

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of 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

**MODIFICATION OF  
ORDER ON CONSENT**

DEC File No. R4-2007-0103-4

- by -

City of Hudson

Respondent

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**WHEREAS:**

1. New York State and the Department of Environmental Conservation have jurisdiction to protect the waters of the State pursuant to Environmental Conservation Law ("ECL") Article 17 and the State Pollutant Discharge Elimination System (SPDES") permit program and applicable regulations.
2. Respondent has a SPDES permit from the Department (Permit # NYA0022039) for the discharge from its wastewater treatment plant to the Hudson River. The plant is located at North Front and Dock Street in Hudson, New York.
3. Respondent is subject to Order on Consent R4-2007-0103-4 (effective May 3, 2007) ("Order"), which contains a Schedule of Compliance.
4. Respondent has requested an extension of the compliance dates for the Long Term Control Plan and local sewer use law, as set forth in the Order's Schedule of Compliance. The Department finds good cause for agreeing to the extension.
5. Respondent has affirmatively waived their right to a hearing in the manner provided by law and has consented to the issuing of this Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

- I. Respondent shall comply with the Modification's Schedule of Compliance which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supercedes the Order's Schedule of Compliance.

II. The effective date of this Modification shall be the date it is signed by the Department.

III. All terms, provisions, and conditions of the Order remain in effect unless expressly modified in this Modification.

DATED: \_\_\_\_\_, 2008  
Rotterdam, New York

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

BY:

\_\_\_\_\_  
Eugene J. Kelly  
Regional Director  
Region 4

CONSENT BY RESPONDENT  
City of Hudson

Respondent hereby consents to the issuing and entering of this Order, waives their right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

STATE OF NEW YORK    )  
  )ss.:  
COUNTY OF                    )

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared, \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public  
Qualified in the County of:  
My Commission Expires:

## SCHEDULE OF COMPLIANCE

1. By November 1, 2008, the City shall provide a response to the Department's April 14, 2008 comment letter on the November 2007 LTCP/engineering report. The response, in combination with the November 2007 LTCP/engineering report, shall constitute an approvable LTCP.
2. By September 2, 2008, the City shall submit a draft local sewer use law equivalent to the DEC Model Sewer Use Law. Local limits for substances capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options must be included in the local law. Such limits shall be developed in accordance with the document entitled *Guidance Manual on the Development and Implementation of Local Limits under the Pretreatment Program*, USEPA, November 1987. Within 3 months of approval by this Department, the City shall submit a copy of the enacted local law accompanied by proof of enactment.

Within 3 months of enactment of the local sewer use law, the City shall implement the procedures proposed under this schedule and approved by the Department. At a minimum, the following activities must be undertaken by the permittee:

- a) Issue permits including limitations, monitoring requirements, and reporting requirements to the significant industrial users.
  - b) Enforce categorical pretreatment standards promulgated by the USEPA pursuant to Section 307 (b) and (c) of the Act and the local limits set forth in the POTW local sewer use law.
  - c) Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
  - d) Undertake enforcement actions in accordance with Department approved procedures.
3. Respondent shall conduct an evaluation of the primary clarifier pump and alarms, RAS/WAS pumps and the secondary clarifier performance. Respondent shall submit an approvable engineering report of the findings to the Department by December 31, 2008. In order to identify the upgrades to the POTW, it is necessary to accept 85% of the annual average wet weather flow to the POTW for primary treatment, in accordance with the National CSO Wet Weather Policy and the approved LTCP.
  4. On or before December 1, 2008, Respondent shall submit for Department approval, a plan and schedule to investigate and address the inflow and infiltration (I/I) from the collection system. This plan should also document any previous investigation or

remediation activities and depict such work on maps and figures. Once approved by the Department, this plan shall become enforceable under this Order.

5. Respondent shall conduct an investigation of on-site soils and shall submit to the Department an approvable design report, plans and specifications for the upgrades to the plant addressed in paragraph 3 above, along with improvements to the plant headworks, sludge processing and aeration tanks, by December 31, 2009. Once approved by the Department, these design report, plans and specifications shall become enforceable under this Order.
6. On or before December 31, 2010, Respondent shall begin construction of the improvements set forth in paragraph 5 above. Respondent shall also submit for Department approval a design report, plans and specifications for the secondary clarifier system, upgrades to the South Front Street Pump Station, and conversion from gaseous chlorine to liquid sodium hypochlorite for disinfection purposes. Once approved by the Department, these design report, plans and specifications shall become enforceable under this Order
7. On or before December 31, 2012, Respondent shall complete construction of all improvements set forth in paragraph 6 above and shall submit a certification of construction completion to the Department.
8. All submittals shall be prepared and submitted to the Department by a licensed New York State Professional Engineer. All submittals shall be directed to the attention of the Regional Water Engineer, New York State Department of Environmental Conservation, Region 4, 1130 N. Westcott Road, Schenectady, New York 12306.