

NYSDEC

SPDES COMPLIANCE AND ENFORCEMENT ANNUAL REPORT FOR SFY 2013/14



Bureau of Water Compliance | Division of Water

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- This report details activities and provides data for the period April 1, 2013 through March 31, 2014 (State Fiscal Year 2013/14). Footnotes clarify an issue or provide a website to obtain additional information.
- Information in Appendix F provides details of select enforcement actions taken during the year. These details intend to illustrate the underlying violation, penalty, and any remedial or reporting requirements. A full list of enforcement actions during SFY 2013/14 appear in Appendix E.
- NYSDEC welcomes your feedback regarding this report. Please provide comments or suggestions to dowinfo@dec.ny.gov

Cover photo: City of Hornell Wastewater Pollution Control Plant (Steuben County) showing existing mechanical aerators that will soon be replaced with energy efficient fine bubble diffusers. This facility, and many others across the state, are confronting the challenge to replace aging infrastructure by also becoming energy efficient and reducing their environmental impact. Click [here](#) for more information on energy efficiency projects at wastewater treatment facilities in New York State.¹

¹ www.nyscrda.ny.gov/Energy-Efficiency-and-Renewable-Programs/Commercial-and-Industrial/Sectors/Municipal-Water-and-Wastewater.aspx

Executive Summary

This report provides information about NYSDEC's statewide oversight of the SPDES program for state fiscal year 2013/14 (SFY 2013/14). In addition to our primary mission of ensuring compliance at SPDES permitted facilities, several related activities progressed during the year, including the following:

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

Background - On August 9, 2012 the Sewage Pollution Right to Know Act (SPRTK) became law, and it became effective May 1, 2013. The law amended Article 17 of the Environmental Conservation Law by establishing new requirements for reporting "discharges of untreated and partially treated sewage" in New York State.

The SPRTK requires 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 regulations

Status – As required, on May 1, 2013 NYSDEC began collecting data on these discharge events and providing information to the public. Along with reporting on the discharges, NYSDEC improved its webpages so that wastewater treatment operators and the general public can readily obtain the information they need. A weekly e-mail bulletin includes a summary of the discharge reports received, an educational message related to wastewater, and a reminder about the Combined Sewer Overflow (CSO) Wet Weather Advisory and CSO map.

Information available includes:

- An overview of discharge events occurring between May 1, 2013 and March 31, 2014; please refer to Appendix B
- Details on each reported discharge event since May 1, 2013; to view, go to www.dec.ny.gov/chemical/90321.html
- Weekly e-mail bulletin with information about sewage overflows and bypasses, public sewage systems, and updates on the implementation of the SPRTK law; to receive this weekly message, subscribe at <https://public.govdelivery.com/accounts/NYSDEC/subscriber/new>

Coming Soon – Two significant enhancements are forthcoming:

First, NYSDEC is finalizing the necessary agreements and will announce that the **NY-ALERT** system will serve as the main channel to communicate discharge events to the

public. The NY-ALERT website provides critical emergency-related information from across the state to the general public. Using NY-ALERT will enable NYSDEC to provide accurate information to the public quickly on any overflow or discharge event.

Second, NYSDEC will release draft regulations required by the SPRTK Act. The public comment period for the draft regulations will be announced in NYSDEC's publication, *Environmental Notice Bulletin* (ENB). To access current and past editions of the ENB, please click [here](#), or visit www.dec.ny.gov/enb/enb.html

➤ **Electronic Compliance Programs (ECHO, NetDMR, and eReporting)**

During SFY 2013/14, NYSDEC continued to refine and expand the role of information technology systems in its management of the SPDES compliance assurance program. New or enhanced systems will simplify the regulatory reporting requirements of SPDES permittees and enable NYSDEC staff to more easily analyze monitoring data to determine facility compliance. Current initiatives involving SPDES compliance information systems is summarized below:

- [Enforcement Compliance History Online \(ECHO\)](#): USEPA has developed a website for compliance and enforcement information. ECHO provides public access to data that is stored in USEPA's compliance and enforcement data systems. Data in the USEPA systems comes from USEPA staff, state/local/tribal agencies, and in some cases, directly from regulated facilities. In New York State, data from over 1,600 SPDES permitted facilities are available on the ECHO system. In December 2013 the ECHO system was re-designed to add new features and be more user-friendly.
- [eReporting](#): On July 30, 2013, USEPA issued a proposed rule requiring the reporting of National Pollutant Discharge Elimination System (NPDES) data electronically. When finalized, this rule will apply to the SPDES program, which is the NPDES-delegated program in New York State. NYSDEC evaluated the proposed rule and provided comments to USEPA. For the SPDES program, eReporting will impact both permitting and compliance activities, including NetDMR (see below).

NYSDEC is monitoring the rule development process with the expectation of a final rule by the end of 2015 and full implementation by 2017. The proposed eReporting will result in significant changes to the reporting and management of compliance and enforcement data when implemented. It will require significant preparation by NYSDEC and the regulated community to implement it in New York.

- [NetDMR](#): Developed by USEPA, NetDMR enables SPDES permitted facilities to submit Discharge Monitoring Report (DMR) data electronically. Currently,

NYSDEC prints and mails DMRs to permittees and then manually enters the returned data into a USEPA-owned database. During SFY 2013/14 NYSDEC received certification from the NYS Attorney General that New York has the legal authority to implement electronic reporting. This certification also enables NYSDEC to enforce the program using documents collected electronically.

NYSDEC is now in the planning and development stage of implementing this program. When implemented, NetDMR will offer the following benefits to NYSDEC and SPDES permitted facilities:

- Faster data entry and with greater accuracy
- Faster sharing of data with the ECHO system
- Elimination of paperwork lost while in transit to NYSDEC
- Electronic notification to the permittee when NYSDEC receives the submitted documents (meeting important permit requirements)
- Efficient use of staff resources

Although considerable effort is necessary to realize the potential of each of these initiatives, the benefits will significantly outweigh the costs to make this digital transition. Given the vast amount of information and data inherent to the SPDES program, we welcome this opportunity to create efficiencies for both NYSDEC staff and the community of SPDES permittees, while enhancing the transparency and data accessibility of the general public.

➤ **USEPA State Review Framework – Update**

Background - On April 30, 2014, USEPA finalized a report on the review of NYSDEC's SPDES compliance assurance program as part of "Round 2" of the USEPA [State Review Framework](#) (SRF). The SRF process evaluates the performance of NYSDEC's compliance assurance program against a series of standards and metrics relating to acquiring and managing compliance data, conducting inspections, responding to violations, and assessing penalties. The SRF process applies to all states or programs that have USEPA-delegated water pollution control programs under the Clean Water Act (CWA). NYSDEC became a National Pollutant Discharge Elimination System (NPDES)-delegated program in 1973.

Since NYSDEC is the delegated authority for most provisions of the CWA in the state², USEPA periodically monitors the state's performance in fulfilling its obligations and commitments as a regulatory body. Round 3 reviews are underway in some states, although NYSDEC does not anticipate its next review until about 2016.

² USEPA administers the industrial pretreatment, vessel general permit, and small vessel general permit programs in New York State. However, USEPA retains the right to conduct oversight and enforcement of the CWA through its agreements with NYSDEC.

Status – From USEPA’s comments on its 2012 review, NYSDEC has developed and implemented a response plan to address “Findings of Need for State Attention or Improvement”. For information on the SRF and for a copy of the final report for NYSDEC, go to www.epa.gov/compliance/state/srf/. A summary of the findings is available at <http://echo.epa.gov/oversight/state-review-framework/tracker-recommendations>.

What’s Ahead – In response to USEPA’s report, NYSDEC is committing to:

- Provide additional detail collected during and after site inspections by entering these data and information into USEPA’s national database
- Provide economic benefit and severity of violation calculations in all executed enforcement cases, including justification for differences resulting between initial and final assessed penalty
- Consistently enter all relevant data and information into the national database system in a timely manner
- Digitizing completed inspection forms to simplify reporting and to document necessary corrective actions by the permitted facility

NYSDEC began to address each of USEPA’s findings soon after receiving the final report. Many of the findings pertain to administrative functions of the SPDES program. While administrative and all other deficiencies are significant, NYSDEC’s oversight of SPDES permitted facilities continues to be done at a professionally high level. One reason for this is that experienced inspection staff typically retain oversight of a facility for a period of time. This allows for in-depth knowledge by an inspector of a facility and is supported by effective relationships with those managing and operating the SPDES permitted facility.

Once again, thank you for your continued interest in New York’s SPDES compliance and enforcement program. If you have specific questions on the information in this report or have suggestions for future reports, please send an email to: dowinfo@dec.ny.gov.

For more information on the Division of Water, please visit:
www.dec.ny.gov/chemical/290.html.

Joseph DiMura, Director
Division of Water, Bureau of Water Compliance

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 Counsel](#) and the [Division of Law Enforcement](#), manages compliance and enforcement elements of the [State Pollutant Discharge Elimination System \(SPDES\) Permit Program](#).

BWC presents this report to summarize the compliance and enforcement activities relating to the SPDES permit program during SFY 2013/14. For additional information on all Division of Water programs and functions, please visit: www.dec.ny.gov/chemical/290.html.

[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 SPDES 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. Occurrences of non-compliance are addressed through both informal and formal enforcement action. Rules and regulations that apply to SPDES permitted facilities can be found in New York Codes, Rules, and Regulations ([NYCRR](#)).

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](#).³

- **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

³www.dec.ny.gov/chemical/23846.html

its best-use designation. NYSDEC maintains a [Priority Waterbodies List \(PWL\)](#)⁴ of the waters that do not meet standards or are unable to support their designated best uses and a [CWA Section 303d list](#)⁵ of those non-supporting waters that require development of a [Total Maximum Daily Load \(TMDL\)](#).⁶

- **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 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).

⁴www.dec.ny.gov/chemical/23846.html

⁵www.dec.ny.gov/chemical/31290.html

⁶TMDL is a calculation of the maximum amount of a pollutant, or multiple pollutants, that a waterbody can receive and still meet water quality standards.

SPDES Program Overview

The federal [Clean Water Act \(CWA\)](#)⁷ 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. Currently there are two types of SPDES permits, individual and general.

- 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. Facilities qualifying for a general SPDES permit generally will have less significant impact on the environment when in compliance with permit provisions than a facility issued an individual SPDES permit.

A SPDES permit, once issued, requires the owner and 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 [6 NYCRR Part 750-2](#).⁸ Part 750 details various requirements, primarily administrative, that each SPDES permittee is to comply with. Examples include access by NYSDEC staff, records retention, proper operation and maintenance of a treatment plant, and requirements to report treatment plant bypasses and non-compliance events to NYSDEC.

For more details on the SPDES permitting program, visit <http://www.dec.ny.gov/permits/6054.html>

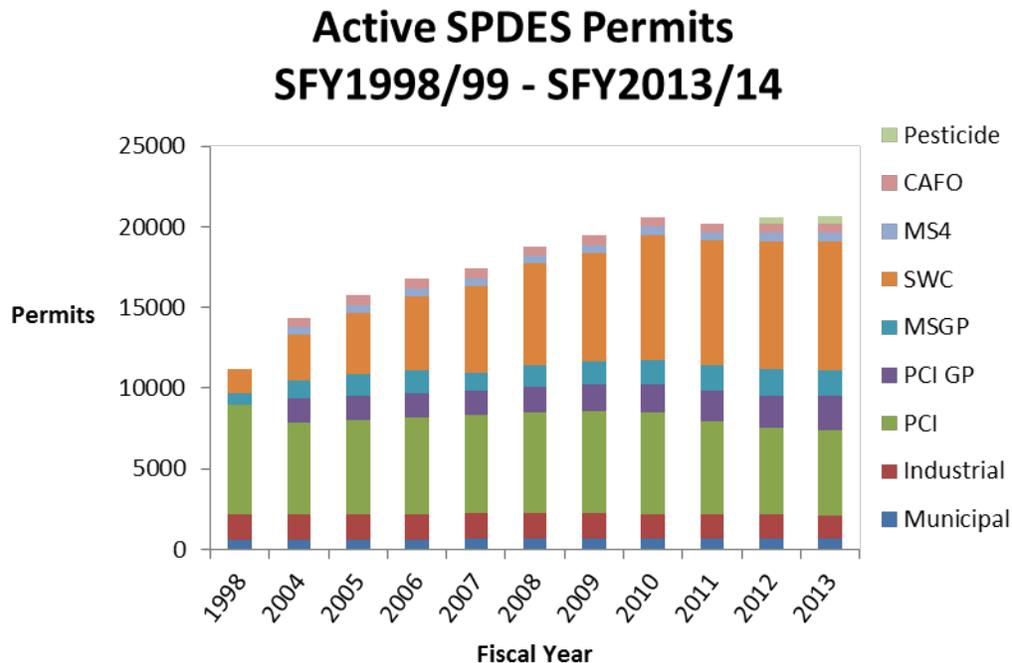
⁷<http://epw.senate.gov/water.pdf>

⁸www.dec.ny.gov/regs/4584.html

SPDES Permits in Effect

The number of active SPDES permits is 20,692 which is similar to the previous year. 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. Please refer to Appendix C for details on each individual or general SPDES permit discharge class.

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 2013/14, 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 2013/14, there were 1,471 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 2013/14, 5,294 PCI facilities discharged under an individual PCI SPDES permit.

SPDES General Permits

The second type of SPDES permit is a general permit. 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 2013/14, there were 8,007 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](#).⁹ 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 2013/14, there were 1,613 MSGP sites covered under this type of SPDES general permit.

- **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 2013/14, there were 559 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).¹⁰ In SFY 2013/14, there were 534 SPDES permitted CAFOs in New York State.

⁹www.dec.ny.gov/chemical/9009.html

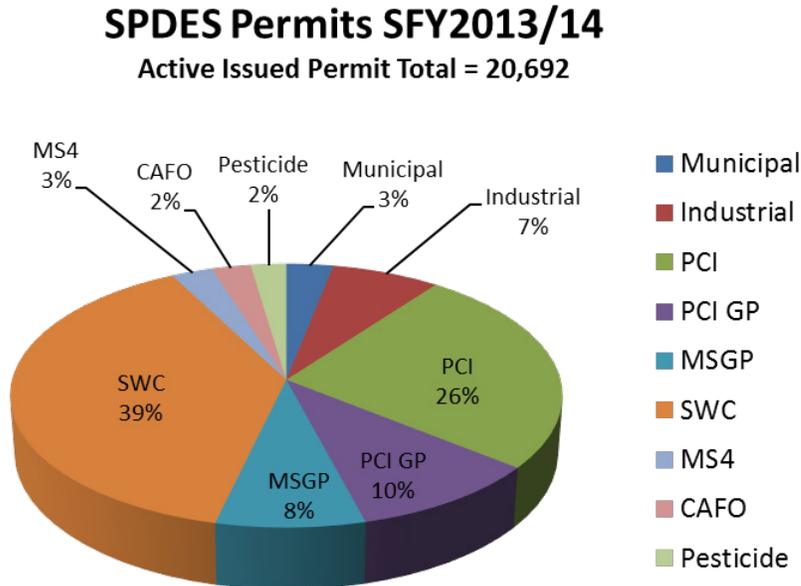
¹⁰www.dec.ny.gov/permits/6285.html

- **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 2013/14, there were 2,092 SPDES PCI General Permits issued in New York State.
- **Pesticide Applicator (PA)**
 This permit became effective November 1, 2011, but there is insufficient compliance and enforcement data and information to present in this report. For details on the pesticide applicator general permit, go to:
<http://www.dec.ny.gov/chemical/70489.html>
- **Winery** - This permit intends to regulate wastewater originating from the production of wine. This permit is under development by NYSDEC.
- **Vessel** – USEPA administers this general permit; 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>
- **Small Vessel** – USEPA administers this general permit; there is no NYSDEC equivalent. This permit regulates incidental discharges from the normal operation of non-military and non-recreational vessels less than 79 feet in length. This general permit is consistent with section 402 of the Clean Water Act. For details, go to:
<http://cfpub.epa.gov/npdes/vessels/svgpermit.cfm>

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

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

Figure 3



SPDES Program Monitoring and Compliance

Through active and passive oversight, 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 facility¹¹
- 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

¹¹ 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.

basis, depending on the requirements of the SPDES permit for a facility. In SFY 2013/14, NYSDEC received over 20,000 DMRs containing over a half-million data points.

Data provided on the DMR enable NYSDEC to determine the compliance status of a facility by comparing actual effluent discharge values to SPDES permit limits. All data submitted on DMRs is stored on to USEPA's compliance data system, which is used by NYSDEC to detect violations, identify trends in data, and support further compliance and enforcement activities.

Figure 4 illustrates that over 97% of data reported to NYSDEC during SFY 2013/14 was in compliance with permit limits. Since SFY 2003/04 this high level of SPDES permit compliance has been fairly consistent, as shown in Figure 5. Complete data for these figures is found in Appendix C. Facility specific data can be found using the [ECHO](#) website.

Figure 4

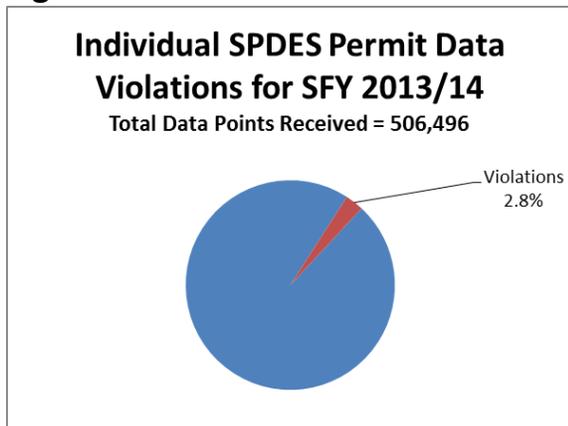
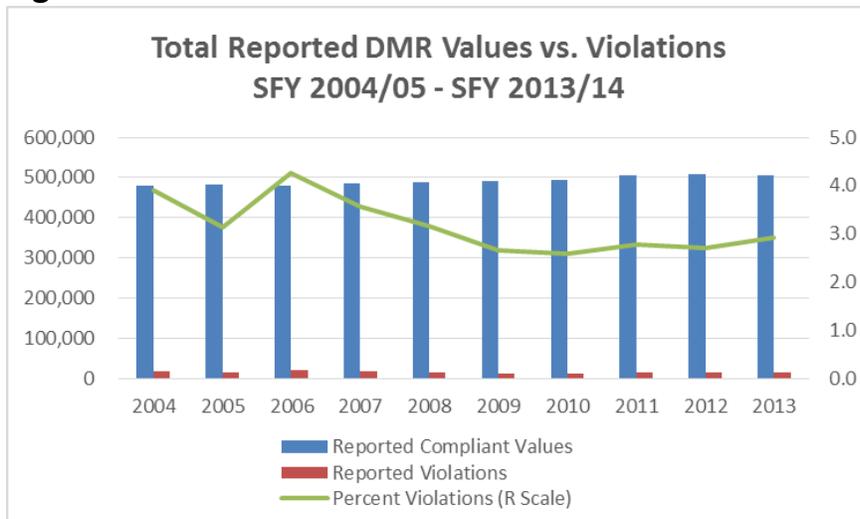


Figure 5

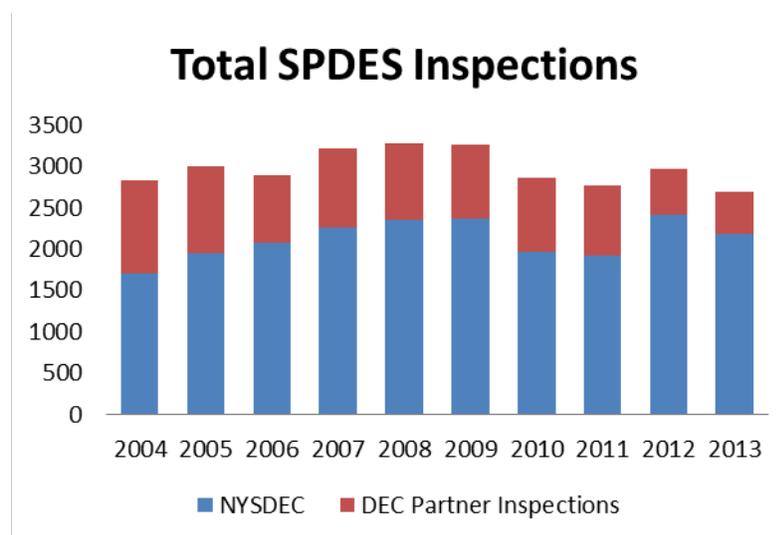


Inspections

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.

