

NYSDEC

SPDES COMPLIANCE AND ENFORCEMENT ANNUAL REPORT FOR SFY 2012/13



Bureau of Water Compliance | Division of Water

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- This report details activities and provides data for the period from April 1, 2012 through March 31, 2013 (State Fiscal Year 2012/13). Footnotes clarify an issue or provide a website to obtain additional information.
- NYSDEC receives a significant volume of data throughout the year that is necessary to maintain oversight of the SPDES program. While it is NYSDEC’s goal to present accurate data and information at all times, adjustments are occasionally necessary to correct existing data, discrepancies or inconsistencies, or to reflect database consolidation.
- Data relating to the total number of active SPDES permits has been modified for this year’s report (presented in Figures 2 and 3), and differs from data presented in previous reports. This report includes the addition of the pesticide applicator general permit.
- Information in the enforcement highlights section present an overview of each action and not the full order on consent. The emphasis for each is to highlight the underlying violation, penalty, and any remedial or reporting requirements.
- NYSDEC welcomes your feedback regarding this report. Please provide comments or suggestions to dowinfo@gw.dec.state.ny.us

Cover photo: Albany County Sewer District’s North Plant, showing raw wastewater arriving at the treatment facility. For information on the facility and its energy efficiency efforts, visit www.albanycounty.com/Government/Departments/SewerDistrict.aspx

Executive Summary

Article 17 of the New York State Environmental Conservation Law authorizes the New York State Department of Environmental Conservation (NYSDEC) to regulate discharges to the state's water resources through the [State Pollutant Discharge Elimination System \(SPDES\)](#)¹ Permit Program. SPDES permits incorporate current water quality standards and establish stringent performance standards, effluent limitations, and operating conditions designed to protect the state's water resources. These permits require effective implementation of best management practices and timely sampling, analysis, and reporting to NYSDEC on the quality of wastewater discharged under a SPDES permit. In addition to issuing permits, NYSDEC conducts facility inspections and continually reviews facility discharge data to ensure compliance.

This report continues NYSDEC's presentation of information, data, and commentary on statewide oversight of the SPDES program for state fiscal year 2012/13 (SFY 2012/13). It was an eventful year, with several notable events occurring, including the following:

➤ **Enactment of the Sewage Pollution Right to Know Act**

On August 9, 2012 the Sewage Pollution Right to Know (SPRTK) Act became law. The law, which took effect May 1, 2013, amends Article 17 of the Environmental Conservation Law by establishing new requirements for the reporting of *discharges of untreated and partially treated sewage* to:

- NYSDEC and the New York State Department of Health (DOH)
- Local health departments
- General public
- Elected officials (or designee) in each the community where the discharge occurred and in jurisdictions neighboring where the discharge occurred

The SPRTK also imposes new requirements on NYSDEC to:

- Collect and post discharge information expeditiously on its website
- Produce an annual report on the discharges and their remediation
- Consult with NYSDOH to promulgate implementing regulations

This law presents challenges to NYSDEC and those communities required to comply with this new law. To assist, several guidance documents and tools are available on NYSDEC's [website](#). Next year's edition of the [SPDES Compliance and Enforcement](#) annual report will provide details on regulations required by this law, a list of qualifying discharges, and details of necessary corrective actions.

¹ www.dec.ny.gov/permits/6054.html

➤ **Superstorm Sandy**

On October 29, 2012, the tidal surge associated with this storm caused significant damage to public and private property, primarily affecting Long Island, New York City and the lower Hudson Valley. Damages to these densely populated and urbanized areas included wastewater collection and treatment systems, threatening public health and the environment alike.

NYSDEC continues to work with the New York State Environmental Facilities Corporation (NYSEFC) and the New York State Office of Emergency Management (SOEM) to assist municipal wastewater systems in their recovery efforts. These efforts include:

- Coordinating several sources of state and federal funds to repair damage and to mitigate future damage
- Requiring wastewater treatment plants to improve resiliency to future storms by adding protective features to ensure continued operation at critical flood elevations

Additionally, NYSDEC will collaborate with the New England Interstate Water Pollution Control Commission (NEIWPCC) to develop a supplement to NEIWPCC's TR-16 Guide for the Design of Wastewater Treatment Works. This supplement will assist design professionals to improve resiliency to minimize the potential for catastrophic failure or damage during future significant storm events.

➤ **USEPA State Review Framework –**

In October 2012, USEPA [Region 2](#) conducted a review of NYSDEC's SPDES compliance assurance program in accordance with *Round 3* of the USEPA State Review Framework (SRF). The SRF process reviews the performance of NYSDEC's compliance assurance program against a series of performance metrics relating to the acquisition and management of compliance data, conducting inspections, responding to violations, and assessing penalties.

With NYSDEC the delegated authority for most provisions of the Clean Water Act in the state, USEPA periodically monitors the state's performance in fulfilling its obligations and commitments as a regulatory body. As of this writing, NYSDEC has received a draft report from USEPA and is reviewing the findings associated with the October 2012 review. Details on the 2012 review and findings will be presented in next year's SPDES Compliance and Enforcement annual report. For information and details on Round 1 results for NYSDEC, go to www.epa.gov/compliance/state/srf/. (Note: USEPA did not include NYSDEC in Round 2, so results will be available only for Rounds 1 and 3).

Thank you for your continued interest in New York's SPDES compliance and enforcement program. For additional information or any inquiries, visit the Division of Water webpage: www.dec.ny.gov/chemical/290.html or e-mail: dowinfo@gw.dec.state.ny.us

Introduction

NYSDEC protects New York State's water resources through various regulations, policies and partnerships. The agency's Division of Water (DOW), [Bureau of Water Compliance \(BWC\)](#), with support from the Office of General Council and the Division of Law Enforcement, manages compliance and enforcement elements of the State Pollutant Discharge Elimination System (SPDES) Permit Program.

BWC has prepared this report to summarize DOW's compliance and enforcement activities related to the SPDES Permit Program during SFY 2012/13. For additional information on all DOW programs and functions, please visit our webpage: www.dec.ny.gov/chemical/290.html.

Water Quality Management

To address current challenges and ongoing needs, DOW implements its policies and priorities on a continuous basis through the water management cycle shown in Figure 1.

Figure 1



This cycle consists of five basic activities, each dependent upon one another. These activities are:

- **Monitoring**
NYSDEC gathers information on the health of the state's waters by monitoring important characteristics such as pH, dissolved oxygen, temperature, and numerous chemical and

biological components in key locations throughout the state. Supplementing these data are the results of aquatic organism sampling, as the type and number of these organisms assist in determining the health of a waterbody. Monitoring data become part of NYSDEC's [Waterbody Inventory](#).²

- **Assessment**

A key element of assessment includes assigning a *best use* for a waterbody, such as being a source of drinking water or for swimming or fishing. Water quality standards establish criteria for defining the maximum level of pollutants allowable for a waterbody to still meet its best-use designation. NYSDEC maintains a [Priority Waterbodies List \(PWL\)](#)³ of the waters that do not meet standards or are unable to support their designated best uses and a [CWA Section 303d list](#)⁴ of those non-supporting waters that require development of a [Total Maximum Daily Load \(TMDL\)](#).⁵

- **Planning and Management**

Water resources found on the PWL have problems attributable to different sources of pollution, such as malfunctioning sewage treatment plants, street runoff during storm events, or contaminated runoff from industrial, farming, or construction activities. NYSDEC uses the PWL to manage water resources and plan staff assignments. Examples of water quality management plans currently underway are upgrades to municipal wastewater systems discharging to Onondaga Lake and Long Island Sound. Upgrades will enhance the removal of phosphorus and nitrogen. Excessive amounts of these nutrients in wastewater discharge support undesirable plant growth and reduce oxygen available to aquatic life.

- **Implementation and Permitting**

Monitoring, assessment, and management planning all contribute to implementation of the SPDES Permit Program. SPDES permits issued for discharges to waters of the state may contain performance standards that protect water quality. They also may include schedules of compliance that require the permittee to upgrade or install new treatment technology by a specific date. In addition, NYSDEC works cooperatively with local governments and organizations to encourage control of non-point sources of pollution, such as polluted runoff from stormwater and agriculture operations.

- **Compliance and Enforcement**

Compliance assurance and enforcement includes the evaluation of discharge monitoring reports that dischargers submit as a condition of their SPDES permit. NYSDEC evaluates these reports to determine the compliance status of a facility. NYSDEC also relies on facility inspections and other reports, such as monthly operating reports, to determine compliance

²www.dec.ny.gov/chemical/23846.html

³www.dec.ny.gov/chemical/23846.html

⁴www.dec.ny.gov/chemical/31290.html

⁵TMDL is a calculation of the maximum amount of a pollutant, or multiple pollutants, that a waterbody can receive and still meet water quality standards.

status. Upon identifying a minor violation of a SPDES permit, NYSDEC may initiate an informal enforcement action by sending a warning letter or a Notice of Violation (NOV) to promote a voluntary return to compliance. When a voluntary return to compliance does not occur, or as conditions may warrant, formal enforcement action is considered. Formal enforcement actions include an Order on Consent, Notice of Enforcement Hearing and Complaint, Cease and Desist Directive, Commissioner's Order, or a ticket issued by an environmental conservation officer (ECO).

SPDES Program Overview

The federal [Clean Water Act \(CWA\)](#)⁶ authorized development of a national program for implementing requirements for all discharges to surface waters of the United States. The United States Environmental Protection Agency (USEPA) authorizes New York State's SPDES Permit Program to regulate discharge activities falling under the federal program. New York's SPDES program extends beyond the requirements of the CWA by also regulating discharges to groundwater.

NYSDEC implements the SPDES program through the issuance of wastewater discharge permits, including individual permits and general permits. These permits establish stringent performance standards and operating conditions designed to protect the state's waters.

- An individual SPDES permit applies to a single facility, in one location, possessing unique discharge characteristics and other factors.
- A general SPDES permit applies to a category of dischargers with similar operations or pollutants. Additionally, a general permit requires that each permit issued contains similar effluent limits, operating conditions, and the same or similar monitoring.

These permits may incorporate current water quality standards, effective implementation of best management practices (BMP) by permitted facilities, and timely sampling, analysis and reporting to NYSDEC on the quality of wastewater discharged under a SPDES permit.

A permit, once issued, requires the owner and/or operator to comply with specific conditions. For larger, more complex facilities, these requirements typically include limits on physical, chemical or biological characteristics of the discharge. For smaller facilities, including those discharging to groundwater, the permit may simply require maintaining data and information at the facility site for review by NYSDEC during an inspection. In addition to the specific conditions found in the permit document itself, a SPDES permit also references *general conditions* required by SPDES regulation [6 NYCRR Part 750-2](#).⁷ This regulation contains requirements applicable to all SPDES permittees, including records retention, proper operation and maintenance of a treatment plant, and requirements to report treatment plant bypasses and non-compliance events to NYSDEC.

⁶<http://epw.senate.gov/water.pdf>

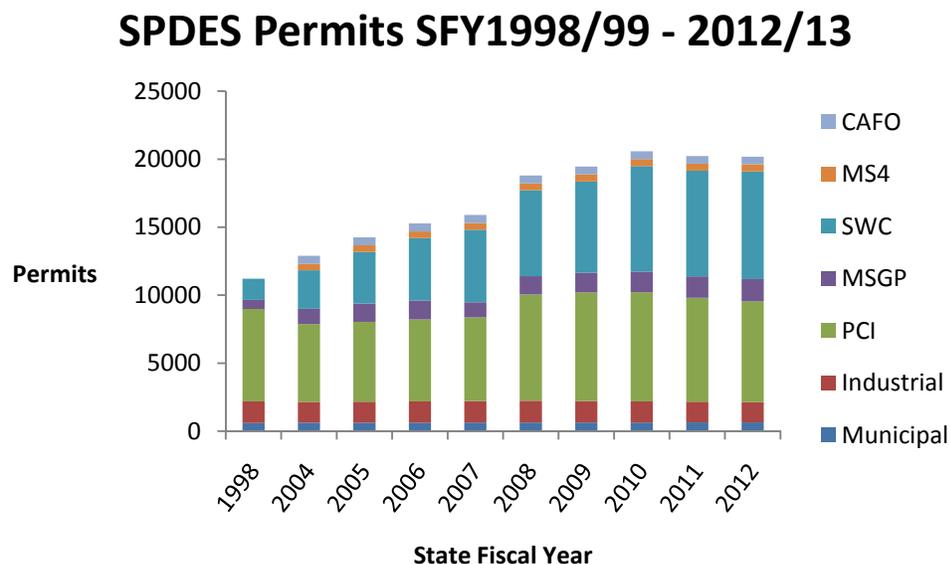
⁷www.dec.ny.gov/regs/4584.html

SPDES Permits in Effect

This past year saw the addition of a new discharge class, the *SPDES General Permit for Point Source Discharges to Surface Water of New York from the Application of Pesticides* (or Pesticide Applicator General Permit). This General Permit is required for, and will authorize coverage for, point source discharges resulting from any application of a pesticide labeled for aquatic uses directly to, in, or over a surface water of New York State. For full details on this program, go to: <http://www.dec.ny.gov/chemical/70489.html>

Overall, the number of active SPDES permits is 20,181, a slight decrease from SFY 2011/2012. After rising steadily over much of the past decade, the number of active SPDES permits is leveling off after reaching a peak in SFY 2010/2011. For SFY 2012/2013, gains in construction stormwater and MSGP permits moderately offset a decrease in permits issued to municipal, industrial, and PCI wastewater facilities. Figure 2 shows the recent history of the number of active SPDES permits, with the figure from SFY 1998/1999 shown as a baseline year for this presentation.

Figure 2



SPDES Individual Permits

NYSDEC issues individual SPDES permits for three discharge categories:

- **Municipal**

This category includes all publicly owned treatment works (POTW), as defined by [Section 201 of the CWA](#), by either a municipality or the state (does not include federally owned treatment works). A POTW is classified as either major or minor, based on the facility's design flow, population served, or potential for significant water quality impacts. In SFY 2012/13, there were 638 SPDES permitted POTWs in New York State.

- **Industrial**

Industrial discharges are those resulting from industrial, manufacturing, trade or business processes. Industrial treatment facilities are classified as major, minor, or non significant, based on characteristics of the wastewater, complexity of treatment processes, and the facility's design flow. In SFY 2012/13, there were 1,496 SPDES permitted industrial facilities in New York State.

- **Private, Commercial, or Institutional (PCI)**

Private, commercial, or institutional (PCI) facilities discharge domestic sewage with no addition of industrial waste. PCI discharges generally refer to wastewater generated by a single facility or building complex under single ownership and may or may not be under public ownership. Examples include restaurants, schools, apartment complexes, mobile home parks, and campgrounds. PCI facilities discharging 1,000-10,000 gallons per day of treated sanitary waste to groundwater may not require an individual SPDES permit if they qualify and obtain coverage under the PCI general permit described below. PCI facilities requiring individual SPDES permits are classified as either minor or non-significant based on flow and wastestream characteristics. In SFY 2012/13, 5,387 PCI facilities discharged under an individual PCI SPDES permit.

