



Department of
Environmental
Conservation

SPDES COMPLIANCE AND ENFORCEMENT

SFY 2014/15 Annual Report

October 31, 2015



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- This report details activities and provides data for the period April 1, 2014 through March 31, 2015 (State Fiscal Year 2014/15).
- NYSDEC welcomes your feedback regarding this report. Please provide comments or suggestions to dowinfo@dec.ny.gov

Cover photo: This manhole cover (circa 1935), located in Saratoga Springs (Saratoga County), provides a visual reminder to the length of service some wastewater infrastructure continue to provide. For more details on the condition of wastewater assets and projected costs to address deficiencies, access USEPA’s [Clean Water Needs Survey \(CWNS\)](#)¹.

¹ The CWNS is a comprehensive assessment of the capital needs to meet the water quality goals set in the Clean Water Act. Every four years, the states and USEPA collect information about publicly owned wastewater collection and treatment facilities, stormwater and combined sewer overflows (CSOs) control facilities, nonpoint source (NPS) pollution control projects, and decentralized wastewater management. The next CWNS is due for release in late-2015, reporting on data and information gathered during 2012.

Message from the Director

Once again I am pleased to report to you the latest annual report detailing activities from the Bureau of Water Compliance. As noted in the following pages, it has been an active year in protecting and enhancing the waters enjoyed by New Yorkers and visitors alike.

Significant achievement and activities during SFY 2014/15 include:

- Successful statewide implementation of the NY-Alert system for the notification of sewage releases under the Sewage Pollution Right to Know (SPRTK) Act. Building upon an existing and proven notification mechanism, the NY-Alert system now allows for municipal officials to conveniently and promptly notify the NYSDEC, NYSDOH, the general public, and adjoining communities, of a release of sewage.
- Preparing for implementation of various electronic reporting initiatives in coordination with the United State Environmental Protection Agency (USEPA). With the necessary approvals in place, NYSDEC has been preparing to allow permitted dischargers to submit routine reports and related documents electronically. These actions will result in efficiencies for both the NYSDEC and the permitted facility.
- Enhancing internal guidance and programs in response to the USEPA State Review Framework. Improvements this past year include:
 - Providing additional documentation regarding calculation of assessed and collected penalties. These actions will help to ensure consistent application and interpretation of NYSDEC's enforcement policies, while detailing any economic benefit gained by the violator by avoiding required laws or regulations
 - Providing additional support to inspection staff by more thoroughly documenting a return to compliance for observed violations and in clearly identifying the required response for any noted violations or deficiencies

For questions, more information, or to share suggestions on this report and its contents, please let us know by emailing: dowinfo@dec.ny.gov.

Additional information on other programs in the Division of Water can be found at: www.dec.ny.gov/chemical/290.html.

Joseph DiMura P.E., Director
Bureau of Water Compliance, Division of Water,

Introduction

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

BWC presents this report as a summary of the compliance and enforcement activities relating to the SPDES permit program during SFY 2014/15 (April 1, 2014 to March 31, 2015). Please visit <http://www.dec.ny.gov/chemical/290.html> for additional information on other DOW programs and functions.

New York State Environmental Conservation Law (ECL) [Article 17](#) authorizes the NYSDEC to regulate discharges to the state's water resources through the SPDES program. Using current water quality standards, SPDES permits establish stringent performance standards, effluent limitations, and operating conditions designed to protect the state's water resources.

These permits require implementation of best management practices and timely sampling, analysis, and reporting on the quality of wastewater discharged. In addition to issuing permits, NYSDEC conducts facility inspections and reviews facility discharge data, and other reported information, to ensure compliance status. When occurrences of non-compliance are identified, they 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

The interaction of the components for a water management cycle are shown in Figure 1. This cycle is the basis for DOW's implementation of policies, and prioritizing resources to protect the waters of the state.

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 from various monitoring efforts to examine important characteristics such as pH, dissolved oxygen, temperature, and numerous chemical and biological components in key locations throughout the state. Additional data is acquired through aquatic organism sampling, since the type and concentration of these organisms assist in determining the health of a waterbody. NYSDEC staff generally perform much of the sampling necessary to acquire these data, although

citizens, having NYSDEC training and approval, also collect samples and provide data². Collectively, these monitoring data become part of NYSDEC’s Waterbody Inventory.

- **Assessment**

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

NYSDEC Water Management Cycle



Figure 1

- **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 by developing a water

² www.dec.ny.gov/chemical/81576.html and www.dec.ny.gov/chemical/92229.html

quality management plan. One example of such a [plan](#) applies to waters flowing into the Chesapeake Bay from the northern headwaters found in upstate New York. This plan, in part, seeks to limit the amount of phosphorus and nitrogen entering the Chesapeake Bay. Excessive amounts of these nutrients in a treated wastewater discharge support undesirable plant growth and reduces 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 contain performance standards (i.e. numerical limits) that protect water quality. They also may include schedules of activities that require the permittee to upgrade or install new treatment technology by a specific date to improve performance and achieve permit compliance. 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 permittees submit as a condition of their SPDES permit. NYSDEC evaluates these reports to determine the compliance status of a facility. Facility inspections and other reports, such as monthly operating reports, are used 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 return to compliance. When informal actions fail to achieve a return to compliance, or if conditions warrant, formal enforcement action is used. Formal enforcement actions typically include a monetary penalty and are a more compelling method to achieve compliance. Actions include Orders on Consent, Notices of Enforcement Hearing and Complaint, Cease and Desist Directives, Commissioner's Orders, or tickets issued by an environmental conservation officer (ECO).

SPDES Program Overview

The federal Water Pollution Control Act, commonly referred to as the Clean Water Act ([CWA](#))³ authorized development of the [National Pollutant Discharge Elimination System](#) (NPDES) to regulate 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 covered by the federal program. To further protect the waters of the state, New York's SPDES program extends beyond the requirements of the CWA by also regulating discharges to groundwater.

Implementation of the SPDES program occurs through the issuance of wastewater discharge permits. These permits establish stringent standards and operating conditions designed to

³<http://epw.senate.gov/water.pdf>

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. 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 are likely to have less significant impact on the environment when in compliance with permit provisions than a facility issued an individual SPDES permit.

A SPDES permit requires the owner and operator to comply with specific conditions. For larger, more complex facilities, these requirements typically include limits on physical, chemical and/or biological characteristics of the discharge. The facility is required to submit discharge monitoring reports (DMRs) that are reviewed by NYSDEC. The facility may also be required to submit reports for NYSDEC review and approval. For smaller facilities, including those discharging to groundwater, the permit may simply require the data and information to be kept at the facility site for review by NYSDEC during an inspection.

In addition to specific conditions found in the permit document itself, a SPDES permit also references “general conditions” required by [6 NYCRR Part 750-2](#). Part 750 details requirements with which each SPDES permittee must comply. 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.

SPDES Permits in Effect

The number of active SPDES permits in FY2014/15 as of April 1, 2015 was 20,618, a net reduction of nine (9) from the previous year. Figure 2 shows the recent history of the number of SPDES permits, with the figure from SFY 1998/1999 a comparison baseline. The overall growth in number of issued SPDES permits since the baseline year is due to the increase, and expansion, of general permit programs. Please refer to Appendix C for additional detail of issued permits and NYSDEC’s oversight activities.

Annual Count of Issued SPDES Permits, SFY1998/99 - SFY2014/15

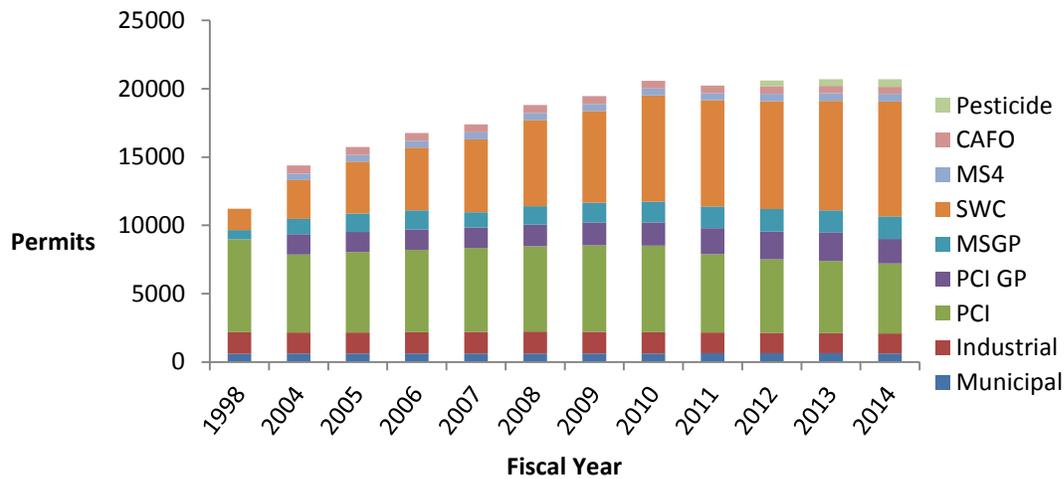


Figure 2

SPDES Individual Permits

NYSDEC issues individual SPDES permits for three discharge categories:

- **Municipal**

This category includes publicly owned treatment works (POTW), as defined by [Section 201 of the CWA](#). 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 2014/15, there were 636 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 2014/15, there were 1,451 SPDES permitted industrial facilities in New York State.
- **Private, Commercial, or Institutional**

Private, commercial, or institutional (PCI) facilities discharge domestic sewage with no addition of an industrial waste flow. 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 less than 30,000 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

significant minor or non-significant based waste stream flow and characteristics. In SFY 2014/15, 5,134 PCI facilities discharged under an individual PCI SPDES permit.

SPDES General Permits

NYSDEC also issues general permits covering the following categories of dischargers:

- **Stormwater Discharges from Construction Activities (SWC)**
The [SWC 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 this general permit prior to beginning construction activity. In SFY 2014/15, there were 8,393 sites covered under this type of SPDES general permit.
- **Multi-Sector General Permit (MSGP)**
The [MSGP general permit](#) covers stormwater discharges associated with 31 different categories of industrial activities. Examples of some activities designated under this permit include concrete manufacturing, vehicle dismantling, and scrap metal recycling. In SFY 2014/15, there were 1,657 MSGP sites covered under this type of SPDES general permit.
- **Municipal Separate Storm Sewer System (MS4)**
The [MS4 general permit](#) covers separate storm sewer systems that discharge to surface waters of the state and carry stormwater and runoff from a city, town, village, or other designated entity that are not part of a combined sewage system. In SFY 2014/15, there were 560 MS4 sites covered under this type of SPDES general permit.
- **Concentrated Animal Feeding Operation (CAFO)**
The [CAFO general permit](#) covers discharges that originate from facilities where animals are raised and kept in confined situations and that meet threshold animal population criteria. In SFY 2014/15, there were 525 CAFOs covered under this type of SPDES general permit. *(Note: In New York State, CAFO facilities are regulated by either the CWA or the ECL. CWA permitted facilities are those that may discharge due to weather events greater than the 25-year/24-hour storm. ECL permitted facilities are not allowed to discharge process wastewater from production areas.)*
- **Private, Commercial, and Institutional (PCI-GP)**
The [PCI-GP general permit](#) is issued for a discharge to groundwater of 1,000 to 30,000 gallons per day of treated sanitary waste from on-site treatment works serving a PCI facility. In SFY 2014/15, there were 1,787 SPDES PCI General Permits issued in New York State
- **Pesticide Applicator (PA)**
The [PA general permit](#) is required and will authorize coverage for point source discharges resulting from any application of a pesticide labeled for aquatic use directly

to, in, or over a surface water of New York. In SFY 2014/15, there were 475 pesticide applicators covered under this type of SPDES general permit.

Separately, USEPA issues the following general permits in New York State:

- **Vessel** –USEPA administers the [vessel general permit](#), which regulates incidental discharges from the normal operation of commercial vessels consistent with Section 402 of the Clean Water Act.
- **Small Vessel** – USEPA administers the [small vessel 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 more details on the SPDES permitting program, visit <http://www.dec.ny.gov/permits/6054.html>

Figure 3 shows the distribution of permits in effect as of April 1, 2015.

Issued Permits as of April 1, 2015

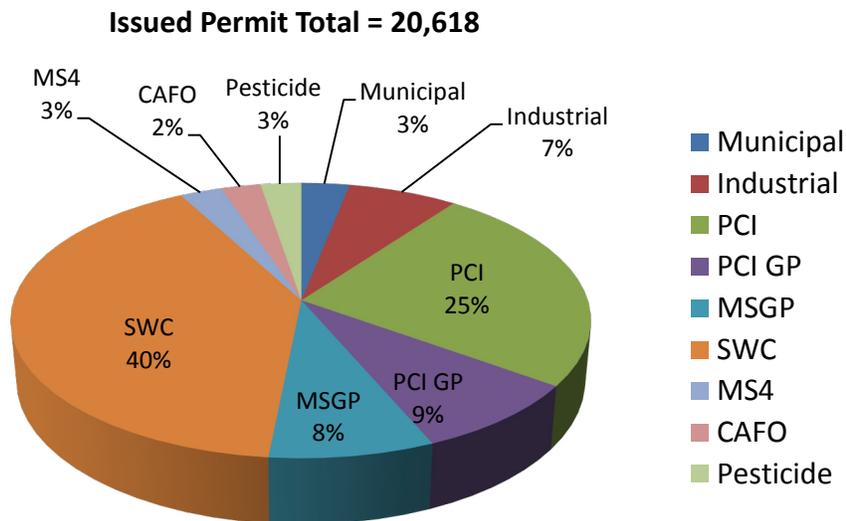


Figure 3

SPDES Monitoring and Compliance

NYSDEC monitors SPDES-permitted facilities through various actions, including:

- Receiving and analyzing periodic discharge monitoring reports (DMR) from permitted facilities that provide a summary of laboratory results of wastewater discharged by the facility^{4 5}
- Performing routine facility inspections
- Responding to citizen complaints
- Requiring certification of municipal wastewater treatment plant operators
- Analyzing facility specific reports (i.e. monthly operating data, and those required as a condition of the SPDES permit or an Order on Consent)

Discharge Monitoring Reports

The cornerstone of NYSDEC's oversight program involves receiving DMRs on a recurring basis. SPDES-permitted facilities designated as being "significant" are required to periodically monitoring data that are representative of the discharge from that facility. Each month, NYSDEC receives DMRs from over 1,300 permitted facilities. Annually, this results in nearly 500,000 data points which reflect the effluent quality discharged under the SPDES program. In addition, DMR data is also required to be submitted annually for the 1657 facilities covered under the MSGP program in SFY 2014/15.

Data provided on the DMRs enable NYSDEC to determine the compliance status of a facility by comparing actual effluent sample results to SPDES permit limits. Data submitted on DMRs is entered into the Integrated Compliance Information System (ICIS) that is owned and maintained by USEPA for national compliance data. NYSDEC utilizes this data system to detect violations, identify trends, and support compliance and enforcement activities.

During SFY 2014/15 over 97% of data reported to NYSDEC was in compliance with their respective permit limit values. Specific data for many of SPDES-permitted facilities is available through USEPA's [ECHO](#) website⁶. Figure 4 (below) presents the quantity of data reported to NYSDEC and the percent of these data that are in violation of a permit limit.

⁴ [6 NYCRR Part 750](#) requires that samples collected at SPDES-permitted facilities and reported to NYSDEC be analyzed at a state-approved laboratory. Visit www.wadsworth.org/labcert/elap/elap.html for details on this program.

⁵ Many, but not all, SPDES-permitted facilities are required to submit periodic effluent quality data reports. For example, monthly reporting is required of larger and more complex facilities. Smaller and less complex operations, such as MSGP facilities, may simply require annual report that summarizes activities and monitoring during the preceding year.

⁶ <http://echo.epa.gov>

Reported Effluent Monitoring Data - SFY2004/05-SFY2014/15

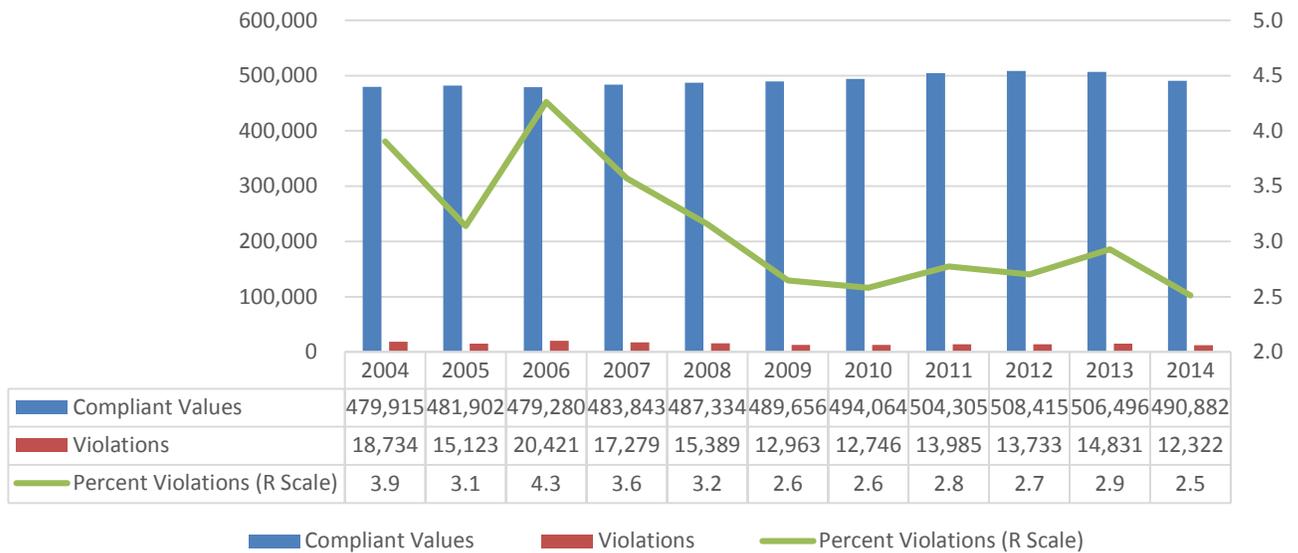


Figure 4

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. Inspections range in intensity and duration. For example, a site visit may be necessary to determine compliance with a specific item, such as to confirm the installation of a pump or other machinery. In contrast, a comprehensive inspection will assess physical processes and effluent quality while also examining recordkeeping and other administrative functions.