Figure 6 below details SPDES permit inspection activity for the past years. Please refer to Appendix C for details on NYSDEC's inspection activities.

Figure 6



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.

Wastewater Operator 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 650¹²](#) 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.

¹²www.dec.ny.gov/regs/4624.html

Each operator certificate is valid for a five (5) year period, during which time the operator must complete NYSDEC-approved training that is necessary to renew the certificate. Training events typically focus on safety, mechanical equipment, and optimizing the treatment process. Over 3,000 individuals currently possess NYSDEC-issued wastewater treatment operator certificates.

During SFY 2013/14 the following activity occurred within the wastewater operator certification program:

Table 1

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: www.dec.ny.gov/chemical/8464.html

Note: 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. NYSDEC continues to review all applications for those renewal training events that need approval to use in the operator certificate renewal program.

SPDES Program Enforcement

When NYSDEC becomes aware of a SPDES permit violation, 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.

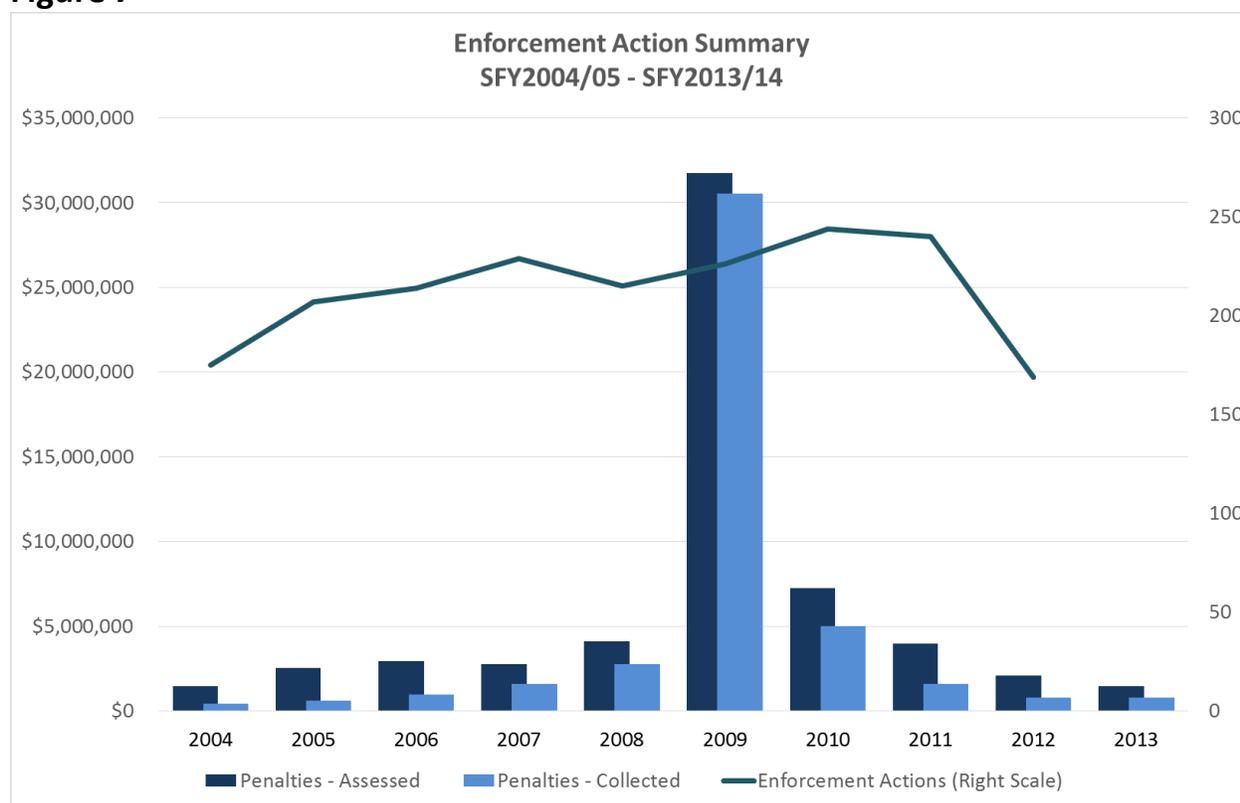
Formal enforcement becomes necessary when a return to compliance is not achieved through informal enforcement actions or when a violation results in significant negative impact to the environment or public health. NYSDEC has many formal enforcement tools at its disposal. The most commonly used are tickets 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. NYSDEC routinely uses an Order on Consent to restore compliance and proactively enhance future compliance.

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

Figure 7 shows the annual number of NYSDEC enforcement actions (ECO tickets and Orders on Consent) since 2004, along with both assessed and collected penalty amounts.¹³ Corresponding data is found in Appendix C, and a full list of SPDES-related formal enforcement actions for SFY 2013/14 is found in Appendix E.

Figure 7



Environmental Benefit Projects

An environmental benefit project (EBP) is a project that a respondent agrees to undertake in partial settlement of an enforcement action. Generally, an EBP must improve, restore, protect, and/or reduce risks to public health and/or the environment. Accepting an EBP in lieu of a payable penalty or other enforcement action applies to only a small portion of the total enforcement actions taken by NYSDEC for SPDES-related cases, and is at the sole discretion of

¹³ The spike in assessed and payable penalties occurring during SFY 2009/10 are attributable to the execution of a significant enforcement action against New York City Department of Environmental Protection.

NYSDEC. Using an EBP typically occurs when there is a direct connection between the violation and the specific EBP. Examples of an EBP include:

- Construction of a handicapped fishing access site downstream from a non-compliant discharge.
- Development of multi-purpose recreational trails adjacent to a municipality’s right-of-way for a sewage collection system where overflow events have occurred. This municipality was required to also address excessive flow in this portion of its collection system.
- Creation of a county-wide demonstration model to enhance groundwater quality, adversely impacted by improperly treated wastewater.

Table 2 provides a summary of EBP amounts since SFY 2004/05.

Table 2

State Fiscal Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Environmental Benefit Project	\$24,444	\$124,548	\$365,323	\$457,274	\$535,371	\$423,545	\$293,310	\$300,296	\$334,998	\$150,879

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 a 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

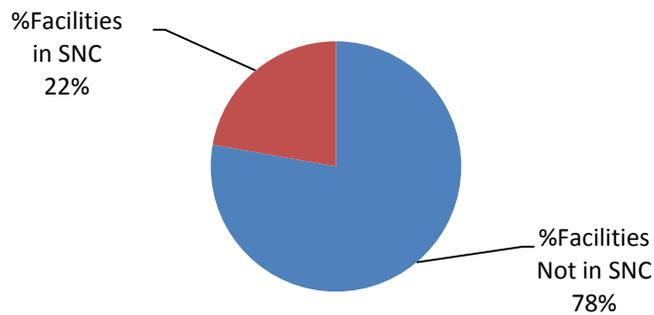
To ensure that SNC violations are addressed in a consistent manner, the agreement includes threshold criteria that, once exceeded, require formal enforcement action to return the facility to compliance. NYSDEC and USEPA meet quarterly to ensure that SNC violations meeting these

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.

The SNC rate provides a summary of USEPA-designated major-class SPDES permitted facilities that met the SNC criteria *at least once* during the entire year. As shown in Figure 9, in SFY 2013/14, the SNC rate for these 341 major-class facilities in New York State was 22%. This is a notable improvement from the 27% SNC rate noted for SFY 2012/13.

Figure 9

Major-class facilities in SNC for at least one quarter in SFY 2013/14



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.

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 each are distinctly 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](#).

ECHO – Enforcement and Compliance History Online. ECHO is a USEPA-owned website that provides details on the compliance and enforcement history of facilities permitted under the Clean Water Act.

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 – Is the 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 noncompliance (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.

Publicly Owned Sewer System (POSS) – A municipal sewage collection system owned by one or more local municipalities. This generally will include interceptors, force mains, and pump stations, while excluding lateral piping that provides service connection to residences, and commercial and industrial entities.

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 noncompliance when:

- Remedial action is not necessary or complete

- Only minor compliance activity is required
- It is 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.

Single event violations (SEVs) – These are violations of the Clean Water Act that are documented during a compliance inspection, reported by the facility, or determined through other compliance monitoring methods. SEVs may be one-time or long-term violations. Examples include failure to obtain a permit, using an unauthorized sampling location or an unauthorized wastewater bypass or discharge.

State Pollutant Discharge Elimination System (SPDES) – The SPDES program exceeds 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) – A value determined by selecting the most stringent of calculated effluent limits using all applicable water quality criteria (e.g. animal life and human health) 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.

SPRTK Introduction

The Sewage Pollution Right to Know (SPRTK) Law mandates the reporting requirements for sewage releases from publicly owned treatment works (POTWs) and publicly owned sewer systems (POSSs) effective May 1, 2013. Signed in August 2012, the SPRTK law significantly changes the timeframe for reporting sewage discharges. Within two hours of discovery of a discharge, a POTW or POSS must notify both NYSDEC and the state or local Department of Health (DOH) office and provide them with the following six key points of information:

- Volume of discharge
- Discovery date and time of discharge
- Expected duration of discharge
- Closest approximate location to discharge
- Reason for the discharge
- Steps taken to contain discharge

Within four hours of discovery of a discharge, a POTW or POSS must again notify the state or local DOH; the chief elected official of the discharging municipality and any adjoining municipalities; and the public.

This law requires NYSDEC to publish an annual summary of the reports received by NYSDEC and the local and state DOH offices submitted from the initiation of reporting on May 1, 2013 to the end of the New York State Fiscal Year (March 31, 2014). This annual summary includes reports not listed on NYSDEC's webpage and identifies deficiencies in the data received. The following are details about the reports submitted under SPRTK:

- NYSDEC's website only includes reports on where a sanitary sewer overflow reached a surface water body. However, NYSDEC maintains a database of all reports submitted. For a summary of all reports, go to <http://www.dec.ny.gov/chemical/90321.html> and click the "Sewage Discharge Reports" link at the top of the page. This summary includes
- The annual summary includes reports received by NYSDEC and local and state health departments that:
 - Do not reach a surface waterbody
 - Are wet weather combined sewer overflow (CSO) events
- Many reports do not indicate volume discharged or event duration. Some reports submitted to NYSDEC do not include this information because of time restrictions, reporting errors, or a lack of information within the two-hour reporting requirement of the SPRTK law. Facilities provide detailed information on each reported event in the five-day reports sent to the appropriate NYSDEC Regional Water Engineer.
- The total number of reports in some figures in the Summarized Report section below do not correspond with the total number of submitted reports because the relevant data (volume) was not included in all the Sewage Discharge Reports.

Appendix B - Sewage Pollution Right To Know Summary Report

New York has 620 POTWs and 300 POSSs, over 200 of which reported an overflow or bypass event under the SPRTK Law. NYSDEC and local and state health departments received 1,582 reports, with a total reported volume of 263,723,250 gallons. The reported volume is low because only 357 reports included a volume. The figures provided in the Summarized Reports section focus on the volume reported and the number of reports; the figures provide a qualitative picture of the overflow and bypass events reported under the SPRTK Law.

SPRTK Progress Update

NYSDEC has completed many activities to implement the SPRTK law since its inception in August 2012. The work falls under three main categories:

1. Outreach
 - a. Web page updates
 - b. CSO map
 - c. Training
2. Reporting Systems
 - a. Collection System Survey
 - b. SPRTK Sewage Discharge Report Form
 - c. NY-Alert & searchable database
3. Regulations
 - a. Revisions of existing regulations
 - b. Rule making process

Outreach: Web Pages, CSO Map, & Training

NYSDEC has updated several web pages related to SPRTK, and has created new web pages. These include new web pages about the SPRTK law, information about sanitary sewer overflows (SSOs), and a safe swimming web page that recommends safe swimming resources. The SPRTK web pages provide a distinction between information for the public and information for POTWs. Information for the public includes descriptions of SSOs and CSOs, information about what not to flush down toilets, and what the public can do at home to reduce sewage overflows or bypasses. A weekly e-mail bulletin includes a summary of the discharge reports received, an educational message related to wastewater, and a reminder about the CSO Wet Weather Advisory and CSO map. Visit NYSDEC's SPRTK page and follow the instructions at the top of the page to sign up to receive the weekly bulletin: <http://www.dec.ny.gov/chemical/90315.html>

NYSDEC updated the CSO Google Earth map layer to include information that is more relevant to the public. Anyone can download the map via NYSDEC's wet weather advisory website using this link: <http://www.dec.ny.gov/chemical/88736.html>. The CSO map categorizes each outfall based on the method to detect overflows. If a facility has a public notification system, the web link is included in the description of each outfall. For instance, Onondaga County's Save the Rain website link shows on each of their outfalls.

DEC conducted training sessions on the SPRTK law, specifically how to complete the report forms and where to locate information on NYSDEC's web pages. As of April 2014, NYSDEC conducted 11 sessions with over 300 attendees.

Reporting Systems: Collection System Survey, Sewage Discharge Report Form, & NY-Alert

In early 2013, the Bureau of Water Compliance sent a collection system survey to POTWs and POSSs located in New York State. The purpose of the survey was to gather critical information about the current state of their wastewater infrastructure. This information will help to identify systems that might need wastewater infrastructure funding assistance and help NYSDEC regulate POTWs and POSSs under the SPRTK law. Data collected from the survey includes information about wastewater collection systems, including the facility location, contact information, and detailed system information such as flow, and miles and age of sewers. The survey also requested information from POTWs about any satellite systems. The report is included as another appendix to the 2013 SPDES Compliance and Enforcement Activities Annual report.

NYSDEC developed a standard reporting form for POTWs and POSSs to collect information according to the requirements under the SPRTK law. This form is a temporary solution as it is very limited in its capabilities. The form is a fillable Adobe PDF document that links to a database. The form automatically notifies NYSDEC and NYSDOH of a sewage discharge when submitted by a facility. NYSDEC posts reports of sanitary sewer overflow events that reach a surface waterbody to its website daily. With many submitted discharge report forms containing estimates, NYSDEC is still reliant upon the five-day written report for more complete and accurate information.

NYSDEC needs a more robust reporting system than the PDF form currently available. NYSDEC is looking to NY-Alert, which is an established reporting system currently used by other agencies. Anyone will be able to sign up to receive any report submitted through NY-Alert. This will improve the quality of the information captured in the two hour and four hour reporting required under the law.

Regulations: Revisions to Regulations & Rulemaking Process

To implement the new reporting requirements under the SPRTK law, NYSDEC must revise existing regulations. Specifically, NYSDEC is revising 6NYCRR Part 750 to reflect the new two and four hour reporting requirements. For both the two-hour reporting requirement to NYSDEC and NYSDOH, and the four-hour reporting requirement to adjoining municipalities and the public, NYSDEC is looking at ways to provide accurate status updates of overflows or bypasses. NYSDEC is also evaluating methods to provide daily updates and termination notices for overflows or bypasses that last beyond the initial date.

Another revision concerns CSO discharges. Only a few New York State CSO communities have real-time detection capability. Existing systems and models used by POTWs and POSSs cannot detect most CSO discharges. To address this concern, for CSOs that do not have real-time

Appendix B - Sewage Pollution Right To Know Summary Report

telemetered monitoring or detection, POTWs and POSSs must make reasonable efforts to issue CSO advisories to the public through electronic media. These advisories will base information provided on actual rainfall data or predictive models that show enough rain has fallen for a CSO to discharge a volume of wastewater that has the potential to cause health concerns for those in contact with the water.

NYSDEC will file a Notice of Proposed Rule Making and associated documents with the Department of State (NYSDOS) in the near future. The public will have 45 days from the date the proposed rule is published in the *State Register* to submit comments to NYSDEC. NYSDEC will hold informal public information sessions regarding the proposed rule at dates, times, and places to be determined. NYSDEC will not consider comments received at these informal sessions official. Anyone wishing to submit comments to NYSDEC must follow the instructions in the *Environmental Notice Bulletin*. NYSDEC will review official comments and prepare an assessment, and file this notice along with other associated documents with DOS after the public comment period has ended. The final rule will take effect when published in the State Register.

Summarized Reported Data

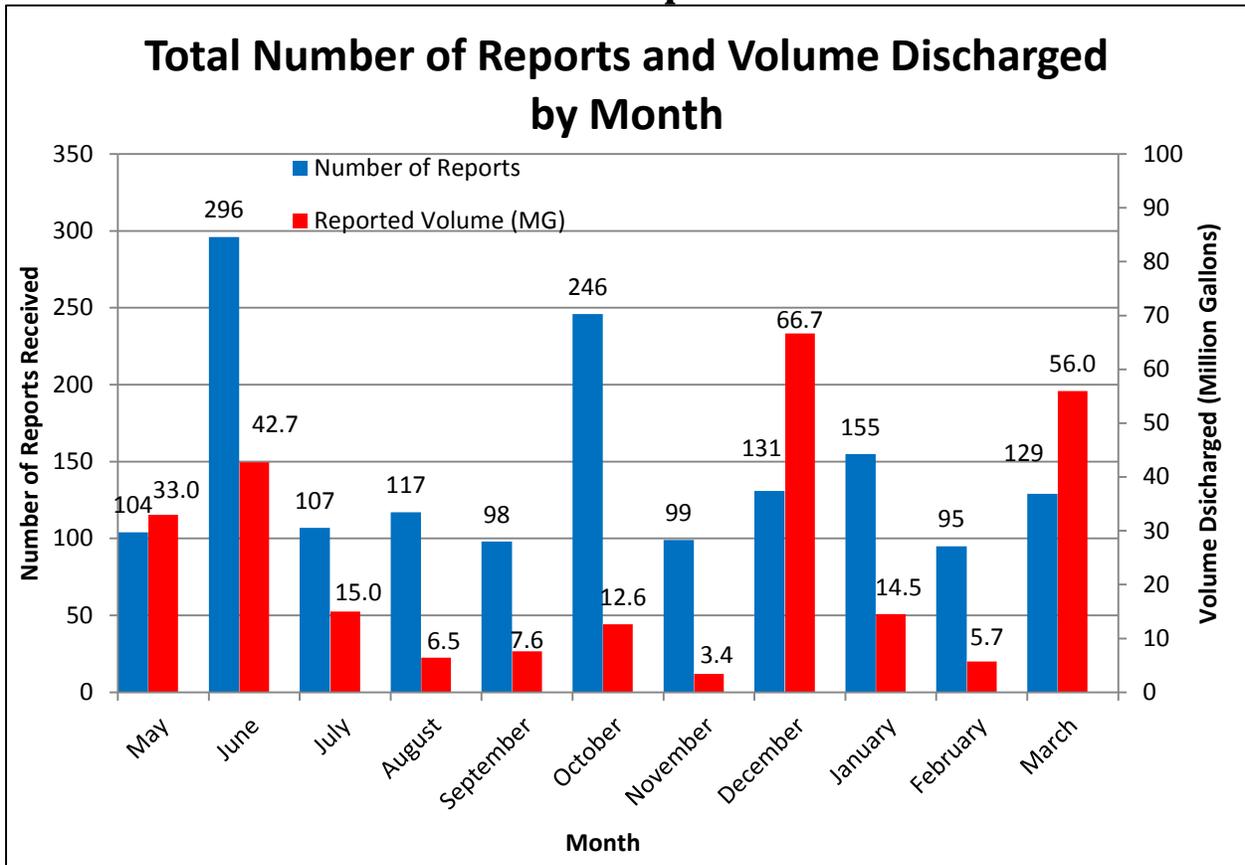


Figure 1. Volume discharged (Million Gallons) & number of reports by month.