SPDES General Permits

The second type of SPDES permit is a general permit. General permits are issued to cover a category of dischargers involving the same or similar operations and discharging similar types of pollutants. NYSDEC has issued general permits covering the following categories of dischargers:

- **Stormwater Discharges from Construction Activities (SWC)**

This general permit covers stormwater discharges resulting from construction activities involving soil disturbances of one or more acres. The owner or operator must obtain coverage under a SPDES general permit prior to beginning construction activity. In SFY 2012/13, there were 7,911 sites covered under this type of SPDES general permit.

- **Multi-Sector General Permit (MSGP)**

This general permit covers stormwater discharges associated with [31 different categories of industrial activities](#).⁸ Examples of such activities include concrete manufacturing, vehicle dismantling, scrap metal recycling, or any activity NYSDEC designates as requiring this type of permit. In SFY 2012/13, there were 1,647 MSGP sites covered under this type of SPDES general permit.

⁸www.dec.ny.gov/chemical/9009.html

- **Municipal Separate Storm Sewer System (MS4)**
 This [general permit](#) covers separate storm sewer systems that discharge to surface waters of the state and carry stormwater and runoff from a city, town, or village that are not part of a combined sewage system.⁹ In SFY 2012/13, there were 524 SPDES permitted MS4 communities in New York State.
- **Concentrated Animal Feeding Operation (CAFO)**
 This [general permit](#) covers discharges that originate from feeding operations where animals are raised and kept in confined situations and that meet threshold population criteria (varies depending upon breed/age of the animal).⁹ In SFY 2012/13, there were 562 SPDES permitted CAFOs in New York State.
- **Private, Commercial, and Institutional (PCI)**
 This general permit is issued for a discharge to groundwater of 1,000-10,000 gallons per day of treated sanitary waste, with no addition of industrial wastes from on-site treatment works serving PCI facilities. In SFY 2012/13, there were 2,016 SPDES PCI General Permits issued in New York State.
- **Pesticide Applicator**
 This permit became effective November 1, 2011, and there is insufficient compliance and enforcement data and information to present in this report. For additional details on the pesticide applicator general permit, go to:
<http://www.dec.ny.gov/chemical/70489.html>

Please note the status of each of these general permits, as each was introduced in a previous edition of this annual report:

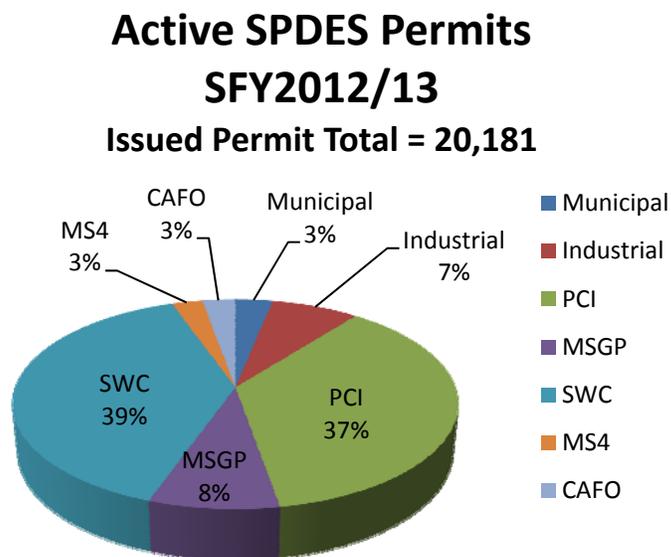
- **Winery** - This permit intends to regulate wastewater originating from the production of wine. This permit remains under NYSDEC development, with no planned date of release for public comment.
- **Vessel** – USEPA administers this general permit and there is no NYSDEC equivalent. This permit regulates incidental discharges from the normal operation of commercial vessels consistent with section 402 of the Clean Water Act. For details, go to:
<http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>

Additional information on SPDES permits is available at: www.dec.ny.gov/permits/6054.html.

⁹ www.dec.ny.gov/permits/6285.html

Figure 3 displays the percentage of currently active SPDES-permitted facilities for each discharge category.

Figure 3



SPDES Program Monitoring and Compliance

Through active and passive methods, NYSDEC monitors SPDES-permitted facilities and the quality of wastewater they discharge by:

- Receiving periodic discharge monitoring reports (DMR) from permitted facilities that provide laboratory analysis of wastewater discharged by the facility¹⁰
- Performing routine facility compliance inspections
- Responding to citizen complaints of illegal or questionable activities and situations
- Requiring certification/recertification of wastewater treatment plant operators

Discharge Monitoring Reports

The cornerstone of NYSDEC's surveillance program involves receiving a DMR on a recurring basis. Any SPDES-permitted facility identified as being *significant* is required to periodically report sample results representative of the discharge from that facility. Each month, NYSDEC receives nearly 1,600 DMRs reporting data on a monthly, quarterly, semi-annual, or annual basis, depending on the requirements of the SPDES permit for a facility. In SFY 2012/13, NYSDEC received over 20,000 DMRs containing nearly 509,000 data points.

¹⁰ SPDES permits require that any discharge data submitted to NYSDEC be determined through sample analysis at a state-approved laboratory. Visit www.wadsworth.org/labcert/elap/elap.html for details.

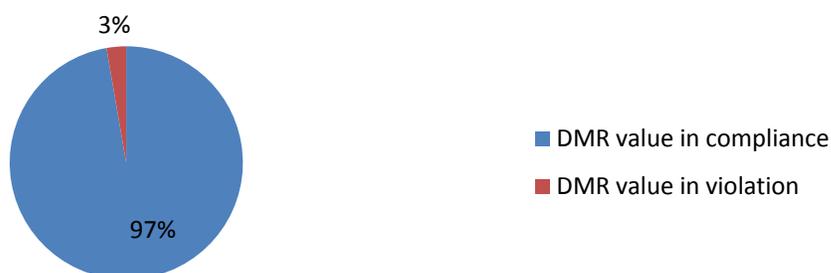
The DMR provides NYSDEC with sampling data evaluated to determine the compliance status of a permitted facility by comparing actual effluent discharge quality to the SPDES permit limits. NYSDEC enters this effluent quality data into USEPA's compliance data system. NYSDEC and USEPA use this data system to detect violations and support further compliance and enforcement activities. As shown in Figure 4, data received by NYSDEC indicate that 97.2% of all monitored effluent values comply with their respective permit limits.

Figure 4

Individual SPDES Permit Data SFY 2012/13

Total DMR Data Points Received = 508,575

DMR Data Point Violations = 13,996



Reported discharge data for SPDES-permitted facilities is accessible from the USEPA Enforcement and Compliance History Online (ECHO) webpage at: www.epa-echo.gov/echo/index.html.

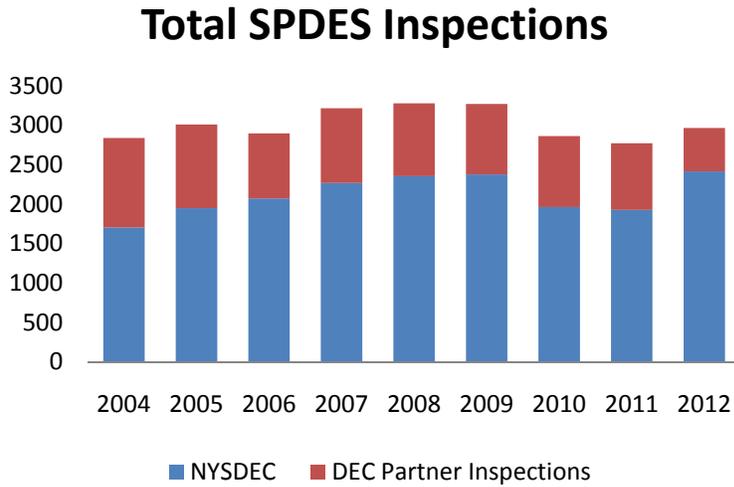
Inspections

To further determine compliance with SPDES permits, NYSDEC maintains a field presence through nine regional and five sub-regional offices, with additional support from staff at its Albany headquarters. Collectively, staff issue permits, perform inspections, collect samples, certify facility operation staff, provide technical assistance, review discharge data and respond to citizen complaints involving water quality.

For SFY 2012/13, total inspections rose from the previous year and to a level near the average of the preceding nine (9) years. NYSDEC staff conducted 25% more inspections from the previous year, more than offsetting the reduction in inspections conducted by NYSDEC partner organizations. See Figure 5 for an overview of inspection activity.

NYSDEC attributes some of this increase to the number of inspections in the Chesapeake Bay drainage basin, which includes portions of south-central New York. These inspections fulfill NYSDEC's commitment to the [Chesapeake Bay Regulatory Accountability Program](#) grant which, in part, funds oversight efforts to protect water quality.

Figure 5



Citizen Complaints

Inquiries and complaints by citizens and observations of possible violations assist NYSDEC's SPDES program compliance and enforcement efforts. NYSDEC investigates these complaints to determine any impact upon the environment or public health. If staff determine there is a violation, NYSDEC seeks corrective action to minimize negative impacts and, if necessary, pursues enforcement through the Office of General Counsel or Division of Law Enforcement.

Certification and Training

Competent and credentialed operators serve as frontline defenders of public health in their own communities. Since 1937, New York State has required certification of municipal wastewater treatment plant operators. [Part 650¹¹](#) of Title 6 of *New York Codes, Rules and Regulations* details requirements of the Wastewater Operator Certification Program. Prior to receiving this certificate, an individual must complete NYSDEC-approved training, possess hands-on operational experience at a treatment facility, and pass a certification exam. Additionally, operators must re-certify every five years by completing NYSDEC-approved training. Over 3,000 individuals currently possess NYSDEC-issued wastewater treatment operator certificates.

Beginning September 1, 2011, NYSDEC transferred administration of operator certification and certificate renewal applications to the New York Water Environment Association (NYWEA). NYWEA now processes all applications, charging a fee sufficient to cover administrative costs. NYSDEC still approves wastewater renewal training programs for renewal contact hours. In SFY 2012/2013, NYSDEC approved 374 training programs.

¹¹www.dec.ny.gov/regs/4624.html

NYSDEC works cooperatively with NYWEA and New England Interstate Water Pollution Control Commission (NEIWPCC) to meet some operator training needs. NYWEA delivers programs through their Member Education Committee with limited NYSDEC input. During SFY 2012/13, NYSDEC worked directly with NEIWPCC to coordinate and deliver three seminars and workshops. Joint training with NEIWPCC, held in locations east of Syracuse, focused on topics such as:

- Microbiology
- Laboratory Procedures
- Wastewater Treatment Plant Process Upgrades for Energy Efficiency

Overall, about 40 operational, administrative, and local managerial officials attended the training.

SPDES Program Enforcement

When NYSDEC becomes aware of a violation of a SPDES permit condition, staff respond by using appropriate and available tools—various informal or formal enforcement actions—to expedite a return to compliance. Staff may initially respond with an informal enforcement action such as sending a warning letter, holding a compliance conference with the permittee, or issuing a Notice of Violation (NOV) to promote voluntary compliance with regulations and permit requirements.

Formal enforcement becomes necessary when a return to compliance is not achieved through informal enforcement actions or when a violation results in significant negative impact to the environment or public health. NYSDEC has many formal enforcement tools at its disposal. The most commonly used are tickets issued by an ECO and Orders on Consent. An ECO-issued ticket for a discharge violation requires payment of a penalty by the respondent. An Order on Consent is a legally binding document issued by NYSDEC and agreed to by the SPDES permit holder.

An Order on Consent commonly includes some or all of the following:

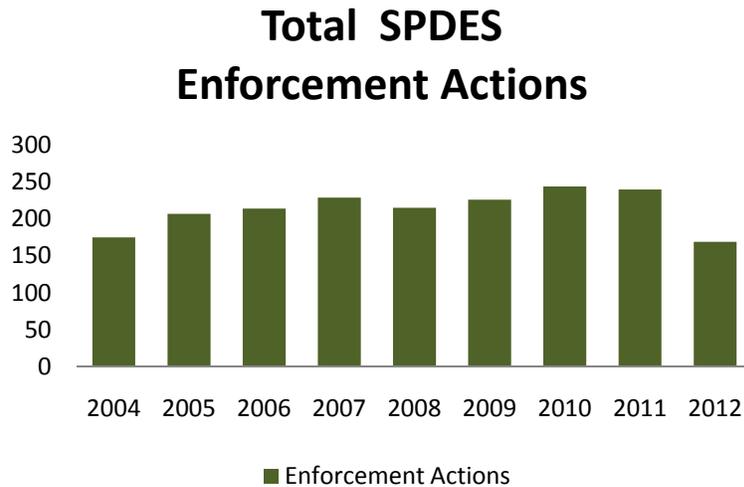
- Payable penalty
- Suspended and/or stipulated penalties
- Interim SPDES permit effluent limits
- Compliance schedule for corrective action

Enforcement actions executed during SFY 2012/13 fell from the previous year. Of note was an increase in minor municipal wastewater treatment facility enforcement during the year. Enforcement actions decreased during this same period for MSGP facilities, ending a three-year run during which enforcement actions rose significantly as NYSDEC committed resources to oversight of this diverse universe of permitted operations.

Figure 6 shows the annual number of NYSDEC enforcement actions (ECO tickets and Orders on Consent) since 2004.

Appendix C provides details on select enforcement actions by NYSDEC during SFY 2012/13.

Figure 6



USEPA/NYSDEC Enforcement Agreement

An essential component of USEPA’s authorization of the SPDES program is the USEPA/NYSDEC 1987 Enforcement Agreement. This agreement outlines the elements necessary to ensure compliance of facilities permitted under the SPDES program, including:

- Monitoring permit compliance
- Maintaining and sharing compliance information with USEPA
- Applying criteria to identify facilities in significant non-compliance (SNC)
- Identifying facilities that require enforcement action to restore compliance
- Ensuring timely and appropriate enforcement response to SNC violations

The enforcement agreement also establishes procedures for USEPA oversight of New York State SPDES enforcement activities, with priority given to major dischargers in SNC. SNC consists of more severe violations, including:

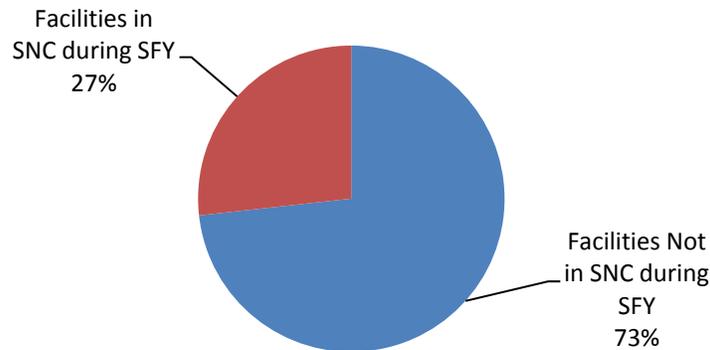
- Discharge monitoring values exceeding an USEPA-accepted threshold
- A facility’s failure to provide a specific document or report required as a condition in a legally binding Order on Consent or other enforcement action
- A discharge that threatens public health or the environment

To ensure that SNC violations are addressed in a consistent manner, the agreement includes threshold criteria that, once exceeded, require formal enforcement action to return the facility to compliance. NYSDEC and USEPA meet quarterly to ensure that SNC violations meeting these criteria are addressed in accordance with the enforcement agreement. At each meeting, USEPA

typically presents NYSDEC with a list of about 30-40 major facilities meeting the SNC criteria. The facilities on this list change from quarter to quarter, as some return to compliance while others join the list.

