

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violations of
Article 17 of the Environmental Conservation
Law and Title 6 of the Official Compilation
of Codes, Rules and Regulations of the
State of New York (6 NYCRR)

ORDER ON CONSENT

File No. R4-2008-0625-99

- by -

Columbia-Greene Community College

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation ("Department") is and has been a Department of the State of New York charged with administration of the State Pollutant Discharge Elimination System ("SPDES"), pursuant to Article 17, Title 8 of the Environmental Conservation Law ("ECL") Parts 750-757, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR").

2. The Respondent, Columbia-Greene Community College, is located at 4400 Route 23, Hudson, N.Y. The waste water treatment plant ("WWTP") serving the facility consists of an activated sludge package plant followed by a single pass sand filter. The WWTP is regulated by State Pollutant Discharge Elimination System permit No. NY-0030392 ("permit"). The permit authorizes the discharge of sanitary wastewater (Outfall 1) and water softener backwash water (Outfall 2) to Kahseway Kill, a Class C tributary of the Hudson River. The sanitary wastewater is treated by an activated sludge package treatment plant followed by sand filtration. The permit requires, among other things, the monitoring of the WWTP discharge and the submittal of discharge monitoring reports ("DMR") which summarize monitoring data on a monthly basis. Paragraph 3 below contains a list of permit effluent violations reported by the Respondent on its DMRs.

3. Permit effluent violations at the WWTP reported on Respondent's DMRS:

Violation Summary
 Outfall 001
 Columbia-Greene Community College

| <u>Parameter</u> | <u>Date</u> | <u>Limit</u> | <u>Result</u> |
|------------------|-------------|-----------------------|---------------|
| Ammonia | 6/06 | 1.5 mg/l (daily max.) | 6.22 mg/l |
| | 7/06 | 1.5 mg/l | 4.57 mg/l |
| | 9/06 | 1.5 mg/l | 9.8 mg/l |
| | 10/06 | 1.5 mg/l | 5.7 mg/l |
| | 11/06 | 2.2 mg/l | 6.4 mg/l |
| | 12/06 | 2.2 mg/l | 12.8 mg/l |
| | 2/07 | 2.2 mg/l | 14.9 mg/l |
| | 3/07 | 2.2 mg/l | 12.2 mg/l |
| | 4/07 | 2.2 mg/l | 14.4 mg/l |
| | 5/07 | 2.2 mg/l | 11.4 mg/l |
| | 6/07 | 1.5 mg/l | 4.4 mg/l |
| | 9/07 | 1.5 mg/l | 2.4 mg/l |
| | 10/07 | 1.5 mg/l | 6.4 mg/l |
| | 11/07 | 2.2 mg/l | 10.6 mg/l |
| | 12/07 | 2.2 mg/l | 8.7 mg/l |
| | 1/08 | 2.2 mg/l | 4.9 mg/l |
| | 2/08 | 2.2 mg/l | 14.9 mg/l |
| | 3/08 | 2.2 mg/l | 14.5 mg/l |
| | 4/08 | 2.2 mg/l | 28.4 mg/l |
| | 5/08 | 2.2 mg/l | 26.2 mg/l |
| BOD, 5-day | 6/06 | 5 mg/l | 7 mg/l |
| | 9/06 | 5 mg/l | 8 mg/l |
| | 11/06 | 5 mg/l | 10 mg/l |
| | 12/06 | 5 mg/l | 7 mg/l |