Each year, NYSDEC staff identifies inspection candidates through its work planning process. This process evaluates prior inspection results, recent discharge monitoring data, agency priorities, citizen complaints, and other relevant factors to determine which facilities to inspect. NYSDEC also benefits from oversight activities performed through cooperative agreements with its partners. These partners, primarily county health departments, performed 466 inspections during SFY 2014/15.

Additional oversight of construction activities in urbanized areas occurs through the MS4 general permit program. Municipalities with an MS4 general permit are required, as a condition of that permit, to oversee construction activities within their jurisdictional boundaries. The result is that construction activities in MS4 permitted areas are overseen by the MS4 permitted municipality, with NYSDEC focusing its attention to oversight of construction activities that are primarily in rural areas.

On an annual basis since SFY 2004/05 NYSDEC, on average, has inspected approximately 2000 permitted facilities.

Figure 5 summarizes the frequency of SPDES permit inspection activity since SFY 2004/05. Refer to Appendix C for additional detail on inspection activities.

Inspections Performed by NYSDEC and through Partnership Agreements⁷

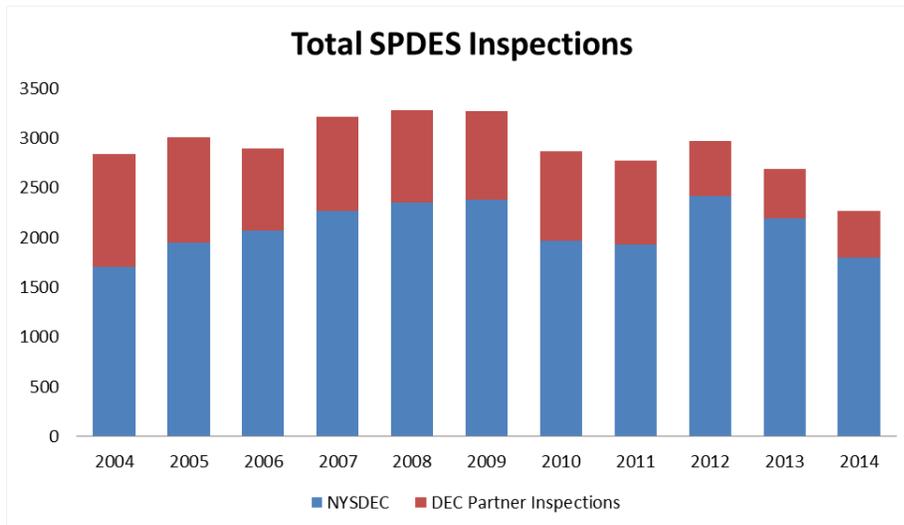


Figure 5

Citizen Complaints

Inquiries and complaints by citizens and observations of possible violations assist NYSDEC's SPDES program compliance 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 Training⁸

Competent and credentialed operators serve as frontline defenders of public health in their communities. Since 1937, New York State has required certification of municipal wastewater treatment plant operators. Receiving this certificate means an individual has completed NYSDEC-approved training, possess hands-on operational experience at a treatment facility, and passed a written certification exam.

⁷ NYSDEC partners include county departments of health, soil and water conservation districts, and the Interstate Environmental Commission

⁸ 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.

Certification is valid for a five (5) year period, during which time the operator must complete NYSDEC-approved training to renew the certificate. Training events typically focus on safety, mechanical equipment, and optimizing the treatment process. Nearly 2,700 individuals currently hold NYSDEC-issued wastewater treatment operator certificates.

[Part 650](#) of Title 6 of *New York Codes, Rules and Regulations* details requirements of the Wastewater Operator Certification Program.

During SFY 2014/15 the following activity occurred within the wastewater operator certification program:

SFY 2014/15 Wastewater Operator Certification Program Summary

Activity	Number
Applications approved to take the operator certification exam	320
Applications approved for renewal of an operator certificate	518
Operators passing the certification exam	175
Operators not renewing their certificate	459

Figure 6

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

SPDES 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 informal enforcement actions such as issuing a Notice of Violation (NOV) to promote voluntary compliance with regulations and permit requirements.

Formal enforcement is 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 Orders on Consent and tickets issued by an environmental conservation officer. An Order on Consent is a legally binding document issued by NYSDEC and agreed to by the SPDES permit holder. NYSDEC routinely uses Orders on Consent to restore compliance and enhance future compliance. An ECO-issued ticket for a discharge violation requires payment of a penalty by the respondent and may require remedial action to fully satisfy.

Common to an Order on Consent are some or all of the following:

- Payable penalty and suspended and/or stipulated penalties
- Interim SPDES permit effluent limits
- Compliance schedule for corrective action
- Progress reporting and/or meetings
- [Environmental Benefit Project \(EBP\)](#)

Figure 5 shows the annual number of NYSDEC formal enforcement actions (ECO tickets and Orders on Consent) since SFY 2004/05, along with both assessed and collected penalty amounts.⁹ Corresponding data is found in Appendix C, and a full list of SPDES-related formal enforcement actions for SFY 2014/15 is found in Appendix E.

Enforcement Actions SFY 2004/05 through SFY 2014/15

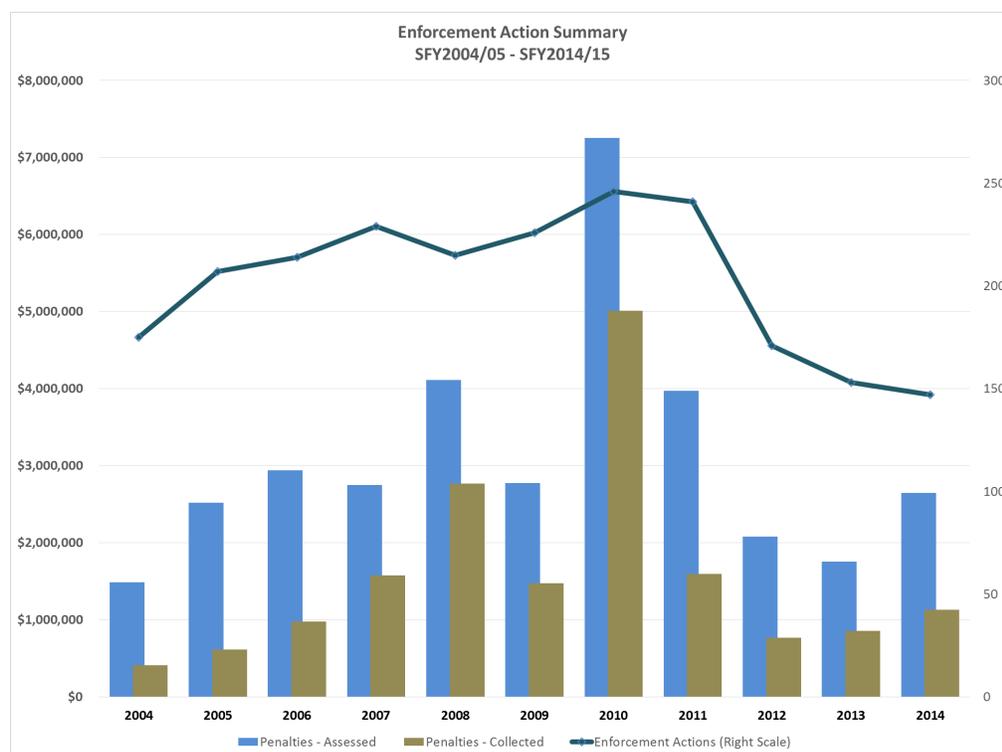


Figure 7

An EBP is an enforcement action that a respondent agrees to undertake in partial settlement of a wider enforcement action. Generally, an EBP must improve, restore, protect, and/or reduce risks to public health and/or the environment.

⁹ During SFY 2009/10, NYSDEC assessed, and collected, a penalty of \$28,991,686 from the New York City Department of Environmental Protection in settlement of a civil judicial action. These monetary amounts are not reflected in Figure 5 to eliminate distortion of this chart.

During SFY 2014/15, five (5) enforcement actions were taken that incorporate an EBP. These EBPs include requirements to:

- Provide training for certified wastewater treatment plant operators
- Restore the shoreline on portions of Onondaga Lake
- Improve water quality in the East River and Long Island Sound

Improving Water Quality through Enforcement

An example of improving water quality through compliance and enforcement efforts is the situation that involved excessive discharge of nitrogen into sensitive waters. Hypoxia, or low dissolved oxygen, is a condition that has adversely impacted waters of the Long Island Sound estuary for many years. Dissolved oxygen levels that fall below an organism's threshold can be fatal, for example by resulting in a fish kill. Non-fatal levels of dissolved oxygen, yet sufficiently low, can result in the displacement of an organism to a different location, make it more susceptible to predation or disease, or alter its migration or reproductive patterns.

Estuaries are particularly susceptible to hypoxia for various chemical and physical factors, making it essential to reduce those pollutants that cause or exacerbate hypoxic conditions. Extensive research led to nitrogen being identified as a leading cause of hypoxia in Long Island Sound, with particularly severe impacts in western areas near New York City.

In 2011, the New York City Department of Environmental Protection (NYCDEP) and the NYSDEC entered into the First Amended Nitrogen Consent Judgement. This judgement, in part, requires the City to undertake efforts to meet discharge limits detailed in a [USEPA-approved TMDL](#) for nitrogen. The TMDL mandates a 58.5% reduction of nitrogen discharged into Long Island Sound from facilities that include NYCDEP's water pollution control plants along the Upper East River or Lower East River.

Through June 2015, and after significant wastewater treatment infrastructure investments by NYCDEP, the discharge of nitrogen (measured in pounds per day) has fallen approximately 52% from the baseline value in effect prior to the first stepdown on December 1, 2009. The final stepdown required by the First Amended Nitrogen Consent Judgement will commence on January 1, 2017. Once fully implemented, the final stepdown will result in a discharge limit of 44,325 pounds of nitrogen per day, a 59% reduction from the 2009 baseline quantity of 108,375 pounds per day. NYCDEP maintains compliance with these limits.

Contributions by POTWs in Westchester, Nassau, and Suffolk counties that discharge into Long Island Sound have also been required to adhere to the TMDL limits for nitrogen. For more information on these activities, visit the [Long Island Sound Study](#) webpage.

Combined East River WWTP Effluent Total Nitrogen Loads

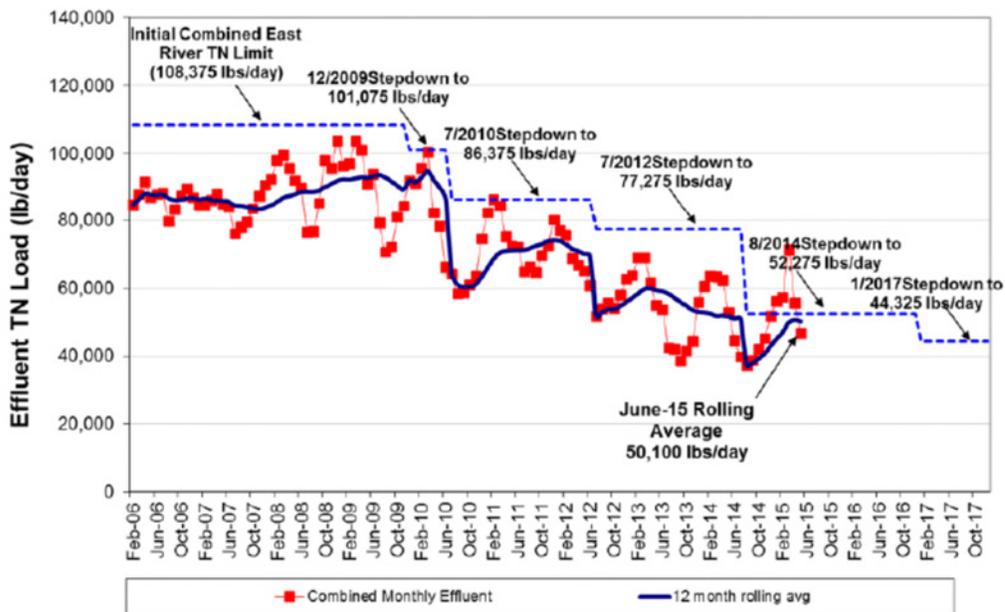


Figure 8 (Source: NYCDEP, *Quarterly Nitrogen Report*, July 30, 2015)

NYSDEC/USEPA: Shared Oversight of the SPDES Program

NYSDEC's Relationship with USEPA

October 2015 marks the 40th anniversary of NYSDEC's [authorization](#) by USEPA to manage water pollution control requirements of the 1972 Clean Water Act (CWA). A primary component of this authorization is the implementation of the SPDES program, New York's equivalent to the federal national pollutant discharge elimination system ([NPDES](#)). While these programs are comparable, NYSDEC regulations provide additional protection for groundwater resources.

Today, USEPA and NYSDEC continue their cooperative relationship by establishing priority watershed activities, implementing annually revised work plans, and seeking community-based solutions. An important part of this relationship is the 1987 USEPA/NYSDEC Enforcement Agreement. This agreement outlines NYSDEC's [responsibilities](#) to maintain compliance of facilities permitted under the SPDES program. NYSDEC's responsibilities include:

- Monitoring permit compliance
- Identifying facilities meeting significant non-compliance (SNC) criteria
- Identifying facilities requiring enforcement action to restore compliance
- Taking timely and appropriate enforcement in response to SNC and other priority violations
- Maintaining and sharing compliance data and information with USEPA

This agreement also establishes procedures for USEPA oversight and review of NYSDEC's SPDES program, notably through the [state review framework process](#)^{10 11}. The SNC program, a key element of NYSDEC's oversight activities, requires quarterly meetings with USEPA. These meetings allow for discussion of the causes of qualifying non-compliance and identifying actions necessary to restore compliance. Persistent violation of a SPDES permit requires an enforcement action that assesses a financial penalty and/or the installation of new or replacement equipment or treatment systems.

A primary feature of the enforcement agreement is for USEPA and NYSDEC to collectively seek to restore compliance at major-class facilities. Those identified as minor-class facilities or operating under a general permit are overseen primarily by NYSDEC, with USEPA available to initiate action on its own or through annual work plan agreements, each requiring consultation with NYSDEC.

With priority given to major-class dischargers, USEPA and NYSDEC apply criteria to identify those facilities with significant non-compliance (SNC) violations. Examples of SNC violations include:

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

Those facilities meeting these criteria then become the focus of quarterly meetings where NYSDEC provides details on the cause, frequency, and severity of violations. NYSDEC is then responsible to seek a return to compliance or, if violations continue, to pursue informal or formal enforcement. Common enforcement actions include issuing a notice of violation, holding a compliance conference with the permittee, or signing an Order on Consent.

The rate of SNC represents those USEPA-designated major-class SPDES permitted facilities that met the SNC criteria *at least once* during a given period. For SFY 2014/15, the rate of SNC rate for these 336 major-class facilities in New York State was 24% (see Figure below). The facilities on this list change from quarter to quarter, as some return to compliance while others join the list.

¹⁰ Although New York has an authorized program, USEPA reserves certain privileges for oversight and enforcement actions under the CWA. Separately, USEPA has retained and not delegated both the pretreatment and biosolids programs.

¹¹ The State Review Framework (SRF) consistently assesses USEPA and state enforcement of the Clean Water Act (CWA), the Clean Air Act (CAA), and Resource Conservation and Recovery Act (RCRA). Designed collaboratively in 2004 by EPA and the Environmental Council of the States, USEPA works in partnership with each state to create a final SRF report. These SRF reports allow USEPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the states.