Figure 7

Major-class facilities in SNC for at least one quarter in SFY 2012/13



The SNC rate provides a summary of major-class facilities that met the SNC criteria at least once during the entire year. As shown in Figure 7, in SFY 2012/13, the SNC rate for the 340 major SPDES-permitted facilities in New York State was 27.1%. This figure is nearly identical in comparison to the SFY 2011/12 SNC rate of 27%.

A facility can have a violation or meet the SNC criteria for a variety of reasons. These reasons may include operational issues, temporary process upsets caused by illegal dumping into the sewer system, or factors that remain unknown until thoroughly investigated. However, with properly trained personnel and good operational and maintenance programs, treatment facility operators usually make corrective actions before a violation becomes SNC.

While the rate of SNC in New York State is comparable to the national figure, New York is unique in the number and ages of facilities it permits through the SPDES program, particularly municipal wastewater treatment facilities. Having long been leaders in providing water quality protection through the collection and treatment of wastewater, many of New York's systems are reaching the end of their effective lives. These facilities currently serve over 15 million state residents.

Once a wastewater collection or treatment system reaches the end of its useful life, unexpected or even catastrophic failure may occur, potentially impacting public health and the environment. Recent efforts at the federal and state level have sought to identify these impacts and obtain the necessary public investment to ensure continuation of effective treatment and disposal of wastewater.

In 2008, NYSDEC released the report, *Wastewater Infrastructure Needs of New York State*,¹² which details the history and outlook for municipal wastewater collection and treatment in the state. This report also indicates that the projected 20-year needs of New York's municipal wastewater treatment facilities will exceed \$36 billion. (Note: An update of this report is in development and will be available at: <http://www.dec.ny.gov/chemical/42383.html>)

Additionally, a national summary of wastewater collection and treatment needs is available from USEPA at: <http://water.epa.gov/scitech/datait/databases/cwns/>

Other Notable Activity in SFY 2012/13

Response to Superstorm Sandy

On October 29, 2012, *Superstorm Sandy* hit New York State causing significant damage to Long Island, the lower Hudson Valley, and New York City. This storm brought damaging winds and a historic tidal surge. The combined wind and tidal surge damaged electrical and wastewater infrastructure in the affected areas. Many wastewater treatment plants from Kingston south were flooded, with the most extensive damage occurring in Westchester County, New York City, and Nassau County. The storm surge completely inundated several large wastewater treatment plants in New York City and Nassau County, rendering them inoperable.

Many facilities operated using on-site generators for a week, or longer. In all, the treatment plants, combined sewer overflows, collection systems, and pump stations discharged an estimated 600 million gallons of untreated sewage and nearly 2 billion gallons of partially treated sewage. Operators of these systems were able to return all plants to full operation within 20 days following the storm.

DEC staff led pre-storm preparation activity and monitoring of post-storm restoration efforts. These efforts included monitoring and inspecting affected wastewater treatment plants, collection systems, and pump stations to determine the degree of treatment and any impacts to public health and the environment. DEC worked cooperatively with the New York State Environmental Facilities Corporation to determine corrective actions for damage caused by the storm, including the availability of, and access to, funds necessary to restore affected systems.

Sewage Pollution Right to Know Act

The first phase of the Sewage Pollution Right to Know Act, a system for collecting reports of untreated and partially treated sewage discharges from public sewage systems, went into effect May 1, 2013. This law changes the requirements for reporting untreated or partially treated sewage discharges, also known as bypasses, from publicly owned treatment works (POTWs) and imposed new reporting requirements for publicly owned sewer systems (POSSs) and combined sewer overflows (CSOs).

¹²www.dec.ny.gov/chemical/42383.html/

How Reporting Requirements Have Changed

Under the new law, POTWs and POSSs are required to notify NYSDEC and NYSDOH within two hours of discovery of untreated and partially treated sewage discharges. The information is available to the general public and neighboring municipalities on the [Sewage Discharge Reports web page](#). NYSDEC is working with the regulated community to ensure awareness of the new requirements and assist in compliance with the new law.

How Reports of Discharges are made to NYSDEC

POTWs and POSSs submit the [Sewage Discharge Report Form](#) to NYSDEC, which then forwards these reports to NYSDOH. More information about the discharge report form, form guidance and other resources are on the [Sewage Discharge Reporting Toolbox web page](#).

A Summary of the Discharge Reports

A daily summary of information received from POTWs and POSSs is available on the [Sewage Discharge Reports web page](#). An annual summary report of discharges will also be available. These reports will contain the total number of discharges, the volume and duration of discharges and the remedial responses, if any.

Wet Weather Combined Sewer Overflows (CSOs)

NYSDEC developed a [CSO Google Map](#) showing the location of all CSOs in New York state, also making available a [CSO Wet Weather Advisory](#) web page to help the public make decisions about boating, swimming, and other water recreational activities.

Second Phase of Sewage Right to Know Act

NYSDEC is developing regulations for the second part of the law that requires publicly owned treatment works and publicly owned sewer systems to directly notify the public of discharges. NYSDEC plans to release the draft regulations this fall for public comment. To help municipalities implement the law, NYSDEC is seeking a permanent solution to allow municipal officials, adjoining municipalities, and the public to receive notification of discharges of untreated and partially treated sewage within 4 hours of discovery.

More about the Sewage Pollution Right to Know Act:

[Sewage Discharge Reporting Toolbox](#) - Forms, guidance and resources for POTWs and POSSs to comply with the Sewage Pollution Right to Know Law.

[Sewage Discharge Reports](#) - Information about bypass reports received by NYSDEC.

Wastewater Operator Certification Administration

In June 2011, NYWEA and NYSDEC entered into a five-year cooperative agreement for NYWEA to administer the wastewater operator certification and certificate renewal programs. NYWEA administration of these programs began September 1, 2011. For SFY2012/13 delivery of certification services continue at a satisfactory level, with the following activity to report:

Activity	Number
Applications approved to take the operator certification exam	202
Applications approved for renewal of an operator certificate	248
Operators passing the certification exam	164
Certificates issued through reciprocity from out-of-state	2

For more information on the wastewater treatment operator certification program, visit:
<http://nywea.org/OpCert/>

For more information on other wastewater treatment operator resources, visit:
<http://www.dec.ny.gov/chemical/8464.html>

Appendix A: Definition of Terms

Agricultural Environment Management (AEM) certified planner – A professional who provides services to CAFO-regulated farms in New York State, including development of comprehensive nutrient management plans (CNMPs).

Animal Feeding Operation (AFO) – A lot or facility (other than an aquatic animal production facility) where the following conditions exist:

- Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.
- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

AFOs are agricultural operations where animals are kept and raised in a confined situation. In this space the animals may feed, generate manure and urine, and produce eggs, milk, or other desirable outputs. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

Best Management Practices (BMP) – In a wastewater context, BMPs consist of various technical or managerial strategies intended to address a specific problem or guide an activity while being efficient and cost effective.

Clean Water Act (CWA) – The primary federal law governing water pollution control. Passed in 1972, this act relies upon the Federal Water Pollution Control Act amendments of 1972 for much of its authority.

Combined Sewer Overflow (CSO) – A discharge of untreated wastewater from a combined sewer system at a point before the headworks of a publicly owned treatment works (POTW). CSOs generally occur during wet weather (rainfall or snowmelt) and combine a mixture of stormwater runoff and untreated sewage.

Compliance Schedule – A schedule of remedial measures included in a permit or legally enforceable action, with a sequence of interim requirements (e.g., actions, operations, or milestone events) leading to compliance with the CWA and regulations.

Comprehensive Nutrient Management Plan (CNMP) – A conservation plan, unique to animal feeding operations, designed to evaluate all aspects of farm production and offer conservation practices that help achieve production and natural resource conservation goals. The New York State Soil and Water Conservation Committee, with guidance from other partner agencies, established a comprehensive certification process to ensure certified planners from both the public and private sectors are available and qualified to meet the high standards for CNMP development and implementation.

Concentrated Animal Feeding Operation (CAFO) – An animal feeding operation (AFO) further defined as a large or medium CAFO meeting either one of the following conditions:

- Pollutants are discharged into waters of the United States through a human-made ditch, flushing system, or other similar human-made device.
- Pollutants originating outside of and passing over, across, or through the facility or that otherwise come into direct contact with the animals confined in the operation are discharged directly into waters of the United States.

Large and medium CAFOs are defined as follows:

Large CAFO – An AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- 700 mature dairy cows, whether milked or dry
- 1,000 veal calves
- 1,000 cattle, other than mature dairy cows or veal calves. Cattle include, but are not limited to, heifers, steers, bulls and cow/calf pairs.
- 2,500 swine, each weighing 55 pounds or more
- 10,000 swine, each weighing less than 55 pounds
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys
- 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system
- 82,000 laying hens, if the AFO uses other than a liquid manure handling system
- 30,000 ducks, if the AFO uses other than a liquid manure handling system
- 5,000 ducks, if the AFO uses a liquid manure handling system

Medium CAFO – An AFO that stables or confines animals falling within any of the following ranges:

- 200 to 699 mature dairy cows, whether milked or dry
- 300 to 999 veal calves
- 300 to 999 cattle, other than mature dairy cows or veal calves. Cattle include, but are not limited to, heifers, steers, bulls and cow/calf pairs
- 750 to 2,499 swine, each weighing 55 pounds or more
- 3,000 to 9,999 swine, each weighing less than 55 pounds
- 150 to 499 horses
- 3,000 to 9,999 sheep or lambs
- 16,500 to 54,999 turkeys
- 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system

- 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system
- 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system
- 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system
- 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system

CAFO Permit – A SPDES permit that covers all applicable CAFOs statewide with generic requirements for wastewater discharges, including surface water and groundwater. A CNMP is required for all CAFO permits, details site-specific requirements for each CAFO, and becomes an enforceable condition of the permit.

Construction Stormwater Permit – Stormwater Discharges from Construction Activity General Permit (GP-0-10-001), issued pursuant to Article 17, Title 7, 8 and Article 70 of the Environmental Conservation Law, authorizes stormwater discharges from eligible construction activities under the terms and conditions of the permit.

Discharge Monitoring Report (DMR) – A self-monitoring report permitted facilities submit to NYSDEC, typically on a monthly basis, detailing facility effluent data.

Drainage Basin – The land area from which all precipitation runs off into streams, rivers, lakes, and reservoirs.

Environmental Benefit Project (EBP) - A project that an administrative respondent or judicial defendant (“respondent”) agrees to undertake as part of the settlement of an enforcement matter. NYSDEC may suspend the obligation to pay a portion of a penalty where a respondent agrees to undertake an EBP. Generally, an EBP must improve, restore, protect, or reduce risks to public health or the environment beyond that achieved by a respondent's full compliance with applicable laws and regulations. Examples of EBPs include those that do the following:

- Conserve, improve, and/or protect the state's natural resources and environment
- Prevent, control or reduce water, land and air pollution
- Enhance the health, safety and welfare of the people of the state
- Enhance the overall economic and social well being of the people of the state
- Achieve significantly early compliance with environmental laws and regulations or go significantly beyond minimum compliance in performance commitments
- Promote compliance with environmental requirements by providing practical and effective education to the public, regulated persons, stakeholders, and others as to the improvement, restoration, protection, or reduction of risks to public health, the environment, or natural resources

ECL – Environmental Conservation Law. The body of law that established NYSDEC and authorizes its programs, often abbreviated as ECL. The full text of New York's ECL is found on the [New York State Legislative Information System](#).

ECO – Environmental conservation officer. ECOs are members of the NYSDEC Division of Law Enforcement and enforce New York State's Environmental Conservation Law.

Gray Infrastructure – Most commonly refers to conventional infrastructure: pipes, tanks, sewage collection systems, and drinking water systems. While not always grey in color, these infrastructure assets typically provide underlying support to a modern and economically developed society.

Green Infrastructure – Represents an approach to wet weather management that is cost effective, sustainable, and environmentally friendly. This approach commonly involves the use of permeable pavement, rain barrels, or “green” roofs. Often these devices intend to divert stormwater runoff from a sanitary sewer, where it can cause an overflow and result in a public health or environmental situation.

Infiltration – Refers to seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, or manhole walls.

Inflow – This water enters a sewer system from roof leaders, foundation drains, storm sewers, leaky manhole covers, and numerous other sources.

Industrial Discharge Permit – This permit applies to facilities that conduct industrial activities but are not municipal or private, commercial, and institutional (PCI) class facilities

Long Term Control Plan (LTCP) – A LTCP is a phased approach for control of combined sewer overflows that requires the permittee to develop and submit an approvable plan that will ultimately result in compliance with New York state water quality standards and Clean Water Act requirements.

Major Municipal Facility – A publicly owned treatment facility that treats wastewater flows of 1.0 million gallons per day (MGD) or greater and has an USEPA or state-approved industrial pre-treatment program. This may also include publicly owned treatment facilities with a design flow of 0.5 to 1.0 million gallons per day that USEPA or NYSDEC designate as being a major-class facility.

Major Industrial Facility – An industrial facility with a discharge that is relatively large in volume, has “toxicity potential” as defined by the *USEPA NPDES Permit Writers' Manual* and meets certain rating criteria developed by USEPA, in conjunction with NYSDEC.

Minor Municipal Facility – A POTW that is neither a major municipal facility nor a non-significant facility.

Minor Industrial Facility – An industrial facility that is neither a major industrial facility nor a non-significant facility.

Multi-Sector General Permit (MSGP) – This permit covers facilities with stormwater discharges to waters of the state from a point source that conducts industrial activities within 40 CFR Part 122.26(b)(14)(I) through (ix) and (xi), as well as other miscellaneous industrial activities designated by NYSDEC on an individual basis.

Municipal Discharge Permit – This permit applies to publicly owned wastewater treatment plants discharging municipal sewage. Municipal sewage is wastewater composed of residential sewage, with or without the admixture of industrial wastewater.

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances that is:

- Owned or operated by a state, county, or other public body created by state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes
- Designed or used for collecting or conveying stormwater
- Not a combined sewer
- Not part of a publicly owned treatment works

MS4 Permit – This general permit, issued pursuant to Article 17, Title 7, 8 and Article 70 of the Environmental Conservation Law, authorizes operators of an MS4 in New York State to discharge to waters of the United States in accordance with the conditions and requirements set forth in the permit.

National Pollutant Discharge Elimination System (NPDES) – The federal Clean Water Act authorized development of NPDES for implementing requirements for all discharges to surface waters of the United States (NPDES does not cover discharges to ground water). Under New York State Environmental Conservation Law, NYSDEC administers the state's program for meeting the requirements of NPDES.

Non-Significant Facility – A facility that NYSDEC determines poses a minimal water quality risk and possesses a SPDES permit that does not contain limitations for the discharge of priority pollutants or other toxic constituents.

Notice of Violation (NOV) – A written notification of non-compliance from NYSDEC. This should be the minimum department response to all significant non compliance (SNC) and is often the last informal enforcement activity prior to commencement of formal enforcement.