| | | | |
|--|-------------|---------------|---------------|
| | 2/07 | 5 mg/l | 8 mg/l |
| | 4/07 | 5 mg/l | 8 mg/l |
| | 5/07 | 5 mg/l | 26 mg/l |
| <u>Parameter</u> | <u>Date</u> | <u>Limit</u> | <u>Result</u> |
| BOD, 5-day | 6/07 | 5 mg/l | 9 mg/l |
| | 10/07 | 5 mg/l | 13 mg/l |
| | 12/07 | 5 mg/l | 18 mg/l |
| | 1/08 | 5 mg/l | 17 mg/l |
| | 2/08 | 5 mg/l | 9 mg/l |
| | 4/08 | 5 mg/l | 21 mg/l |
| | 5/08 | 5 mg/l | 10 mg/l |
| BOD, 5-day Percent removal | 4/07 | 85% (minimum) | 81 % |
| | 6/07 | 85% | 74% |
| | 12/07 | 85% | 76% |
| Total suspended solids | 5/07 | 10 mg/l | 18.5 mg/l |
| | 12/07 | 10 mg/l | 17 mg/l |
| | 4/08 | 10 mg/l | 12 mg/l |
| Total suspended solids percent removal | 12/07 | 85 % minimum | 84% |

4. ECL 17-0803 provides that it is unlawful to discharge pollutants to the waters of the state from any outlet or point source ...in a manner other than as prescribed by such permit.

5. The exceedences of the permit limits identified in Paragraph 3 are violations of ECL 17-0803.

6. ECL Section 71-1929 provides for a civil penalty of up to \$37,500 per day for a violation of any provision of Titles 1 through 11 inclusive and title 19 of Article 17, or the rules, regulations, orders or determinations of the Commissioner promulgated thereto... Injunctive relief is also available.

7. Respondent has affirmatively waived its right to a hearing as provided by law and has consented to the issuing of this Order on Consent and has agreed to be bound by the provisions, terms and conditions of this Order.

NOW THEREFORE, having considered this matter and having been duly advised, IT IS ORDERED THAT:

I. Civil Penalty

With respect to the violations identified in this Order, Respondent is hereby assessed a civil penalty of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) of which TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) shall be payable to the New York State Department of Environmental Conservation by money order or certified check at the time this Order is signed, notarized and returned to the Department.

The balance (\$10,000) shall be suspended so long as Respondent shall comply with the Schedule of Compliance.

In the event that Respondent fails to comply with the requirements of this Order the entire suspended portion of the penalty shall become due and payable upon written notice to Respondent without prejudicing the Department from seeking further appropriate penalties for violations of this Order by Respondent.

Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.

II. Summary Abatement

Pursuant to ECL Section 71-0301, the Commissioner specifically reserves the right to exercise summary abatement authority.

III. Binding Effect

This Order is binding upon the Respondent, its agents, its employees, its successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. Modifications

No change or modification to this Order shall be made or be effective except as may be specifically set forth in writing by the Commissioner or Regional Director. Such application shall be made to the Regional Director.

V. Access

For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

VI. Indemnification

Respondent shall indemnify and hold DEC, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its officials, employees, servants, agents, successors or assigns.

VII. Submittal

A. All documents which Respondent must submit pursuant to this Order are subject to Department approval.

B. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.

C.(1) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(2) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accept such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

VIII. Effective Date

The effective date of this Order shall be the date upon which it is signed on behalf of the Respondent.

IX. Termination of Order

This Order shall terminate upon Respondent's compliance with the terms, conditions and provisions of this Order including the Schedule of Compliance.

DATED: _____, 2008
Rotterdam, New York

Alexander B. Grannis
Commissioner
New York State Department of
Environmental Conservation

BY:

Eugene J. Kelly
Regional Director

SCHEDULE OF COMPLIANCE

- 1) Within 7 days of the effective date of the Order, Respondent shall retain the services of a licensed professional engineer to evaluate the treatment system serving Outfall 001.
- 2) Within 45 days of the effective date of the Order, Respondent shall submit the results of the engineer's evaluation. The evaluation shall include engineering plans for upgrading the treatment system serving Outfall 001.
- 3) By April 1, 2009, the facility shall complete upgrades to the treatment plant and achieve compliance with the SPDES permit effluent limits.

The following interim limits shall apply until the upgrades are completed:

BOD, 5-day = 30 mg/l (daily max)

BOD, 5-day Percent removal = 70% (monthly avg., minimum)

Ammonia = Monitor only

Total Suspended solids = 20 mg/l