Major-Class Dischargers Rate of Significant Non-Compliance (SNC)

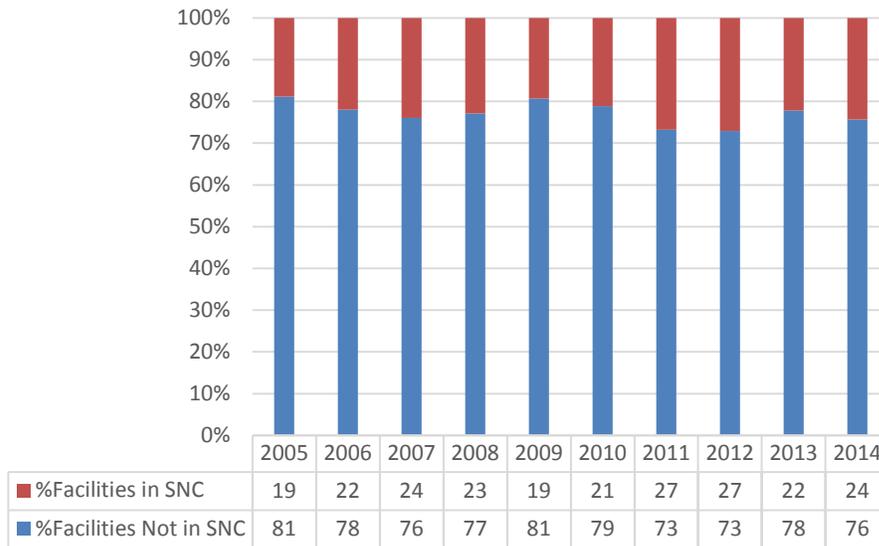


Figure 9

Previous Year Activities

In addition to NYSDEC’s oversight activities for the SPDES program, during SFY 2014/15 USEPA accomplished the following activities in New York State:

Program Area or Discharge Class/Category ¹²	Inspections/Audits	Enforcement Actions ¹³
SPDES Program ¹⁴	37	1
Pretreatment ¹⁵	28	8
CAFO	11	3
Stormwater Construction	22	3
Stormwater Industrial (MSGP)	33	17
MS4	15	8
Total	146	40

Table 10

NYSDEC Electronic Compliance Reporting

During SFY 2014/15, NYSDEC continued to prepare for the expanding role information technology systems will play in the management of the SPDES program. Below is an overview of these initiatives underway and current status:

¹² Refer to Appendix A for a definition of terms in this column.

¹³ Includes both administrative consent orders and administrative penalty orders.

¹⁴ Includes facilities issued individual SPDES permits, sampling inspections, SSO events, and satellite collection system oversight activities.

¹⁵ Includes audits of industrial and commercial entities that discharge wastewater for treatment by a POTW.

- [NY-Alert](#): A significant accomplishment this past year was implementing use of the NY-Alert system, allowing for the timely notification to NYSDEC of sewage overflows. To report sewage overflows is a logical extension for the NY-Alert system, given its proven value in reporting critical incidents promptly. (Refer to Appendix B for additional details on the use of NY-Alert).
- [Enforcement Compliance History Online \(ECHO\)](#): USEPA maintains this website to provide various facility, compliance, and enforcement information to the general public. ECHO provides public access to data that 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. Many individual and general permitted facilities in New York State can be found on the ECHO website.
- [eReporting](#): On September 24, 2015 USEPA issued a [final rule](#) requiring the reporting of National Pollutant Discharge Elimination System (NPDES) data electronically. This rule will apply to all permits issued under the SPDES program and impact both permitting and compliance activities, including NetDMR (see below).

NYSDEC anticipates initial implementation in 2016, with full implementation in 2017. eReporting will result in significant changes to the reporting and management of compliance and enforcement data when implemented.

- [NetDMR](#): Developed by USEPA, NetDMR enables SPDES permitted facilities to submit a Discharge Monitoring Report (DMR) data electronically. Currently, NYSDEC receives DMRs in paper form which are then entered into USEPA's Integrated Compliance Information System (ICIS). During SFY 2013/14 NYSDEC received certification from the NYS Attorney General that NYSDEC has the legal authority to implement electronic reporting.

NYSDEC is now in the planning and development stage of implementing this program in conjunction with the recently finalized eReporting rule. NetDMR offers these benefits to NYSDEC and SPDES permitted facilities:

- Faster and more accurate data entry in ICIS
- Faster sharing of data with the ECHO system
- Elimination of paperwork lost in-transit to NYSDEC
- Electronic notification upon NYSDEC receipt of submitted documents
- Efficient use of NYSDEC and permitted facility resources

While considerable effort is necessary to implement these initiatives, projected benefits will outweigh the expense to make this digital transition. Given the vast amount of information and data inherent to the SPDES program, this provides an opportunity to create efficiencies, improve transparency, and ease public access to data.

Appendix A

Glossary of Terms

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

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

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

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

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

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

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

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

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

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

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

Large and medium CAFOs are defined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

ECHO – Enforcement and Compliance History Online. ECHO is the USEPA-owned website that provides details of 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 – Refers to seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, or manhole walls.

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

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

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

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

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

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

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

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

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

Municipal Separate Storm Sewer System (MS4) – A conveyance, or system 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 to regulate 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 (see “SPDES” below).

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

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

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

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

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

Publicly Owned Sewer System (POSS) – A municipal sewage collection system owned by one or more municipalities. Generally, this includes interceptors, force mains, and pump stations, while excluding lateral piping that serves to connect the wider system to an individual residence, or commercial or industrial properties.

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

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

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

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

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

- Remedial action is not necessary or complete
- Only minor compliance activity is required
- 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.

State Pollutant Discharge Elimination System (SPDES) – The state program that administers the federally delegated program (see "NPDES" above) for the regulation of wastewater discharges to surface waters. In addition, state law regulates discharges to groundwater, which are not part of the federal delegation. The minimum threshold for a SPDES permit for groundwater discharges is 1,000 gallons per day for sanitary wastewater, while discharges including any industrial wastewater have no minimum threshold. The New York State Department of Health regulates discharges of less than 1,000 gallons per day, consisting of only sanitary wastewater.

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

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

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

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

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

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

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

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

Appendix B

Sewage Pollution Right to Know Summary Report

Sewage Pollution Right to Know 2nd Annual Summary Report

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Introduction

The Sewage Pollution Right to Know (SPRTK) Act requiring the reporting of sewage releases from Publicly Owned Treatment Works (POTWs) and Publicly Owned Sewer Systems (POSSs) became effective May 1, 2013. Signed in August 2012, the SPRTK act significantly changes the timeframe for reporting sewage discharges by municipalities. Immediately, but no later than two hours of discovery of a discharge, a POTW or POSS must notify both DEC and the state or local Department of Health (DOH) office with the following 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

Immediately but no later than four hours of discovery of a discharge, a POTW or POSS must also notify the state or local DOH, the chief elected official of the discharging municipality and any adjoining municipalities, and the general public of certain discharges. This law also requires DEC to publish an annual summary of the reports received by DEC and the local and state DOH offices. This report summarizes the information on all reports submitted to DEC from April 1, 2014 to the end of the New York State Fiscal Year (March 31, 2015).

Highlights of the project are outlined below, and will be discussed in greater detail in the summary:

- DEC customized and transitioned to a new, more robust reporting system: NY-Alert.
- POTWs and POSSs registered with DEC to use NY-Alert to report sewage discharges.
- Staff drafted proposed changes to existing regulations.

Progress Update

Outreach

The SPRTK law requires all POTWs and POSSs to report sewage discharges. DEC continued to reach out to POTWs and POSSs to provide awareness of the new requirements, and updated them on progress as DEC implements the law. DEC staff delivered presentations throughout New York State targeting various audiences. These individuals included wastewater treatment plant operators, consulting firms, and other governmental staff. The presentations covered all aspects of SPRTK, including details about the law itself, how to register with DEC to use NY-Alert, how to create an alert, and information on guidance documents DEC developed. Between April 1, 2014 and March 31, 2015, DEC presented to 11 groups. Presentations were also made to advisory groups and this kept interested environmental advocacy groups up to date with the progress made implementing SPRTK.

DEC sent 53 bulletins through an e-mail list serve in the 2014/2015 fiscal year. These bulletins included important wastewater educational topics, as well as keeping the public informed of updates to DEC’s website, progress implementing SPRTK, and guidance or other materials important to the public or POTWs and POSSs.

As DEC implemented SPRTK, changes to existing web pages relevant to SPRTK became necessary, as well as adding new web pages. These included:

- Updated Long Term Control Plan website
- Updated CSO Best Management Practice website
- Created a Safe Swimming web page
- Updated the CSO map

DEC also published a fact sheet titled “I Flushed, Now What?” This fact sheet informs the public that not everything they flush down a drain or toilet is, in fact, flushable, and that doing so causes many serious problems in wastewater collection and treatment infrastructure.

The SPRTK law requires DEC to post reports submitted by POTWs and POSSs to its website. On April 1, 2015, DEC launched a webpage that automatically receives reports from NY-Alert that may adversely affect public health. This webpage is designed to meet the “expeditiously reporting to DEC’s website” requirement of the SPRTK law. Through the webpage the public can easily view recent reports submitted through NY-Alert.

Regulations

To fully implement the SPRTK law, DEC drafted language to update existing regulations in 6 NYCRR Part 750. Changing existing regulations to include new reporting requirements according to SPRTK will grant DEC the capability to implement all aspects of the law and pursue enforcement. A summary of the proposed changes is outlined in Table 1. The regulations will be public noticed and a responsiveness summary of the comments will be provided in the next fiscal year report.

Reporting Time Frame	POTW		POSS	
	Current	Proposed	Current	Proposed
2-hour (DEC/DOH)	Bathing beaches, shellfishing, drinking water supplies	All discharges	None	All discharges
4-hour (Public)	None	Discharges reaching surface water	None	Discharges reaching surface water
24 hour (DEC)	All other discharges	None	None	None
5 day written report (DEC)	All discharges	All discharges	None	All discharges

Table 1. Proposed changes to existing regulations in NYCRR Part 750.

Communities with CSO outfalls are required to report under the SPRTK law. However, there are several limitations that CSO communities face regarding reporting “accurate” information on CSO discharges in the required time frame. The annual Best Management Practices (BMP) report CSO communities submit to DEC details information on CSO events for the past year, such as volume and number of discharges. It also defines the type of monitoring capabilities for each CSO outfall. According to these reports, there are three main types of detection methods for CSOs:

1. Visual Observation: The facility must inspect a physical object that indicates motion to determine if an overflow has occurred. This is the most rudimentary type of detection, and does not provide volume or duration.
2. Models: CSO communities with many outfalls typically have a model of the combined sewer system. These models can use recent rainfall data to estimate CSO discharge volume. Some of these models are expensive to create and run, and are run after an event. Some models are predictive, they use real-time rainfall data to estimate the probability that a discharge will occur at that point in time (i.e. Albany Pool, Onondaga County.)
3. Real-time Monitoring: A small number of CSO communities have installed real-time monitoring technology on their CSO outfalls. These remote sensing units are able to detect overflows in real-time, and send important information to operators such as volume and duration. (i.e. Kingston)

In addition to the discrepancies in reporting capabilities, the SPRTK law specifically states that sewage overflows must be reported using “existing systems and models.” The SPRTK law does not require CSO communities to install new technology to comply with reporting requirements. This does not limit DEC from requiring upgrades to existing technology through other means, such as a community’s CSO permit or Long Term Control Plan (LTCP).

For more information on CSOs and how CSO communities are working to abate problems associated with CSOs, see DEC’s website on Combined Sewer Overflows:

<http://www.dec.ny.gov/chemical/48595.html>

Transition to NY-Alert

Customization of NY-Alert

To comply with the SPRTK law, DEC developed a dynamic PDF form for POTWs and POSSs to complete and submit to report sewage discharges. This PDF document, however, was an interim solution as it did not notify adjoining municipalities and the general public within the required 4-hour timeframe. Because of this, DEC needed to transition to a reporting system that would notify all entities required by SPRTK. DEC staff researched several options, and decided on an existing reporting system: **NY-Alert**.

NY-Alert is used by other NY State agencies for various reporting purposes. It is used for amber alerts, traffic alerts, weather alerts, and many other disaster or safety related events. NY-Alert

is owned by the NYS Department of Homeland Security and Emergency Services (DHSES), developed and maintained by Buffalo Computer Graphics (BCG), and operated by NYS office of Information Technology Services (ITS). DEC entered into a Memorandum of Understanding (MOU) with DHSES and BCG to customize NY-Alert so that POTWs and POSSs can use NY-Alert to report sewage discharges. NY-Alert is free for POTWs and POSSs to use to report, and free for the public to sign up and receive sewage discharge reports. The system is also guaranteed to be maintained by BCG, under the current MOU.

Registration

POTWs and POSSs are required to register with DEC to be able to use NY-Alert. DEC has made significant efforts to ensure all 620 POTWs and approximately 300 POSSs have authorized notifiers. While only a few individual facilities reported using NY-Alert in February and March, **as of March 2015 576 POTWs and POSSs authorized notifiers with DEC and went live in NY-Alert.**

	POTW	POSS
Facilities using PDF Form	156	32
Facilities using NY-Alert	25	7
Unique facilities	160	36

Table 2. Number of POTWs and POSSs that reported a sewage discharge.

Table 2 summarizes the number of POTWs and POSSs that reported a sewage discharge for the previous fiscal year. Because DEC transitioned to NY-Alert, several facilities that were using the PDF form to report sewage discharges continued to report using NY-Alert. The number of unique facilities is across both the PDF form and NY-Alert.

DEC did not maintain an official list of POSSs before SPRTK. Thanks to the new law, a more accurate and complete list of POSSs will be available.

Reporting

Once a POTW or POSS registers notifiers with DEC, they are authorized to use NY-Alert. DEC developed a “wizard” to streamline reporting, and to satisfy all the reporting requirements of SPRTK. This wizard is a step by step process where a user is guided to enter information into certain fields, and a one button push feature in NY-Alert sends the information to all appropriate entities. Using this reporting tool, POTWs and POSSs do not need to send individual reports to DEC, DOH, adjoining municipalities, and the public, thereby reducing the reporting burden of the POTW and POSS operator. NY-Alert includes the six required points of information, as mentioned above, in addition to several pieces of information that are useful for the DOH as well as the public.

DEC posts reports submitted through NY-Alert to its website in two ways:

1. Current reports that have the potential to adversely impact human health (discharges that reach surface water) are posted on DEC's "Recent NY-Alert Sewage Spill Notifications" page.
2. A complete list of historical reports, including discharges that do not reach surface water, is available on DEC's "Sewage Discharge Reports" page.

This annual summary is based on all reports received, including both discharges reported through the PDF form and NY-Alert between April 1, 2014 and March 31, 2015.

To assist notifiers in reporting, DEC developed several guides. DEC created a Notifier Manual, which walks notifiers through the entire reporting process with screenshots and detailed instructions. The manual is considered a "live" document, in that as updates and enhancements are made to NY-Alert, this document will be updated as well. DEC always posts the most recent version on its SPRTK Reporting Toolbox website (<http://www.dec.ny.gov/chemical/90323.html>). Several YouTube videos were created as well to allow notifiers to see exactly how to complete each step of the wizard.

Future Work

DEC continues reach out to POTWs and POSSs to register for NY-Alert and authorize notifiers. Training sessions will focus on providing authorized notifiers with tools to use NY-Alert and clarifying the steps to create and update reports in NY-Alert. DEC staff will train notifiers in person, and have computers available for practice, or use webinars to reach out to larger audiences.

As DEC implements SPRTK, changes may be made to how reports are submitted. Because of this, NY-Alert will be updated as needed, to include enhancements or additional reporting requirements.

Summary of Sewage Discharge Reports

The following figures summarize sewage discharge reports received from April 1, 2014 to March 31, 2015. An important note about the data is that on November 5, 2014, DEC officially went live with NY-Alert. From that point, DEC received both PDF forms and NY-Alert reports. The data in both types of reports were the same. However, DEC required certain mandatory fields in NY-Alert so that a report meets the requirements of the SPRTK law.

For example, two of the hardest points of information to acquire within two hours of discovery are volume and duration. NY-Alert requires at least an estimate for each before a notifier may submit the report. In doing so, DEC and DOH have a better understanding of each sewage discharge, and the public is also more aware. Because of these required fields, more reports meet all the reporting requirements of the law. This gives an overall better picture of the current condition of wastewater infrastructure in New York State.

Compared with data from 2013-2014, POTWs and POSSs reported fewer events but slightly more sewage spilled. **DEC received 1,506 reports through both the PDF form and NY-Alert, with a total reported volume of 265 million gallons.** Figure 1 shows current report data compared with the previous year’s data. The number of reports in 2013 was greater due to a very wet spring in 2013, resulting in more overflow events.

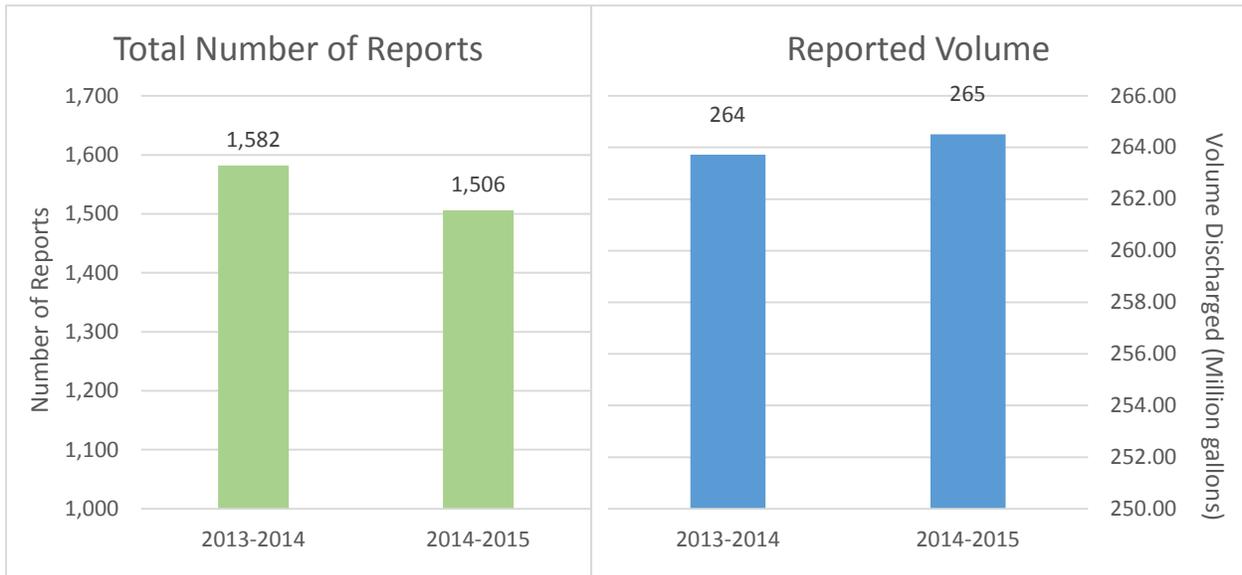


Figure 1. Historical comparison of sewage discharge reports.