Order on Consent – A legally binding agreement negotiated by NYSDEC and a SPDES permittee, which addresses specific violations and includes provisions for a payable penalty. An Order on Consent may also include suspended and/or stipulated penalties, interim effluent limitations, and a compliance schedule for corrective action.

Priority Pollutants – Chemical pollutants that USEPA regulates and for which it has published analytical test methods.

Private, Commercial, and Institutional (PCI) Permit – This class of permit regulates the discharge of wastewater from a facility meeting the criteria of a PCI facility.

Publicly Owned Treatment Works (POTW) – A municipal wastewater treatment facility owned by a state or municipality.

Sanitary Sewer Overflow (SSO) – The occasional, unintentional discharge of raw sewage from municipal sanitary sewers. These discharges can occur at sewage pump stations or manholes, or in home basements.

Secondary Treatment – The technology-based requirement for direct discharging by a POTW. Secondary treatment consists of a combination of physical and biological processes typical for the treatment of pollutants in sewage.

Sewage Pollution Right to Know Act (SPRTKA) – This is a New York state law that went into effect May 1, 2013. This law requires the reporting of untreated or partially treated sewage discharges, also known as bypasses, from publicly owned treatment works (POTWs). The law imposes new reporting requirements for publicly owned sewer systems (POSSs) and combined sewer overflows (CSOs). The first phase of the SPRTKA provides a system for collecting reports of these discharges. The second phase, currently under development, will provide regulations to require POTWs and POSSs to directly notify the public of discharges of untreated or partially treated sewage.

Short-form Order on Consent – This is a formal enforcement document that is similar to the longer version of an order on consent. A short-form order on consent is appropriate in cases of non-compliance when:

- Remedial action is not necessary or complete
- Only minor compliance activity is required
- Approved by NYSDEC's regional attorney and relevant program supervisors
- The assessed penalty amount is \$10,000 or less

Significant Non Compliance (SNC) – The compliance status of a significant-class facility that has at least one unresolved, significant, non-compliance occurrence during the report period. Examples of such an occurrence include submitting a permit or compliance schedule milestone after the deadline, failure to submit a discharge monitoring report, or effluent discharge violations that exceed the threshold outlined in the NYSDEC/USEPA enforcement agreement.

State Pollutant Discharge Elimination System (SPDES) – The SPDES program goes beyond requirements of the federal NPDES program in that SPDES also regulates discharges to the groundwater of the state. The minimum threshold for applicability of SPDES to groundwater discharges is 1,000 gallons per day for sanitary wastewater, while discharges including any industrial wastewater have no minimum threshold. The New York State Department of Health regulates discharges of less than 1,000 gallons per day, consisting of only sanitary wastewater.

Stormwater Construction (SWC) Permit – This permit covers all applicable stormwater discharges relating to eligible construction activities.

Stormwater Pollution Prevention Plan (SWPPP) – This document, based on sound engineering practices, details erosion and sediment controls during construction and post-construction stormwater control practices.

Total Maximum Daily Load (TMDL) – A calculation of the maximum amount of a pollutant or multiple pollutants that a waterbody can receive and still meet water quality standards.

Total Suspended Solids (TSS) – Listed as a conventional pollutant in the Clean Water Act of 1972, TSS is a measurement of solids that are visible and/or in suspension of a water sample. SPDES permits extensively require this analysis as an effective means to measure the quality of water discharged.

Uniform Ticket (UT-50) – A ticket issued by an ECO that initiates formal judicial proceedings of a civil, rather than criminal, nature. Conversely, ECO NOVs are administrative tickets issued and resolved by ECOs with assistance from DOW staff.

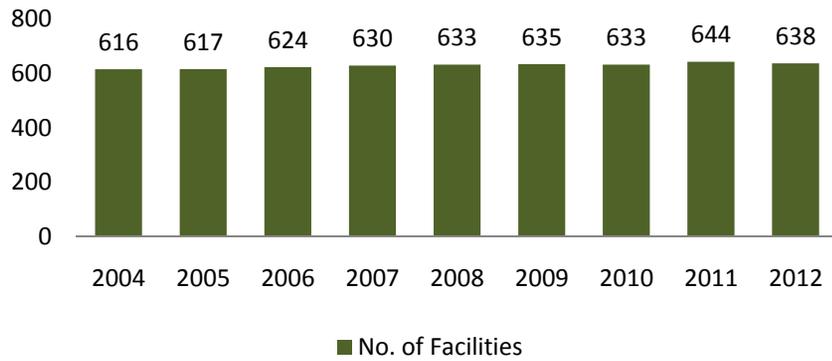
Unpermitted Discharge – A discharge not authorized by, or in violation of, a permit.

Water Quality Based Effluent Limit (WQBEL) – This value is determined by selecting the most stringent of the effluent limits calculated using all applicable water quality criteria (e.g. aquatic life, human health, and wildlife) for a specific point source to a specific receiving water for a given pollutant

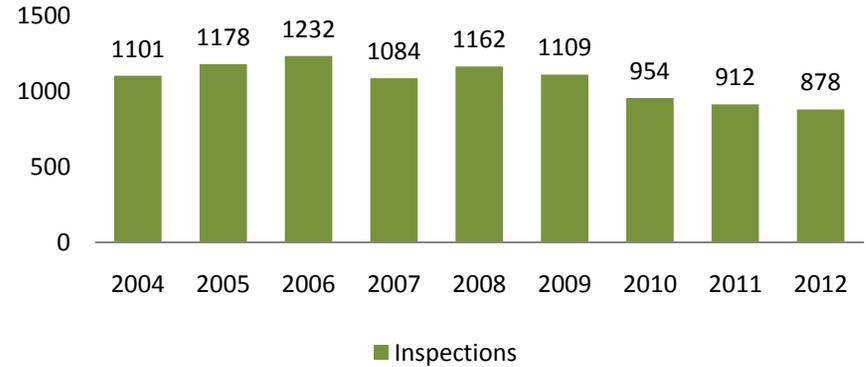
Wet Weather Operating Plan – A document used by wastewater collection and/or treatment staff to provide guidance on operational changes to make during wet weather conditions. These changes allow for the highest degree of treatment when flows exceed design standards.

**Appendix B: SPDES Compliance Monitoring and Enforcement
Activities**

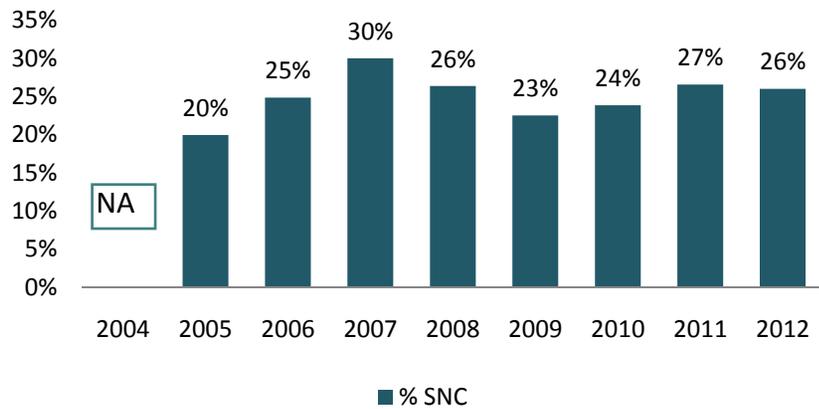
Number of Municipal Wastewater Treatment Facilities



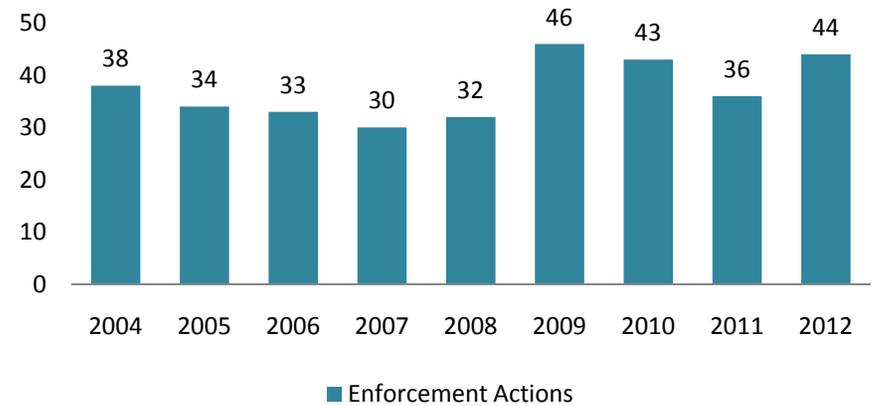
Municipal Wastewater Treatment Facility Inspections



% of Municipal Wastewater Treatment Facilities in SNC



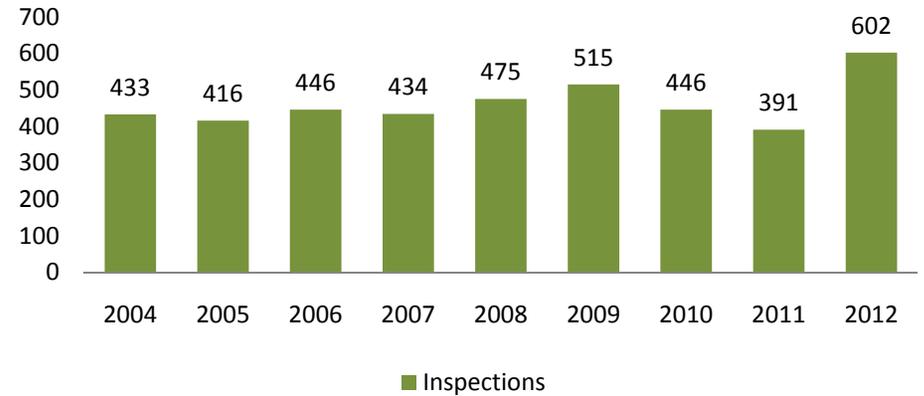
Municipal Wastewater Treatment Facility Enforcement Actions



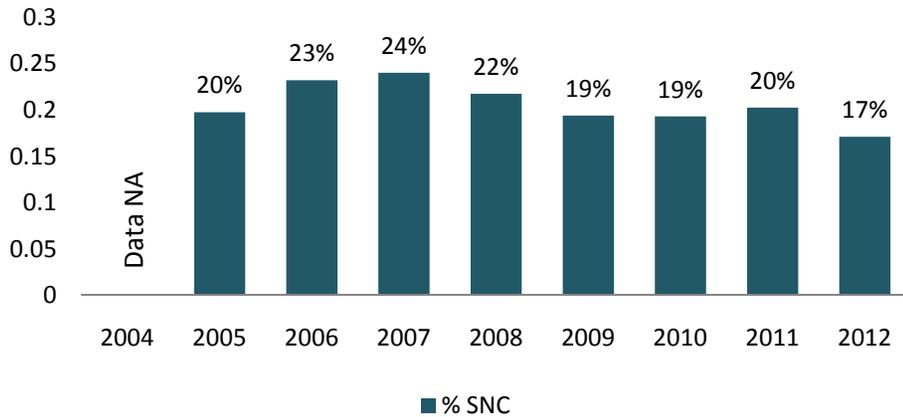
Number of Significant Industrial Facilities



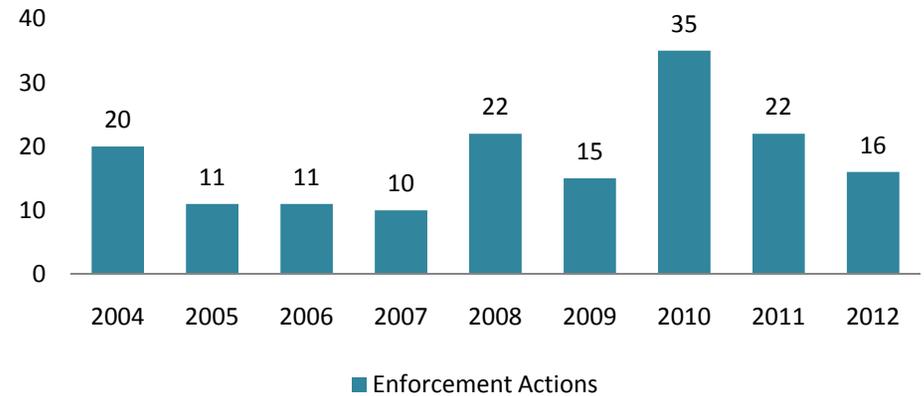
Significant Industrial Facility Inspections



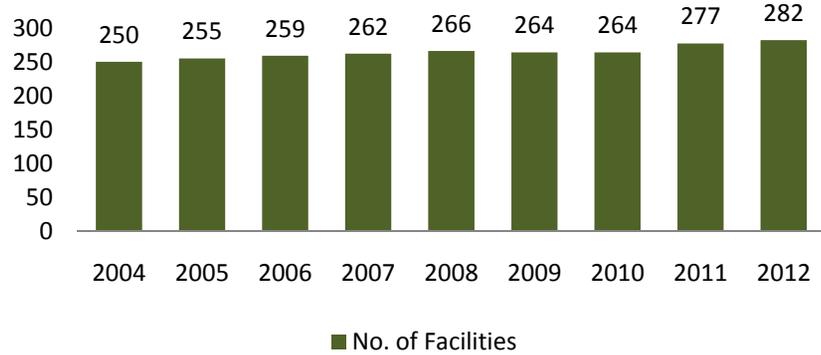
% of Significant Industrial Facilities in SNC



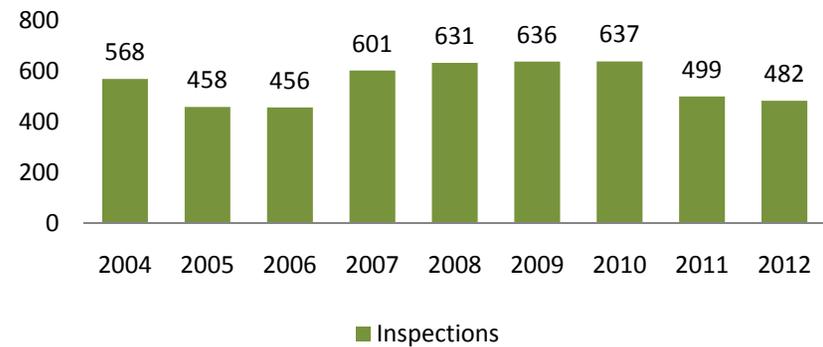
Significant Industrial Facility Enforcement Actions