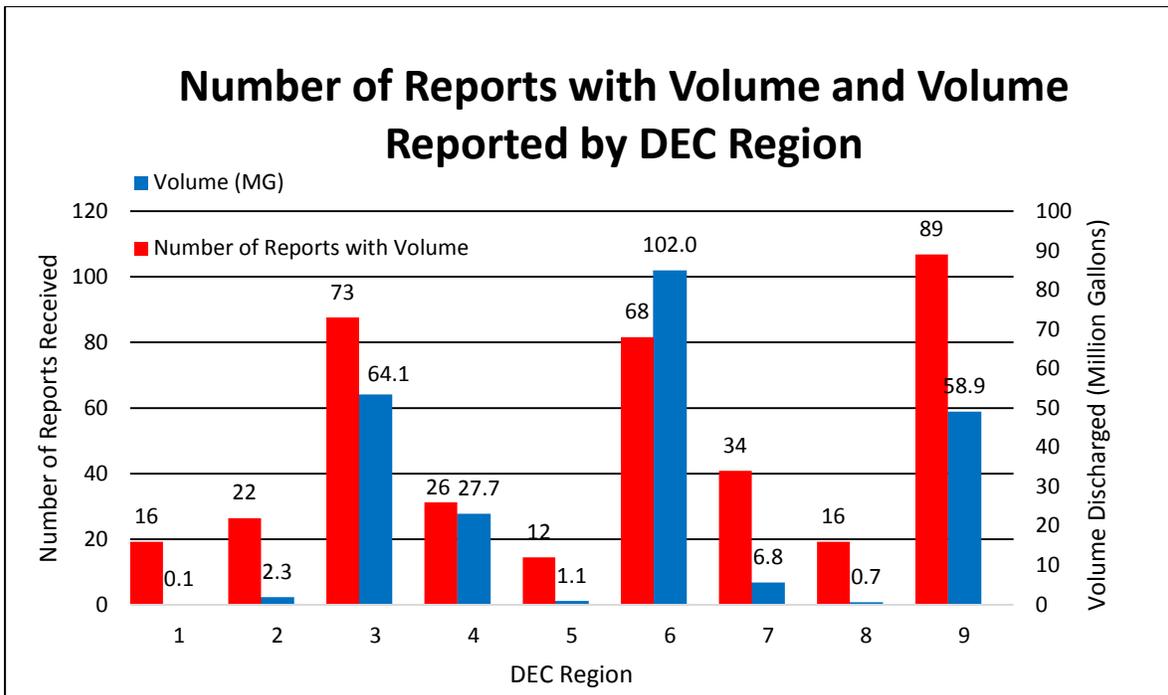


Figure 2. Volume discharged (Million Gallons) and number of reports received by NYSDEC Region.

Appendix B - Sewage Pollution Right To Know Summary Report

NYSDEC Region	Description	Counties
1	Long Island	Nassau, Suffolk
2	New York City	Brooklyn, Bronx, Manhattan, Queens and Staten Island
3	Lower Hudson Valley	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester
4	Capital Region / Northern Catskills	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie
5	Eastern Adirondacks / Lake Champlain	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington
6	Western Adirondacks / Eastern Lake Ontario	Herkimer, Jefferson, Lewis, Oneida and St. Lawrence
7	Central New York	Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins
8	Western Finger Lakes	Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates
9	Western New York	Allegany, Chautauqua, Cattaraugus, Erie, Niagara and Wyoming

Table 1. List of NYSDEC Regions and associated counties.

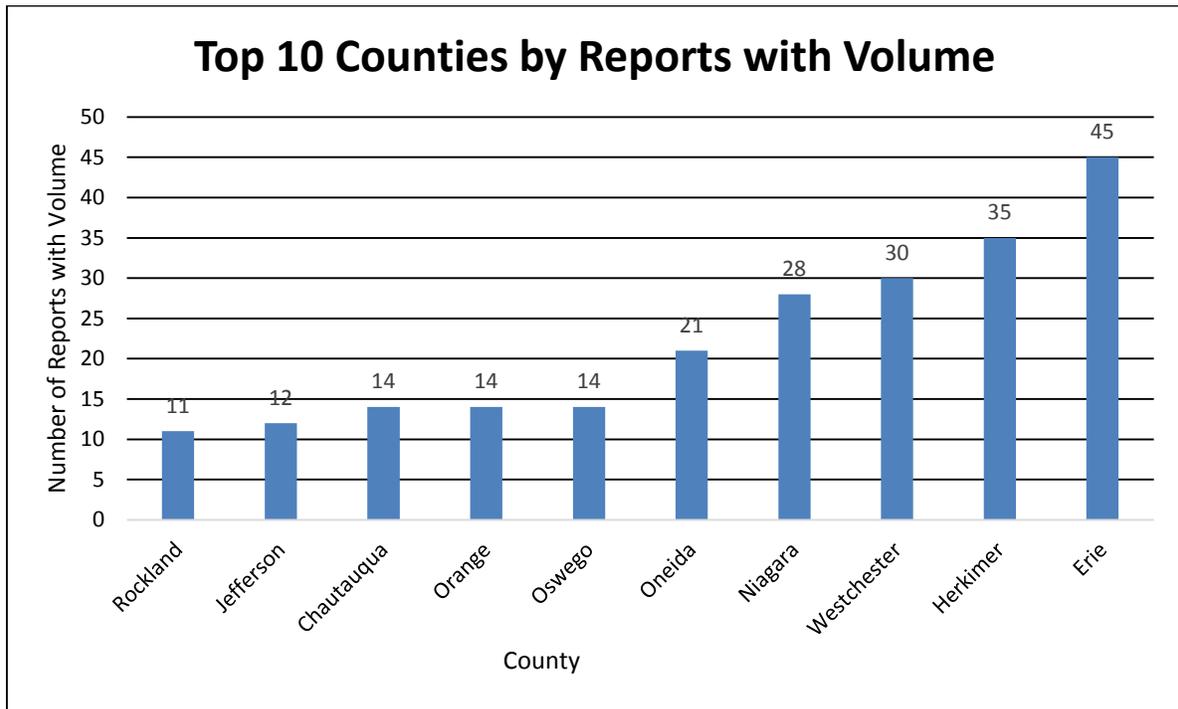


Figure 3. Top 10 counties based on reports submitted with volume.

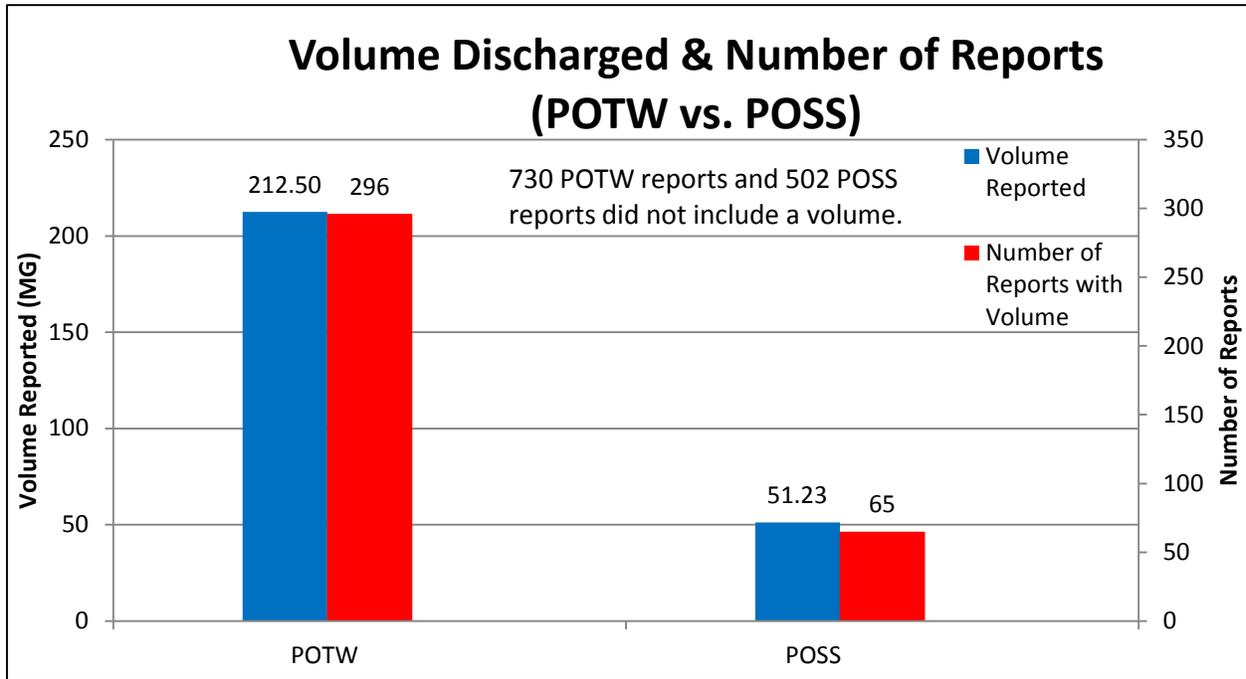


Figure 4. Volume discharged and number of reports from POTWS vs. reports from POSSs.

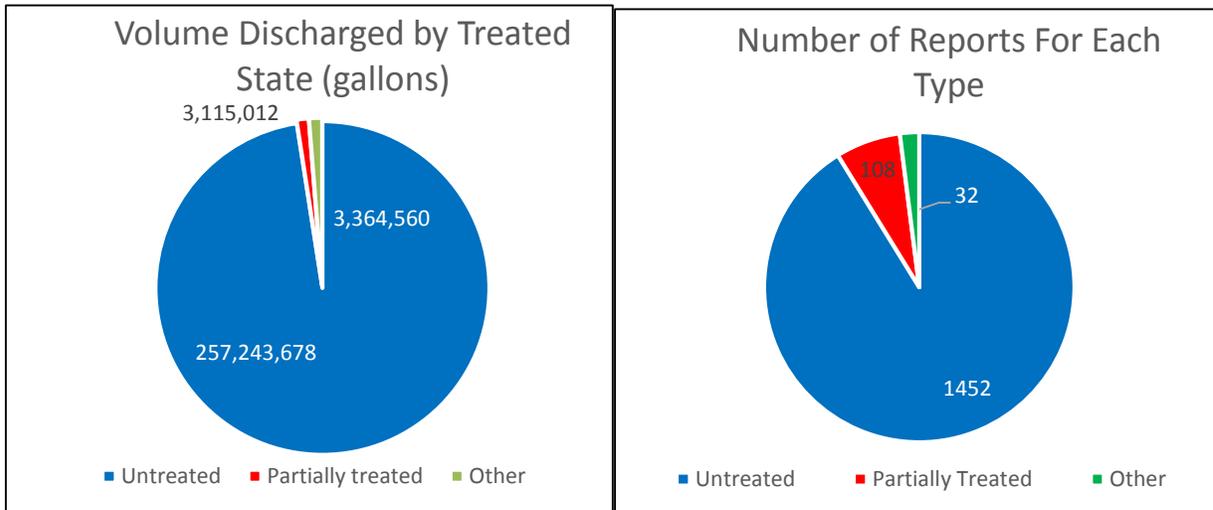


Figure 5. Volume discharged and number of reports summarized by treated state.

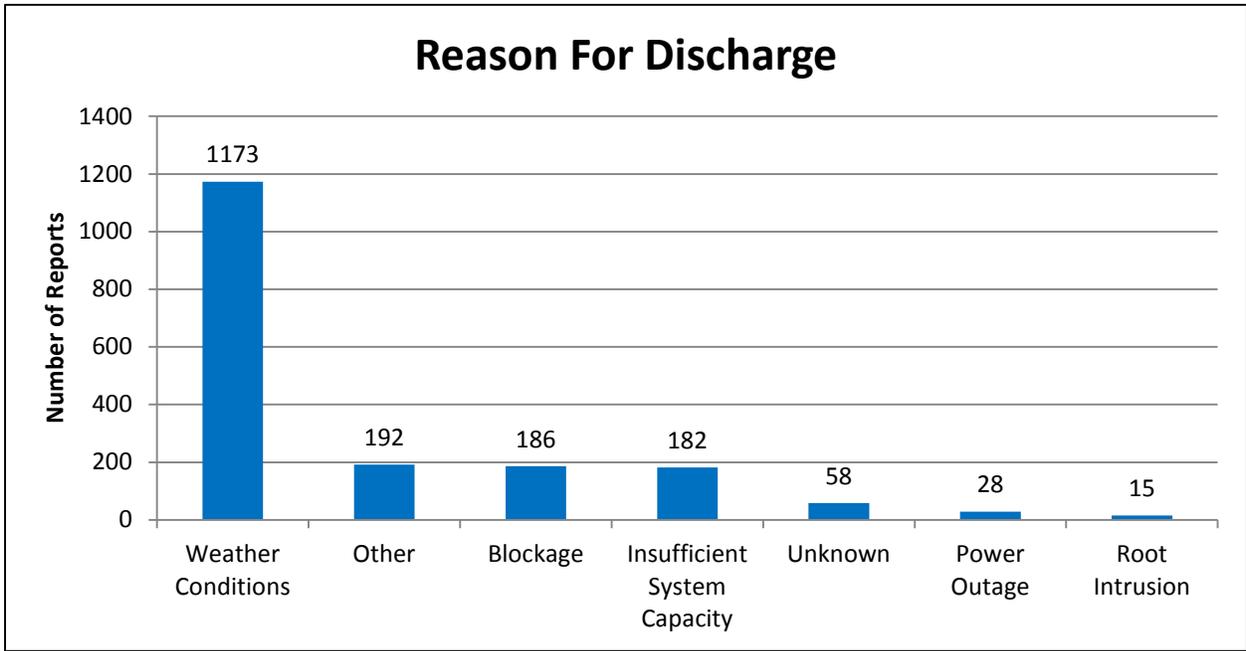


Figure 6. Reports submitted based on reason for discharge.

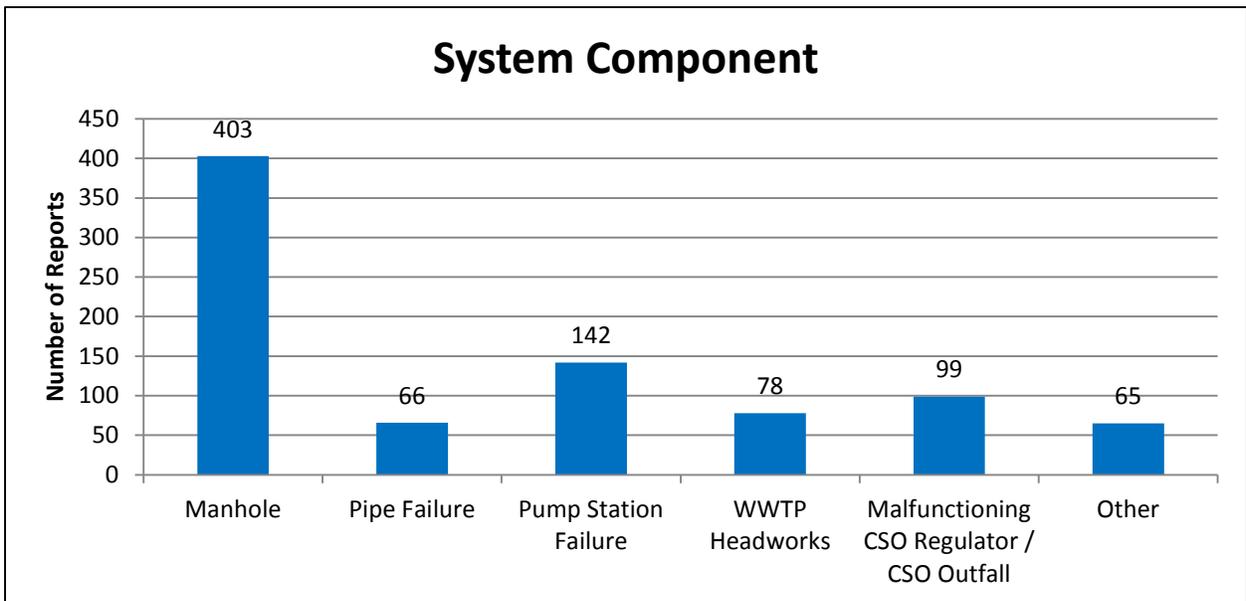


Figure 7. Reports based on discharging system component.

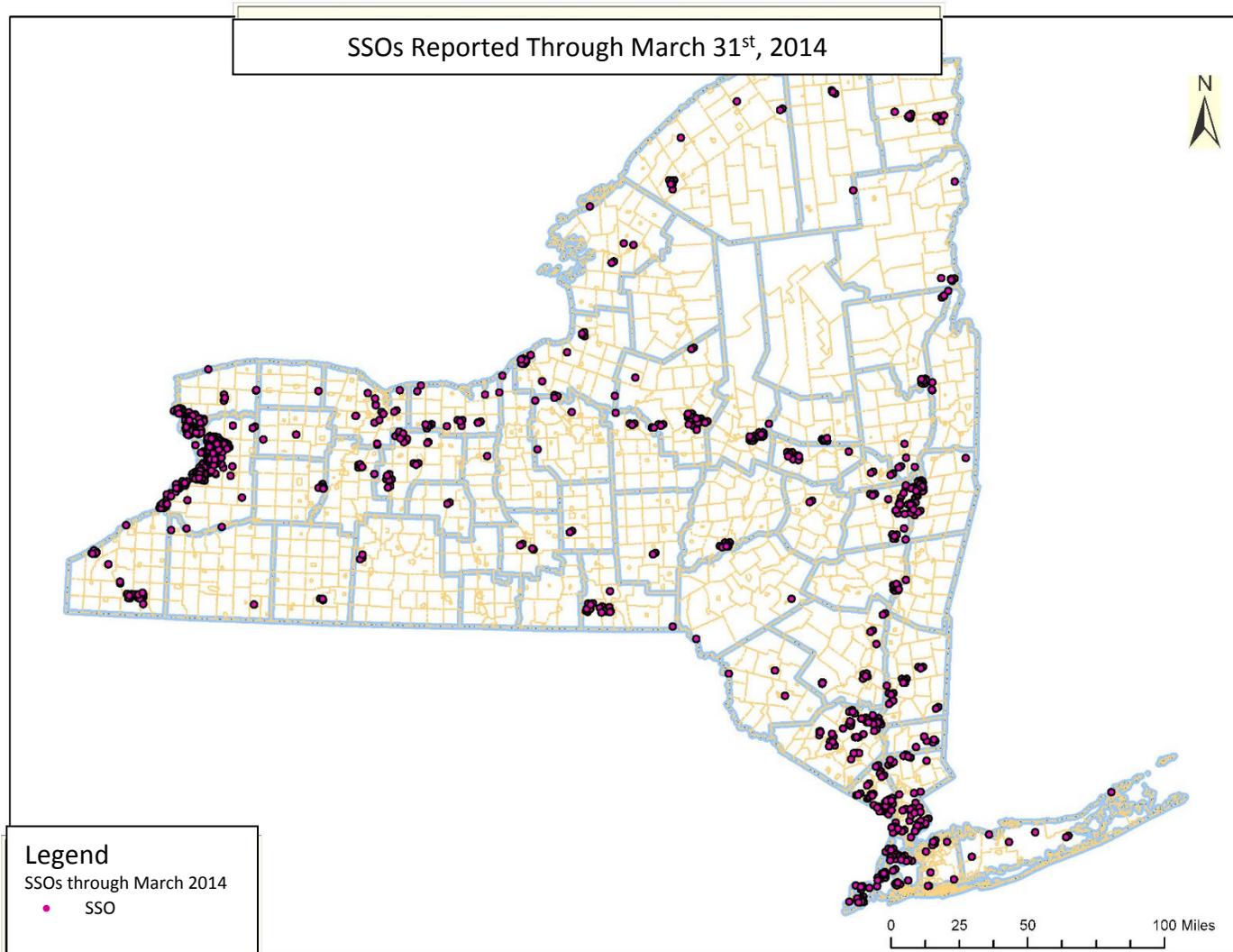


Figure 8. Map of SSO reports submitted to NYSDEC.