Total volume is calculated using the reported volume or the reported rate multiplied by the event duration. For each event reporting rate, volume was calculated assuming a constant discharge rate for the total duration of the event. This may lead to a higher calculated volume than what was actually discharged. Conversely, there is a large number of reports that do not include volume, which leads to an underestimation of volume. In addition, incorrect units were selected for several reports. For discharges indicating an unusually high rate of flow, units have been changed from “gallons per minute” to “gallons”. **Of the 1,506 total reports submitted, only 413 reports included a volume or rate of discharge.** Even though volume is one of the six required data elements, many POTWs and POSSs are not able to provide even an estimate within the required timeframe.

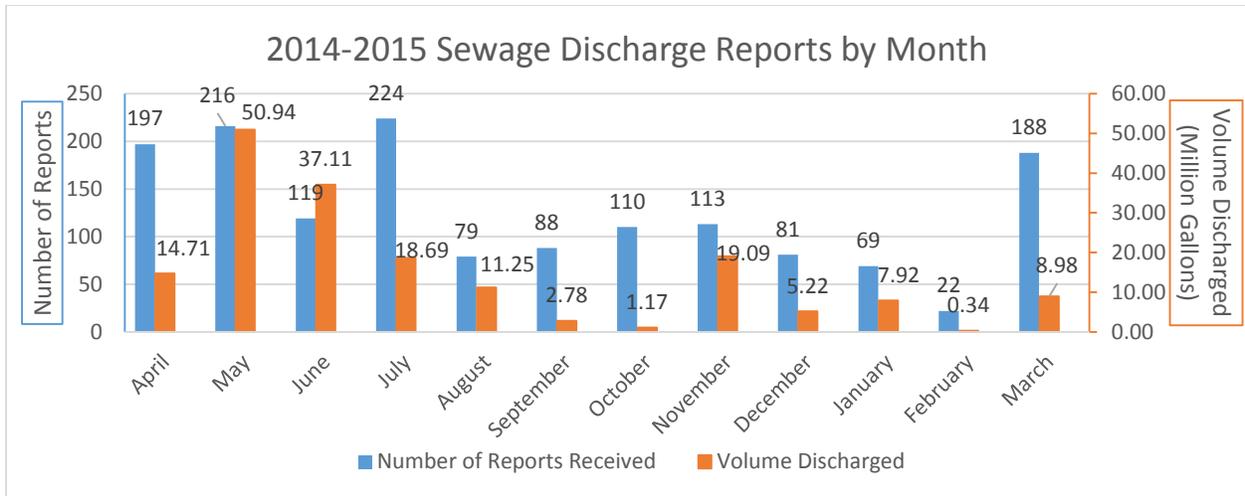


Figure 2. 2014-2015 sewage discharge reports and volume by month.

In November 2014, DEC officially went live with NY-Alert. POTWs and POSSs did not start using NY-Alert to report sewage discharges until February 2015.

Erie County has the most reported events with a total of 870 sewage discharge reports. Of the 62 counties in New York State, 51 counties had facilities reporting sewage discharges. Eleven counties experienced no sewage discharges. The following graph, Figure 4, shows the top 10 counties by sewage discharges (excluding Erie County).

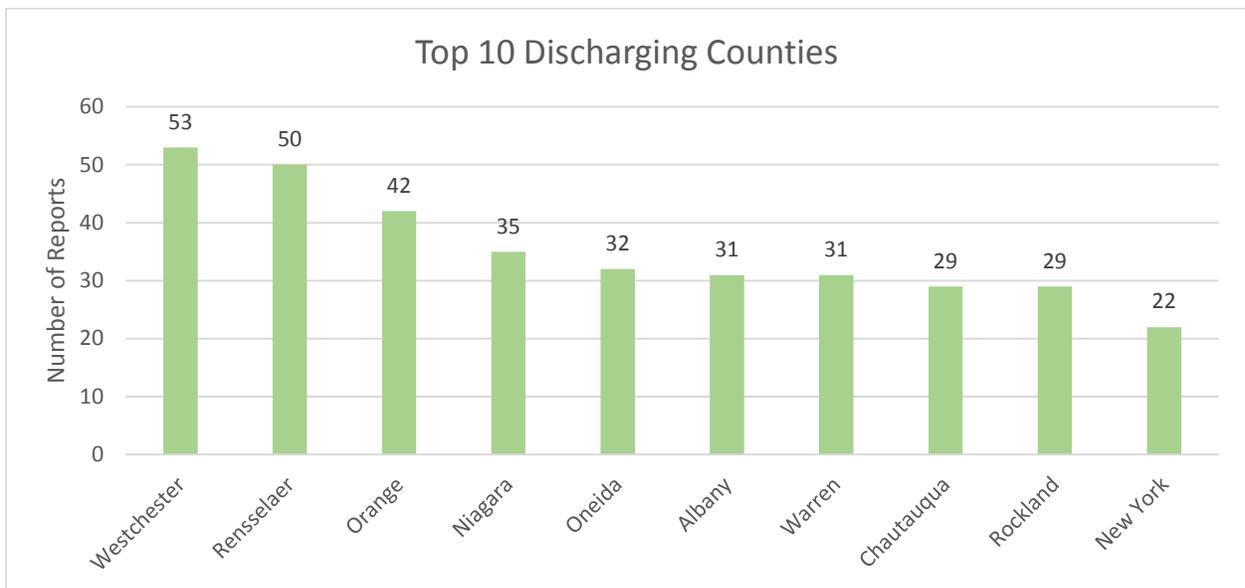


Figure 3. Top 10 discharging counties by number of reports (excluding Erie County).

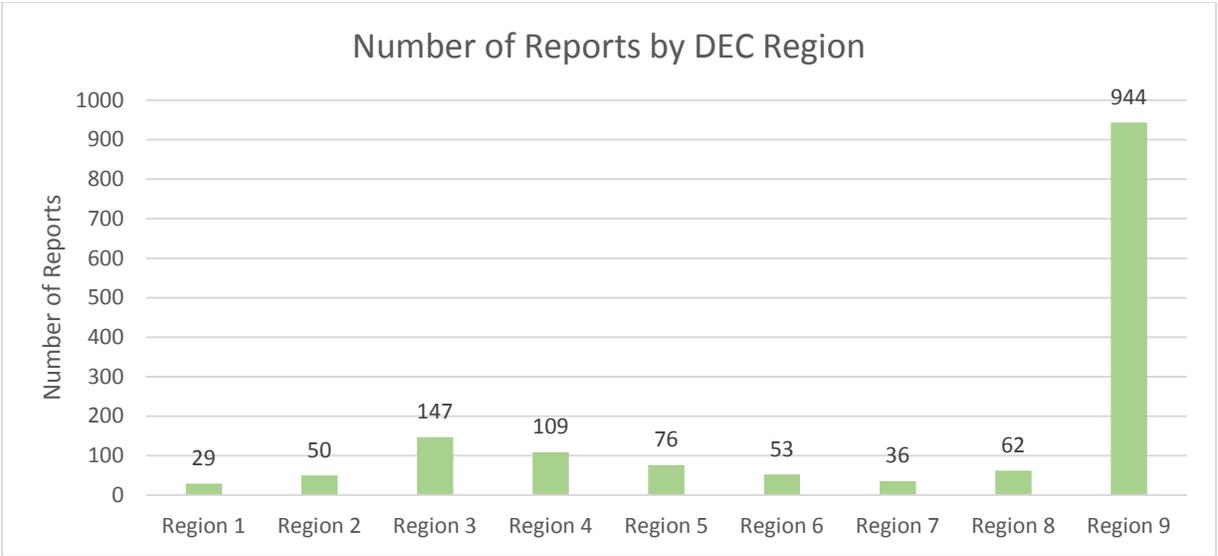


Figure 4. Total number of reports by DEC region.

In addition to facility information, receiving waterbody information is available. **In total, 161 unique waterbodies were affected by sewage discharges.**

There are many reasons for a sewage discharge: A few major causes are blockages from baby wipes or oil and grease, root intrusions, or heavy inflow & infiltration due to weather conditions. Figure 5 shows reports by discharge reason. NOTE: Because the reports have the option to include multiple reasons for one event, the total number of reasons in Figure 5 is higher than the total number of reports submitted. **The most frequent cause of sewage discharges is due to weather conditions, with 1,076 instances of weather related issues.** This indicates that many facilities have inflow and infiltration problems, or are reported CSO events.

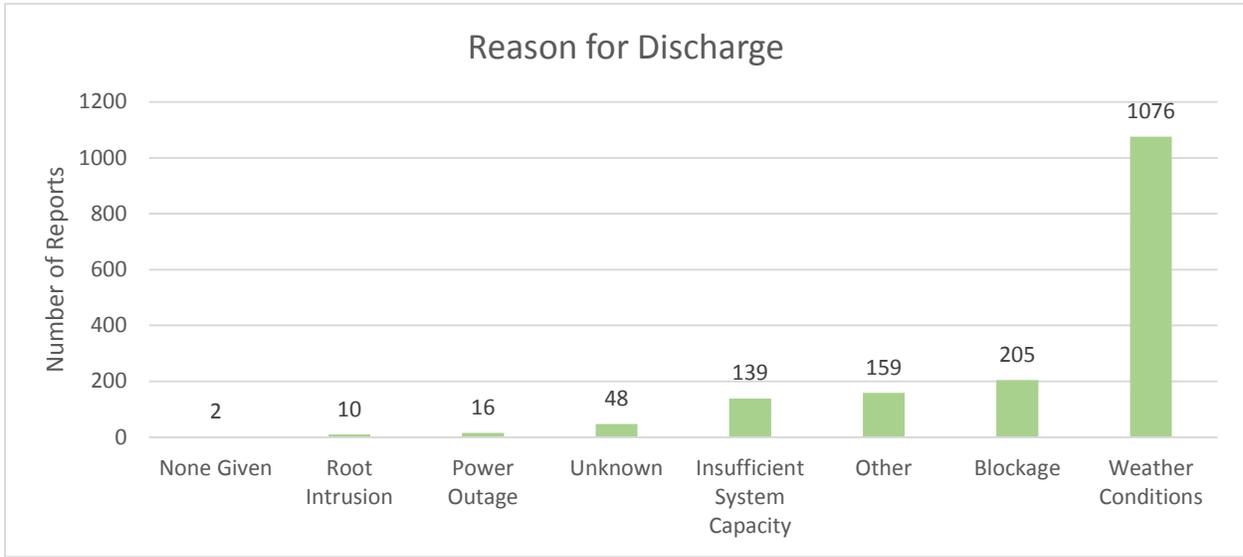


Figure 5. Reported causes of sewage discharges.

Data from reports indicates most sewage discharge events consist of untreated sewage. The vast majority of reports consist of untreated sewage; however, many reports did not include volume. **Of the 1,374 reports that indicated untreated sewage was discharged, only 322 reports included volume (23%), totaling nearly 254 million gallons. Only 30% of the reports of partially treated sewage included volume, with 88 million gallons discharged.**

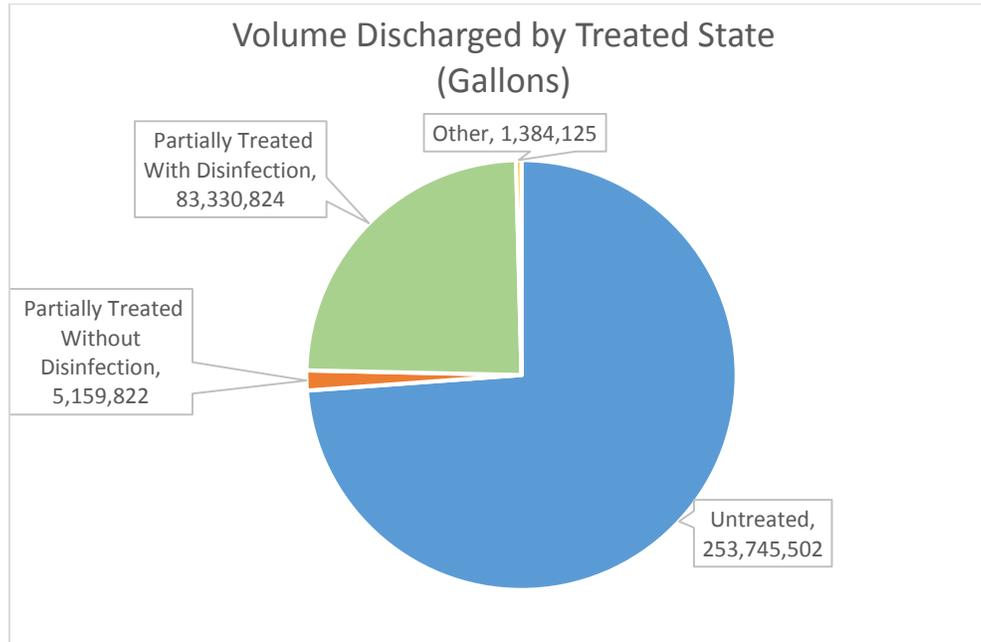


Figure 6. Volume discharged by treated state.