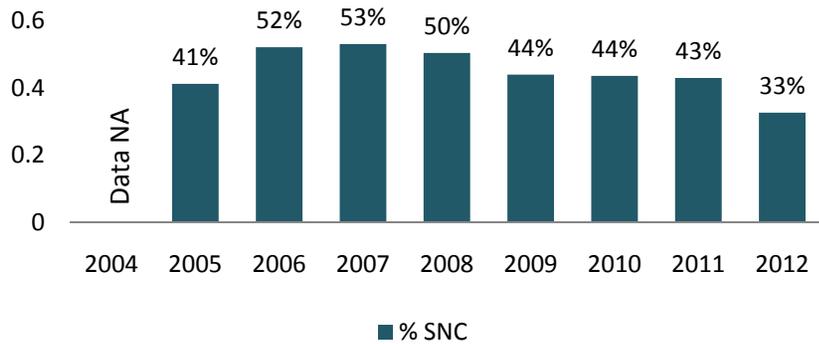
Number of Significant PCI Facilities



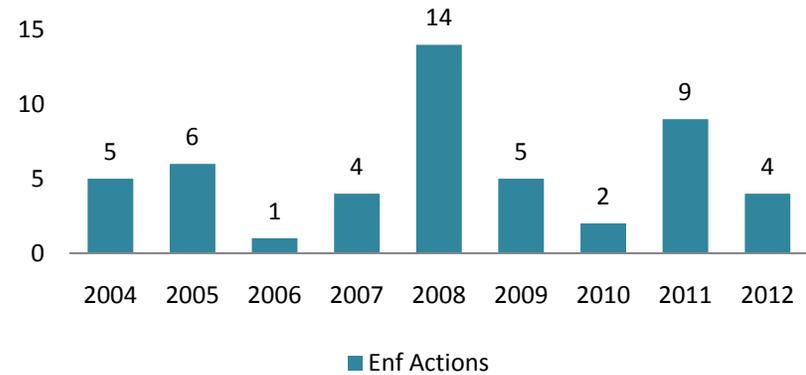
Significant PCI Facility Inspections



% of Significant PCI Facilities in SNC



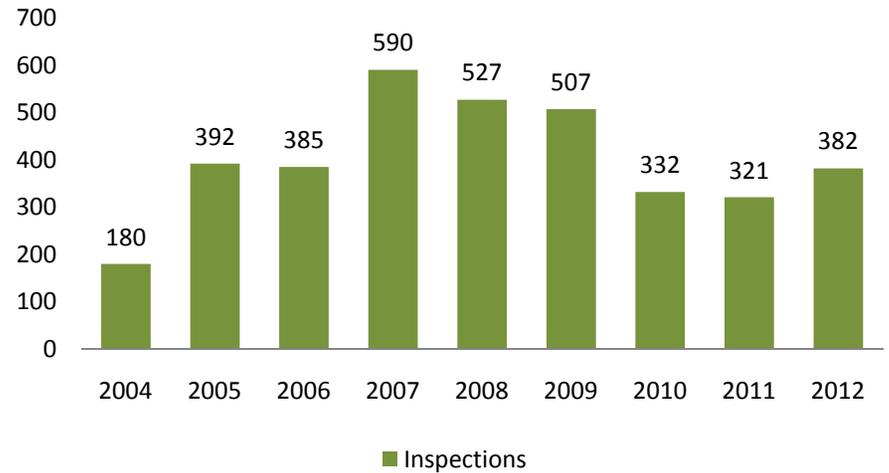
Significant PCI Facility Enforcement Actions



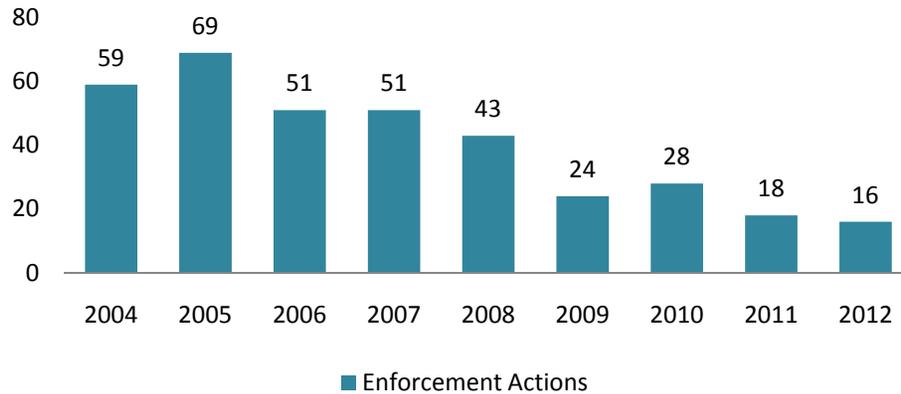
Number of SW-Construction Permits



SW-Construction Inspections



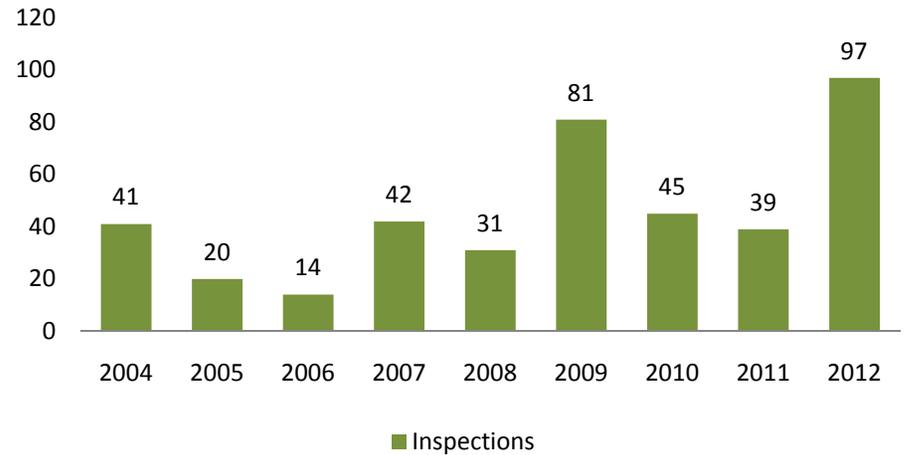
SW-Construction Enforcement Actions



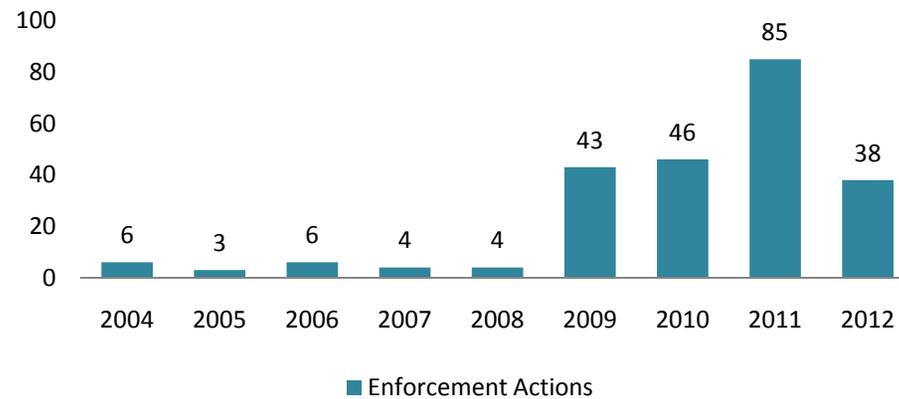
Number of MSGP Permits



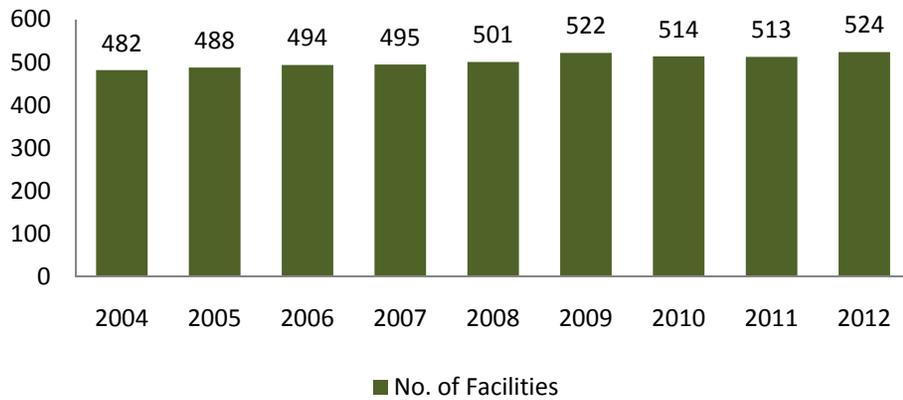
MSGP Inspections



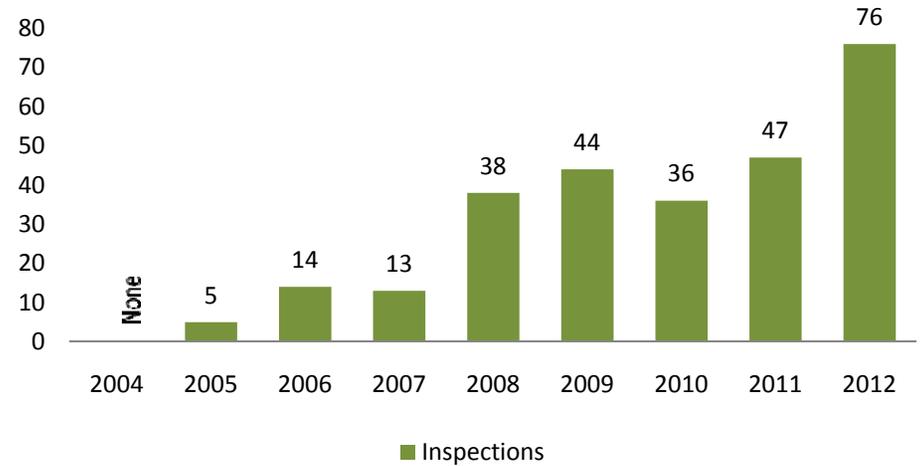
MSGP Enforcement Actions



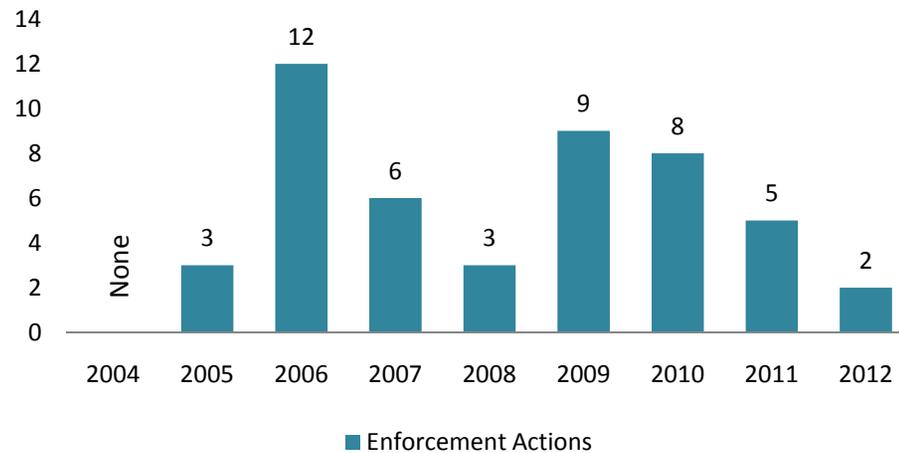
Number of MS4 Permitted Communities



MS4 Inspections



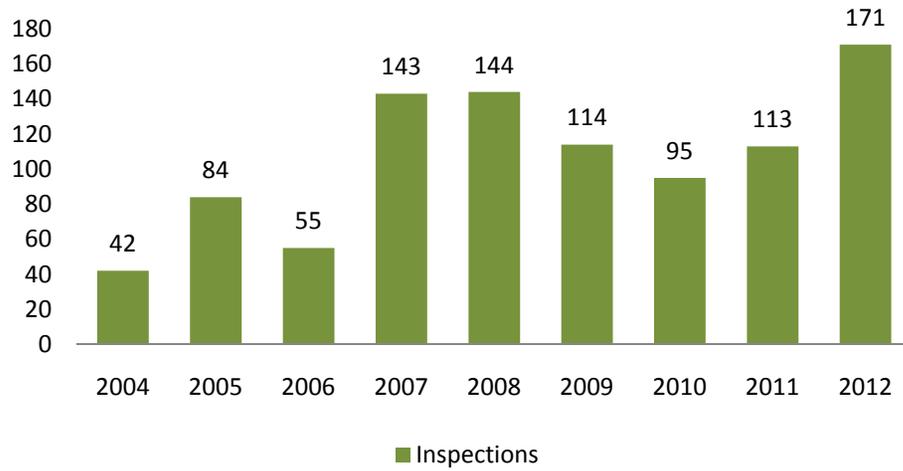
MS4 Enforcement Actions



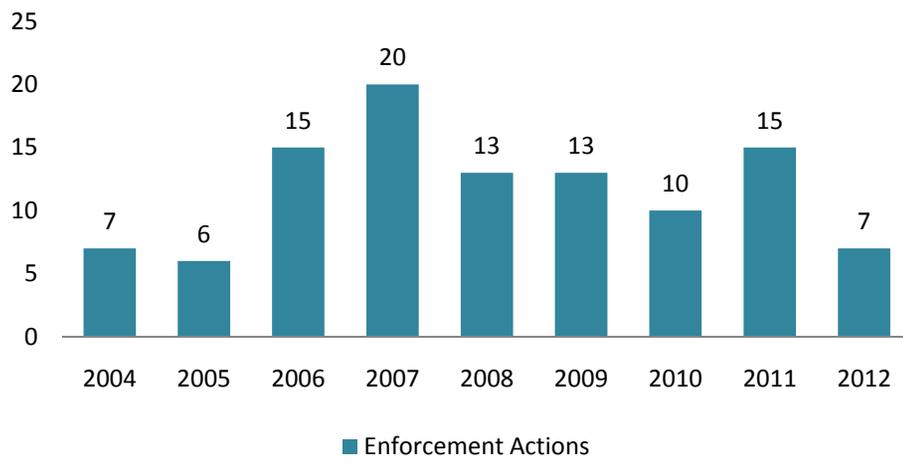
Number of CAFO Permitted Sites



CAFO Inspections



CAFO Enforcement Actions



Appendix C: SPDES Enforcement Highlights

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Albany Water Board (AWB) City of Albany, Albany County (NYSDEC Region 4) NY0025747 – Discharge Class 07 (Municipal Wastewater) R4-2013-0227-37
Enforcement Action Date	March 12, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Overflow of approximately 150,000 gallons of untreated sewage into the Normans Kill - Failure to maintain a required outfall identification sign at the point of release of the untreated sewage <p>Note: The Karlsfeld Pump Station, source of the sewage overflow, should be equipped with two pumps, with one serving as backup. At the time of the overflow, the pump station was equipped with only one operational pump and no available spare or backup pump.</p>
Penalty	Total assessed civil penalty of \$4,500 <ul style="list-style-type: none"> - Payable amount of \$2,500 - Suspended amount \$2,000 <p>The suspended penalty is conditional on AWB meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit a written pump station inspection and maintenance program that includes a description of spare equipment available on-site. - Submit a report of written procedures that seek to ensure the appropriate AWB staff and NYSDEC are notified of all reportable incidents when overflow of untreated sewage occurs. - Submit photographic evidence confirming installation of identification signs that meet SPDES permit requirements. <p>Additionally, the AWB agreed to resolve the following incomplete items from a previous order on consent executed with NYSDEC:</p> <ul style="list-style-type: none"> - Compare the intensity of August 2008 storm events to the design capacity of the city’s combined sewer system in the areas identified as having discharges onto the ground surface caused by sewer system surcharge conditions. - Develop a follow-up plan and implementation schedule for actions leading to removal or reduction of illicit sources of inflow and infiltration identified during “Phase 1” activities outlined in an AWB report previously approved by NYSDEC.
Additional Comments	The AWB provides water treatment and distribution, and wastewater collection services for the city of Albany.