Additional Links

- List of reports submitted: <http://www.dec.ny.gov/chemical/90321.html>
- Weekly bulletin sign up link: <http://www.dec.ny.gov/chemical/90315.html>
- Wet weather advisory website: <http://www.dec.ny.gov/chemical/88736.html>

Appendix C – SPDES Program Oversight Data

Minor - Industrial (Discharge Class 01)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Facilities	599	600	606	615	628	606	597	594	586	580
No. Inspected	288	282	293	282	293	333	287	252	232	248
Unsatisfactory	25	9	12	11	31	18	17	9	17	5
Marginal	21	25	39	36	50	48	51	32	52	29
Satisfactory	225	223	251	231	262	293	236	218	323	238
Not Rated	67	61	51	49	21	41	45	36	24	10
Total Inspections	338	318	353	327	364	400	349	295	416	282
No. in SNC for Year		128	151	165	150	128	120	132	105	120
DEC Enforcement Actions	10	9	6	3	15	12	27	15	11	13
Enf. Penalties - Assessed	\$105,500	\$207,000	\$37,000	\$44,290	\$170,600	\$438,875	\$3,163,000	\$683,500	\$127,750	\$124,350
Enf. Penalties - Collected	\$31,000	\$78,750	\$15,000	\$20,000	\$119,300	\$163,375	\$2,599,834	\$197,500	\$72,750	\$69,625
SEP/EBP Amount			\$0	\$0	\$0	\$100,000	\$3,015,000	\$0	\$0	\$0

Non-Significant PCI (02)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Facilities	5467	5619	5763	5892	5973	6074	6057	5463	5105	5008
No. Inspected	114	108	118	202	122	114	126	128	109	154
Unsatisfactory	34	18	14	23	32	37	26	52	43	36
Marginal	49	49	25	33	31	26	46	31	29	38
Satisfactory	267	264	136	161	94	76	84	84	74	93
Not Rated	3	3	9	14	10	3	11	7	5	3
Total Inspections	353	334	184	231	167	142	167	174	151	170
DEC Enforcement Actions	28	52	16	26	18	12	14	6	7	7
Enf. Penalties - Assessed	\$263,750	\$366,050	\$83,500	\$349,625	\$384,575	\$596,500	\$148,750	\$174,575	\$76,875	\$54,113
Enf. Penalties - Collected	\$15,750	\$144,150	\$29,250	\$163,475	\$190,000	\$292,000	\$43,400	\$42,250	\$15,575	\$13,863
SEP/EBP Amount			\$0	\$0	\$0	\$30,000	\$0	\$0	\$0	\$0

Major Industrial (03)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. Facilities	121	119	118	118	117	116	113	112	110	109
No. Inspected	79	87	84	81	75	78	70	69	69	76
Unsatisfactory	0	1	1	7	3	5	4	3	1	4
Marginal	4	2	5	4	6	11	5	11	13	6
Satisfactory	82	89	81	82	96	90	81	77	163	88
Not Rated	9	6	6	14	6	9	7	5	9	3
Total Inspections	95	98	93	107	111	115	97	96	186	101
No. in SNC for Year		14	17	11	12	12	17	11	14	20
DEC Enforcement Actions	10	2	5	7	7	3	8	7	5	2
Enf. Penalties - Assessed	\$232,500	\$70,000	\$807,000	\$111,250	\$223,120	\$3,625	\$1,083,000	\$103,750	\$35,625	\$76,000
Enf. Penalties - Collected	\$167,500	\$70,000	\$365,000	\$104,250	\$177,500	\$3,625	\$1,083,000	\$103,750	\$31,125	\$66,000
SEP/EBP Amount			\$0	\$125,000	\$125,000	\$125,000	\$3,000,000	\$0	\$0	\$0

Appendix C – SPDES Program Oversight Data

Non-Signif. Industrial (04)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Facilities	819	831	838	847	854	857	846	810	800	782
No. Inspected	84	84	71	65	72	85	130	76	80	150
Unsatisfactory	15	11	15	3	11	15	23	13	12	19
Marginal	10	10	6	4	12	18	24	17	13	28
Satisfactory	57	66	58	41	66	62	58	39	59	49
Not Rated	37	34	30	29	13	25	43	14	38	66
Total Inspections	119	121	109	77	102	120	148	83	122	162
DEC Enforcement Actions	1	5	5	6	3	0	3	4	0	1
Enf. Penalties - Assessed	\$10,500	\$247,500	\$88,500	\$86,000	\$104,000	\$0	\$11,000	\$16,500	\$0	\$4,000
Enf. Penalties - Collected	\$500	\$11,000	\$35,500	\$33,000	\$104,000	\$0	\$4,000	\$4,000	\$0	\$2,000
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$0	\$25,000	\$0	\$0

Major Municipal (05)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. Facilities	220	221	224	228	229	230	232	233	230	232
No. Inspected	186	212	205	201	211	193	198	201	190	205
Unsatisfactory	7	8	2	10	24	18	22	16	15	18
Marginal	31	29	28	48	50	48	61	57	51	50
Satisfactory	390	477	561	424	447	497	362	321	313	279
Not Rated	49	32	32	34	22	75	73	89	110	68
Total Inspections	477	546	623	516	543	638	518	483	489	415
No. in SNC for Year		50	58	72	67	55	56	81	78	56
DEC Enforcement Actions	31	22	18	13	19	29	29	26	21	11
Enf. Penalties - Assessed	\$360,000	\$912,500	\$371,900	\$267,500	\$1,371,000	\$29,466,936	\$1,130,890	\$1,984,500	\$846,350	\$290,900
Enf. Penalties - Collected	\$41,500	\$39,000	\$76,650	\$185,500	\$1,268,000	\$29,262,936	\$513,178	\$704,800	\$235,600	\$183,800
SEP/EBP Amount			\$145,000	\$30,000	\$4,780,000	\$10,015,000	\$305,000	\$702,500	\$304,000	\$41,000

Minor Municipal (07)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. Facilities	396	396	400	402	404	405	401	411	408	406
No. Inspected	278	286	304	296	324	279	266	289	259	331
Unsatisfactory	20	17	20	18	61	28	37	64	26	23
Marginal	67	63	56	71	135	117	132	93	98	95
Satisfactory	419	459	446	363	412	321	263	258	253	299
Not Rated	118	93	87	116	11	5	4	14	12	16
Total Inspections	624	632	609	568	619	471	436	429	389	433
No. in SNC for Year		73	97	117	100	88	95	90	86	96
DEC Enforcement Actions	7	12	15	17	13	17	14	10	23	14
Enf. Penalties - Assessed	\$34,500	\$80,000	\$160,200	\$597,650	\$297,800	\$39,550	\$176,000	\$33,400	\$268,800	\$156,750
Enf. Penalties - Collected	\$3,000	\$14,250	\$18,500	\$398,000	\$122,600	\$15,250	\$53,200	\$10,750	\$84,115	\$41,150
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$20,000	\$0	\$28,000	\$0

Appendix C – SPDES Program Oversight Data

Minor - PCI (09)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Facilities	250	255	259	262	266	264	264	277	282	286
No. Inspected	182	181	181	194	193	195	195	197	209	217
Unsatisfactory	0	3	5	5	100	69	83	91	83	7
Marginal	9	8	5	15	255	280	325	212	157	248
Satisfactory	65	57	51	41	274	283	229	195	233	186
Not Rated	494	390	395	540	2	4	0	1	9	6
Total Inspections	568	458	456	601	631	636	637	499	482	447
No. in SNC for Year		105	135	139	134	116	115	119	92	97
DEC Enforcement Actions	5	6	1	4	14	5	2	9	4	4
Partner Enforcement Actions				1	39	26	23	1	0	6
Enforcement Actions	5	6	1	5	53	31	25	10	4	10
Enf. Penalties - Assessed	\$338,216	\$85,500	\$0	\$79,250	\$180,000	\$68,750	\$37,750	\$131,000	\$11,800	\$277,750
Enf. Penalties - Collected	\$0	\$59,250	\$0	\$31,500	\$56,000	\$55,000	\$24,750	\$14,500	\$11,800	\$71,750
SEP/EBP Amount			\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0

SW - Construction (11)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued	2828	3796	4589	5340	6315	6709	7763	7763	7911	8007
No. Inspected	115	210	265	363	333	280	192	230	248	219
Unsatisfactory	49	102	87	153	117	104	63	53	54	40
Marginal	89	140	139	242	159	159	98	144	180	133
Satisfactory	37	131	128	136	189	210	145	107	135	172
Not Rated	5	19	31	59	62	34	26	17	13	23
Total Inspections	180	392	385	590	527	507	332	321	382	368
DEC Enforcement Actions	59	69	51	51	43	24	28	18	16	15
Enf. Penalties - Assessed	\$315,500	\$449,350	\$426,750	\$465,750	\$495,400	\$538,250	\$473,425	\$332,500	\$191,700	\$199,000
Enf. Penalties - Collected	\$146,750	\$197,000	\$200,250	\$327,750	\$378,400	\$347,000	\$226,050	\$192,250	\$105,400	\$140,000
SEP/EBP Amount			\$0	\$35,000	\$1,000,000	\$0	\$0	\$25,000	\$0	\$0

MSGP (12)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued	1128	1343	1398	1110	1356	1448	1518	1580	1647	1613
No. Inspected	30	15	12	41	28	68	40	36	67	33
Unsatisfactory	5	2	3	13	11	39	10	7	30	10
Marginal	23	14	5	15	8	18	10	18	28	10
Satisfactory	13	2	5	8	12	18	21	12	35	10
Not Rated	0	2	1	6	0	6	4	2	4	3
Total Inspections	41	20	14	42	31	81	45	39	97	33
DEC Enforcement Actions	6	3	6	4	4	43	46	85	38	43
Enf. Penalties - Assessed	\$121,250	\$12,000	\$100,000	\$29,000	\$410,500	\$78,250	\$617,750	\$214,650	\$118,250	\$200,750
Enf. Penalties - Collected	\$0	\$4,000	\$29,500	\$19,000	\$90,500	\$74,750	\$231,775	\$114,650	\$66,750	\$117,750
SEP/EBP Amount			\$50,000	\$0	\$0	\$0	\$0	\$2,500	\$0	\$0

Appendix C – SPDES Program Oversight Data

CAFO Large (14)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued	118	124	134	138	145	149	143	147	151	161
No. Inspected	29	43	31	64	88	64	30	26	46	42
Unsatisfactory	4	7	8	13	10	8	5	4	6	2
Marginal	1	2	5	17	22	18	6	6	14	8
Satisfactory	24	33	20	37	54	36	18	15	27	32
Not Rated	7	12	3	4	3	9	4	3	8	4
Total Inspections	36	54	36	71	89	71	33	28	55	46
DEC Enforcement Actions	3	3	8	8	5	3	2	5	2	3
Enf. Penalties - Assessed	\$21,000	\$27,800	\$446,537	\$192,000	\$50,000	\$21,000	\$10,500	\$25,500	\$25,250	\$6,000
Enf. Penalties - Collected	\$3,500	\$27,800	\$16,600	\$82,500	\$22,000	\$21,000	\$10,500	\$11,000	\$17,000	\$1,750
SEP/EBP Amount			\$1,536,000	\$0	\$0	\$20,000	\$0	\$0	\$0	\$0

CAFO Medium (15)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued	469	458	454	452	441	420	131	109	109	81
No. Inspected	15	40	32	115	86	81	34	32	43	22
Unsatisfactory	0	2	5	13	5	6	6	4	3	2
Marginal	1	1	1	19	16	13	9	12	13	6
Satisfactory	4	17	9	34	28	17	22	19	30	14
Not Rated	1	10	4	6	6	7	3	3	2	2
Total Inspections	6	30	19	72	55	43	40	38	48	24
DEC Enforcement Actions	4	3	7	12	8	10	5	5	1	8
Enf. Penalties - Assessed	\$4,000	\$8,250	\$7,250	\$107,000	\$67,500	\$61,000	\$27,000	\$17,500	\$3,000	\$106,200
Enf. Penalties - Collected	\$1,250	\$5,000	\$5,250	\$15,000	\$44,500	\$33,500	\$15,000	\$16,500	\$3,000	\$20,950
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

MS4 (16)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued	482	488	494	495	501	522	514	513	524	559
No. Inspected	0	1	14	11	37	42	36	46	70	48
Unsatisfactory	0	0	0	0	5	6	4	7	5	6
Marginal	0	0	0	0	8	15	7	11	30	28
Satisfactory	0	5	0	0	24	22	25	24	38	14
Not Rated	0	0	14	13	1	1	0	5	3	2
Total Inspections	0	5	14	13	38	44	36	47	76	50
DEC Enforcement Actions	0	3	12	6	3	9	8	5	2	0
Enf. Penalties - Assessed	\$0	\$25,000	\$51,329	\$47,500	\$11,500	\$108,000	\$124,000	\$50,500	\$53,900	\$0
Enf. Penalties - Collected	\$0	\$2,500	\$41,829	\$32,500	\$11,500	\$58,000	\$57,000	\$32,500	\$22,000	\$0
SEP/EBP Amount			\$209,223	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Appendix C – SPDES Program Oversight Data

PCI Groundwater (17)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued					1574	1654	1707	1907	2016	2092
No. Inspected								1	2	44
Unsatisfactory								0	0	0
Marginal								0	0	10
Satisfactory								1	2	33
Not Rated								0	0	0
Total Inspections								1	2	43
DEC Enforcement Actions								0	0	0
Enf. Penalties - Assessed								\$0	\$0	\$0
Enf. Penalties - Collected								\$0	\$0	\$0
SEP/EBP Amount								\$0	\$0	\$0

CAFO Large (18)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued							10	11	18	21
No. Inspected							4	2	3	1
Unsatisfactory							0	0	0	0
Marginal							0	0	0	0
Satisfactory							3	2	3	2
Not Rated							1	0	0	0
Total Inspections							4	2	3	2
DEC Enforcement Actions							2	1	1	0
Enf. Penalties - Assessed							\$0	\$3,000	\$0	\$0
Enf. Penalties - Collected							\$0	\$1,500	\$0	\$0
SEP/EBP Amount							\$0	\$0	\$0	\$0

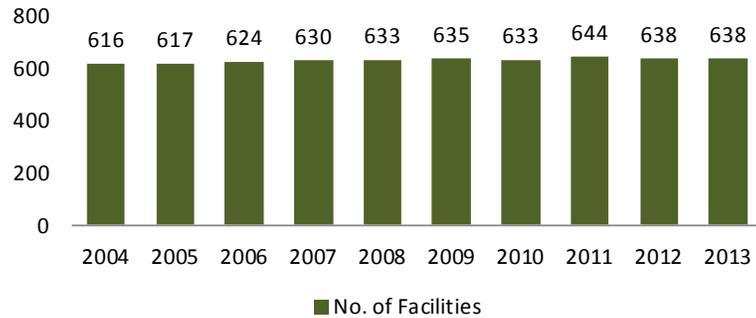
CAFO Medium (19)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued							285	297	284	271
No. Inspected							19	39	60	58
Unsatisfactory							2	7	1	5
Marginal							8	21	14	13
Satisfactory							8	14	44	43
Not Rated							0	3	6	3
Total Inspections							18	45	65	64
DEC Enforcement Actions							1	4	3	7
Enf. Penalties - Assessed							\$0	\$42,150	\$7,000	\$114,500
Enf. Penalties - Collected							\$0	\$16,250	\$4,000	\$43,000
SEP/EBP Amount							\$0	\$0	\$0	\$0

Appendix C – SPDES Program Oversight Data

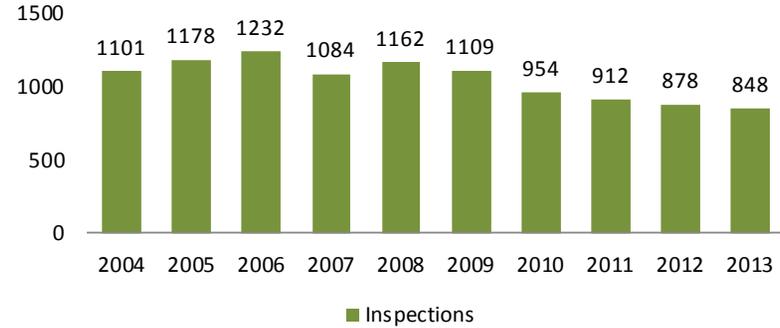
Pesticide Applicator (20)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of Permits Issued									410	484
No. Inspected									0	0
Unsatisfactory									0	0
Marginal									0	0
Satisfactory									0	0
Not Rated									0	0
Total Inspections									0	0
DEC Enforcement Actions									0	0
Enf. Penalties - Assessed									\$0	\$0
Enf. Penalties - Collected									\$0	\$0
SEP/EBP Amount									\$0	\$0

Unpermitted	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Enforcement Actions	11	18	64	71	24	33	32	39	35	17
Enf. Penalties - Assessed	\$18,750	\$118,600	\$359,500	\$451,025	\$529,000	\$417,250	\$287,475	\$294,575	\$329,050	\$145,040
Enf. Penalties - Collected	\$1,500	\$26,000	\$147,350	\$197,725	\$240,000	\$263,250	\$172,975	\$147,275	\$115,050	\$85,040
SEP/EBP Amount			\$0	\$0	\$150,000	\$100,000	\$10,000	\$102,500	\$0	\$250,000