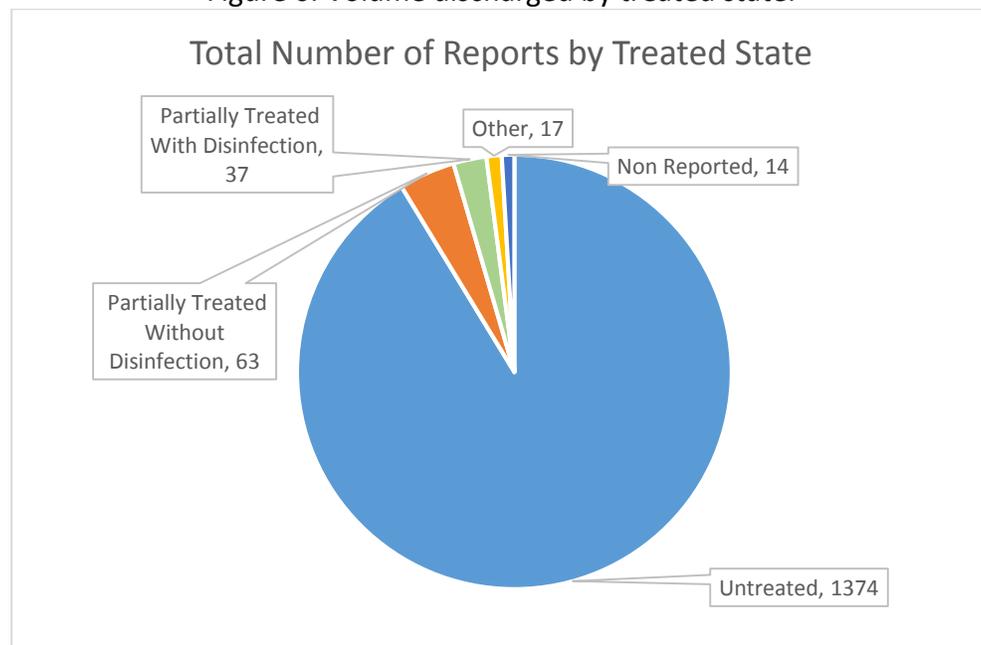


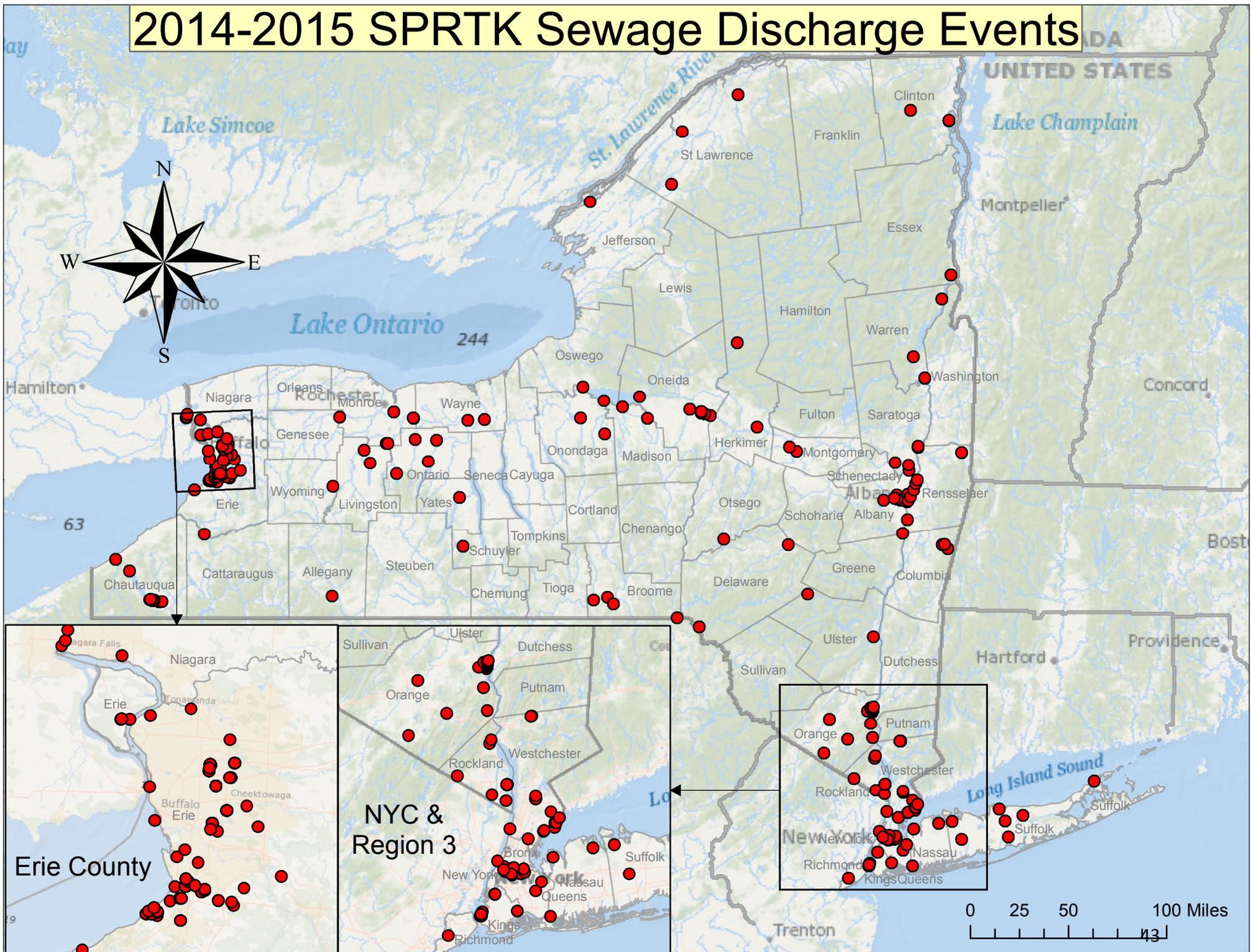
Figure 7. Total number of reports by treated state.

However, once NY-Alert went live, completeness and consistency of data improved almost immediately. Using the PDF form to report sewage discharges, **the percentage of reports that**

included a volume or rate was just 21%. In just two months of reporting using NY-Alert, the percentage of reports that included a volume increased dramatically to 95%.

The SPRTK law requires POTWs and POSSs to report location of the discharge. DEC stores this data, and used it to create the following map. Each point on the map is a sewage discharge reported to DEC. The map includes points for sanitary sewer overflows, combined sewer overflows, and discharges that were contained and did not reach a surface waterbody. The map does not include addresses on the PDF form that could not be located using information provided. NY-Alert fixes this problem by using a map feature, which allows notifiers to exactly pinpoint the location. NY-Alert provides DEC with the “geocoded,” or locatable, address, along with GPS coordinates for the event allowing all NY-Alert reports to be included on the map.

2014-2015 SPRTK Sewage Discharge Events



Appendix C

SPDES Program Oversight Data

01 Individual - Industrial Significant Minor	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Facilities	599	600	606	615	628	606	597	594	586	580	573
No. Inspected (right scale)	288	282	293	282	293	333	287	252	232	248	264
Unsatisfactory	25	9	12	11	31	18	17	9	17	5	12
Marginal	21	25	39	36	50	48	51	32	52	29	29
Satisfactory	225	223	251	231	262	293	236	218	323	238	259
Not Rated	67	61	51	49	21	41	45	36	24	10	9
Total Inspections	338	318	353	327	364	400	349	295	416	282	309
No. in SNC for Year		128	151	165	150	128	120	132	105	120	127
DEC Enforcement Actions	10	9	6	3	15	12	27	15	11	13	8
Enf. Penalties - Assessed	\$105,500	\$207,000	\$37,000	\$44,290	\$170,600	\$438,875	\$3,163,000	\$683,500	\$127,750	\$124,350	\$104,250
Enf. Penalties - Collected	\$31,000	\$78,750	\$15,000	\$20,000	\$119,300	\$163,375	\$2,599,834	\$197,500	\$72,750	\$69,625	\$28,250
SEP/EBP Amount			\$0	\$0	\$0	\$100,000	\$3,015,000	\$0	\$0	\$0	\$0

02 Individual - PCI Non-Significant Minor	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Facilities	5467	5619	5763	5892	5973	6074	6057	5463	5105	5008	4846
No. Inspected (right scale)	114	108	118	202	122	114	126	128	109	154	67
Unsatisfactory	34	18	14	23	32	37	26	52	43	36	12
Marginal	49	49	25	33	31	26	46	31	29	38	18
Satisfactory	267	264	136	161	94	76	84	84	74	93	48
Not Rated	3	3	9	14	10	3	11	7	5	3	2
Total Inspections	353	334	184	231	167	142	167	174	151	170	80
DEC Enforcement Actions	28	52	16	26	18	12	14	6	7	7	3
Enf. Penalties - Assessed	\$263,750	\$366,050	\$83,500	\$349,625	\$384,575	\$596,500	\$148,750	\$174,575	\$76,875	\$54,113	\$96,000
Enf. Penalties - Collected	\$15,750	\$144,150	\$29,250	\$163,475	\$190,000	\$292,000	\$43,400	\$42,250	\$15,575	\$13,863	\$22,000
SEP/EBP Amount			\$0	\$0	\$0	\$30,000	\$0	\$0	\$0	\$0	\$0

03 Individual - Industrial USEPA Major	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. Facilities (right scale)	121	119	118	118	117	116	113	112	110	109	107
No. Inspected (right scale)	79	87	84	81	75	78	70	69	69	76	85
Unsatisfactory	0	1	1	7	3	5	4	3	1	4	5
Marginal	4	2	5	4	6	11	5	11	13	6	6
Satisfactory	82	89	81	82	96	90	81	77	163	88	97
Not Rated	9	6	6	14	6	9	7	5	9	3	3
Total Inspections	95	98	93	107	111	115	97	96	186	101	111
No. in SNC for Year		14	17	11	12	12	17	11	14	20	14
DEC Enforcement Actions	10	2	5	7	7	3	8	7	5	2	4
Enf. Penalties - Assessed	\$232,500	\$70,000	\$807,000	\$111,250	\$223,120	\$3,625	\$1,083,000	\$103,750	\$35,625	\$76,000	\$121,000
Enf. Penalties - Collected	\$167,500	\$70,000	\$365,000	\$104,250	\$177,500	\$3,625	\$1,083,000	\$103,750	\$31,125	\$66,000	\$106,000
SEP/EBP Amount			\$0	\$125,000	\$125,000	\$125,000	\$3,000,000	\$0	\$0	\$0	\$25,000

04 Individual - Industrial Non-Significant Minor	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Facilities	819	831	838	847	854	857	846	810	800	782	771
No. Inspected (right scale)	84	84	71	65	72	85	130	76	80	150	70
Unsatisfactory	15	11	15	3	11	15	23	13	12	19	11
Marginal	10	10	6	4	12	18	24	17	13	28	11
Satisfactory	57	66	58	41	66	62	58	39	59	49	37
Not Rated	37	34	30	29	13	25	43	14	38	66	19
Total Inspections	119	121	109	77	102	120	148	83	122	162	78
DEC Enforcement Actions	1	5	5	6	3	0	3	4	0	1	3
Enf. Penalties - Assessed	\$10,500	\$247,500	\$88,500	\$86,000	\$104,000	\$0	\$11,000	\$16,500	\$0	\$4,000	\$12,250
Enf. Penalties - Collected	\$500	\$11,000	\$35,500	\$33,000	\$104,000	\$0	\$4,000	\$4,000	\$0	\$2,000	\$12,250
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$0	\$25,000	\$0	\$0	\$0

05 Individual - Municipal USEPA Major	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. Facilities (right scale)	220	221	224	228	229	230	232	233	230	232	229
No. Inspected (right scale)	186	212	205	201	211	193	198	201	190	205	198
Unsatisfactory	7	8	2	10	24	18	22	16	15	18	27
Marginal	31	29	28	48	50	48	61	57	51	50	50
Satisfactory	390	477	561	424	447	497	362	321	313	279	268
Not Rated	49	32	32	34	22	75	73	89	110	68	39
Total Inspections	477	546	623	516	543	638	518	483	489	415	384
No. in SNC for Year		50	58	72	67	55	56	81	78	56	68
DEC Enforcement Actions (right scale)	31	22	18	13	19	29	29	26	21	11	19
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	\$1,796,420
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	\$643,600
SEP/EBP Amount			\$145,000	\$30,000	\$4,780,000	\$10,015,000	\$305,000	\$702,500	\$304,000	\$41,000	\$72,500

07 Individual - Municipal Significant Minor	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. Facilities	396	396	400	402	404	405	401	411	408	406	407
No. Inspected	278	286	304	296	324	279	266	289	259	331	299
Unsatisfactory	20	17	20	18	61	28	37	64	26	23	28
Marginal	67	63	56	71	135	117	132	93	98	95	109
Satisfactory	419	459	446	363	412	321	263	258	253	299	268
Not Rated	118	93	87	116	11	5	4	14	12	16	3
Total Inspections	624	632	609	568	619	471	436	429	389	433	408
No. in SNC for Year (right scale)		73	97	117	100	88	95	90	86	96	93
DEC Enforcement Actions (Right Scale)	7	12	15	17	13	17	14	10	23	14	12
Enf. Penalties - Assessed	\$34,500	\$80,000	\$160,200	\$597,650	\$297,800	\$39,550	\$176,000	\$33,400	\$268,800	\$156,750	\$42,950
Enf. Penalties - Collected	\$3,000	\$14,250	\$18,500	\$398,000	\$122,600	\$15,250	\$53,200	\$10,750	\$84,115	\$41,150	\$11,750
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$20,000	\$0	\$28,000	\$0	\$0

09 Individual - PCI Significant Minor	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Facilities	250	255	259	262	266	264	264	277	282	286	288
No. Inspected	182	181	181	194	193	195	195	197	209	217	213
Unsatisfactory	0	3	5	5	100	69	83	91	83	7	12
Marginal	9	8	5	15	255	280	325	212	157	248	218
Satisfactory	65	57	51	41	274	283	229	195	233	186	195
Not Rated	494	390	395	540	2	4	0	1	9	6	4
Total Inspections	568	458	456	601	631	636	637	499	482	447	429
No. in SNC for Year		105	135	139	134	116	115	119	92	97	97
DEC Enforcement Actions	5	6	1	4	14	5	2	9	4	4	7
Partner Enforcement Actions				1	39	26	23	1	0	6	17
Enforcement Actions	5	6	1	5	53	31	25	10	4	10	24
Enf. Penalties - Assessed	\$338,216	\$85,500	\$0	\$79,250	\$180,000	\$68,750	\$37,750	\$131,000	\$11,800	\$277,750	\$18,000
Enf. Penalties - Collected	\$0	\$59,250	\$0	\$31,500	\$56,000	\$55,000	\$24,750	\$14,500	\$11,800	\$71,750	\$11,000
SEP/EBP Amount			\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0

11 General - Construction Stormwater	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued (Right Scale)	2828	3796	4589	5340	6315	6709	7763	7763	7911	8007	8393
No. Inspected (Right Scale)	115	210	265	363	333	280	192	230	248	219	167
Unsatisfactory	49	102	87	153	117	104	63	53	54	40	55
Marginal	89	140	139	242	159	159	98	144	180	133	69
Satisfactory	37	131	128	136	189	210	145	107	135	172	105
Not Rated	5	19	31	59	62	34	26	17	13	23	13
Total Inspections (Right Scale)	180	392	385	590	527	507	332	321	382	368	242
DEC Enforcement Actions (Right Scale)	59	69	51	51	43	24	28	18	16	15	9
Enf. Penalties - Assessed	\$315,500	\$449,350	\$426,750	\$465,750	\$495,400	\$538,250	\$473,425	\$332,500	\$191,700	\$199,000	\$148,000
Enf. Penalties - Collected	\$146,750	\$197,000	\$200,250	\$327,750	\$378,400	\$347,000	\$226,050	\$192,250	\$105,400	\$140,000	\$89,000
SEP/EBP Amount			\$0	\$35,000	\$1,000,000	\$0	\$0	\$25,000	\$0	\$0	\$0

12 General - Industrial Stormwater	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued (Right Scale)	1128	1343	1398	1110	1356	1448	1518	1580	1647	1613	1657
No. Inspected (Right Scale)	30	15	12	41	28	68	40	36	67	33	50
Unsatisfactory	5	2	3	13	11	39	10	7	30	10	9
Marginal	23	14	5	15	8	18	10	18	28	10	9
Satisfactory	13	2	5	8	12	18	21	12	35	10	29
Not Rated	0	2	1	6	0	6	4	2	4	3	4
Total Inspections (Right Scale)	41	20	14	42	31	81	45	39	97	33	51
DEC Enforcement Actions (Right Scale)	6	3	6	4	4	43	46	85	38	43	39
Enf. Penalties - Assessed	\$121,250	\$12,000	\$100,000	\$29,000	\$410,500	\$78,250	\$617,750	\$214,650	\$118,250	\$200,750	\$70,575
Enf. Penalties - Collected	\$0	\$4,000	\$29,500	\$19,000	\$90,500	\$74,750	\$231,775	\$114,650	\$66,750	\$117,750	\$65,575
SEP/EBP Amount			\$50,000	\$0	\$0	\$0	\$0	\$2,500	\$0	\$0	\$0

14 General - CWA CAFO Large	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued	118	124	134	138	145	149	143	147	151	161	170
No. Inspected	29	43	31	64	88	64	30	26	46	42	46
Unsatisfactory	4	7	8	13	10	8	5	4	6	2	2
Marginal	1	2	5	17	22	18	6	6	14	8	11
Satisfactory	24	33	20	37	54	36	18	15	27	32	30
Not Rated	7	12	3	4	3	9	4	3	8	4	9
Total Inspections	36	54	36	71	89	71	33	28	55	46	52
DEC Enforcement Actions	3	3	8	8	5	3	2	5	2	3	3
Enf. Penalties - Assessed	\$21,000	\$27,800	\$446,537	\$192,000	\$50,000	\$21,000	\$10,500	\$25,500	\$25,250	\$6,000	\$64,000
Enf. Penalties - Collected	\$3,500	\$27,800	\$16,600	\$82,500	\$22,000	\$21,000	\$10,500	\$11,000	\$17,000	\$1,750	\$44,000
SEP/EBP Amount			\$1,536,000	\$0	\$0	\$20,000	\$0	\$0	\$0	\$0	\$0

15 General - CWA CAFO Medium	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued	469	458	454	452	441	420	131	109	109	81	74
No. Inspected	15	40	32	115	86	81	34	32	43	22	23
Unsatisfactory	0	2	5	13	5	6	6	4	3	2	5
Marginal	1	1	1	19	16	13	9	12	13	6	3
Satisfactory	4	17	9	34	28	17	22	19	30	14	11
Not Rated	1	10	4	6	6	7	3	3	2	2	6
Total Inspections	6	30	19	72	55	43	40	38	48	24	25
DEC Enforcement Actions	4	3	7	12	8	10	5	5	1	8	2
Enf. Penalties - Assessed	\$4,000	\$8,250	\$7,250	\$107,000	\$67,500	\$61,000	\$27,000	\$17,500	\$3,000	\$106,200	\$23,625
Enf. Penalties - Collected	\$1,250	\$5,000	\$5,250	\$15,000	\$44,500	\$33,500	\$15,000	\$16,500	\$3,000	\$20,950	\$12,000
SEP/EBP Amount			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

16 General - MS4 Stormwater	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued (R Scale)	482	488	494	495	501	522	514	513	524	559	560
No. Inspected (R Scale)	0	1	14	11	37	42	36	46	70	48	36
Unsatisfactory	0	0	0	0	5	6	4	7	5	6	8
Marginal	0	0	0	0	8	15	7	11	30	28	8
Satisfactory	0	5	0	0	24	22	25	24	38	14	14
Not Rated	0	0	14	13	1	1	0	5	3	2	9
Total Inspections (R Scale)	0	5	14	13	38	44	36	47	76	50	39
DEC Enforcement Actions (R Scale)	0	3	12	6	3	9	8	5	2	0	1
Enf. Penalties - Assessed	\$0	\$25,000	\$51,329	\$47,500	\$11,500	\$108,000	\$124,000	\$50,500	\$53,900	\$0	\$10,000
Enf. Penalties - Collected	\$0	\$2,500	\$41,829	\$32,500	\$11,500	\$58,000	\$57,000	\$32,500	\$22,000	\$0	\$2,000
SEP/EBP Amount			\$209,223	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