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Town of Colonie Town of Colonie, Albany County (NYSDEC Region 4) NY0027758 - Discharge Class 05 (Municipal Wastewater) R4-2012-0912-80
Enforcement Action Date	October 29, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Unpermitted release of approximately 75,000 gallons of untreated sewage into an unnamed tributary of a Class A protected stream <p>Note: Sources of this discharge include residences and landfill leachate, each flowing into the Fonda Road Pump Station. Prior to this overflow, town personnel turned off station pumps and failed to restart them for approximately 20 hours. This resulted in the pump station overflowing, during which the high water alarm failed to work.</p>
Penalty	<p>Total assessed civil penalty of \$13,000</p> <ul style="list-style-type: none"> - Payable amount of \$3,000 - Suspended amount \$10,000 <p>The suspended penalty is conditional on the town of Colonie all requirements of the order on consent.</p> <p>Additionally, the town of Colonie is required to pay \$13,000 for an environmental benefit project (EBP). NYSDEC has yet to determine what this project will be.</p>
Required Action(s)	<ul style="list-style-type: none"> - Confirm all pump stations and alarm systems are inspected and in good working order. - Submit details on the pump station inspection and maintenance program, including how all overflow alarms operate on a continuous basis. - Submit procedures that ensure any SSO event is investigated to determine: <ul style="list-style-type: none"> o If material reached surface waters either directly through a discharge pipe or indirectly through a storm sewer system o The downstream extent of the discharge o The environmental impact of the SSO (for example, a fish kill) - Describe procedures for working on equipment where lock-out/tag-out procedures are not required to ensure that equipment is returned to operation after repairs are completed. - Evaluate the feasibility of installing a mechanism to disallow landfill leachate pumping from the landfill leachate pump station if the Fonda Road pump station is not operational.

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Town of Tonawanda Town of Tonawanda, Erie County (NYSDEC Region 9) NY0026395 - Discharge Class 05 (Municipal Wastewater) R9-2011-0315-9
Enforcement Action Date	May 17, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Discharge of raw sewage from the town's sanitary wastewater collection system
Penalty	Total assessed civil penalty of \$10,000 <ul style="list-style-type: none"> - Payable amount of \$4,000 - Suspended amount \$6,000 <p>The suspended penalty is conditional on the town of Tonawanda meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Continue to implement the work plan for the inflow and infiltration (I&I) demonstration project, as approved by NYSDEC on August 18, 2011. Key portions of this work plan include: <ul style="list-style-type: none"> o Task 1 - Test area identification, validation, and flow monitoring; specifically, the review of household plumbing issues, installation of flow metering, rain gauges, and instruments to collect real-time weather event data o Task 2 - Physical examination of sewer systems; specifically, the cleaning and closed circuit television (CCTV) filming, inspection of manholes, smoke testing, and private property inspections including dye testing and CCTV inspections of sewer laterals o Task 3 - Preparation of a report that summarizes findings of public and private sewer defects, developing corrective actions, and preparing repair cost estimates o Task 4 - Preparation of design documents, awarding of work contracts, and completion of necessary remedial activities or construction o Task 5 - Reporting post-construction flow monitoring and final project report; specifically, by identifying flow reductions from sewer improvements, establishes an allocation that distinguishes public from private sources of I&I, and preparation of a cost/benefit analysis of I&I reduction - Report on status of the demonstration project, including: <ul style="list-style-type: none"> o Submit a preliminary findings report on the outcomes from the Task 1 items listed above o Submit a systems investigations and corrective actions design report that presents findings from Task 2 listed above o Submit an I&I demonstration project final report that determines the flow reductions from the sewer improvements directed in Task 4 above. This report must also establish an allocation between public sources that were eliminated, provide detail on private sources of I&I to remove, and present

Appendix C: SPDES Enforcement Highlights

	<p>a cost-benefit analysis of I&I reduction. The report is to also make recommendations for how the findings of the I&I demonstration will be used to update the town of Tonawanda's 2005 draft long-term control plan (LTCP) for managing wastewater flows during wet weather periods</p> <ul style="list-style-type: none"> ○ Submit an update of the town of Tonawanda's LTCP for wet weather management that addresses findings from the I&I demonstration project in regard to cost effectiveness and feasibility of controlling I&I as a means of abating sanitary sewer overflows within the town's jurisdiction. The approved LTCP will describe how the town's sanitary sewer system will achieve compliance 6 NYCRR Part 750 <ul style="list-style-type: none"> - Update the LTCP for wet weather management of the town's sanitary sewer system, which upon NYSDEC approval, will become an enforceable part of this order on consent - Continue to implement the Parker-Fries Interceptor Project as described in the basis of design report approved by NYSDEC in October 2009
<p>Additional Comments</p>	<p>NYSDEC estimates overflow amounts of 13.6 million gallons in 2010 and 120.9 million gallons in 2011 from the town's wastewater collection system.</p> <p>This order on consent addresses the serious issue of sanitary sewer overflows (SSO) that affect numerous developed communities in the Buffalo-Niagara Region. This order on consent specifically lists 92 SSO discharge locations, directing that each receive appropriate repair, maintenance, and cleaning as necessary. These efforts seek to eliminate dry weather SSO while maximizing the ability to effectively convey wet weather flow to the treatment facility.</p>

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	City of Beacon City of Beacon, Dutchess County (NYSDEC Region 3) NY0025976 - Discharge Class 05 (Municipal Wastewater) R3-2011-1021-80
Enforcement Action Date	March 27, 2013 (entered into state Supreme Court as a consent decree).
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Unpermitted discharges of untreated wastewater into the Fishkill Creek - SPDES permit effluent limit violations occurring between June 2009 and December 2011 of the following: <ul style="list-style-type: none"> o biochemical oxygen demand o total suspended solids o settleable solids - Failure to comply with an administrative order on consent, dated October 25, 2007, executed with the NYSDEC - Sanitary system overflows, on various occasions during 2010 and 2011, resulting in a discharge of untreated wastewater into the Fishkill Creek and other areas of the city
Penalty	Total assessed civil penalty of \$250,000 <ul style="list-style-type: none"> - Payable amount of \$25,000 - Suspended amount \$225,000 <p>The suspended penalty is conditional on the city of Beacon meeting all requirements of the consent decree, including the completion of an environmental benefit project that consists of the construction of a multi-use trail connecting the Longdock-Beacon Point Park trail system with the Madame Brett Park trail system.</p>
Required Action(s)	<ul style="list-style-type: none"> - Implement a program for monitoring, quantifying and tracking the removal of inflow & infiltration (I&I) from the sanitary sewer system, and submit semi-annual progress report on I&I removal activities - Conduct smoke testing to identify potential sewer improvement areas, issuing notices of violation to non-compliant residents and customers - Clean those sewer systems identified in the 2012 smoke test report - Developing computer modeling to reflect infrastructure changes and 2012 precipitation and flow data, including installation of rain gauges at each of the water treatment and wastewater treatment facilities - Complete flow monitoring at strategic points in the South Interceptor and perform improvements to those portions of the collection system - Address flow capacity limitation between Wolcott and South avenues

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Village of Watkins Glen Sewage Treatment Plant Village of Watkins Glen, Schuyler County (NYSDEC Region 8) NY0020524 - Discharge Class 05 (Municipal Wastewater) R8-20120118-5
Enforcement Action Date	September 10, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between February 1, 2007 and July 31, 2012 of the following: <ul style="list-style-type: none"> o total suspended solids o settleable solids o fecal coliform o total coliform o total residual chlorine - Failure to employ a properly certified chief treatment plant operator between March 23, 2011 and August 21, 2011.
Penalty	Total assessed civil penalty of \$40,000 <ul style="list-style-type: none"> - Payable amount of \$20,000 - Suspended amount \$20,000 <p>The suspended penalty is conditional on the village of Watkins Glen meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Meet special SPDES permit interim effluent limits and interim monitoring requirements - Optimize the existing effluent disinfection system, including maintaining it in good working order sufficient to effectively disinfect the wastewater - Upgrade the disinfection system and report any further fecal or total coliform effluent limit excursions to the NYSDOH - Correct excessive inflow and infiltration (I&I) in the wastewater collection system and submit semi-annual progress reports to NYDEC - Submit a report that certifies, through a professional engineer, that I&I removal efforts have been resolved

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Village of Waterloo Wastewater Treatment Plant Village of Waterloo, Seneca County (NYSDEC Region 8) NY0022365 - Discharge Class 05 (Municipal Wastewater) R8-20111021-80
Enforcement Action Date	August 24, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between January 1, 2010 and June 30, 2012 of the following: <ul style="list-style-type: none"> o total suspended solids o biochemical oxygen demand o settleable solids o fecal coliform o flow - Failure to adequately report several events resulting in untreated flow bypassing the treatment facility
Penalty	Total assessed civil penalty of \$30,000 <ul style="list-style-type: none"> - Payable amount of \$15,000 - Suspended amount \$15,000 <p>The suspended penalty is conditional on the village of Waterloo meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Meet special SPDES permit interim effluent limits and interim monitoring requirements - Complete necessary steps to correct excessive inflow and infiltration (I&I) in the wastewater collection system - Submit a report that certifies, through a professional engineer, that the excessive I&I issues have been resolved - Comply with incident reporting requirements in NYCRR Part 750

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Village of Silver Creek WWTP Village of Silver Creek, Chautauqua County (NYSDEC Region 9) NY0022411 - Discharge Class 05 (Municipal Wastewater) R9-20120712-82
Enforcement Action Date	September 5, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between January 1, 2011 and May 31, 2012 of the following: <ul style="list-style-type: none"> o total suspended solids o biochemical oxygen demand o settleable solids o fecal coliform o influent flow - Failure to adequately report several events resulting in flow bypassing the treatment facility
Penalty	Total assessed civil penalty of \$38,000 <ul style="list-style-type: none"> - Payable amount of \$7,600 - Suspended amount \$30,400 <p>The suspended penalty is conditional on the village of Silver Creek meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit and complete a NYSDEC-approvable plan to eliminate both known and suspected sources of inflow and infiltration, including a comprehensive plan to remove stormwater connections to the sanitary sewer system - Submit and complete a NYSDEC-approvable engineering plan that addresses treatment facility upgrades that will achieve compliance with the SPDES permit - Submit semi-annual progress reports that detail actions taken to address items in the order on consent schedule of compliance

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Town of Amherst WWTP Town of Amherst, Erie County (NYSDEC Region 9) NY0025950 - Discharge Class 05 (Municipal Wastewater) R9-20120425-36
Enforcement Action Date	September 5, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between January 1, 2011 and April 30, 2012 of the following: <ul style="list-style-type: none"> o ultimate oxygen demand o nitrogen (measured as ammonia)
Penalty	Total assessed civil penalty of \$43,600 <ul style="list-style-type: none"> - Payable amount of \$20,000 - Suspended amount \$23,600 <p>The suspended penalty is conditional on the town of Amherst meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit an assessment of the believed cause(s) of the effluent violations and a description of actions taken by the town to correct and prevent further SPDES permit violations - Complete and submit an approvable assessment report that, at the time of execution of the order on consent: <ul style="list-style-type: none"> o Describes and evaluates the underlying factors for all SPDES permit violations within the past year o Describes actions by the town to ensure compliance with SPDES permit requirements o Evaluates the mechanical condition of each treatment unit o Evaluates the treatment capacity of each unit at existing flow and pollutant loading levels - Complete and submit an approvable long-term facility assessment report that: <ul style="list-style-type: none"> o Evaluates the treatment capacity of each process unit with respect to anticipated flows/pollutant loadings over the preceding 10-year period o Details a recommended schedule for identifying facility upgrades/enhancements o Incorporates an asset management strategy to serve as a planning document to ensure future SPDES permit compliance - Submit a report annually that details action taken during the preceding year to meet the above listed requirements

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	LaFargeville Sewer District (Town of Orleans) Town of Orleans, Jefferson County (NYSDEC Region 6) NY0121070 - Discharge Class 07 (Municipal Wastewater) R6-20120227-09
Enforcement Action Date	March 18, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Exceeding SPDES permit flow limitations between January 2009 and January 2011 - Exceeding various SPDES permit effluent biochemical oxygen demand (BOD) limits between January 2009 and January 2012 - Discharge of raw sewage into the Chaumont River via an unpermitted pipe
Penalty	Total assessed civil penalty of \$28,200 <ul style="list-style-type: none"> - Payable amount of \$2,115 - Suspended amount \$26,085 <p>The suspended penalty is conditional on the town of Orleans meeting all requirements of the order on consent, which includes an environmental benefit project (EBP), specifically identified as the installation of a photovoltaic power system on facilities owned by the town of Orleans.</p>
Required Action(s)	<ul style="list-style-type: none"> - Provide notice within 24 hours of the commencement of any discharge from the unpermitted outfall - Submit an approvable vacuum pit inspection plan for each vacuum pit, a method for documenting each vacuum pit, and a system for prioritizing and tracking repairs - Inspect all vacuum pits on an annual basis - Identify and remove stormwater connections to the sanitary sewer system as indicated by sump pump surveys - Identify faulty sewer connections and other sources of inflow and infiltration - Complete improvements previously identified, including: <ul style="list-style-type: none"> o Installation of a backup generator at the treatment facility o Installation of a new blower at the treatment facility o Installation of new controls at the vacuum stations o Installation of new pump motors at north side vacuum station - Submit an approvable compliance plan and implementation schedule for eliminating the unpermitted discharge - Submit an approvable sludge removal plan and schedule

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Great Neck Water Pollution Control District (GNWPCD) Nassau County SPDES No. NY0026999 - Discharge Class 05 (Municipal Wastewater) CO 1-20050527-1
Enforcement Action Date	May 29, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between January 1, 2007 and March 31, 2012, of the following: <ul style="list-style-type: none"> o Carbonaceous biochemical oxygen demand o Settleable solids o Total coliform o Fecal coliform o Nitrogen - Unpermitted discharges of approximately 815,000 gallons of untreated and partially treated wastewater, occurring between July 13, 2005 and October 9, 2005 - Failure to submit discharge monitoring reports in a timely manner
Penalty	Total assessed civil penalty of \$5,000 <ul style="list-style-type: none"> - Payable amount of \$3,000 - Suspended amount \$2,000 <p>The suspended penalty is conditional on the GNWPCD meeting all requirements of the order on consent. This includes the completion of an environmental benefit project having a value of not less than \$30,000.</p>
Required Action(s)	<ul style="list-style-type: none"> - Meet interim SPDES permit effluent limits - Submit NYSDEC-approvable engineering and design reports - Commence construction as outlined in the approved design report listed above - Submit an approvable SSO abatement and elimination plan - Implement the SSO abatement and elimination plan listed above - Contract with the village of Great Neck for the purpose of decommissioning the village wastewater treatment plant and diverting raw sewage flows for treatment through the Great Neck Water Pollution Control District - Complete all construction detailed in the approved design report - Submit an interim wet weather operating plan - Comply with the 2014 nitrogen allocation - Comply with water quality based effluent limits (WQBEL) for total residual chlorine
Additional Comments	This amended order on consent reflects the USEPA-approved total maximum daily load (TMDL) for nitrogen entering Long Island Sound and the resulting challenges for this, and other, impacted wastewater treatment plants to meet reduced effluent nitrogen limits.