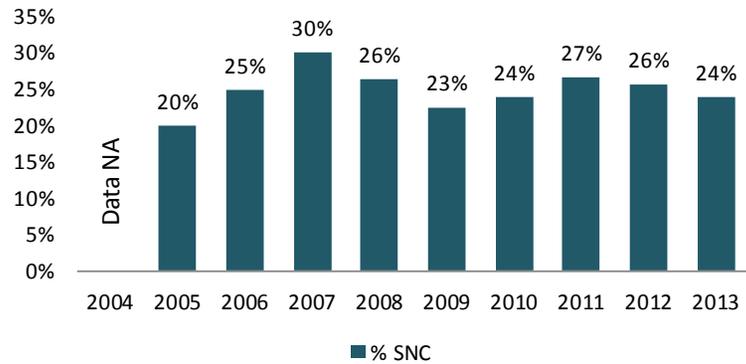
Number of Municipal Wastewater Treatment Facilities



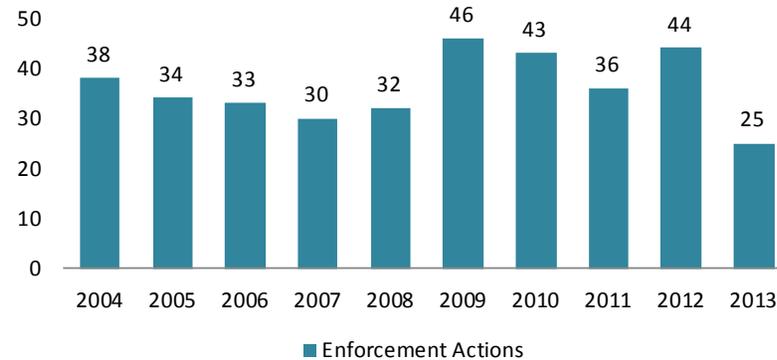
Municipal Wastewater Treatment Facility Inspections



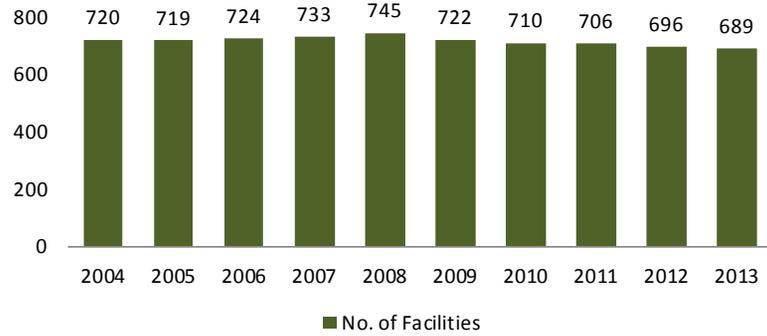
% of Municipal Wastewater Treatment Facilities in SNC



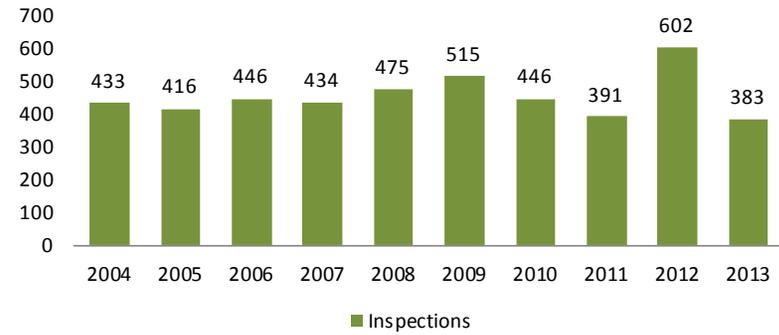
Municipal Wastewater Treatment Facility Enforcement Actions



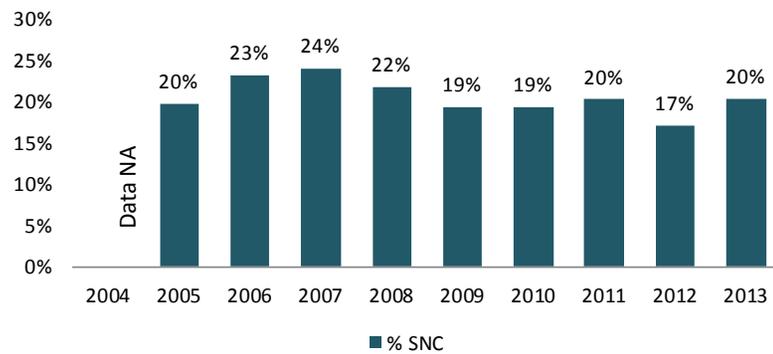
Number of Significant Industrial Facilities



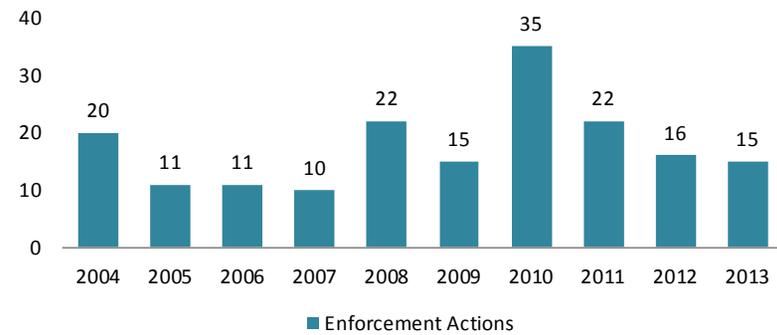
Significant Industrial Facility Inspections



% of Significant Industrial Facilities in SNC



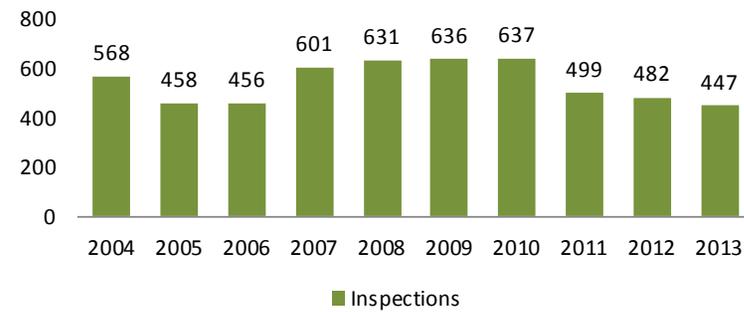
Significant Industrial Facility Enforcement Actions



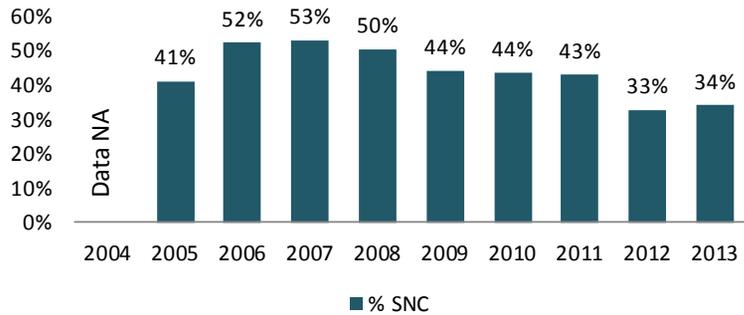
Number of Significant PCI Facilities



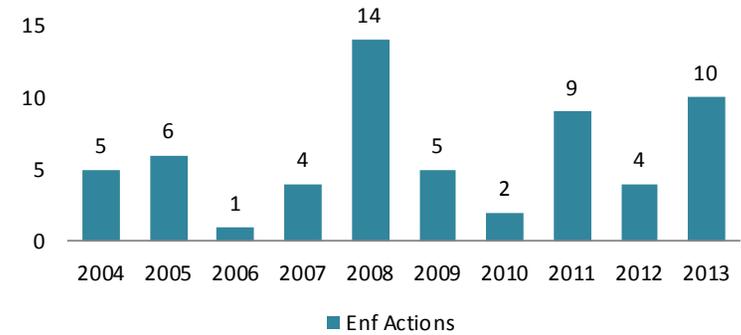
Significant PCI Facility Inspections

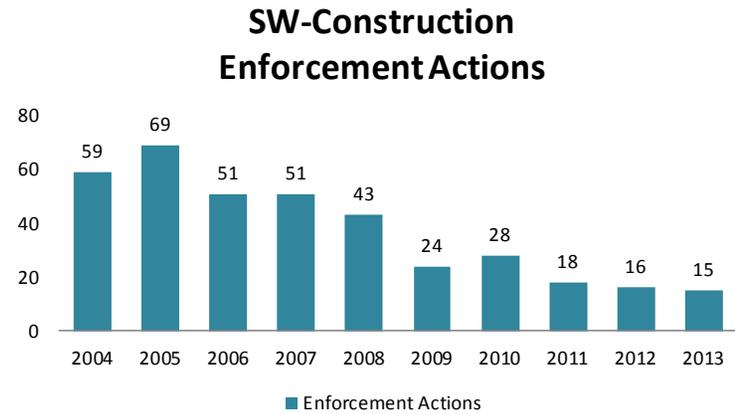
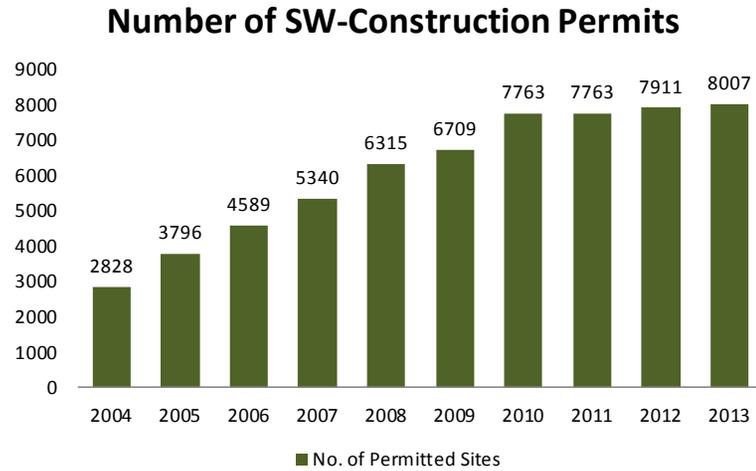