17 General - PCI Discharge to Groundwater	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued					1574	1654	1707	1907	2016	2092	1787
No. Inspected								1	2	44	0
Unsatisfactory								0	0	0	0
Marginal								0	0	10	0
Satisfactory								1	2	33	0
Not Rated								0	0	0	0
Total Inspections								1	2	43	0
DEC Enforcement Actions								0	0	0	1
Enf. Penalties - Assessed								\$0	\$0	\$0	\$3,500
Enf. Penalties - Collected								\$0	\$0	\$0	\$500
SEP/EBP Amount								\$0	\$0	\$0	\$0

18 General - ECL CAFO Large	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued							10	11	18	21	23
No. Inspected							4	2	3	1	2
Unsatisfactory							0	0	0	0	0
Marginal							0	0	0	0	0
Satisfactory							3	2	3	2	2
Not Rated							1	0	0	0	0
Total Inspections							4	2	3	2	2
DEC Enforcement Actions							2	1	1	0	0
Enf. Penalties - Assessed							\$0	\$3,000	\$0	\$0	\$0
Enf. Penalties - Collected							\$0	\$1,500	\$0	\$0	\$0
SEP/EBP Amount							\$0	\$0	\$0	\$0	\$0

19 General - ECL CAFO Medium	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued							285	297	284	271	258
No. Inspected							19	39	60	58	53
Unsatisfactory							2	7	1	5	2
Marginal							8	21	14	13	12
Satisfactory							8	14	44	43	36
Not Rated							0	3	6	3	4
Total Inspections							18	45	65	64	54
DEC Enforcement Actions							1	4	3	7	1
Enf. Penalties - Assessed							\$0	\$42,150	\$7,000	\$114,500	\$16,000
Enf. Penalties - Collected							\$0	\$16,250	\$4,000	\$43,000	\$6,000
SEP/EBP Amount							\$0	\$0	\$0	\$0	\$0

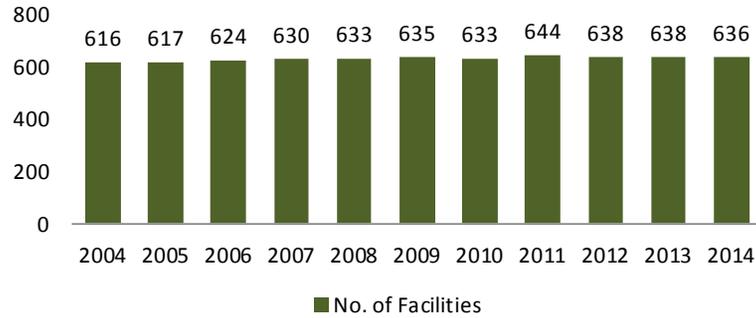
20 General - Pesticide Applicator	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
No. of Permits Issued									410	484	475
No. Inspected									0	0	0
Unsatisfactory									0	0	0
Marginal									0	0	0
Satisfactory									0	0	0
Not Rated									0	0	0
Total Inspections									0	0	0
DEC Enforcement Actions									0	0	0
Enf. Penalties - Assessed									\$0	\$0	0
Enf. Penalties - Collected									\$0	\$0	0
SEP/EBP Amount									\$0	\$0	0

Unpermitted	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Enforcement Actions	11	18	64	71	24	33	32	39	35	17	16
Enf. Penalties - Assessed	\$18,750	\$118,600	\$359,500	\$451,025	\$529,000	\$417,250	\$287,475	\$294,575	\$329,050	\$145,040	\$124,100
Enf. Penalties - Collected	\$1,500	\$26,000	\$147,350	\$197,725	\$240,000	\$263,250	\$172,975	\$147,275	\$115,050	\$85,040	\$71,350
SEP/EBP Amount			\$0	\$0	\$150,000	\$100,000	\$10,000	\$102,500	\$0	\$250,000	\$55,000

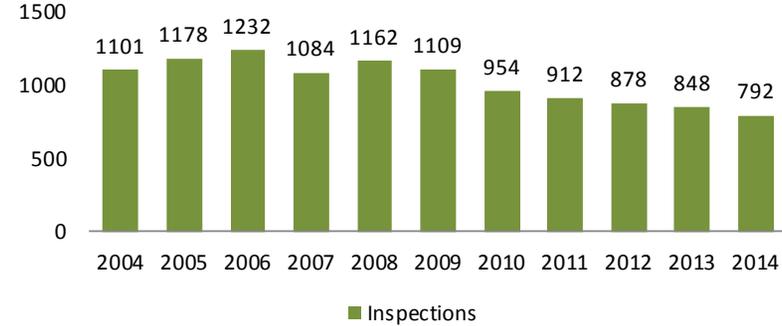
Appendix D

Monitoring and Oversight Activities

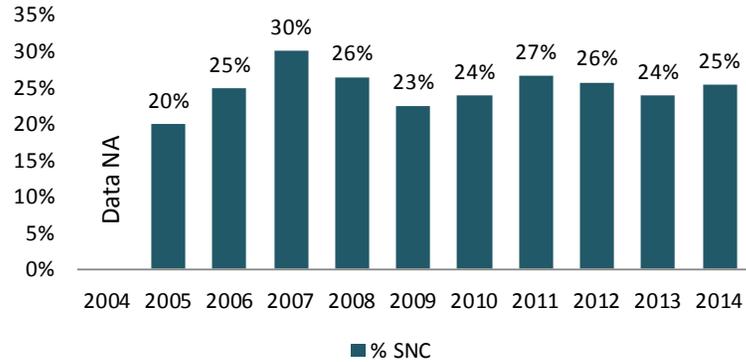
Number of Municipal Wastewater Treatment Facilities



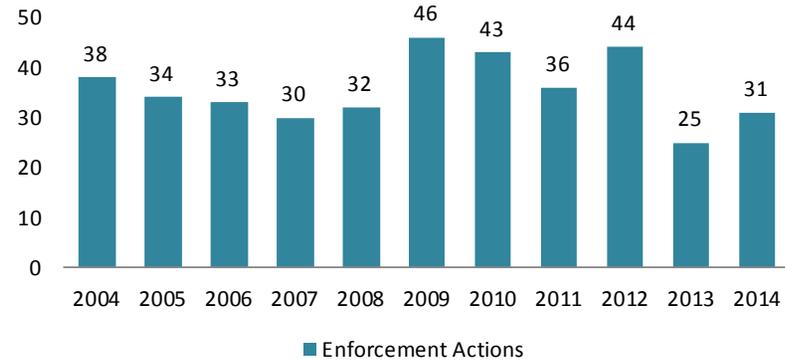
Municipal Wastewater Treatment Facility Inspections



% of Municipal Wastewater Treatment Facilities in SNC



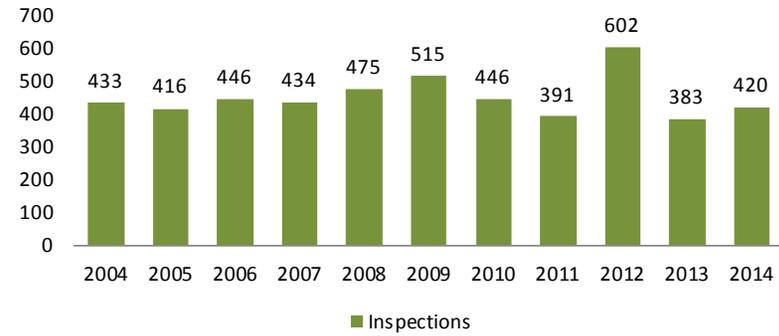
Municipal Wastewater Treatment Facility Enforcement Actions



Number of Significant Industrial Facilities



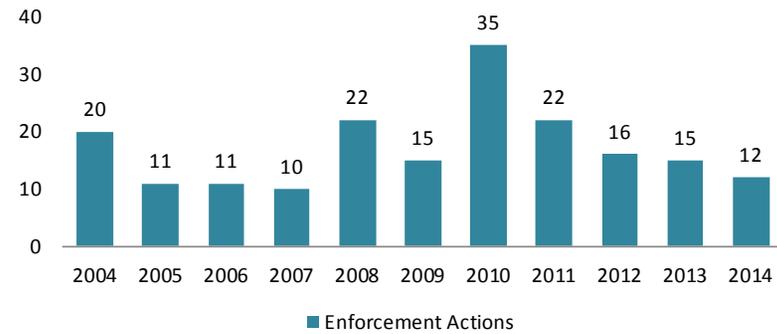
Significant Industrial Facility Inspections



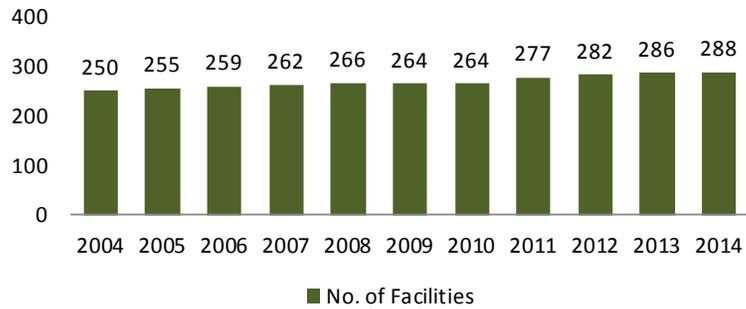
% of Significant Industrial Facilities in SNC



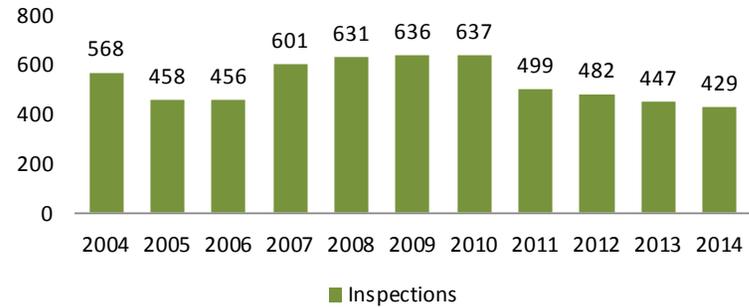
Significant Industrial Facility Enforcement Actions



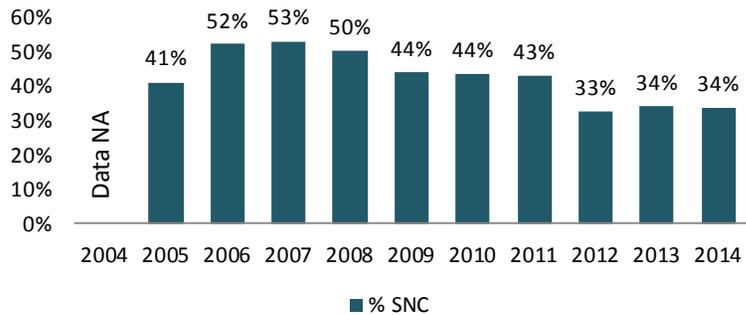
Number of Significant PCI Facilities



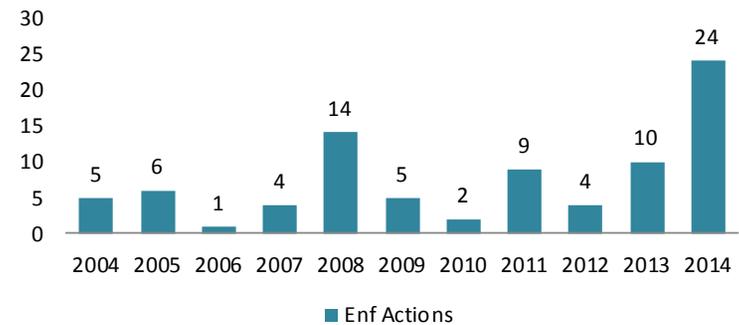
Significant PCI Facility Inspections



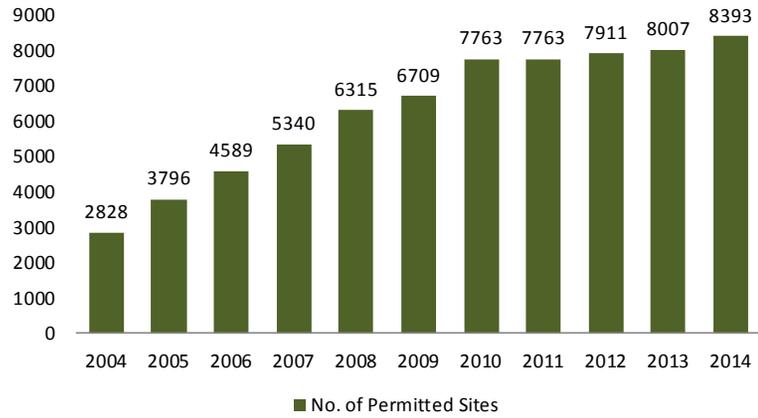
% of Significant PCI Facilities in SNC



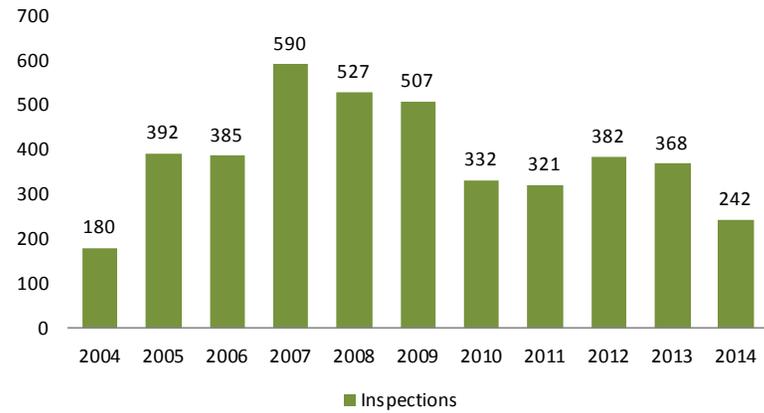
Significant PCI Facility Enforcement Actions