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Village of Great Neck (Village of Great Neck Wastewater Treatment Plant) Nassau County NY0026999 - Discharge Class 05 (Municipal Wastewater) CO 1-20050315-10
Enforcement Action Date	June 15, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between September 1, 2005 and December 31, 2011 of the following: <ul style="list-style-type: none"> o Biochemical oxygen demand o Total residual chlorine o Total nitrogen o Total coliform o Fecal coliform - Unpermitted discharges of untreated and partially treated wastewater - Failure to submit annual flow certification report in a timely manner
Penalty	Total assessed civil penalty of \$60,000 <ul style="list-style-type: none"> - Payable amount of \$9,000 - Payable amount of \$51,000 in the form of an environmental benefit project the village of Great Neck will complete that will reduce nitrogen loadings to Long Island Sound
Required Action(s)	<ul style="list-style-type: none"> - Comply with interim SPDES permit effluent limits - Comply with the water quality based effluent limit (WQBEL) for total residual chlorine - Comply with the 2014 nitrogen allocation for the treatment facility - Decommission the current treatment facility according to NYSDEC regulations after a replacement treatment system becomes operational
Additional Comments	This order on consent reflects the USEPA-approved total maximum daily load (TMDL) for nitrogen entering Long Island Sound and the resulting challenges for this, and other, impacted wastewater treatment plants to meet reduced effluent nitrogen limits.

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Washington County Sewer District #2 Village of Fort Edward (Washington County) NY0183695 - Discharge Class 05 (Municipal Wastewater) R5-20110928-1074
Enforcement Action Date	December 11, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between June 18, 2009 and January 31, 2012 of the following: <ul style="list-style-type: none"> o Biochemical oxygen demand o Total suspended solids o Settleable solids o Total copper - Release of untreated wastewater, through various CSO and SSO events, occurring between July 23, 2009 and August 24, 2011
Penalty	Total assessed civil penalty of \$110,000 <ul style="list-style-type: none"> - Payable amount of \$45,000 - Suspended amount \$65,000 <p>The suspended penalty is conditional on the Washington County Sewer District #2 meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Within 90 days of execution of the order on consent, impose an unconditional moratorium on new sewer connections leading to the wastewater treatment facility. This moratorium will apply until the hydraulic and organic loading to the treatment facility does not exceed 95% of design factors for 12 consecutive months - Within 24 months of execution of the order on consent, Washington County Sewer District #2 agrees to replace the sludge thickening and dewatering equipment at the treatment facility

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Respondent Location (county) SPDES Permit Number Enforcement Case Number	Town of Virgil Sewer District No. 1 Town of Virgil (Cortland County) NY0027197 - Discharge Class 07 (Municipal Wastewater) R7-20120613-46
Enforcement Action Date	August 31, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - On or before May 25, 2012 the Town of Virgil Sewer District No. 1 treatment facility discharged excess sodium hypochlorite, a chlorinating agent, into Gridley Creek causing the death of approximately 75 to 100 fish.
Penalty	Total assessed civil penalty of \$15,000 <ul style="list-style-type: none"> - Payable amount of \$5,000 - Suspended amount \$10,000 <p>The suspended penalty is conditional on the Town of Virgil Sewer District No. 1 meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Within sixty (60) days of the effective date of this order on consent the Town of Virgil Sewer District No. 1 must submit a report to NYSDEC, for approval, that identifies corrective measures to prevent any future issues with the chlorination/de-chlorination system at the treatment facility. The report is to include standard operating procedures for the chlorination/de-chlorination system and an implementation schedule for the proposed corrective measures. Upon approval of the report the Town of Virgil Sewer District No. 1 must perform corrective measures consistent with the implementation schedule.

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Respondent Location (county) SPDES Permit Number Enforcement Case Number	Great Lakes Cheese Co., Inc. Village of Adams, Jefferson County (NYSDEC Region 6) NY0215775 - Discharge Class 01 (Industrial Wastewater) R6-20100611-06
Enforcement Action Date	June 12, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Violation of effluent permit limits, specifically for ultimate oxygen demand and phosphorus - SPDES permit effluent limit violations occurring between June 18, 2009 and January 31, 2012 of the following: <ul style="list-style-type: none"> o Biochemical oxygen demand o Total suspended solids o Settleable solids o Total copper - Increasing capacity of the wastewater treatment system without NYSDEC approval - Increasing the volume of wastewater discharged from the facility's outlet to waters of the state without prior approval - Failure to obtain NYSDEC approval prior to commencing with use of alum and "Aries 3155" water treatment chemical (Note: NYSDEC had previously denied approval for the use of "Aries 3155 at this facility.")
Penalty	Assessed civil penalty of \$40,000, all of which is payable.
Required Action(s)	<ul style="list-style-type: none"> - Facility must limit the volume of its discharge to a maximum daily flow of 500,000 gallons per day (gpd), with a maximum average monthly flow of 400,000 gpd - Submit an approvable engineering report detailing the facility's physical capability to treat wastewater in the configuration at the time of order on consent execution - Provide details on current and planned usage of water treatment chemicals, including active ingredients and dosage amount of each - Maintain a logbook of all water treatment chemical usage, noting application date, time, location, and amount. - Submit a work plan for a pilot test to determine the efficacy of installing a sand filtration unit at the plant - Submit an engineering plan for any design changes proposed for the facility - Submit an approvable interim plan to monitor receiving water temperatures at locations both upstream and downstream from the facility's discharge pipe.

Appendix C: SPDES Enforcement Highlights

Respondent	U.S. Salt, L.L.C. Watkins Glen Facility
Location (county)	Town of Reading, Schuyler County (NYSDEC Region 8)
SPDES Permit Number	NY0002330 - Discharge Class 03 (Industrial Wastewater)
Enforcement Case Number	R8-20120309-17
Enforcement Action Date	May 17, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - SPDES permit effluent limit violations occurring between November 1, 2007 and March 31, 2012 of the following: <ul style="list-style-type: none"> o Chloride o pH
Penalty	Total assessed civil penalty of \$30,000, all of which is payable.
Required Action(s)	None
Additional Comments	Concurrent with this enforcement action, a modified SPDES permit was issued to U.S. Salt, L.L.C. - Watkins Glen facility

Respondent	La Belle Farm, Inc.
Location (county)	Town of Liberty, Sullivan County (NYSDEC Region 3)
SPDES Permit Number	NY0247944 - Discharge Class 04 (Industrial Wastewater)
Enforcement Case Number	R3-20121003-176
Enforcement Action Date	February 21, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to develop, maintain, and implement a best management practices (BMP) plan as required by the issued SPDES permit - Failure to comply with the effluent limit for daily maximum oil and grease as required by the issued SPDES permit - Failure to perform pH testing, as required by the issued SPDES permit, from March 2007 to June 2012
Penalty	<p>Total assessed civil penalty of \$24,000</p> <ul style="list-style-type: none"> - Payable amount of \$16,000 - Suspended amount \$8,000 <p>The suspended penalty is conditional on La Belle Farm, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Immediately cease and desist from any and all future violations of the Environmental Conservation Law - Submit a self-certification statement upon the completion of each compliance schedule requirement detailed in the order on consent - Submit an approvable BMP plan - Certify that the BMP plan has undergone annual review by the La Belle Farm, Inc. - Operate the facility consistent with terms outlined in the SPDES permit

Appendix C: SPDES Enforcement Highlights

Respondents Location (county) SPDES Permit Number Enforcement Case Number	Mark Wieboldt (New Planet Laundromat, Inc.) Town of Brookhaven, Suffolk County (NYSDEC Region 1) NY0267082 - Discharge Class 01 (Industrial Wastewater) R1-20101112-130
Enforcement Action Date	April 6, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Installing and operating a treatment system without NYSDEC approval - From December 2008 through May 2009, discharging wastewater in violation of SPDES permit effluent limits - Failure to submit SPDES permit discharge monitoring reports - Failure to provide an official mailing address necessary for the NYSDEC to conduct transactions with Mark Wieboldt
Penalty	Total assessed civil penalty of \$80,000 <ul style="list-style-type: none"> - Payable amount of \$25,000 - Suspended amount \$55,000 The suspended penalty is conditional on Mark Wieboldt meeting all requirements of the order on consent.
Required Action(s)	<ul style="list-style-type: none"> - Immediately cease discharge of wastewater that exceeds the SPDES permit effluent limit for MBAS* - Identify all hydraulic down-gradient receptors potentially affected by the groundwater contamination plume created by the discharge. Mark Wieboldt is to provide NYSDEC with a map showing all properties with private wells that are down-gradient and within one-half mile of the treated wastewater discharge. Mark Wieboldt is to conduct laboratory analysis if down-gradient groundwater receptors are found - Submit an approvable groundwater quality investigation plan that will: <ul style="list-style-type: none"> o detail locations and depths of at least four additional hydraulically down-gradient groundwater monitoring wells o determine the local direction of groundwater flow o identify three-dimensional extent of the contamination plume o develop sampling plan for all monitoring and potable wells - Upon approval by NYSDEC of Mark Wieboldt’s plan, commence with: <ul style="list-style-type: none"> o installation of monitoring wells and subsequent sampling o undertaking activities consistent with the approved plan - Perform an environmental audit of each of Mark Wieboldt’s laundromats listed in the order on consent
Additional Comments	*MBAS, or methylene blue active substances, is a laboratory analysis that quantifies detergents (or surfactants) in water.

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Respondent	Knoxville Park, Inc., (Knox Estates Mobile Home Park)
Location (county)	Town of Knox, Albany County (NYSDEC Region 4)
SPDES Permit Number	NY0103403 - Discharge Class 02 (Private, Commercial, or Institutional Wastewater)
Enforcement Case Number	R4-20120601-45M1
Enforcement Action Date	August 6, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to collect samples that are necessary to determine compliance with SPDES permit requirements - Discharging a cloudy, odiferous, and inadequately treated effluent
Penalty	<p>Total assessed civil penalty of \$7,875</p> <ul style="list-style-type: none"> - Payable amount of \$1,575 - Suspended amount \$6,300 <p>The suspended penalty is conditional on Knoxville Park, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit to NYSDEC and the Albany County Department of Health (ACDOH) for review and approval, a revised engineering report and plan for upgrading the Knoxville Estates Mobile Home Park wastewater treatment system to comply with all SPDES effluent permit limits - Complete the work outlined in the approved final engineering plan no later than October 31, 2012 - Submit to NYSDEC a professional engineer's certification that all work has been completed consistent with the approved engineering plans

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Respondents Location (county) SPDES Permit Number Enforcement Case Number	Timothy Trinkle and Trinkle Farms Town of Cambridge (Washington County) NYAE01296 - Discharge Class 15 (CAFO Wastewater) R5-20110623-1052
Enforcement Action Date	October 26, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to implement 31 best management practices (BMPs) as required under the CAFO general permit - Discharging untreated wastewater into a tributary of a trout stream and into a NYSDEC-protected wetland.
Penalty	Total assessed civil penalty of \$20,000 <ul style="list-style-type: none"> - Payable amount of \$6,000 - Suspended amount \$14,000 <p>The suspended penalty is conditional on Timothy Trinkle and Trinkle Farms meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Immediately upon execution of the order on consent, Timothy Trinkle and Trinkle Farms are to comply with all provisions of the comprehensive nutrient management plan (CNMP). Compliance with the CNMP is to continue throughout the life of the order on consent. - Immediately upon execution of the order on consent, Timothy Trinkle and Trinkle Farms are to not place animal feed in a location that may cause a discharge of feed leachate to waters of the state. - Within 30 days of execution of the order on consent, Timothy Trinkle and Trinkle Farms are to implement the following interim measures to minimize potential for an unpermitted discharge of wastes into waters of the state: <ul style="list-style-type: none"> o Contain animal wastes within the walkways and barnyards by installing and maintaining suitable materials (concrete, pressure treated lumber, etc.) that will plug all weep holes in the curbing along the animal walkways and barnyards o Use suitable sump pumps and other pump equipment, if necessary, to pump liquefied animal waste and water from animal walkways and barnyards to prevent an accumulation of liquefied animal waste and water in walkways and barnyards that may lead to a discharge to waters of the state. - Adhere to the BMP Implementation Schedule for the facility, and complete the 17 items identified in the BMP Implementation Schedule incorporated into the executed order on consent.

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Respondents	Dickson’s Environmental Services, Inc., Philip Dickson, Jay Dickson, and Leo Dickson and Sons, Inc.
Location (county)	Town of Bath, Steuben County (NYSDEC Region 8)
SPDES Permit Number	NYA000178 – Discharge Class 15 (CAFO Wastewater)
Enforcement Case Number	R8-20110526-11
Enforcement Action Date	January 7, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to provide documentation attesting that open waste storage structures were constructed under direction of a New York state licensed professional engineer or to standards developed by the National Resources Conservation Service (NRCS)
Penalty	<p>Total assessed civil penalty of \$60,000</p> <ul style="list-style-type: none"> - Payable amount of \$46,500 - Suspended amount \$13,500 <p>The suspended penalty is conditional on Dickson’s Environmental Services, Inc., Philip Dickson, Jay Dickson, and Leo Dickson and Sons, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Install permanent depth markers, sufficient to accommodate rainfall from a 25-year event, in all open liquid waste storage facilities - Provide engineering certifications for all manure transfer lines, including those from the main farm to the processing facility - Provide engineering plans and engineering construction certification of the bunk silo leachate collection system documenting that it meets all applicable NRCS standards - Commence all record keeping as required by the issued SPDES CAFO permit, including land application volumes of wastes in all fields, animal mortality numbers, storage depths, and manure import and export volumes - Immediately comply with spreading recommendations made by a certified agricultural environment management (AEM) planner - Commence sampling as directed in the SPDES CAFO permit - Provide engineering certification of all permanent manure storage facilities not previously certified

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Prospect Ridge, LLC Town of Marlborough, Ulster County (NYSDEC Region 3) NYR10N763 - Discharge Class 11 (Construction Stormwater) R3-20100810-65
Enforcement Action Date	June 11, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Erosion and sediment controls that were improperly installed or improperly maintained - Actual site topography inconsistent with what was presented in the stormwater pollution prevention plan (SWPPP) - Improperly stabilized soils - Discharging site runoff without treatment into waters of the state
Penalty	Total assessed civil penalty of \$20,000 <ul style="list-style-type: none"> - Payable amount of \$12,500 - Suspended amount \$7,500 <p>The suspended penalty is conditional on Prospect Ridge, LLC meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Immediately cease and desist from any future violations of the NYS Environmental Conservation Law (ECL) - Submit a signed statement certifying that all work required by this order on consent was completed by the date of the certification - Submit a SWPPP that complies with SPDES construction general permit (GP-0-10-001) - Install proper erosion and sediment controls consistent with the SWPPP