% of Significant PCI Facilities in SNC

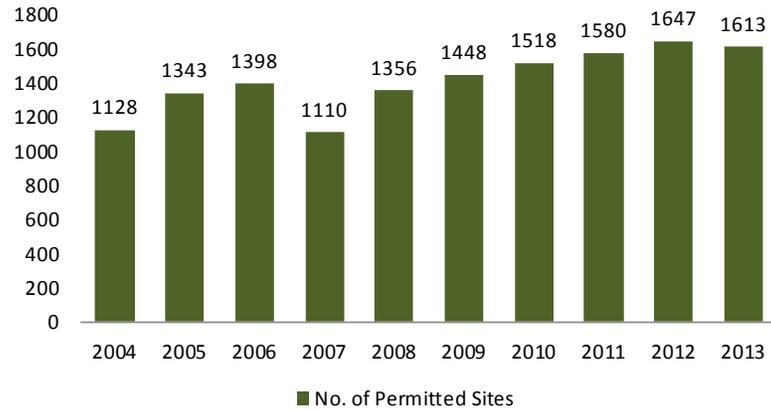


Significant PCI Facility Enforcement Actions

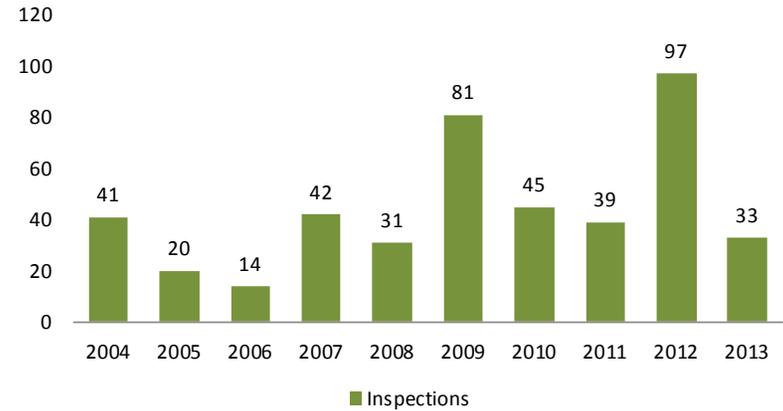




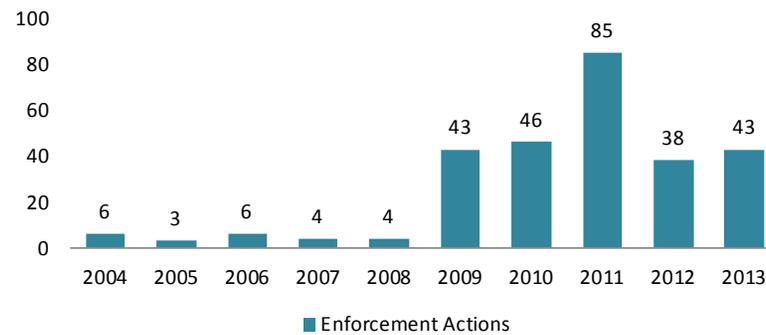
Number of MSGP Permits



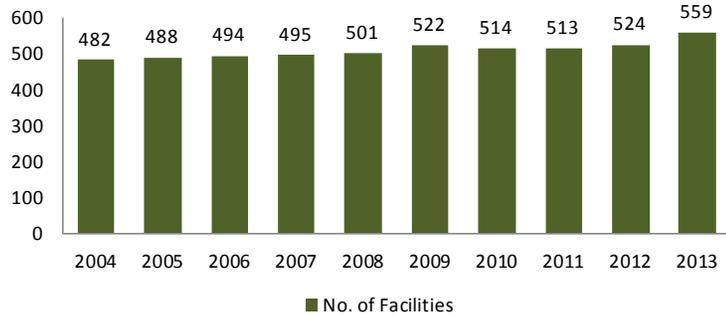
MSGP Inspections



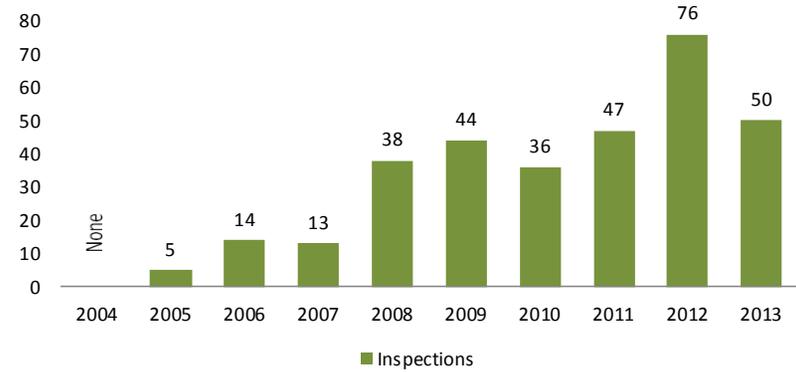
MSGP Enforcement Actions



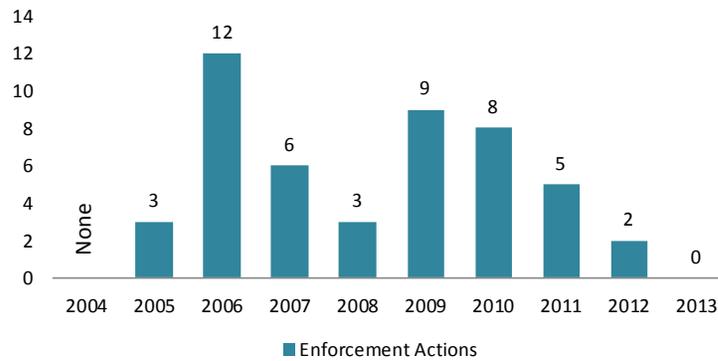
Number of MS4 Permitted Communities



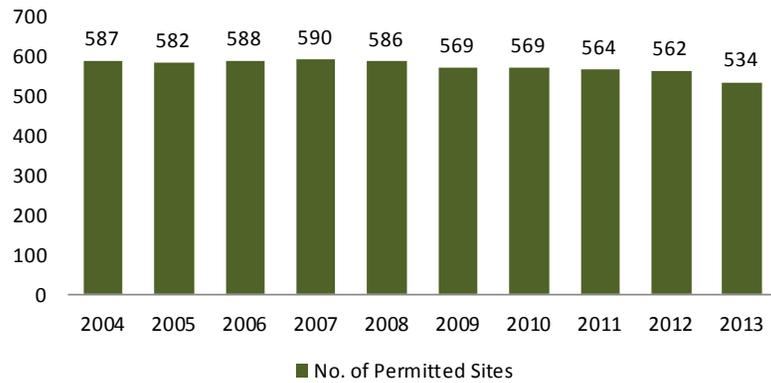
MS4 Inspections



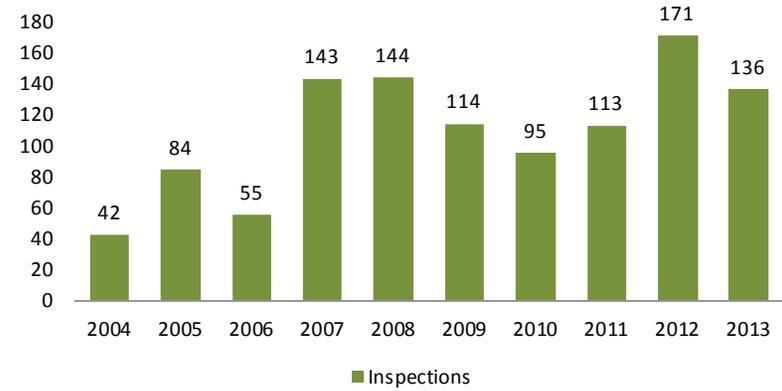
MS4 Enforcement Actions



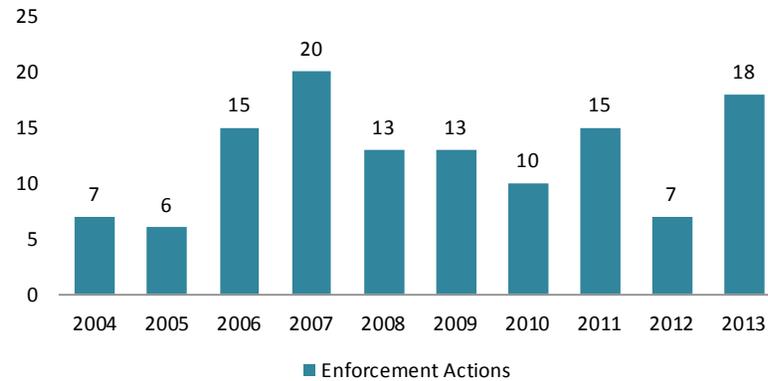
Number of CAFO Permitted Sites



CAFO Inspections



CAFO Enforcement Actions



Appendix E – Enforcement Action Summary

Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	EA Identifier	Final Order Issued Date	EBP Amount
ATHENS (V) WFP	04	01	NY0102041	\$500	\$500	NY-CO4201302262	4/26/2013	
ROYAL METAL PRODUCTS, INC.	04	01	NY0110485	\$500	\$500	NY-CO4201310091	10/23/2013	
ROCKVILLE CENTRE POWER PLANT	01	01	NY0225665	\$750	\$750	NY-CO1201310092	11/6/2013	
DEWITT YARD	07	01	NY0033901	\$750	\$750	NY-CO7201306141	7/26/2013	
DEEP GREEN OF NY	03	01	NY0024261	\$1,000	\$1,000	NY-CO3201306141	7/12/2013	
CROWLEY FOODS - LAFARGEVILLE PLT	06	01	NY0002607	\$5,000	\$5,000	NY-CO6201211301	6/11/2013	
UTICA HOLDING COMPANY	06	01	NY0257087	\$3,125	\$6,250	NY-R62013123149	3/4/2014	
RIVERHEAD FOUNDATION RESEARCH	01	01	NY0226459	\$5,000	\$10,000	NY-R120131223144	12/24/2013	
TROY WATER FILTRATION PLANT	04	01	NY0205401	\$4,000	\$19,600	NY-R42012090180	4/16/2013	
BETHEL (T) LANDFILL	03	01	NY0264679	\$9,000	\$30,000	NY-R32013031537	12/30/2013	
LEHIGH NORTHEAST CEMENT CO	04	01	NY0007242	\$40,000	\$50,000	NY-R420080721113	4/8/2013	
MOUNTAINSIDE FARMS, INC	4W	01	NY0084590	\$0	\$0	NY-R42007073199	2/18/2014	
Discharge Class 01/Industrial Total				\$69,625	\$124,350			
RANDOM FARMS ASSOCIATION	03	02	NY0165743	\$1,000	\$1,000	NY-CO320090422124	5/29/2013	
FOUNTAIN BLEAU COURT	07	02	NY0152528	\$300	\$1,800	NY-R72012051440	11/5/2013	
PORTOFINO'S RESTAURANT	02	02	NYU200305	\$0	\$5,000	NY-R220110624240	4/16/2013	
THE HARBOR RESTAURANT	02	02	NYU200120	\$0	\$5,000	NY-R220110624239	4/29/2013	
SPAULDING LAKE WWTF	09	02	NY0170887	\$7,500	\$16,000	NY-R920121130154	4/15/2013	
CHERRY VALLEY SPRINGFIELD CENTRAL SCHOOL	04	02	NY0222747	\$5,063	\$25,313	NY-R4201401102	2/7/2014	
BREWSTER HIGH SCHOOL	3W	02	NY0029521	\$0	\$0	NY-CO32013032601	12/2/2013	
02/PCI Total				\$13,863	\$54,113			
LAFARGE BUILDING MATERIALS, INC	04	03	NY0005037	\$1,000	\$1,000	NY-CO4201306141	10/18/2013	
SI GROUP, INC	04	03	NY0005801	\$65,000	\$75,000	NY-R42014013117	3/19/2014	
03/Industrial Total				\$66,000	\$76,000			
COOPERSTOWN BREWING COMPANY	04	04	NY0249505	\$2,000	\$4,000	NY-R420130930119	12/16/2013	
04/PCI Total				\$2,000	\$4,000			
NEWFANE (T) WWTP	09	05	NY0027774	\$1,500	\$3,750	NY-R92013052043	6/20/2013	
OSSINING SANITARY SD WWTP	03	05	NY0108324	\$1,200	\$4,600	NY-R320121012179	6/10/2013	
ROTTERDAM (T) SD #2 STP	04	05	NY0020141	\$2,200	\$11,000	NY-R4201401177	2/25/2014	
YONKERS JOINT WWTP	03	05	NY0026689	\$10,000	\$15,150	NY-R320121011177	8/22/2013	
RENSSELAER COUNTY SD#1 WWTP	04	05	NY0087971	\$14,000	\$34,000	NY-R4201301083	7/11/2013	\$41,000
HAMILTON (V) WPCP	07	05	NY0020672	\$0	\$37,500	NY-R7201301287	4/24/2013	
OCSD #1 HARRIMAN STP	03	05	NY0027901	\$20,000	\$40,000	NY-R320120926169	4/8/2013	
NEW WINDSOR (T) STP	03	05	NY0022446	\$35,000	\$45,000	NY-R3201202037	6/27/2013	
ALBANY POOL COMMUNITIES CSO	04	05	NY0031046	\$99,900	\$99,900	NY-CO42012091101	1/15/2014	
NYCDEP - JAMAICA WPCP	02	05	NY0026115	\$0	\$0	NY-N00002916	7/26/2013	
SUFFERN (V) STP	03	05	NY0022748	\$0	\$0	NY-R32011020236	11/14/2013	
05/POTW Total				\$183,800	\$290,900			

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Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	EA Identifier	Final Order Issued Date	EBP Amount
VANDEBURGH COVE SD#1	03	07	NY0099295	\$500	\$500	NY-CO3201302261	5/1/2013	
HOPEWELL HAMLET SEWER DISTRICT	03	07	NY0267953	\$500	\$500	NY-CO3201302263	4/20/2013	
N. LAWRENCE & NICHOLVILLE STP	06	07	NY0110116	\$0	\$1,000	NY-CO6201306141	7/3/2013	
HERRINGS (V) WWTF	06	07	NY0236306	\$1,000	\$1,000	NY-CO6201208172	6/19/2013	
COEYMANS-RAVENA WPCF	04	07	NY0022772	\$1,000	\$5,000	NY-R420111208155	9/17/2013	
KEESEVILLE (V) WPCP	05	07	NY0025097	\$1,000	\$5,000	NY-R5201105311045	8/23/2013	
ST. ARMAND SD WWTP	05	07	NY0020991	\$1,500	\$5,500	NY-R520080401806	10/23/2013	
COXSACKIE (V) STP	04	07	NY0033545	\$0	\$10,000	NY-R420081002144	6/14/2013	
VAN HOESEN ST OVERFLOW	04	07	NY0102512	\$3,150	\$15,750	NY-R420111212156	10/10/2013	
WARWICK (V) WWTP	03	07	NY0023680	\$10,000	\$35,000	NY-R320120810134	12/19/2013	
WASHINGTONVILLE (V) WWTP	03	07	NY0023671	\$22,500	\$77,500	NY-R3201302059	8/15/2013	
ATHENS (V) WWTP	04	07	NY0020869	\$0	\$0	NY-N00002484	2/6/2014	
PORT HENRY & MORIAH JOINT WWTF	05	07	NY0022969	\$0	\$0	NY-N00003140	12/30/2013	
SOUTH ALBANY SD	04	07	NY0191825	\$0	\$0	NY-R420111109143	1/27/2014	
07/POTW Total				\$41,150	\$156,750			
RIVERSIDE ESTATES	03	09	NY0032409	\$2,000	\$2,000	NY-CO3201211302	5/20/2013	
FAIRWAY MANOR, INC	01	09	NY0238406	\$2,750	\$2,750	NY-CO1201302265	7/11/2013	
CAMP FRENCH WOODS	04	09	NY0100480	\$12,000	\$58,000	NY-R420131105133	12/9/2013	
NY INSTITUTE OF TECHNOLOGY	01	09	NY0101826	\$55,000	\$215,000	NY-R120120521160	10/24/2013	
MANOR RUN MV-30/SILVER PONDS	01	09	NY0210269	\$0	\$0	NY-JPG201307	7/10/2013	
PINEWOOD GARDENS IN SAYVILLE	01	09	NY0254525	\$0	\$0	NY-UPG201308	9/6/2013	
MACARTHUR PLAZA OFFICE PARK	01	09	NY0197432	\$0	\$0	NY-UPG201311	12/31/2013	
DSW PLAZA @ LAKE GROVE	01	09	NY0196363	\$0	\$0	NY-JPG2014001	3/17/2014	
STONEHURST III	01	09	NY0239011	\$0	\$0	NY-UPG2014002	2/27/2014	
TOWNE HOUSE VILLAGE SOUTH	01	09	NY0077241	\$0	\$0	NY-UPG2014003	3/31/2014	
09/PCI Total				\$71,750	\$277,750			
SILO ESTATES SUBDIVISION	03	11	NYR10B440	\$1,000	\$1,000	NY-R32007013016	1/16/2014	
LAKWOOD FOREST	05	11	NYR10K618	\$4,500	\$4,500	NY-LER511011536	4/9/2013	
BROOKLYN TENNIS SPORT CLUB	02	11	NYR10W746	\$5,000	\$5,000	NY-R22013021985	6/17/2013	
THROGS NECK RETAIL CENTER	02	11	NYR10V075	\$5,000	\$5,000	NY-R220130613244	7/9/2013	
THE MALL AT BAY PLAZA	02	11	NYR10V924	\$7,500	\$7,500	NY-R220130613245	7/9/2013	
AMCHIR POINT	03	11	NYR10W122	\$7,500	\$7,500	NY-R32021301076	8/22/2013	
BROOKLYN BRIDGE PARK	02	11	NYR10Q410	\$10,000	\$10,000	NY-R220130528228	8/6/2013	
TARGET STORE #2753	02	11	NYR10V111	\$10,000	\$10,000	NY-R220131213518	1/17/2014	
KINGSWOOD	03	11	NYR10W294	\$10,000	\$10,000	NY-R320130702216	12/6/2013	
VAAD MOUNTAIN CONDOMINIUMS	03	11	NYR10L141	\$7,500	\$15,000	NY-R32006061483	8/5/2013	
VILLAGES OF CHESTNUT RIDGE	03	11	NYR10U024	\$15,000	\$15,000	NY-R320131127160	12/30/2013	
JEFFERSON AVENUE BRIDGE PROJECT	03	11	NYU300362	\$12,000	\$17,000	NY-R32013041848	9/16/2013	
VILLAGE VISTAS	01	11	NYR10U276	\$10,000	\$20,000	NY-R120130828101	8/28/2013	
GOSHEN MEADOWS	03	11	NYR10U941	\$20,000	\$35,000	NY-R32012050349	12/30/2013	
WOODBURY JUNCTION	03	11	NYR10L961	\$15,000	\$36,500	NY-R32011082284	4/22/2013	
11/Construction Total				\$140,000	\$199,000			

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Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	EA Identifier	Final Order Issued Date	EBP Amount
WITHERBEE AND WHALEN INC	06	12	NYR00B829	\$250	\$250	NY-CO6201210114	5/13/2013	
MANHASSET BAY SHIPYARD	01	12	NYR00E978	\$250	\$250	NY-R1201401074	2/13/2014	
WILKINSON SALVAGE LLC	07	12	NYR00D600	\$250	\$250	NY-R7201401071	3/7/2014	
WATERBORO GRAVEL PRODUCTS	09	12	NYR00D174	\$250	\$250	NY-R9201401071	2/13/2014	
STAR ISLAND MARINA	01	12	NYR00E830	\$500	\$500	NY-CO1201210116	5/15/2013	
FORDHAM CONCRETE CORP	02	12	NYR00D706	\$500	\$500	NY-CO2201210113	6/11/2013	
CARGILL INC	08	12	NYR00D040	\$500	\$500	NY-CO8201210112	4/5/2013	
ROOSEVELT AUTO WRECKING	02	12	NYR00D373	\$500	\$500	NY-R22201401075	2/13/2014	
CITY OF ONEIDA	07	12	NYR00D518	\$500	\$500	NY-R7201401073	2/19/2014	
NORTHSIDE SALVAGE YARD INC	08	12	NYR00B804	\$500	\$500	NY-R8201401071	2/13/2014	
B&B RECYCLING	08	12	NYR00C248	\$500	\$500	NY-R8201401072	2/14/2014	
#1 AUTO	08	12	NYR00D054	\$500	\$500	NY-R8201401073A	2/13/2014	
PERFORMANCE AUTO & TRUCK PARTS	08	12	NYR00D062	\$500	\$500	NY-R8201401074	2/13/2014	
J&J AUTO PARTS INC	08	12	NYR00D184	\$500	\$500	NY-R8201401075	2/13/2014	
ALL CITY AUTO PARTS	08	12	NYR00D430	\$500	\$500	NY-R8201401076	2/7/2014	
ONTARIO TRUCK PARTS SERVICE INC	08	12	NYR00D431	\$500	\$500	NY-R8201401077	2/20/2014	
HILTON TRUCK PARTS	08	12	NYR00D733	\$500	\$500	NY-R8201401078	2/14/2014	
WARD TRUCKING LLC - BUFFALO TERMINAL	09	12	NYR00A734	\$750	\$750	NY-R9201401072	1/30/2014	
BLASER SWISSLUBE INC	03	12	NYR00A646	\$1,000	\$1,000	NY-CO3201210113	4/4/2013	
JULIANOS AUTO PARTS INC	08	12	NYR00E318	\$1,000	\$1,000	NY-CO8201210114	5/13/2013	
SHIP ASHORE MARINA INC	01	12	NYR00E801	\$1,000	\$1,000	NY-R1201401073	1/30/2014	
NEW YORK RECYCLING	02	12	NYR00F342	\$1,000	\$1,000	NY-R220140219131	3/19/2014	
UNIVERSAL METAL & ORE INC	03	12	NYR00B470	\$1,000	\$1,000	NY-R3201401072	2/6/2014	
NORTHERN MARINE INC	06	12	NYR00A494	\$1,000	\$1,000	NY-R6201401071	2/13/2014	
ROUTE 20 AUTO PARTS INC	09	12	NYR00D432	\$1,000	\$1,000	NY-R8201401073	2/13/2014	
DEFEOS MARINA	03	12	NYR00E840	\$0	\$1,000	NY-CO3201210116	4/5/2013	
A&T AUTO PARTS	03	12	NYR00B244	\$2,000	\$2,000	NY-CO3201210114	7/26/2013	
ARTHUR F MULLIGAN INC	03	12	NYR00E172	\$2,000	\$2,000	NY-R3201401075	1/30/2014	
LKQ BUFFALO	09	12	NYR00E305	\$2,000	\$2,000	NY-R9201401074	2/13/2014	
STAR ISLAND MARINA	01	12	NYR00E830	\$2,500	\$2,500	NY-R12014010711	3/7/2014	
VANOCUR REFRACTORIES, LLC	09	12	NYR00F464	\$3,000	\$3,000	NY-R920130624106	9/5/2013	
FRENCH CREEK MARINA	06	12	NYR00A10F	\$2,000	\$4,000	NY-R62013040808	1/2/2014	
WIBERT SERVICES	08	12	NYR00B382	\$4,500	\$4,500	NY-CO8201210117	6/5/2013	
JML WURTSBORO QUARRY	03	12	NYR00F047	\$5,500	\$5,500	NY-R32013041847	7/15/2013	
MARVAL INDUSTRIES INC	03	12	NYR00A811	\$9,000	\$9,000	NY-R32013041845	10/23/2013	
G+J READY MIX AND MASONRY SUPPLY INC	02	12	NYR00D695	\$0	\$10,000	NY-CO2201210112	8/27/2013	
QUADROZZI CONCRETE CORP	02	12	NYR00D720	\$0	\$10,000	NY-CO2201210114	7/8/2013	
J&M USED AUTO PARTS INC	02	12	NYR00E102	\$0	\$10,000	NY-CO2201210117	8/27/2013	
NH KELMAN INC	04	12	NYR00F015	\$5,000	\$25,000	NY-R420130819106	10/30/2013	
PRATT PAPER (NY) INC	02	12	NYR00C124	\$45,000	\$45,000	NY-R220080818411	5/18/2013	
ATLANTIC EXPRESS COACHWAYS INC	02	12	NYR00C155	\$20,000	\$50,000	NY-R220091222735	5/1/2013	
ROUTE 7 USED AUTO PARTS	04	12	NYR00B154	\$0	\$0	NY-CO4201210112	4/19/2013	
GRANBY MINE	07	12	NYU700579	\$0	\$0	NY-R72013041217	7/1/2013	
12/MSGP Total				\$117,750	\$200,750			

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Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	EA Identifier	Final Order Issued Date	EBP Amount
DANUBE DAIRIES	06	14	NYA000159	\$750	\$750	NY-CO6201308061	9/13/2013	
RALPH VOLLES FARMS	07	14	NYA000548	\$1,000	\$2,000	NY-R7201304106	3/4/2014	
ATWATER FARMS	09	14	NYA001422	\$0	\$3,250	NY-R920131115144	1/27/2014	
14/CAFO Total				\$1,750	\$6,000			
BENSVUE FARMS	07	15	NYA000357	\$750	\$750	NY-CO7201308061	9/3/2013	
RALPH A. DILLER	07	15	NYA001338	\$750	\$750	NY-CO7201308062	9/26/2013	
HILL TOP FARM, INC.	04	15	NYA000576	\$1,000	\$1,000	NY-CO42012091202	1/30/2014	
SPRINGWATER FARMS	07	15	NYA000545	\$750	\$1,500	NY-R72013081355	9/18/2013	
LAWRENCE DOODY AND SONS	07	15	NYA000500	\$2,700	\$2,700	NY-CO7201308063	9/2/2013	
SAMMONS FARM	05	15	NYA000445	\$2,000	\$10,000	NY-R5201206182001	7/19/2013	
WHITE EAGLE FARMS	07	15	NYA000341	\$13,000	\$89,500	NY-R72013080553	3/31/2014	
15/CAFO Total				\$20,950	\$106,200			
ASHLAND FARM, LLC	07	18	NYAE00331	\$0	\$0	NY-R72013041618	7/8/2013	
18/CAFO Total				\$0	\$0			
FINDLEY LAKE DAIRY, LLC	09	19	NYAE00135	\$2,000	\$4,000	NY-R920130816111	9/5/2013	
PREISCHEL FARMS	09	19	NYAE00078	\$4,000	\$8,000	NY-R92013031924	5/23/2013	
EDELWEISS FARMS - ARCADE FARM	09	19	NYAE00532	\$6,250	\$12,500	NY-R92013022719	4/23/2013	
MONTECELLO RACEWAY MGMT INC	03	19	NYAE01494	\$15,000	\$15,000	NY-R320121227209	5/6/2013	
RED TOP FARM	05	19	NYAE00631	\$15,000	\$75,000	NY-R5201310242090	3/24/2014	
EFS LLC	07	19	NYAE01397	\$750	\$0	NY-R72013071846	11/22/2013	
TRINKLE FARMS	05	19	NYAE01296	\$0	\$0	NY-R5201106231052	1/30/2014	
19/CAFO Total				\$43,000	\$114,500			
SMITH PROPERTY	05	U	NYU500292	\$500	\$500	NY-LER513011751	9/27/2013	
MAY PROPERTY	05	U	NYU500286	\$500	\$500	NY-LER513017816	3/14/2014	
COACH TOURS BUS GARAGE	3W	U	NYU300361	\$500	\$1,000	NY-CO3201307291	9/2/2013	
MT KISCO HONDA/ACURA FACILITY	03	U	NYU300367	\$1,000	\$1,000	NY-CO3201305141	12/2/2013	
EUROSTYLE MARBLE & GRANITE	3W	U	NYU300364	\$500	\$2,500	NY-CO3201309301	11/4/2013	
TIDD FARM	07	U	NYU700580	\$500	\$2,500	NY-R72013051729	5/3/2013	
WESTWOOD TILE & STONE	03	U	NYU300363	\$1,000	\$2,500	NY-CO3201309251	10/28/2013	
BELLAMY CONSTRUCTION CO.	05	U	NYU500288	\$2,500	\$2,500	NY-LER513006222	7/10/2013	
KENNETH THOMAS PROPERTY	05	U	NYU500289	\$2,500	\$2,500	NY-LER513007837	2/14/2014	
PINKY'S PARASAIL	05	U	NYU500287	\$2,500	\$2,500	NY-LER513014918	2/14/2014	
CLEMENT PROPERTY	05	U	NYU500290	\$3,000	\$5,000	NY-LER513006144	2/14/2014	
G M D SHIPYARD - BROOKLYN NAVY YARD	02	U	NYO201405	\$6,000	\$6,000	NY-R220070702276	11/15/2013	
TICONDEROGA HIGWAY GARAGE	05	U	NYU500271	\$11,040	\$11,040	NY-R5201304082067	10/8/2013	
SCHEIN RESIDENCE	01	U	NYU100036	\$8,000	\$15,000	NY-R120131003113	10/16/2013	
WESSELS' FARMS	03	U	NYU300366	\$20,000	\$40,000	NY-R3201212102011	11/25/2013	
NYS OFFICE OF PARKS, REC. AND HIST. PRESRV	01	U	NYO177393	\$25,000	\$50,000	NY-CO12013100901	10/11/2013	\$250,000
BERNE (T)	04	U	NYU400080	\$0	\$0	NY-N00002631	5/13/2013	
INTERSECTION EAST ELLIS AVE AND DAUSMAN S	07	U	NYU700570	\$0	\$0	NY-R72007071240	10/15/2013	
Unpermitted Total				\$85,040	\$145,040			
All Class Total				\$856,678	\$1,755,353			