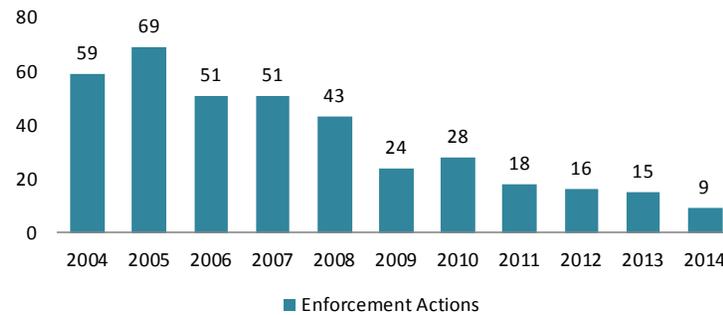
Number of SW-Construction Permits



SW-Construction Inspections



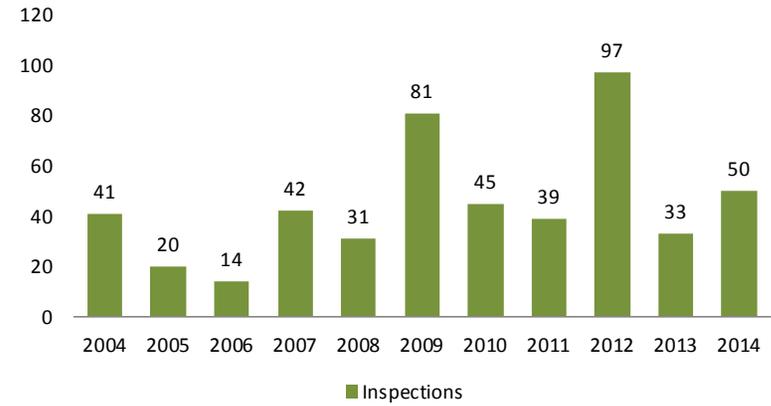
SW-Construction Enforcement Actions



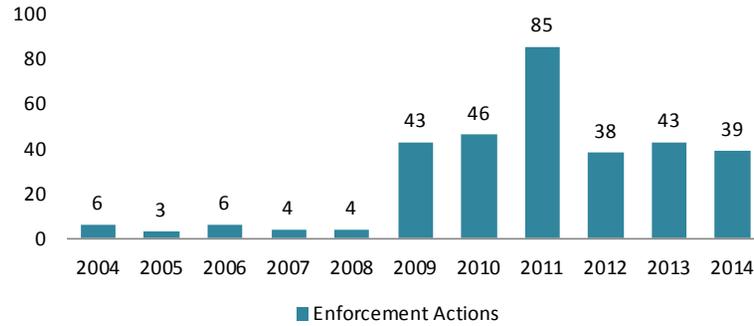
Number of MSGP Permits



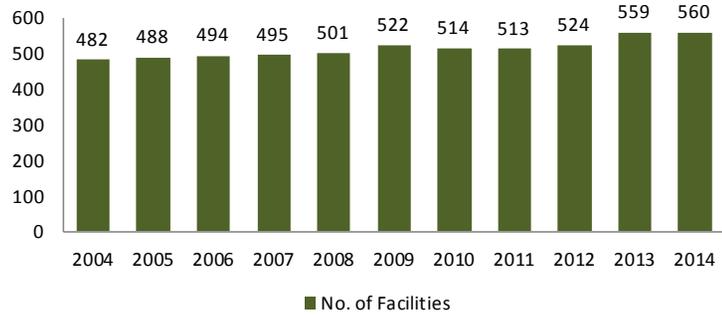
MSGP Inspections



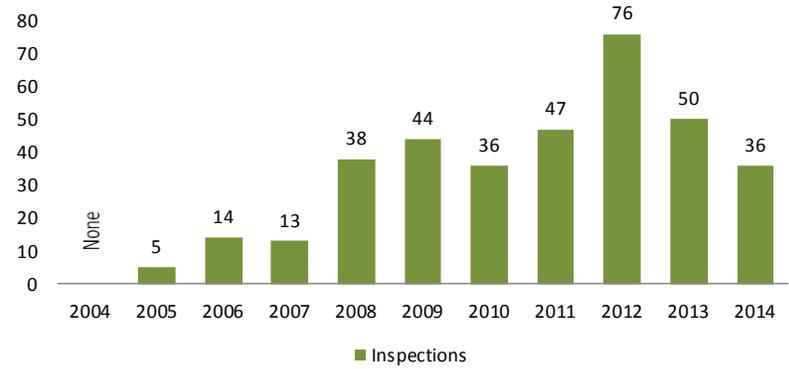
MSGP Enforcement Actions



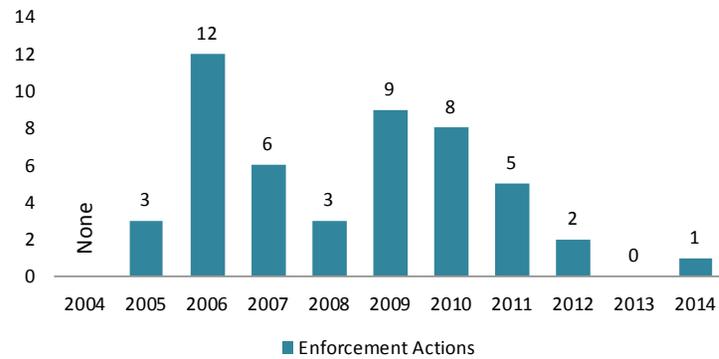
Number of MS4 Permitted Communities



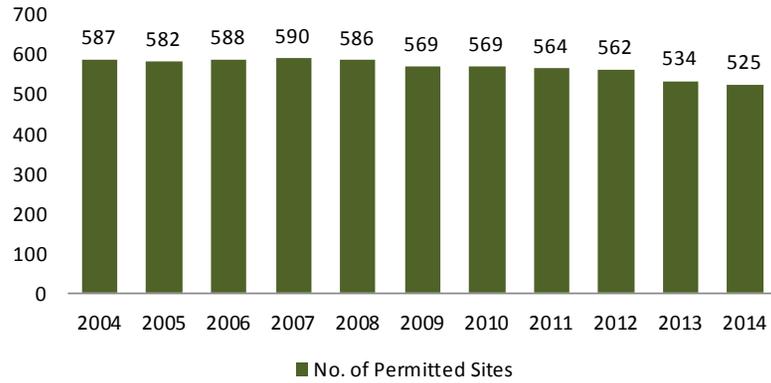
MS4 Inspections



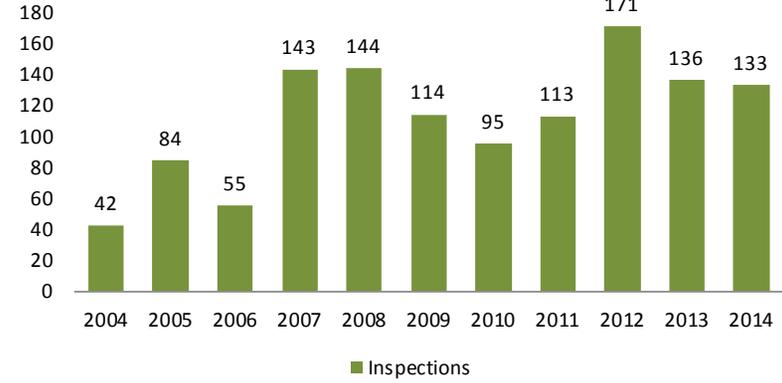
MS4 Enforcement Actions



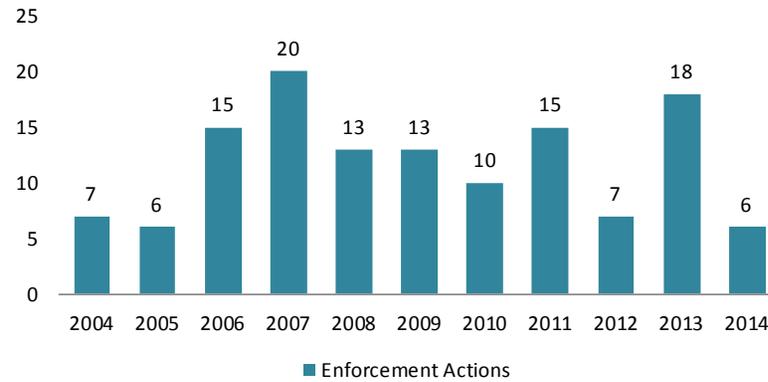
Number of CAFO Permitted Sites



CAFO Inspections



CAFO Enforcement Actions



Appendix E

Enforcement Action Summary

Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action ID	Enforcement Action Date
US NONWOVENS CORP	01	01	NY0267279	\$2,500	\$2,500	NY-CO12013100903	6/4/2014
SPIN CITY SUPER LAUNDROMAT	01	01	NY0267422	\$15,000	\$85,000	NY-R1201462578	2/12/2015
NEW YORK PLAZA BLDG	02	01	NY0072281	\$1,000	\$1,000	NY-CO22014111701	1/12/2015
SUBURBAN PROPANE	03	01	NY0234770	\$1,000	\$1,000	NY-CO32014053108	8/12/2014
WESTMORE FUEL COMPANY	03	01	NY0251488	\$750	\$750	NY-CO32014053109	7/1/2014
REENERGY BLACK RIVER, LLC	06	01	NY0206938	\$1,000	\$1,000	NY-CO62014053111	7/16/2014
GENEVA TERMINAL	08	01	NY0001031	\$6,000	\$6,000	NY-CO82014111701	12/29/2014
BREWSTER TRANSIT READY MIX	3W	01	NY0264431	\$1,000	\$7,000	NY-CO3201312031	5/22/2014
01 Individual - Industrial Significant Minor				\$28,250	\$104,250		
SAYVILLE LAUNDROMAT	01	02	NYU100037	\$15,000	\$75,000	NY-R12014050149	7/31/2014
CAMP BNOS BELZ	03	02	NY0220183	\$6,000	\$16,000	NY-R32014062687	6/30/2014
MIGHTY MART #16	07	02	NY0262196	\$1,000	\$5,000	NY-R720140630107	9/17/2014
02 Individual - PCI Non-Significant Minor				\$22,000	\$96,000		
LAFARGE RAVENA PLANT	04	03	NY0005037	\$100,000	\$100,000	NY-R420140916150	12/12/2014
SI GROUP, INC	04	03	NY0005801			NY-R42014013117	10/20/2014
CRUCIBLE INDUSTRIES	07	03	NY0000825	\$5,000	\$20,000	NY-R72012103088	1/9/2015
US GYPSUM COMPANY - OAKFIELD PLANT	08	03	NY0001562	\$1,000	\$1,000	NY-CO82014053117	8/11/2014
03 Individual - Industrial USEPA Major				\$106,000	\$121,000		
INN @ EAST WINDS	02	04	NY0238988	\$2,000	\$2,000	NY-ETP1434	5/12/2014
NYC DEP - GOWANUS FLUSHING TUNNEL FACILITIES U	02	04	NY0276553	\$10,000	\$10,000	NY-R2201310108452	12/22/2014
YOUNGS CONVENIENCE STORE	07	04	NY0284076	\$250	\$250	NY-C072014111701	1/12/2015
04 Individual - Industrial Non-Significant				\$12,250	\$12,250		
NYCDEP - CONEY ISLAND WPCP	02	05	NY0026182	\$200,000	\$1,200,000	NY-N00002802	3/26/2015
NYCDEP - TALLMAN ISLAND WPCP	02	05	NY0026239	\$240,000	\$240,000	NY-N00002955	7/21/2014
NYCDEP - RED HOOK WPCP	02	05	NY0027073	\$100,000	\$100,000	NY-R220140203112	5/8/2014
CORNWALL (T) WWTP	03	05	NY0022144	\$15,000	\$30,000	NY-R32012061976	12/29/2014
ORANGETOWN (T) SD#2 STP	03	05	NY0026051	\$5,000	\$20,000	NY-R320131223167	10/9/2014
MIDDLETOWN (C) STP	03	05	NY0026328	\$3,750	\$3,750	NY-R32012061975	5/19/2014
YONKERS JOINT WWTP	03	05	NY0026689	\$1,000	\$1,000	NY-CO32014053110	12/30/2014
MAMARONECK (V) SANITARY SD	03	05	NY0026701	\$2,500	\$7,000	NY-R320140711102	12/19/2014
KINGSTON (C) WWTP	03	05	NY0029351	\$15,000	\$15,000	NY-R32014032645	2/4/2015
NEW PALTZ (V) WWTF	03	05	NY0030082	\$5,000	\$30,000	NY-R32014043071	10/20/2014
ROCKLAND CO SD#1 STP	03	05	NY0031895	\$10,000	\$23,000	NY-R320131212166	12/30/2014
SCHENECTADY (C) STP	04	05	NY0020516			NY-R420121218117	5/15/2014
LAKE GEORGE (V) WWTP	05	05	NY0094366	\$3,900	\$19,420	NY-R5201405302120	7/21/2014
GOVERNEUR (V) STP	06	05	NY0020117			NY-R62007071034	5/29/2014
BINGHAMTON-JOHNSON (C) JNT STP	07	05	NY0024414			NY-R72011062859	7/30/2014
LE ROY R SUMMERSON WWTF	07	05	NY0027561	\$12,500	\$12,500	NY-R7201401106	3/17/2015
WATKINS GLEN (V) STP	08	05	NY0020524	\$20,000	\$20,000	NY-R8201201185	6/11/2014
SILVER CREEK (V) WWTP	09	05	NY0022411	\$4,950	\$24,750	NY-R92014042926	8/25/2014
OLEAN (C) WWTP	09	05	NY0027162	\$5,000	\$50,000	NY-R92013042637	11/7/2014
05 Individual - Municipal USEPA Major				\$643,600	\$1,796,420		
MILLBROOK (V) STP	03	07	NY0025429	\$5,000	\$20,000	NY-R32014033149	2/23/2015
COLUMBIA CO COM CTR W & SD	04	07	NY0240401	\$2,800	\$11,200	NY-R420140715129	9/15/2014
HAGUE (T) SD#1 WWTP	05	07	NY0265217	\$1,700	\$8,500	NY-R5201405292119	10/6/2014

Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action ID	Enforcement Action Date
NYS GLENFIELD SEWER DISTRICT	06	07	NY0020281	\$1,000	\$1,000	NY-CO62014111701	12/30/2014
NORFOLK (T) SD#1	06	07	NY0023604			NY-R62007020605	5/29/2014
CASTORLAND (V) WWTP	06	07	NY0033511			NY-R62006080462	9/22/2014
HAMMOND (V) STP	06	07	NY0033561			NY-R62012032126	9/22/2014
ORLEANS LAFARGEVILLE (V) STP	06	07	NY0121070			NY-R62012022709	5/29/2014
HERRINGS (V) WWTF	06	07	NY0236306	\$250	\$250	NY-CO62014053112	7/16/2014
HERMON (V) WWTP	06	07	NY0257532	\$250	\$250	NY-CO62014053114	7/8/2014
COPENHAGEN (V) WWTF	06	07	NY0257711	\$500	\$1,500	NY-R62014082848	11/25/2014
LILY DALE SD WWTF	09	07	NY0100242	\$250	\$250	NY-CO92014111701	1/6/2015
07 Individual - Municipal Significant Minor				\$11,750	\$42,950		
MELVILLE MALL STP	01	09	NY0068080	\$1,500	\$1,500	NY-CO12013022603	7/1/2014
WOODHAVEN HOME FOR ADULTS	01	09	NY0068144	\$500	\$500	NY-CO12014053101	9/15/2014
SOMERSET WOODS STP	01	09	NY0074250			NY-UPG2014004	6/25/2014
SUNRISE GARDEN APARTMENTS	01	09	NY0077259	\$1,000	\$1,000	NY-CO12014053102	7/1/2014
HEATHERWOOD HOUSE @ RONKONKOMA	01	09	NY0079375	\$500	\$500	NY-CO12015053104	8/27/2014
OAK HOLLOW NURSING CENTER	01	09	NY0079456			NY-UPG2012009	3/2/2015
SMITH HAVEN MALL	01	09	NY0080446	\$500	\$500	NY-ETP1431	5/23/2014
SMITH HAVEN MALL	01	09	NY0080446			NY-UPG2014007	9/2/2014
CEDAR LODGE NURSING HOME	01	09	NY0080586			NY-UPG2014006	10/14/2014
HOLIDAY INN	01	09	NY0080705	\$500	\$500	NY-CO12014053105	10/2/2014
HOLIDAY INN	01	09	NY0080705			NY-ETP1414	5/22/2014
BROOKWOOD ON THE LAKE	01	09	NY0136492			NY-UPG2014005	12/2/2014
SPRINGHORN @ BLUE POINT	01	09	NY0226963	\$1,000	\$1,000	NY-ETP1436	8/13/2014
HOLIDAY INN EXPRESS HOTEL	01	09	NY0227285	\$500	\$500	NY-ETPO1415	5/7/2014
VICTORIAN GARDEN	01	09	NY0253090	\$1,000	\$1,000	NY-CO12014053106	7/16/2014
PINE HILLS SOUTH	01	09	NY0253308	\$1,000	\$1,000	NY-UPG2014011	12/23/2014
SADDLE COVE APARTMENTS	01	09	NY0253529	\$1,000	\$1,000	NY-ETP1444	10/15/2014
SETAUKET MEADOWS	01	09	NY0254517			NY-ETP1430	4/28/2014
MARRIOTT @ FAIRFIELD INN	01	09	NY0254541	\$2,000	\$2,000	NY-ETP1406	5/7/2014
MEDICAL OFFICES @ MEDFORD	01	09	NY0266418	\$1,000	\$2,000	NY-ETP1445	12/30/2014
EASTPORT MEADOWS	01	09	NY0278289	\$2,000	\$2,000	NY-ETP1404	5/2/2014
BRISTAL EAST NORTHPORT	01	09	NY0278793	\$2,000	\$2,000	NY-ETP1441	10/29/2014
ROSS HEALTH CARE CENTER	01	09	NY0285757	\$2,000	\$2,000	NY-ETP1446	12/10/2014
TARGET HILL WWTP	03	09	NY0023761	\$0	\$0	NY-R32013062490	4/25/2014
09 Individual - PCI Significant Minor				\$18,000	\$19,000		
BRUNSWICK HOSPITAL CENTER	01	11	NYR10Y168	\$2,500	\$10,000	NY-R12014040935	4/28/2014
BROOKLYN BRIDGE PARK	02	11	NYR10Q410	\$10,000	\$10,000	NY-R220140911474	11/5/2014
MARCONI RETAIL CENTER	02	11	NYR10U268	\$5,000	\$5,000	NY-R220130528227	1/14/2015
MARCONI RETAIL CENTER	02	11	NYR10U268	\$10,000	\$10,000	NY-R22015011520	2/13/2015
SOUTH FERRY TERMINAL	02	11	NYU200131	\$15,000	\$15,000	NY-R220070730335	9/16/2014
WOODBURY JUNCTION	03	11	NYR10L961	\$30,000	\$70,000	NY-R3201401306	10/2/2014
MOUNTAINVIEW CONDOMINIUMS	03	11	NYR10V297	\$4,000	\$4,000	NY-R320090713138	12/17/2014
HILLSIDE COMMONS STUDENT HOUSING	04	11	NYR10W943	\$11,000	\$21,000	NY-R420140623125	3/4/2015
ADJACENT FAMILY DOLLAR	05	11	NYU500295	\$1,500	\$3,000	NY-LER514009983	10/28/2014
11 General - Construction Stormwater				\$89,000	\$148,000		
MARINER'S COVE MARINE INC	01	12	NYR00E664	\$2,000	\$2,000	NY-CO1201411032	12/24/2014

Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action ID	Enforcement Action Date
SAG HARBOR YACHT YARD	01	12	NYR00E802	\$1,000	\$1,000	NY-R12014010710	6/16/2014
WHALENECK MARINA	01	12	NYR00F064	\$1,000	\$1,000	NY-CO1201411031	12/11/2014
NEW PENN MOTOR EXPRESS INC (07)	02	12	NYR00C469	\$1,000	\$1,000	NY-CO2201411031	2/19/2015
GCT NEW YORK LP	02	12	NYR00D136	\$15,000	\$20,000	NY-R220140630354	7/28/2014
MOLT'S USED AUTO PARTS INC	03	12	NYR00C379	\$1,000	\$1,000	NY-CO3201411035	11/24/2014
NEW PENN MOTOR EXPRESS INC (22)	03	12	NYR00C467	\$1,000	\$1,000	NY-CO3201411036	2/19/2015
CON-WAY FREIGHT-XEM	03	12	NYR00D065	\$1,000	\$1,000	NY-CO3201411037	12/24/2014
NEW JERSEY TRAILER & TRUCK SERVICE INC	03	12	NYR00E256	\$5,000	\$5,000	NY-CO32014010701	1/28/2015
DARLING SAND & GRAVEL INC	03	12	NYR00E266	\$250	\$250	NY-CO32014010706	8/15/2014
IRONIC LLC	03	12	NYR00E292	\$1,000	\$1,000	NY-CO3201411038	12/11/2014
BYRAM PLANT #18	03	12	NYR00E368	\$6,250	\$6,250	NY-R320131127161	4/7/2014
WEST HOOK SAND & GRAVEL	03	12	NYR00F121	\$1,000	\$1,000	NY-CO3201411039	12/11/2014
RICHARD RYAN EXCAVATION INC	03	12	NYR00F173	\$750	\$750	NY-CO3201411033	12/11/2014
JOINTA LIME ASPHALT PLANT	03	12	NYR00F305	\$10,125	\$10,125	NY-R320131223168	4/22/2014
NEW PENN MOTOR EXPRESS INC (17)	04	12	NYR00D371	\$1,000	\$1,000	NY-CO4201411032	2/19/2015
RENSSELAER COUNTY SEWER DISTRICT NO 1	04	12	NYR00D501	\$250	\$250	NY-CO4201411033	12/22/2014
CORCRAFT PRODUCTS	04	12	NYR00E673	\$1,000	\$1,000	NY-CO42012101101	6/16/2014
ALTIERI'S AUTO INC	04	12	NYR00E813	\$250	\$250	NY-CO4201411034	12/11/2014
ALTIERI'S AUTO INC	04	12	NYR00E813	\$500	\$500	NY-R4201401072	4/23/2014
TAYLOR MADE SYSTEMS	05	12	NYR00A857	\$1,000	\$1,000	NY-CO5201411033	11/28/2014
JOHN'S AUTO CRUSHING	05	12	NYR00E308	\$200	\$200	NY-CO5201411031	12/24/2014
DELANEY CRUSHED STONE PRODUCTS INC	05	12	NYR00F089	\$250	\$250	NY-CO5201411035	12/11/2014
EISS BROTHERS AUTO PARTS INC	06	12	NYR00B080	\$1,000	\$1,000	NY-CO6201411032	12/11/2014
RAWLINGS ADIRONDACK	06	12	NYR00B476	\$1,000	\$1,000	NY-CO6201411031	11/28/2014
ALTMIRE'S USED AUTO PARTS	06	12	NYR00B578	\$1,000	\$1,000	NY-CO6201411033	11/18/2014
ST LAWRENCE LUMBER	06	12	NYR00E149	\$500	\$500	NY-R6201401072	4/16/2014
BINGHAMTON BURIAL VAULT CO INC	07	12	NYR00B377	\$1,000	\$1,000	NY-CO7201411031	1/12/2015
MARIETTA HUNTINGTON STREET FACILITY	07	12	NYR00C139	\$1,000	\$1,000	NY-CO7201411032	11/19/2014
CON-WAY FREIGHT-XSY	07	12	NYR00D673	\$1,000	\$1,000	NY-CO7201411033	12/24/2014
NEW PENN MOTOR EXPRESS INC (18)	07	12	NYR00D738	\$1,000	\$1,000	NY-CO7201411034	2/19/2015
MARIETTA CENTRAL AVENUE FACILITY	07	12	NYR00E116	\$1,000	\$1,000	NY-CO7201411035	11/19/2014
OXBO INTERNATIONAL CORPORATION	08	12	NYR00B284	\$1,000	\$1,000	NY-CO8201411031	12/11/2014
PLAIN TRUCK & AUTO PARTS	08	12	NYR00E238	\$500	\$500	NY-CO82014010709	7/1/2014
BERGEN SITE	08	12	NYR00E325	\$250	\$250	NY-CO82014010710	7/9/2014
WARD TRUCKING LLC - BUFFALO TERMINAL	09	12	NYR00A734	\$1,000	\$1,000	NY-CO9201411032	11/19/2014
NEW PENN MOTOR EXPRESS INC (20)	09	12	NYR00D376	\$1,000	\$1,000	NY-CO9201411033	2/19/2015
CLIFFSTAR LLC	09	12	NYR00E666	\$1,000	\$1,000	NY-CO9201411031	1/6/2015
CLEARWATER EXCAVATING CORP	3W	12	NYR00D621	\$500	\$500	NY-R3201401074	5/6/2014
12 General - Industrial Stormwater				\$65,575	\$70,575		
BELMONT PARK	01	14	NYA001418	\$30,000	\$30,000	NY-CO220091119153	10/21/2014
ALLEN FARMS	07	14	NYA000323	\$10,000	\$24,000	NY-R72014031921	6/10/2014
RALPH VOLLES FARMS	07	14	NYA000548	\$4,000	\$10,000	NY-R72014031117	6/26/2014
14 General - CWA CAFO Large				\$44,000	\$64,000		
DEAN FORD & SONS DAIRY	03	15	NYA001368	\$3,000	\$8,000	NY-R320130829137	4/21/2014
MAMMOSER FARMS, INC	09	15	NYA000110	\$9,000	\$15,625	NY-R92014120194	12/4/2014
15 General - CWA CAFO Medium				\$12,000	\$23,625		

Facility Name	NYSDEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action ID	Enforcement Action Date
BROOKHAVEN MS4 STORM SEWERS	01	16	NYR20A411	\$2,000	\$10,000	NY-R12014071484	7/18/2014
16 General - MS4 Stormwater				\$2,000	\$10,000		
JFH APARTMENTS	07	17	NYG001118	\$500	\$3,500	NY-R72014031718	6/2/2014
17 General - PCI Discharge to Groundwater				\$500	\$3,500		
HUBERT W. STEIN AND SONS	08	19	NYAE00241	\$6,000	\$16,000	NY-AE00241	1/9/2015
19 General - ECL CAFO Medium				\$6,000	\$16,000		
EVANS RESIDENCE	02	U	NYU200132	\$850	\$850	NY-R220060911358	3/20/2015
CALL RESIDENCE	02	U	NYU200133	\$1,000	\$1,000	NY-R220070508197	3/20/2015
WAGNER PLACE STORMWATER PUMP STATION	03	U	NYU300365	\$7,500	\$12,500	NY-R32013012691	6/9/2014
ALLIED WINE CORP	03	U	NYU300368	\$10,000	\$25,000	NY-R320131022146	6/30/2014
NYC OIL CORP	03	U	NYU300369	\$20,000	\$37,500	NY-R320140825120	11/6/2014
BRANDYWYNE SUBDIVISION	03	U	NYU300370	\$5,000	\$10,000	NY-CO32014061383	2/19/2015
PORT OF COEYMANS	04	U	NYU400146	\$10,000	\$10,000	NY-R420140902144	9/24/2014
WM. J. KELLER & SONS CONSTRUCTION CORP.	04	U	NYU400147	\$3,500	\$3,500	NY-R420140915149	9/12/2014
NADEAU PROPERTY	05	U	NYU500294	\$1,500	\$1,500	NY-LER511019025	4/25/2014
LAKE PLEASANT (T) GARAGES	05	U	NYU500296	\$2,500	\$2,500	NY-LER509009699	11/6/2014
LAWRENCE J. GONNELLY	05	U	NYU500297	\$1,000	\$1,000	NY-LER514004997	7/10/2014
THOMAS E. BRIGHT	05	U	NYU500298	\$500	\$500	NY-LER514010888	8/4/2014
HURLEY BROTHERS	05	U	NYU500299	\$5,000	\$11,250	NY-LER514014271	10/10/2014
JILL A. HOLT	05	U	NYU500300	\$1,000	\$1,000	NY-LER514008559	11/10/2014
VILLAGE OF FORT PLAIN RESERVOIR	05	U	NYU500301	\$1,000	\$5,000	NY-LER514006357	9/3/2014
DENNIS G. SCHAF	05	U	NYU500303	\$1,000	\$1,000	NY-LER514012772	10/3/2014
Unpermitted				\$71,350	\$124,100		
Total - All Discharge Classes for SFY2014/15				\$1,132,275	\$2,651,670		

Appendix F

Enforcement Highlights

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Village of New Paltz WWTP Village of New Paltz (Orange County) NY0030082 (Municipal WWTP) NY-R320140430-71
Enforcement Action Date	October 20, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> • Sewer system overflows (SSO) from several manholes during June and August 2013 • Failure to submit bypass incident reports in timely manner for the June and August 2013 SSO events
Penalty	Total assessed civil penalty of \$30,000 <ul style="list-style-type: none"> • Payable amount of \$5,000 • Suspended amount \$25,000 <p>The suspended penalty is conditional on Village of New Paltz meeting all requirements of the order on consent.</p>
Required Action(s)	Complete and submit the following: <ul style="list-style-type: none"> • Corrective action plan to provide for a long term solution to prevent the recurrence of SSOs at the manholes located on Water, Mulberry, and Huguenot streets, and Broadhead Avenue • An approvable engineering report proposing corrective actions and a schedule for elimination of excessive inflow and infiltration (I&I) from the collection system • An approvable CMOM program report for the entire sanitary sewer system within the village • An annual summary of prior year I&I reduction activities sewer system • An annual report detailing results of performance monitoring and evaluation of the inflow and infiltration reduction work • Report all incidents of non-compliance in a timely manner

Respondent Location (county) SPDES Permit Number Enforcement Case Number	Town of Cornwall Town of Cornwall (Orange County) NY0022144 – (Municipal WWTP) NY-R320120619-76 and R320120927-170
Enforcement Action Date	December 29, 2014
Reason(s) for Enforcement	<ul style="list-style-type: none"> • Sanitary sewer overflows (SSOs) and unauthorized discharges at the Beaver Dam station during the period July 2010 to April 2011 • Failure to comply with NYSDEC approved implementation schedule for measures to address excessive I & I • Failure to submit the required I & I evaluation report • SPDES permit effluent limit violations occurring between January 2010 and October 2012 • Failure to properly operate and maintain disposal facilities • Failure to properly store and dispose of collected screenings, sludge and other solids • Failure to submit flow management plan • Failure to submit required approvable engineering report and comply with the SPDES permit compliance schedule for total residual chlorine in a timely manner
Penalty	Total assessed civil penalty of \$30,000 <ul style="list-style-type: none"> • Payable amount of \$15,000 • Suspended amount \$15,000 <p>The suspended penalty is conditional on Town of Cornwall meeting all requirements of the order on consent.</p>
Required Action(s)	Complete the following: <ul style="list-style-type: none"> • Complete construction of de-chlorination system • Implement proposed actions in the approved process control optimization report • Implement I & I reduction work immediately according to the approved schedule • Implement the flow management plan according to the approved schedule • Properly store and dispose of sludge in a timely manner • Submit the following: <ul style="list-style-type: none"> ○ An approvable process control optimization report and schedule for proposed actions to eliminate plant effluent violations ○ Approvable plans and specifications for de-chlorination system ○ Implementation schedule for annual flow and infiltration management reports ○ An approvable flow management plan

Respondents Location (county) SPDES Permit Numbers Enforcement Case ID	Village of Lake George WWTP Village of Lake George (Warren County) NY0094366 – Discharge Class 05 (Municipal WWTP) R5-201405302120
Enforcement Action Date	July 21, 2014
Reason(s) for Enforcement	Violations of the SPDES permit limit for nitrate, occurring between September 2011 and April 2014.
Penalty	Total assessed civil penalty of \$19,420 <ul style="list-style-type: none"> - Payable amount of \$3,900 - Suspended amount \$15,520 <p>The suspended penalty is conditional on the Village of Lake George WWTP meeting all requirements of the order on consent.</p>
Required Action(s)	The Village of Lake George WWTP is to: <ul style="list-style-type: none"> • Submit an approvable engineering report that: <ul style="list-style-type: none"> ○ Defines the nitrate problem and identifies potential causes ○ Evaluates potential alternatives for bringing the facility into compliance ○ Details specific recommendations to attain compliance with SPDES permit limits ○ Recommends a specific compliance solution. This recommendation must: <ul style="list-style-type: none"> ▪ include cost estimates ▪ an approvable construction schedule, which will become an enforceable part of this Order on Consent • Monitor nitrogen, nitrate (as N) twice per month and report these results attached to the monthly DMR. This data is to then be used in the development of the engineering report and compliance recommendation required in the first item (above).

Respondents Location (county) SPDES Permit Numbers Enforcement Case ID	Town Of Hague WWTP Town of Hague (Warren County) NY0265217 – Discharge Class 07 (Municipal WWTP) R5-201405292119
Enforcement Action Date	October 6, 2014
Reason(s) for Enforcement	Violations of the SPDES permit limit for nitrate and phosphorus, occurring between May 2012 and April 2014.
Penalty	Total assessed civil penalty of \$8,500 <ul style="list-style-type: none"> • Payable amount of \$1,700 • Suspended amount \$6,800 <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"> • Submit an approvable engineering report that: <ul style="list-style-type: none"> ○ Defines the nitrate and phosphorus problems and identifies potential causes ○ Evaluates potential alternatives and details specific recommendations to restore compliance with SPDES permit limits ○ Recommends a specific compliance solution. This recommendation must: <ul style="list-style-type: none"> ▪ include cost estimates ▪ provide an approvable construction schedule, which will become an enforceable part of this Order on Consent • Monitor nitrogen, nitrate (as N) and phosphorus, and report these results in the monthly DMR. These data are to then be used in the development of the engineering report and compliance recommendation required in the first item (above) • Develop an approvable asset management plan (AMP) for town sewer district infrastructure (treatment plant, sewer collection system, and pump stations). The AMP shall at a minimum include: <ul style="list-style-type: none"> ○ An inventory of assets (including infrastructure and equipment) ○ A full assessment of infrastructure criticality and condition under the full range of flows experienced by the treatment facility ○ A narrative supporting the criticality and condition assessment; ranking and prioritization of needs based on the assessment of assets ○ Develop an approvable list of existing assets that will be included in the initial AMP and new/upgraded assets to be installed as part of the upgraded Town sewer district - Submit a written request to NYSDEC to modify Respondent's SPDES permit to incorporate the approved AMP as an enforceable condition of operation in Respondent's SPDES permit.

Respondent Location (county) SPDES Permit Numbers Enforcement Case ID	Lamb Farms, Inc. Town of Oakfield (Genesee County) NYAE006241 - Discharge Class 14 (CAFO) R8-2014061640
Enforcement Action Date	August 18, 2014
Reason(s) for Enforcement	Inspections by DEC staff revealed these deficiencies: <ul style="list-style-type: none"> • Improper spreading of manure, resulting in the discharge of contaminated runoff into a tributary of Upper Oak Orchard Creek • The spreading of manure during 2014 that was the probable cause of contamination of six (6) private drinking water wells • Respondent failed to adequately incorporate manure containing less than 12% solids, as required, into the soil of various fields
Penalty	Total assessed civil penalty of \$59,000 <ul style="list-style-type: none"> • Payable amount of \$15,000 • Suspended amount \$44,000 <p>The suspended penalty provided that Lamb Farms, Inc. fulfills the CAFO compliance schedule requirements in a complete and timely manner.</p>
Required Action(s)	Lamb Farms, Inc. is to comply with the following: <ul style="list-style-type: none"> • Adhere to the current Natural Resource Conservation Service practice Standard NY590. • Utilize the “Manure Management Guidelines for Limestone Bedrock/Karst Areas of Genesee County, NY: Practices of Risk Reduction” and • Identify specific fields which: <ul style="list-style-type: none"> ○ will not be used for winter spreading ○ will not be used for winter spreading unless immediately incorporated ○ will be used specifically for winter and spring applications. • Ensure that all streams designated in the CNMP have the correct designation. This is to discern between perennial and intermittent stream flows • Ensure that all spreading records reflect the actual field number where manure was applied • Modify the spreading recommendations in the CNMP to align with nutrient requirements of the crop rotation. Also, this is to consider other risk factors and includes more specific timing as to date and time of application of manure

Respondents Location (county) SPDES Permit Number Enforcement Case ID	Stein Family Farms Town of Caledonia (Livingston County) NYAE006241 - Discharge Class 19 (CAFO) R8-2014061639
Enforcement Action Date	January 9, 2015
Reason(s) for Enforcement	Several inspections revealed that on six (6) occasions, manure was improperly applied. These improper applications of manure led contaminated water to pool on-site and enter groundwater. As a result, two (2) nearby private water wells became contaminated.
Penalty	Total assessed civil penalty of \$16,000 - Payable amount of \$6,000 - Suspended amount \$10,000 The suspended penalty provided that Respondent timely and fully fulfills the CAFO compliance schedule requirements.
Required Action(s)	Stein Family Farms is to comply with the following: <ul style="list-style-type: none"> • Submit to the Department an approvable Comprehensive Nutrient Management Plan (CNMP), developed by Agricultural Environmental Management (AEM) Certified Planner. This CNMP is to: <ul style="list-style-type: none"> • Adhere to the current Natural Resource Conservation Service practice Standard NY590 • Utilize the “Manure Management Guidelines for Limestone Bedrock/Karst Areas of Genesee County, NY: Practices of Risk Reduction” • Identify specific sensitive fields which: <ul style="list-style-type: none"> ○ will not be used for winter spreading ○ will not be used for winter spreading unless immediately incorporated ○ will be used specifically for winter and spring applications. • Provide a schedule which details implementation of the best management practices. These practices must be complete before the Department will review the facility’s plan to modify the existing permit to that of large CAFO.