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Respondent	New York City Economic Development Corporation (NYCEDC) South Brooklyn Marine Terminal
Location (county)	New York City, Kings County (NYSDEC Region 2)
SPDES Permit Number	NYR10L635 - Discharge Class 11 (Construction Stormwater)
Enforcement Case Number	R2-20091218-723
Enforcement Action Date	September 24, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to perform self-inspections and failure to retain records detailing those inspections - Failure to maintain a readily accessible copy of the stormwater pollution prevention plan (SWPPP), and failure to amend the SWPPP to include upland areas of the site - Failure to properly depict on any submitted and approved plans the existence and location of four outfall pipes - Failure to install perimeter controls or covers, exposing these to stormwater having potential to discharge off-site - Improper installation and maintenance of a floating containment boom, allowing a visible plume to extend into the adjoining water body - Installing undersized blanket stone on top of the existing cap stone, making these vulnerable to washing away into the environment - Failure to secure necessary permits for a fender system
Penalty	<p>Total assessed civil penalty of \$110,000</p> <ul style="list-style-type: none"> - Payable amount of \$30,000 to NYDSEC - Payable amount of \$60,000 to the NYSDEC Marine Resources Account - Suspended amount \$20,000 <p>The suspended penalty is conditional on NYCEDC meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit an as-built survey of the construction site - Submit a statement by an individual, under penalty of law, that: <ul style="list-style-type: none"> o Identifies the flow source(s) for the four (4) outfall pipes o Identify the type of discharge each is designed to convey - Remove, by hand, all undersized crushed stones located on top of the existing cap stone installed at the site - Submit a mitigation site plan that proposes at least twelve (12) native trees and twenty-four (24) native shrubs to be planted at or immediately adjacent to this facility. These vegetation are to be maintained and monitored for the three (3) years following planting

Appendix C: SPDES Enforcement Highlights

Respondent	New York City Department of Parks and Recreation (NYCDPR)
Location (county)	New York City, Bronx County (NYSDEC Region 2)
SPDES Permit Number	NYR10R112 - Discharge Class 11 (Construction Stormwater)
Enforcement Case Number	R2-20100505-139
Enforcement Action Date	June 8, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to implement adequate erosion and sediment control measures at the construction site - Discharging turbid stormwater into the East River - Failure to implement adequate pollution control measures
Penalty	<p>Total assessed civil penalty of \$25,000</p> <ul style="list-style-type: none"> - Payable amount of \$15,000 to the NYSDEC - Payable amount of \$10,000 to the NYSDEC Marine Resources Account
Required Action(s)	None
Additional Comments	NYCDPR is managing the site that is the subject of this order on consent. Construction activity consists of the closure of an old landfill and the creation of a golf course at Ferry Point Park, 500 Hutchinson Parkway in the Bronx.

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Respondent	Village of South Nyack
Location (county)	Village of South Nyack, Rockland County (NYSDEC Region 3)
SPDES Permit Number	NYR20A185 - Discharge Class 16 (MS4 Stormwater)
Enforcement Case Number	R3-20110726-81
Enforcement Action Date	May 21, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to enact appropriate laws and enforcement procedures as required by the MS4 General Permit. - Failure to receive attorney certification that enacted laws are consistent with MS4 General Permit requirements
Penalty	<p>Total assessed civil penalty of \$25,000</p> <ul style="list-style-type: none"> - Payable amount of \$10,000 - Suspended amount \$15,000 <p>The suspended penalty is conditional on the village of South Nyack meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Enact a local law required by the MS4 General Permit and provide attorney certification that the local law is equivalent to the state's model illicit discharge local law

Respondent	City of Glens Falls
Location (county)	City of Glens Falls, Warren County (NYSDEC Region 5)
SPDES Permit Number	NYR20A083 - Discharge Class 16 (MS4 - Stormwater)
Enforcement Case Number	R5-20120419-1096
Enforcement Action Date	August 29, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure, since 2003, to develop and/or implement a stormwater management plan (SWMP) - Failure to develop and implement a SWMP consistent with requirements of the MS4 general permit
Penalty	<p>Total assessed civil penalty of \$28,900</p> <ul style="list-style-type: none"> - Payable amount of \$12,000 - Suspended amount \$16,900 <p>The suspended penalty is conditional on the city of Glens Falls meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Submit an approvable SWMP to NYSDEC that includes an implementation schedule - Commence implementation of the proposed implementation schedule within one (1) business day following approval from NYSDEC

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Cranesville Block Company, Inc. City of Syracuse, Onondaga County (NYSDEC Region 7) NYR00D273 - Discharge Class 12 (MSGP Stormwater) R7-20110526-46
Enforcement Action Date	April 20, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Discharging industrial process wastewater that plugged a storm sewer owned by the city of Syracuse - Failure to implement best management practices (BMP) to prevent or minimize the discharge of spilled cement and aggregate in the stormwater from the paved portions of the facility exposed to stormwater - Exceeding established BMP benchmarks from 2008-2011 for: <ul style="list-style-type: none"> o pH o total recoverable iron o total suspended solids
Penalty	Total assessed civil penalty of \$50,000 <ul style="list-style-type: none"> - Payable amount of \$10,000 - Suspended amount \$40,000 <p>The suspended penalty is conditional on Cranesville Block Company, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Confer with the city of Syracuse to determine locations of the access points and covers for the storm sewer line running along Lynch Street - Provide the city of Syracuse with a copy of closed –circuit television video documenting the cleaning of, and removal of, blockages in the storm sewer line along Lynch Street - Upon receipt of necessary permits from the city of Syracuse, update and resubmit the notice of intent or termination (NOIT) form and SWPPP. These documents are to identify and clarify any inconsistencies in previously submitted NOIT and SWPPP documents - Submit approvable design plans and specifications for a permanent zero-discharge system to contain all of the industrial process waste water generated from the production of concrete mixtures, from the washing of the interior and exterior of concrete transportation trucks - Complete construction of the permanent zero-discharge system at the facility as approved by NYSDEC - Implement all best management practices identified in the SWPPP

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	K-Sea Transportation, Inc. 3245 Richmond Terrace, Staten Island (Richmond County) NYR00D513 – Discharge Class 12 (MSGP Stormwater) R2-20120723-459
Enforcement Action Date	August 22, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to meet significant permit requirements, including a substantial failure to implement corrective best management practices in a timely manner following exceeding benchmark parameters, contributing to a violation of water quality standards for aluminum, zinc, and iron.
Penalty	Total assessed civil penalty of \$3,000, all of which is payable
Required Action(s)	Within 45 days of the execution of the order on consent, K-Sea Transportation, Inc. is to: <ul style="list-style-type: none"> - Implement corrective measures in the drainage areas to both stormwater outfalls at the site, specifically to: <ul style="list-style-type: none"> o Minimize exposure of all metal objects and materials to stormwater that will result in lowering concentrations of metals below the benchmark cutoff concentrations specific in the SPDES permit, or o Implement best management practices (BMPs) that treat the stormwater runoff discharging from the drainage areas, that will result in lowering concentrations of metals below the benchmark cutoff concentrations specific in the SPDES permit - Upon implementing the actions described above, K-Sea Transportation, Inc. is to perform sampling and analysis of samples collected from the first rainfall event that generates a discharge from the stormwater outfall at the downstream end of the northwestern pier. Analysis must be for all four of the benchmark parameters using USEPA methods specified in the SPDES permit, with analysis by an ELAP certified laboratory. <ul style="list-style-type: none"> o If the sampling shows that the benchmark cutoff concentrations are exceeded for any of the benchmark parameters, additional BMPs or controls must be installed to correct the problem and additional sampling and analytical testing must be performed until the concentration of the exceeded benchmark parameter(s) are below the benchmark cutoff concentration(s).

Appendix C: SPDES Enforcement Highlights

Respondents	Robert Palmateer and Prime Expectations, Inc., doing business as Charlie's Restaurant
Location (county)	Town of Perth, Fulton County (NYSDEC Region 5)
SPDES Permit Number	NYU500261 (Unpermitted Discharge)
Enforcement Case Number	R5-20100827-1010
Enforcement Action Date	June 22, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to comply with the amended order on consent that was executed with NYSDEC on February 23, 2011 - Discharging wastewater without a SPDES permit issued by NYSDEC
Penalty	<p>Total assessed civil penalty of \$30,000</p> <ul style="list-style-type: none"> - Payable amount of \$5,000 - Suspended amount \$25,000 <p>The suspended penalty is conditional on Prime Expectations, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Pump the contents of the septic tank and grease trap at least once every seven days - Maintain records of all pump-outs for at least five years and make available to NYSDEC for inspection immediately, or provide copies within ten business days of a written request - Submit an approvable engineering report, plans, and specifications necessary for bringing the wastewater treatment system into compliance the Environmental Conservation Law - Submit a complete SPDES permit application for the wastewater treatment system serving the restaurant - Complete construction of the approved wastewater treatment system according to the approved engineering plan, design, and schedule of construction - Obtain certification by a licensed professional engineer that repairs or upgrades to the wastewater treatment system were done according to approved plans and specifications
Additional Comments	A separate order on consent was executed with Prime Expectations, Inc. on February 23, 2011. That order on consent required Prime Expectations, Inc. to take certain actions. Those actions remain unfulfilled and are listed as requirements in the order on consent executed in June 22, 2012.

Appendix C: SPDES Enforcement Highlights

Respondent	Tech Park Owner, LLC (Rochester Technology Park)
Location (county)	Town of Gates, Monroe County (NYSDEC Region 8)
SPDES Permit Number	NA (Unpermitted)
Enforcement Case Number	R8-20110527-13
Enforcement Action Date	May 17, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Discharge of wastewater and stormwater without the necessary SPDES permits, a violation of the Environmental Conservation Law. - Failure to transfer and renew a previously issued SPDES permit held by the previous site owner <p>Note: The wastewater discharged by Tech Park Owner, LLC consisted primarily of boiler blow down and runoff from snow and rain events.</p>
Penalty	<p>Total assessed civil penalty of \$140,000</p> <ul style="list-style-type: none"> - Payable amount of \$115,000 - Suspended amount \$25,000 <p>The suspended penalty is conditional on Tech Park Owner, LLC meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Monitor any discharges and report these data on a quarterly basis - Discharge up to 200 gallons per day of wastewater under NYSDEC guidelines during the application process for a new SPDES permit
Additional Comments	This order on consent also addressed air pollution control violations. The payable penalty assigned for water pollution violations is \$26,000.

Respondent	Texas Brine Company, LLC
Location (county)	Town of Wheatfield, Niagara County (NYSDEC Region 9)
SPDES Permit Number	NA (Unpermitted)
Enforcement Case Number	R9-20130103-3
Enforcement Action Date	January 25, 2013
Reason(s) for Enforcement	This order on consent is in response to a spill, on August 13, 2012, of approximately 130,000 gallons of depleted brine from a pipeline owned by Texas Brine Company, LLC.
Penalty	Total assessed civil penalty of \$5,000, all of which is payable
Required Action(s)	Texas Brine Company, LLC is required to update company standard operating procedures for detecting and responding to leaks and provide a copy to NYSDEC.
Additional Comments	During early morning hours of August 13, 2012, Texas Brine Company, LLC monitoring devices indicated a potential pipeline leak. After isolating a section of pipeline to determine a more precise location of the potential rupture, a rupture was confirmed. The pipeline returned to service following necessary repairs and environmental cleanup.

Appendix C: SPDES Enforcement Highlights

Respondent	William Wolf
Location (county)	Village of Cairo, Green County (NYSDEC Region 4)
SPDES Permit Number	NYU400143 – Unpermitted
Enforcement Case Number	R4-20100330-24
Enforcement Action Date	September 14, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to file a Notice of Intent for coverage under the General Permit for Stormwater Discharges from Construction Activity - Discharging stormwater having visible contrast with the receiving waters of Catskill Creek - Failure to properly stabilize soils, enabling contact with stormwater and ultimately discharging to waters of the state
Penalty	<p>Total assessed civil penalty of \$12,000</p> <ul style="list-style-type: none"> - Payable amount of \$8,500 - Suspended amount \$3,500 <p>The suspended penalty is conditional on William Wolf meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Immediately retain a qualified professional engineer to develop an erosion and sediment control plan for the site and implement the plan - Submit an approvable stormwater pollution prevention plan

Respondent	Willets Point Asphalt Corp.
Location (county)	3202 College Point Blvd. Flushing, NY (Queens County)
SPDES Permit Number	NYR00F167 (Unpermitted at time of violations)
Enforcement Case Number	R2-20120611-352
Enforcement Action Date	June 29, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Willets Point Asphalt Corp. performed industrial activities without obtaining coverage under SPDES Multi-Sector General Permit (MSGP). - Failure to develop and implement a stormwater pollution prevention plan.
Penalty	Total assessed civil penalty of \$5,000, all of which is payable
Required Action(s)	Within 60 days of the execution of the order on consent, Willets Point Asphalt Corp. must develop and fully implement a Stormwater Pollution Prevention Plan, and obtain coverage under the SPDES Multi-Sector General Permit.

Appendix C: SPDES Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Riccelli Enterprises, Inc. Town of Cicero (Onondaga County) NA - Unpermitted R7-20080714-75
Enforcement Action Date	October 19, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Riccelli Enterprises, Inc. constructed a 6.2 acre parking lot without obtaining authorization under SPDES General Permit for Stormwater Discharges from Construction Activity. - Failure to prepare and implement a stormwater pollution prevention plan. - Numerous violations of the NYSDEC freshwater wetlands statutes and regulations including draining and filling 6.2 acres of State mapped-freshwater wetland CIC-17 and its 100 foot buffer without a freshwater wetlands permit.
Penalty	Total assessed civil penalty of \$225,000 <ul style="list-style-type: none"> - Payable amount of \$50,000 - Suspended amount \$175,000 <p>The suspended penalty is conditional on Riccelli Enterprises, Inc. meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Within 90 days of the execution of the order, Riccelli Enterprises, Inc. must submit to the Department a Wetlands Restoration Plan providing for the complete removal of the fill and the restoration of the 6.2 acres of the disturbed State-mapped freshwater wetland CIC-17 and its adjacent areas. - Complete removal of the fill and the restoration of all disturbed areas within 12 months of Riccelli Enterprises, Inc. receiving NYSDEC's written acceptance of the submitted Wetland Restoration Plan.

Appendix C: SPDES Enforcement Highlights

Respondent	John P. Sherman
Location (county)	Town of Lisbon (St. Lawrence County)
SPDES Permit Number	NA - Unpermitted
Enforcement Case Number	R6-20121031-70
Enforcement Action Date	December 7, 2012
Reason(s) for Enforcement	<ul style="list-style-type: none"> - John P. Sherman failed to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity prior to commencing construction activity at the site*. This construction activity included excavating the bank of the St. Lawrence River, moving the excavated materials, and grading waterfront building lots.
Penalty	Total assessed civil penalty of \$1,500, all of which is payable
Required Action(s)	<ul style="list-style-type: none"> - Cease all work and construction at the site until the NYSDEC issues the permit for the project identified in the permit application - Stabilize the disturbed areas at the site to prevent erosion at the site, in accordance with the <i>"New York State Standards and Specifications for Erosion and Sediment Controls"</i> - Submit an approvable permit application for the proposed project at the site - Plant 15 to 30 trees consisting of maples, dogwoods, and aspens on the disturbed areas
Additional Comments	*"Construction activity" is defined to include any clearing, grading, excavation, filling, demolition, or stockpiling activities that result in soil disturbance of one or more acres.

**Appendix D: Sewage Discharge Reports Required by the Sewage
Pollution Right to Know Act (RESERVED)**