Respondent	Town of New Windsor
Location (county)	Town of New Windsor, Orange County (NYSDEC Region 3)
SPDES Permit Number	NY0022446 – (Municipal Wastewater)
Enforcement Case Number	NY-R3201202037
Enforcement Action Date	June 27, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Unauthorized overflows at pump stations 1, 12, 14 and 16. - SPDES permit effluent limit violations occurring between October 2009 and October 2011. - Failure to comply with an administrative Order on Consent, executed with NYSDEC on September 29, 2008. - Failure to submit discharge monitoring reports in a timely manner
Penalty	<p>Total assessed civil penalty of \$45,000</p> <ul style="list-style-type: none"> - Payable amount of \$35,000 - Suspended amount \$10,000 <p>The suspended penalty is conditional on Town of New Windsor meeting all requirements of the order on consent.</p>
Required Action(s)	<p>Complete the following:</p> <ul style="list-style-type: none"> - Repair to manholes on existing effluent pipe - Rebuild or replace comminutor - Disinfection system improvements - CCTV inspection of the Beaver Dam Lake sewer collection system <p>Submit the following:</p> <ul style="list-style-type: none"> - An asset management report detailing critical equipment inventory - An engineering report identifying process control optimization methods to ensure compliance with the SPDES permit - An engineering report, plans, and specifications for the design of the McQuade sewer bypass project (and completion per NYSDEC-approval) - A report detailing inspection findings of potential illicit discharge into sanitary sewer collection system originating in all multi-family homes - A report detailing excessive I & I in all sewer subsystems during both dry and wet weather - An engineering report proposing corrective actions and a schedule for elimination of excessive I & I from the collection system

Respondents (SPDES No.) Location (county) Enforcement Case Number	Albany Pool Communities: 1) City of Albany CSOs (NY0025747) 2) City of Cohoes CSO (NY0031046) 3) City of Watervliet CSOs (NY0030899) 4) City of Rensselaer CSOs (NY0026026) 5) City of Troy CSOs (NY0099309) 6) Village of Green Island CSOs (NY0033031) 7) Albany County Sewer District (ACSD): North Plant (NY0026875); South Plant (NY0026867) 8) Rensselaer County Sewer District (RCSD) – (NY0087971) Albany County and Rensselaer County (NYSDEC Region 4) NY-CO42012091101
Enforcement Action Date	January 15, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure of Albany Pool Communities to meet the compliance deadline in their respective SPDES permits for the submission of a complete and approvable Long Term Control Plan (LTCP) for the abatement of combined sewer overflow (CSO) discharges during wet weather events. - Causing/contributing to water quality standards violations for floatable solids in the Hudson River.
Penalty	Total assessed civil penalty of \$99,900 <ul style="list-style-type: none"> - Payable amount of \$99,900 Note: This penalty is collectively assessed to the Albany Pool Respondents
Required Action(s)	<ul style="list-style-type: none"> - Maximize the flow of combined sewage to the Albany County and Rensselaer County Sewer District WWTP's; reduce sewer system inflow and infiltration; upgrade pump stations. - Construct seasonal bacterial disinfection systems at the ACSD and RCSD treatment plants. Control floatable waste by constructing a satellite treatment facility at the largest CSO. Control the discharge of floatable waste at major CSO outfalls in the City of Cohoes and Corning Preserve in the City of Albany. - Replace combined sewers with separate sanitary and storm sewers - Implement a long term green infrastructure (GI) strategy to reduce stormwater runoff and waste that enters the sewer system. - Implement a post construction monitoring program (PCMP) to ensure compliance with water quality standards within waterbodies previously identified as having elevated levels of bacteria.
Additional Comments	The ACSD and RCSD treatment plants are not part of the Albany Pool Communities and do not own the CSOs. The ACSD and RCSD are responsible for properly treating and discharging collecting sewage and stormwater.

Respondents Location (county) SPDES Permit Numbers Enforcement Case Number	Kenneth Thomas III/Red Top Farms Town of Granville (Washington County) NYAE00631 (CAFO) NY-R5201310242090
Enforcement Action Date	March 24, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to keep various records including: <ul style="list-style-type: none"> o manure application data o implementation of NRCS practices o comprehensive rainfall data collected o weekly inspection records of the depth marker reading o records of an waste analysis - Failure to install adequate waste handling procedures and structures before starting construction of a new (dry) cow barn - Current non-structural BMPs are insufficient to prevent the flow of leachate directly into a tributary of the Mettawee River from the silage bunk silos at the main facility - Allowing manure runoff from outside the barn to discharge into a tributary of the Mettawee River - Failure to notify the Department of several manure overflow events
Penalty	<p>Total assessed civil penalty of \$75,000</p> <ul style="list-style-type: none"> - Payable amount of \$15,000 - Suspended amount \$60,000 <p>The suspended penalty provided that Respondent timely and fully fulfills the CAFO compliance schedule requirements.</p>
Required Action(s)	<ul style="list-style-type: none"> - Record various data and information, including: - all land applied manure applications - waste level for all waste storage structures (weekly) - rainfall events - Complete construction of the new bunk silo and runoff treatment area - Submit as-built plans and photographic documentation of the completion of the bunk silo and treatment areas - Submit for NYSDEC approval a "Best Management Practice ("BMP") Implementation Schedule" for the farm

Respondents Location (county) SPDES Permit Numbers Enforcement Case Number	Ticonderoga Highway Department Town of Ticonderoga, Essex County (NYSDEC Region 5) NYU500271 (Unpermitted) NY-R5201304082067
Enforcement Action Date	October 8, 2013
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Failure to report to NYSDEC, in a timely manner, of a petroleum spill - Failure to comply with the provisions of the approved stormwater pollution prevention plan (SWPPP), violating terms of a 2012 Order on Consent issued by NYSDEC - Failure to install an oil/water separator as required by the SWPPP - Failure to report other spills, including fuel oil in a secondary containment tank and accumulations in a various catch basins - Discharging petroleum-contaminated water from a floor drain system - Failure to protect a tank and secondary containment from corrosion - Failure to ensure that tank had adequate secondary containment
Penalty	<p>Total assessed civil penalty of \$86,500</p> <ul style="list-style-type: none"> - Payable amount of \$40,000 - Suspended amount \$46,500 <p>The suspended penalty is conditional on Ticonderoga Highway Department meeting all requirements of the order on consent.</p>
Required Action(s)	<ul style="list-style-type: none"> - Excavate and remove petroleum-contaminated soil to the maximum depth practical without impacting the structural integrity of buildings. - Install three (3) groundwater monitoring wells and collect samples from each - Submit results of soil and groundwater samples to NYSDEC - Provide the NYSDEC with a report summarizing remediation activities of the soil contamination, the installation of the groundwater monitoring wells, and the results of the quarterly groundwater analyses from the three wells.

Respondents Location (county) SPDES Permit Numbers Enforcement Case Number	Volles Dairy Farm, LLC Volles Realty, LLC Ralph Volles Town of Onondaga, Onondaga County (NYSDEC Region 7) NYA000548 (CAFO) NY-R7201304106
Enforcement Action Date	March 4, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Contamination of private drinking water wells at three neighboring properties caused by application of manure to farm fields in violation of the permit GP-04-02, ECL 17-0803, and 6 NYCRR 750-1.4(a). - Creation of a need for a boil water alert for 60 families for three weeks during the search for the cause of contamination - Illness in several children as a result of drinking water contaminated with the E. coli bacteria from the manure
Penalty	Total assessed civil penalty of \$2,000 <ul style="list-style-type: none"> - Payable amount of \$1,000 - Suspended amount of \$1,000
Required Action(s)	<ul style="list-style-type: none"> - Refrain from application of manure to a specified parcel until such time as a plan for doing so is approved by NYSDEC - Before applying manure to the specified parcel, submit a plan (prepared by a New York State-certified AEM planner) for NYSDEC approval that details measures to be taken to prevent contamination of potable water supply wells located near the parcel - Upon NYSDEC approval of a manure application plan, implement the plan as approved - Compensate the residents at three nearby properties for the cost of alternative potable water from March 5, 2013 to June 17, 2013, through the proceeds of an insurance policy
Additional Comments	<p>Prior to this incident the facility was in compliance with permit spreading requirements, kept a fall cover crop, and maintained adequate distance from the edge of the field. NYSDEC worked closely with Onondaga County Department of Health, Natural Resources Conservation Services, NYS Department of Agriculture & Markets, and the US Geological Survey to identify the source and method of contamination. After months of investigation the findings were that runoff contaminated with manure got into a ditch, leached to groundwater, reached a layer of shale and moved downhill into neighboring wells, which were not properly cased or compliant with code. Since these substandard wells allowed more local contamination to enter, the farmer was not responsible for the entire cost of resolution. Staff worked extensively to ensure the planner developed options for prevention of recurrence and other offsite issues.</p>

Respondents Location (county) SPDES Permit Numbers Enforcement Case Number	White Eagle Farms, LLC White Eagle Farmland, LLC Edward Carhart Town of Eaton, Madison County (NYSDEC Region 7) NYA000341 (CAFO) NY-R72013080553
Enforcement Action Date	March 31, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> - Discharge of over 600,000 gallons of manure, contaminated stormwater and process wastewater into a Class I wetland without a permit in violation of the issued general permit, ECL 17-0803, 6 NYCRR 750-1.4(a), and ECL 24-0701 - Failure to notify NYSDEC of these discharges, as required. - Failure to measure and record precipitation event in excess of 0.3 inch as required in the comprehensive nutrient management plan (CNMP)
Penalty	Total assessed civil penalty of \$89,500 <ul style="list-style-type: none"> - Payable amount of \$13,000 - Suspended amount of \$76,500
Required Action(s)	<ul style="list-style-type: none"> - Submit an approvable report completed by a New York State-certified AEM planner assessing the facility's short-term and emergency storage capacity for stormwater, process wastewater, and manure, as well as the facility's operations for managing such capacity. - Develop a plan for adequate spreading and storage capacity of process wastewater generated from a 25-year/24-hour storm event. - Evaluate warning mechanisms to alert facility staff that the facility's emergency action plan needs to be implemented. - Submit for approval facility improvements, based on evaluations, to increase capacity as needed while implementing other approved changes. - Submit for approval a schedule addressing necessary improvements affecting both operational and maintenance procedures.
Additional Comments	<p>In 2013 the facility was required to remove the manure from the wetland and re-seed the area with wetland vegetation. NYSDEC coordinated remedial efforts with the Madison County Soil and Water Conservation District. Installation of roof gutters and diversions will eliminate over 2 acres of area contributing runoff to the manure storage and approximately 250,000 gallons of runoff during a 25 year/24 hour storm event. This work is scheduled to be completed by September 30, 2014. Upon completion, these projects will significantly reduce the potential of future overflows.</p>

Introduction

In early 2013, the Bureau of Water Compliance sent a collection system survey to POTWs (Publicly Owned Treatment Works) and POSSs (Publicly Owned Sewer Systems) located in New York State. The purpose of the survey was to gather critical information about the current state of their wastewater infrastructure. Approximately 722 individual facilities have responded out of the 823 surveys sent out, bringing the total response rate to 87%. Most of the sewers in NYS were built between the years 1951-1975 (28%). There are still many systems (40%) with lines more than 60 years old. Only a small portion of systems (10%) have sewers that were built within the past 20 years. The majority of facilities fall within the 25%-50% current capacity range (38%). However, 8% of all facilities are either very close to, at, or exceeding their plant or collection capacity. 52% of facilities that were built before 1925 have more than one overflow annually, and 64% of facilities built between 1925 & 1950 have more than one overflow annually. Of the facilities built after 1990, only 17% have overflows. Over 1000 million gallons (MG) are lost annually to pump failures, while overflows from other causes are only 200 MG. There are nearly 6000 total miles of CSO sewers comprising 17% of the total sewer lines in NYS. 343 facilities indicated having a sewer overflow response plan in place; however, only 292 facilities have overflows. Of these 292, only 201 have an overflow emergency response plan.

This updated information will provide insight into those systems which might need wastewater infrastructure funding assistance and help NYSDEC regulate POTWs and POSSs under the new Sewage Pollutant Right to Know (SPRTK) law. Data collected from the survey includes information about wastewater treatment facilities and collection systems, including the facility location, contact information, and detailed system information such as flow, miles, and age of sewers. The survey also requested information on any satellite systems. This report is a summary of the current collection system survey.

Purpose of Survey

Wastewater infrastructure is one of the most important and expensive assets a municipality can own. If insufficient time and money are invested in maintaining and upgrading wastewater infrastructure, problems could arise in the future resulting in more expensive repairs and possible legal consequences. Capturing information about POTWs and POSSs across New York State will identify infrastructure issues POTWs and POSSs are facing. There are also many municipalities with sewers that are more than 88 years old, and collection systems that discharge millions of gallons of raw sewage annually. These communities require aid and support in rebuilding and improving wastewater infrastructure.

A major portion of the aid must go to helping communities affected by climate change. Obvious problem areas are those municipalities affected by recent natural disasters, such as Hurricane Sandy. There are other issues associated with climate change, such as coastal erosion and rising ocean levels. Because of these issues, municipalities' infrastructure is vulnerable. Existing systems need renovating, and new systems need safeguards installed when built. Including these safeguards greatly increases the cost of construction but will ultimately lead to a decrease of costs in the future by preventing further catastrophic damage.

On May 1, 2013, the SPRTK law went into effect. This law changes reporting requirements for discharges of raw or partially treated sewage from POTWs and POSSs. POSSs were previously not regulated by NYSDEC, and the SPRTK law requires that all POSSs register with NYSDEC. NYSDEC will maintain a list of all POSSs in NYS, as well as the owner and operator of each system. According to the SPRTK law, the operator of the system is responsible for reporting a discharge of sewage, not necessarily the owner of the system.

Understanding the relationships between the POTW and any POSSs, as well as knowing the capacity of both the POTW and the collection pipes, is crucial. A POTW may be able to receive and treat additional waste, but only if the pipes in the collection system are able to handle the increased flow. The survey requested that updated maps of collection systems (if available) be sent to NYSDEC. When new sewer service areas are planned, NYSDEC will be able to make determinations as to the feasibility of adding new lines and increasing flow to a POTW.

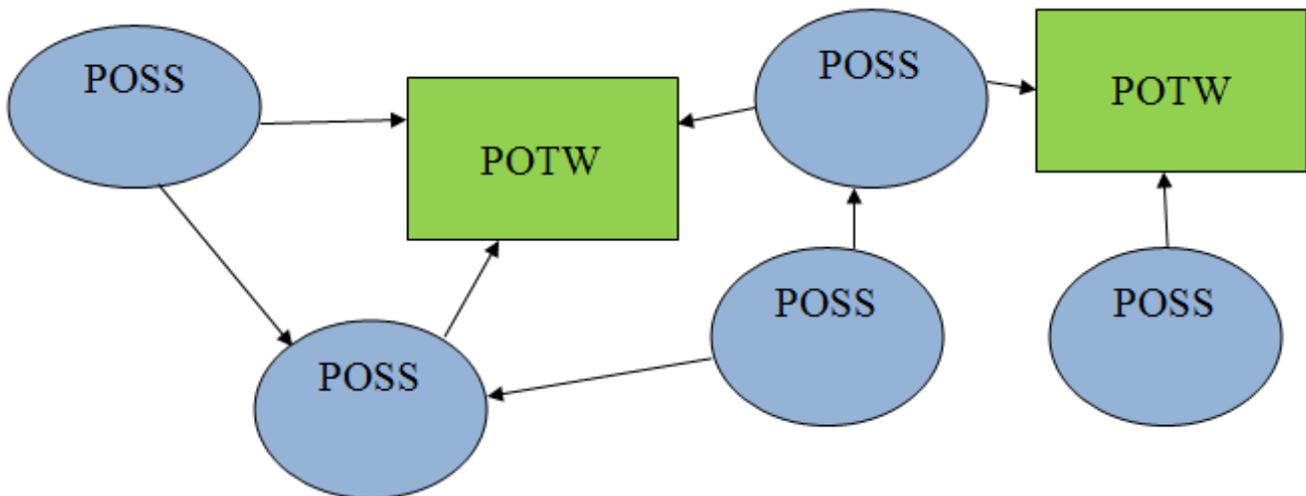


Figure 1. Possible POTW & POSS flow scenarios.

Quality of Data

To date 802 surveys have been submitted. Approximately 723 individual municipalities have responded out of the 823 surveys sent out, bringing the total response rate to 88%. Forty-one of the non-responders are POTWs.

Not all survey responses include answers to all questions or have data that is quantifiable. For instance, if a POSS does not have sufficient monitoring, flow data will not be available. Certain survey responses did not give a total population; instead, total connections or number of houses served were provided. Certain POTWs do not own or operate a collection system. These survey responses lack data such as population or miles of sewer lines. An important note is that New York City Department of Environmental Protection (NYCDEP) accounts for a large percentage of the total sewers in NYS as well as combined sewer miles. NYCDEP operates 14 wastewater treatment plants (WWTP) with more than 7500 miles of sewers, with about 46% of the total lines being combined sewers. When comparing POTWs and POSSs, there is no

difference in terms of relationships or trends. While there are fewer POSSs than POTWs, the data presents very similar trends and therefore the analysis is a combination of their responses.

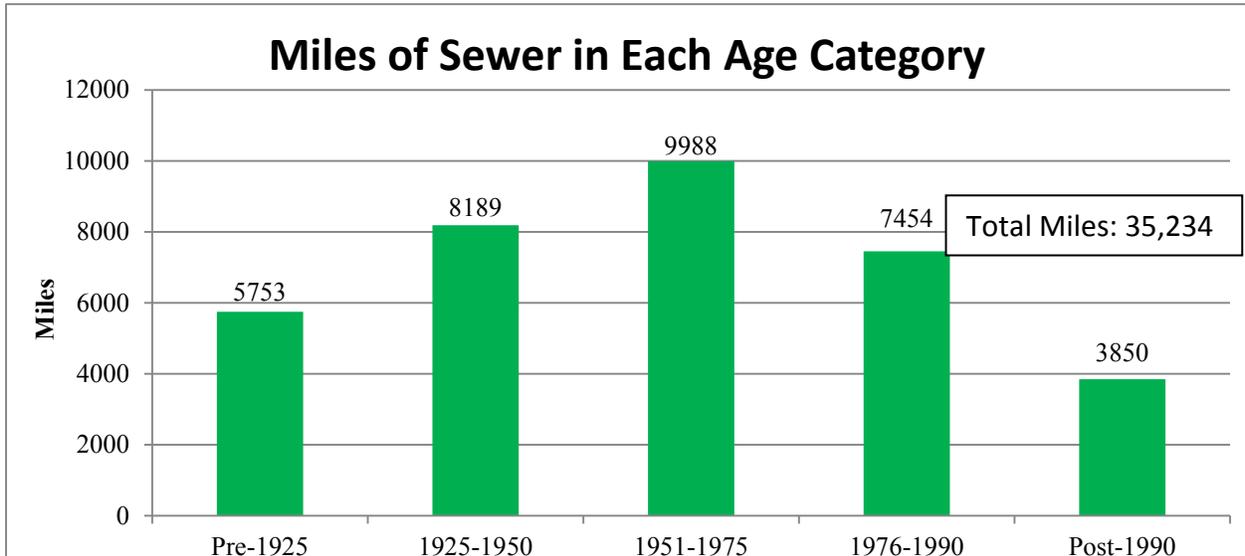


Figure 2. Miles of Sewer in Each Age Category

Survey Findings

As shown in Figure 2, many of the sewers in NYS were built between the years 1951-1975 (28%). There are still many systems (40%) with lines more than 60 years old. Installations within the past 20 years represent 12% of total sewer pipes in NYS. With a survey response rate of 87%, the total miles of sewer in NYS will be greater than stated above.

