groundwater of the state.
- ! Construction or operation of disposal systems such as sewage treatment plants.
- ! Increase or alteration of the content of the wastes discharged from an outlet by a change in volume, or by a change in the physical, chemical or biological characteristics of the discharge.
- ! Storm water discharge associated with industrial activity, including new construction disturbing five (5) or more acres.
- ! Discharge of ballast from ships.

EXEMPT ACTIVITIES:

- ! Discharge of sewage effluent to groundwater less than 1,000 gal/day.
- ! Discharge of sewage from vessels.
- ! Discharge of water, gas material injected into a well to facilitate production of oil or gas.
- ! Discharge of dredged or fill material.
- ! Discharge of storm water runoff from agricultural activities.
- ! Discharge of any pollutant in conformance with the national contingency plan for removal of oil and hazardous substance.
- ! Addition of pollutants into treatment works (this does not relieve the obligation to comply with 754.4).

PROHIBITED ACTIVITIES:

- ! Discharge of radiological, chemical or biological warfare agent or any high level radioactive waste.
- ! Discharge of any substance which would substantially impair anchorage and navigation.

MINOR PROJECTS:

- ! Discharges to groundwaters of less than 10,000 gal/day of sewage effluent, without the admixture of industrial wastes.
- ! Ballast discharges.

All other projects considered major.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! Completed department application form or applicable EPA application form or both.
- ! Location map - discharge point(s).
- ! Engineers' reports.
- ! Facility or site plan.
- ! Flow diagram.
- ! County flow confirmation (local arrangement/not universal).

PUBLIC NOTICE REQUIREMENTS:

- ! Environmental Notice Bulletin and newspaper publication required for major projects. Minimum comment period is 30 days.

STANDARDS FOR ISSUANCE:

- ! Effluent limitations.
- ! Standards of performance for new source.
- ! Water quality standards.

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REFERENCE MATERIALS/SOURCES OF INFORMATION:

- ! Applicants' Guide, SPDES Permits
- ! DEC SPDES Permit Manual
- ! Division of Water T.O.G.S. (Technical and Operational Guidance Series)

SPECIAL PROCEDURES AND EXCEPTIONS:

- ! The "surface discharge" component of New York's SPDES program is carried out in accordance with the "Clean Water Act" as delegated to the state by USEPA.
- ! DEC is obligated to provide USEPA with applications, fact sheets/public notices, and draft permits for permits designed "EPA major".
- ! Uniform Procedures provides different time frames for completeness.
 - " 60 days for industrial and municipal permits.
 - " 15 days for private/commercial/institutional permits.
- ! Permits almost always issued for five year duration.
- ! Notices of application/draft permit should be sent to appropriate interstate river basin commission such as Delaware River Basin Commission, Susquehanna River Basin Commission, the Great Lakes Basin Commission, and Interstate Sanitation Commission.
- ! Program arrangements with county health department varies widely throughout the state. In certain cases they perform technical review in lieu of DEC staff.
- ! Multiple discharge points are covered in single application/permit.
- ! Stormwater discharges have been authorized by a general permit.
- ! The Environmental Benefit Permit Strategy (EBPS) provides for the administrative renewal of existing permits and department initiated modifications based on a priority ranking system. Applicant requested modifications are processed in accordance with Uniform Procedures time frames, as normal.
- ! Groundwater discharges of sanitary waste between 1000 GPD and 10,000 GPD, can typically be covered by a general permit. Exclusions to using this general permit including facilities located in 100-year flood plains; in freshwater or tidal wetlands and their adjacent areas; in coastal erosion areas; and in wild, scenic, and recreational river corridors.

REGULATORY FEES:

- ! Environmental regulatory fees are billed annually, by the Department, based on the nature and the volume of the discharge. See 6NYCRR Part 485.