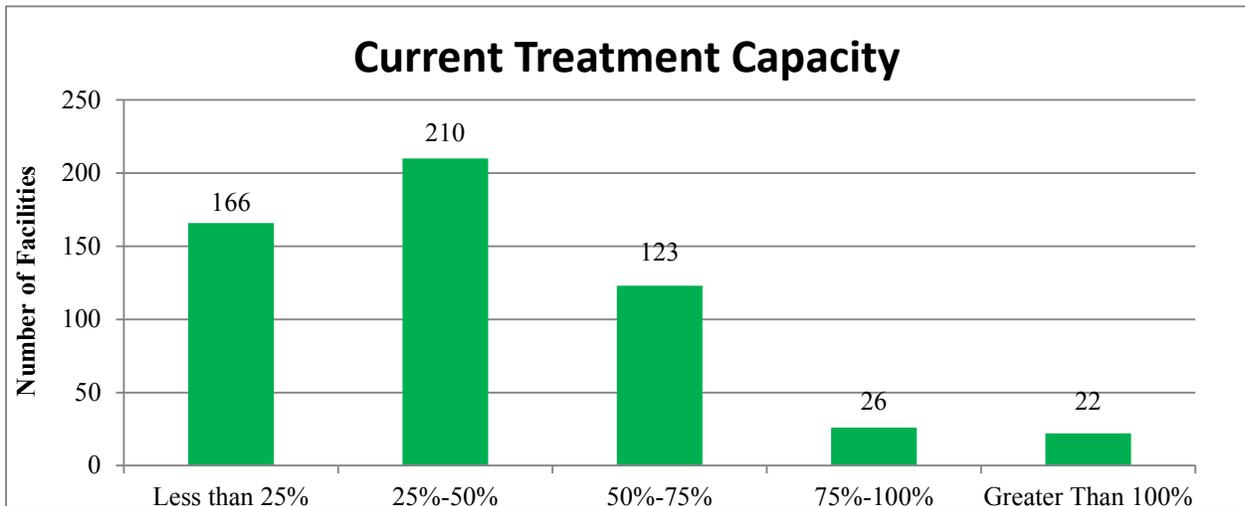


Figure 3. Current Treatment Capacity of POTWs and POSSs

Figure 3 illustrates the status of POTWs and POSSs regarding their capacity to convey/treat wastewater. Many facilities (38%) fall within the 25%-50% capacity range, indicating they each are, on average, receiving flows that is up 50% of the design capacity for that system. Another 48 facilities (8%) are at or above 75% of their plant or collection capacity. Facilities that indicate that flows are at or above 95% of their system’s capacity are required to submit a flow management plan. The purpose of this plan is to detail solutions that will reduce these flows to under the 95% threshold.

An important aspect of maintaining either a POTW or POSS is avoiding unpermitted or unplanned discharges, such as sanitary sewer overflows (SSOs), which constitute a large portion of discharges for these facilities. The survey asked both POTWs and POSSs to identify the major causes of SSOs in their systems. Table 1 summarizes the results. The responses for SSO events were sorted into frequency of events annually (1-5, 6-10, 11-25, 26+). Of those facilities reporting SSO events, the majority indicated they had 1-5 events each year within all 6 categories.

Category	1-5	6-10	11-25	26+	Total
Pump Station Events	66	5	1	6	78
Pipe Break Events	84	3	2	0	89
Manhole Overflow Events	153	6	0	1	160
Basement Backup Events	116	15	8	3	142
Portable Pump Discharge Events	18	1	2	0	21
Storm Overflow	43	4	3	4	54

Table 1. Frequency of SSO events

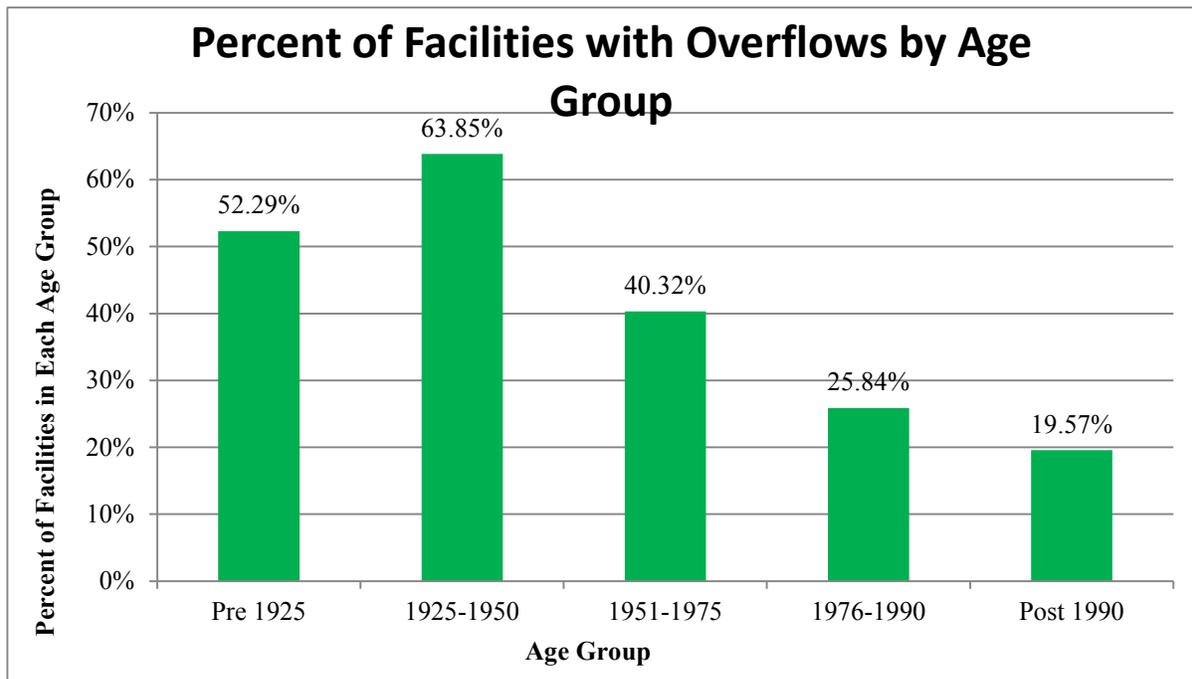


Figure 4. Percentage of facilities with SSO events related to age of sewers

The relationship between age of the facility and SSO events is shown in Figure 4. The results are expected but useful. In general, the older the sewer system the more likely it is that the system will have SSO events. Figure 4 was created using the following method:

- For a facility’s sewer age data by year range, the year range with the highest percentage was found. (If multiple ranges had the same percentage, the oldest age range was used.)
- For each age range, the number of facilities that indicated having more than one overflow annually was found regardless of the type of overflow event.
- The percentage of all responding facilities having more than one overflow event annually for each age range was then plotted.

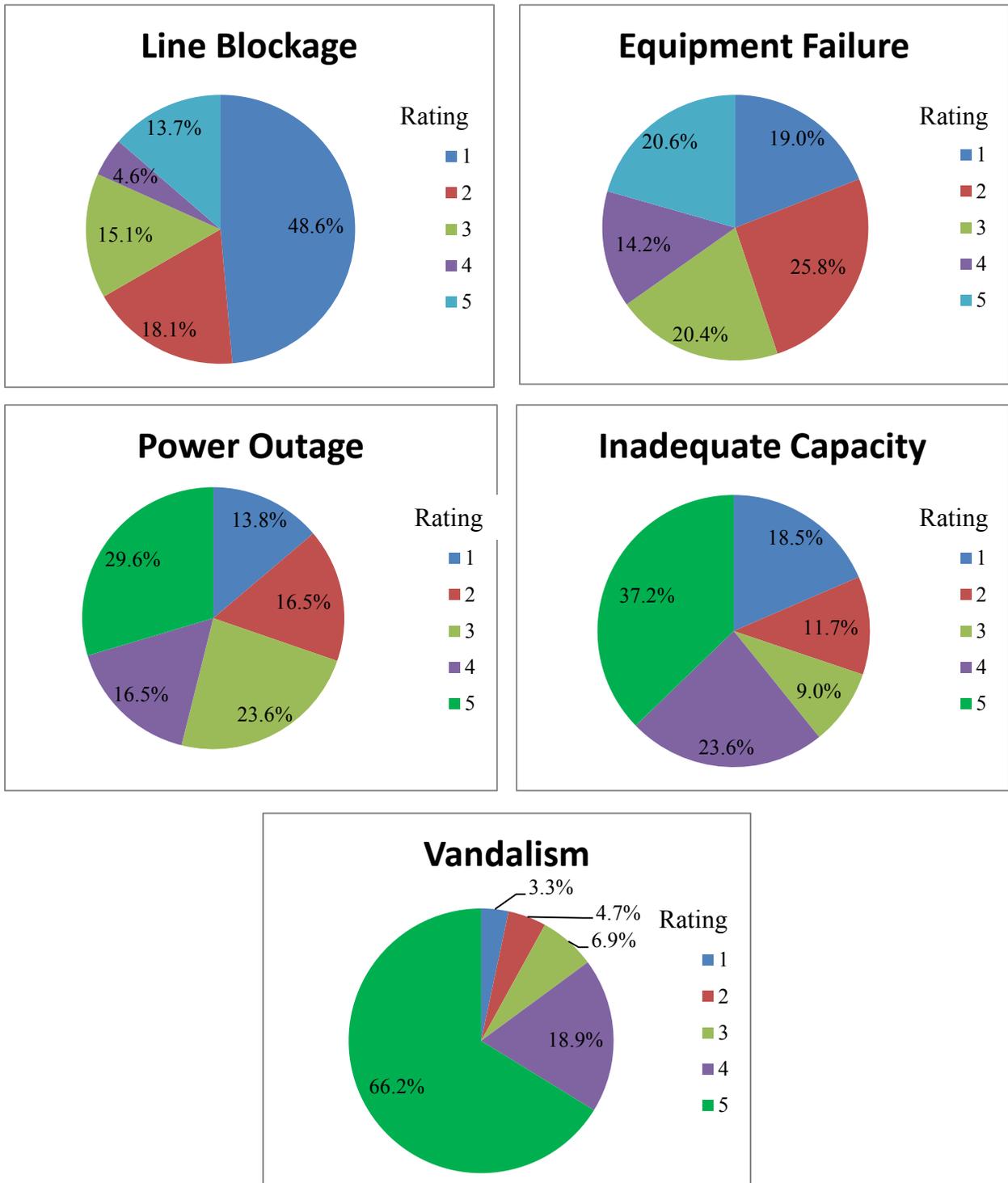
It is interesting to note that the oldest age range does not have the highest percentage of facilities with overflow events. There is one important fact about the data that would explain why this trend is not present. The survey does not include annual combined sewer overflow (CSO) discharge data, and collection systems within this age range are most likely combined systems. If CSO discharge data was collected, the “Pre 1925” age range would have the highest percentage.

Facilities also reported annual volumes of SSO overflows. From the responses in Table 2, it can be clearly seen that the majority of overflows occur from pump failures. Over 1 billion gallons are lost annually to pump failures, while overflows from every other category combined are only 200 MG. Power failure and high capacity are also major causes of pump failures.

Category	Pump Station	Pipe Break	Manhole Overflow	Basement Backup	Portable Pump Discharge	Storm Overflow
Volume (MG)	1044.87	24.43	0.60	1.16	79.33	95.43

Table 2. SSO annual discharge volume.

POTWs & POSSs were asked to rate their major causes of SSO events. They rated the following five categories from 1 to 5 (1 = most common and 5 = least common). Line blockage is the most common cause of SSO events, followed by equipment failure, power outage, inadequate capacity, and vandalism. This data is presented in Figure 5a through Figure 5e.



Figures 5a-5e. SSO event cause ratings.

In response to these SSO discharges, POTWs and POSSs have Sewer Overflow Response Plans (SORP) and Overflow Emergency Response Plans (OERP) in place when discharge events occur.

Both plans are necessary and serve different purposes. A SORP comes into effect for minor overflows or events that occur on a frequent basis. An OERP would be utilized for more destructive circumstances, such as natural disasters or events that cause major damage to collection or treatment systems, or threatens public health or the environment. Figure 6 illustrates the use of these response plans and frequency of update.

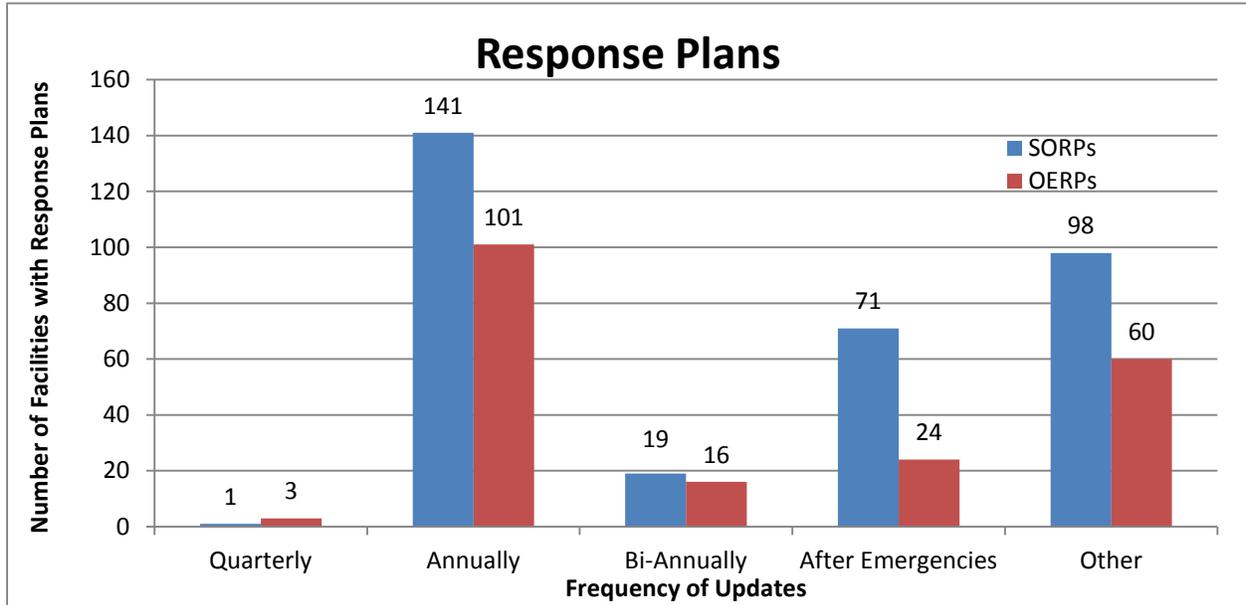


Figure 6. Facilities with Sewer Overflow Response Plans and Overflow Emergency Response Plans

Typically, these response plans are part of a Capacity, Management, Operation, & Maintenance program (CMOM). Not all facilities indicate there is a response plan in place. Although 330 facilities indicated having a Sewer Overflow Response Plan in place, only 288 facilities have overflows. However, of the 288, only 194 have an OERP.

In addition to SSOs, facilities can also have CSO events that are generally triggered during periods of wet weather. From a regulatory perspective, a CSO outfall differs from an SSO in that the CSO outfall must be permitted NYSDEC, in part because it is a fixed discharge point. Communities with CSO outfalls must also, as part of their SPDES permit, develop a Long Term Control Plan (LTCP) to reduce and eventually eliminate CSO discharges. Table 3 summarizes CSO data collected by the survey.

Total Miles of Sewers	Miles of CSO Sewers	Percentage of Combined Sewers	Number of CSOs
35,234	6,342	17.52%	852

Table 3. CSO data collected.

In NYS, there are 62 facilities with active CSO permits covering nearly 937 outfalls. The total miles of CSO sewers comprise 17.52% of the total sewer line miles in NYS.

Figure 7 shows current mapping capabilities of responding POTWs and POSSs. The blue shaded area represents those facilities that indicated on their survey that they own and maintain electronic maps of their collection systems. The red shaded portion represents facilities that indicated being able to define sewer service areas, either by paper maps sent in or by describing the sewer service area. Finally, the green portion represents several pieces of data:

- 1) Facilities with no mapping capabilities;
- 2) Any gaps in the surveys from blank responses to questions;
- 3) 101 POTWs and POSSs that did not provide mapping information.

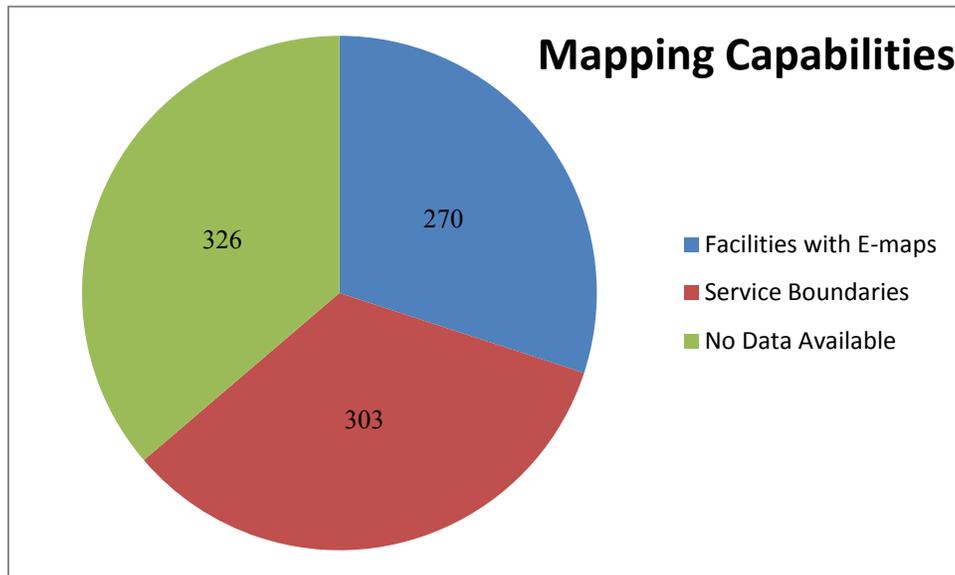


Figure 7. Mapping Capabilities of POTWs & POSSs.

One finding is that approximately one third of all facilities have electronic mapping capabilities. In addition to the survey, NYSDEC also requested that POTWs and POSSs submit copies of any maps they may have available. With these maps NYSDEC intends to create a comprehensive sewer service map layer of NYS for geographic information system applications. NYSDEC has also contacted various environmental groups for assistance in providing mapping services to communities that lack resources or skills necessary to develop their own maps.