

Langdon Marsh
Commissioner

MEMORANDUM

OCTOBER 26, 1994

TO: Regional Water Engineers, Bureau Directors, Section Chiefs

SUBJECT: Division of Water Technical and Operational Guidance Series
NEW DISCHARGES TO PUBLICLY OWNED TREATMENT WORKS (Originator:
Mr. DiMura) (1.3.8)

PURPOSE

To provide guidance to NYSDEC regional and central office permit writers in evaluating the potential effect of a new, substantially increased or changed non-domestic discharge to a Publicly Owned Treatment Works (POTW). The focus of this TOGS is the effects of a new, increased or changed discharge on the POTW's State Pollutant Discharge Elimination System (SPDES) permit and on the POTW's pretreatment program.

DISCUSSION

6 NYCRR 754.4(g) and (i), SPDES Permit General Condition 12.1 and 40 CFR 122.42 require New York State POTW permittees to notify NYSDEC of new discharges or substantial changes in the volume or character of pollutants discharged to the permitted POTW. NYSDEC must then determine if the POTW SPDES permit needs to be modified to account for the proposed discharge, change or increase. In addition, through a memorandum of understanding (MOU) with the USEPA, the Division of Water shares pretreatment program oversight (approval authority) responsibility with the USEPA.

Under the combined responsibility of implementing the state regulations and fulfilling the pretreatment MOU, the Division of Water must determine all of the following:

- I. If the POTW permittee has adequately evaluated the effects of a proposed new, increased or changed discharge on the POTW operation, sludge disposal, effluent quality and POTW employee health and safety;
- II. If a proposed new, increased or changed discharge to the POTW will result in the discharge from the POTW treatment plant of a substance that must be subject to a POTW effluent limit or POTW effluent action level or other monitoring requirement in the POTW SPDES permit and;
- III. If a proposed new, increased or changed discharge contains one or more bioaccumulative and persistent substances. If it does contain bioaccumulative and persistent substances, DOW must determine if it is tributary to a

combined sewer overflow or if it is proposed to be trucked under a Part 364 permit to the POTW or if it is to a POTW from which any discharge of the contained bioaccumulative and persistent substances would be considered a violation of a water quality standard. If one of the aforementioned 3 conditions is met, DOW must determine if the proposed discharge of bioaccumulative and persistent substances must be limited at the point of discharge to the POTW or subject to other permit requirements.

In large part this guidance (TOGS 1.3.8) and the Appendix C, Guidance for Acceptance of New Discharges compile the standard operating procedures for evaluation of new non-domestic discharges to POTWS that are presently being used by local pretreatment program coordinators and NYSDEC permit writers. However, this guidance proposes to handle new discharges of bioaccumulative and persistent substances in a fundamentally different manner.

An untreated indirect discharge of bioaccumulative and persistent substances tributary to a combined sewer overflow is likely to be rendered undetectable by dilution prior to discharge through the overflow. For many bioaccumulative and persistent substances, even very small amounts discharged without treatment through a CSO would violate a water quality standard. Furthermore, future remediation may be required when those persistent substances accumulate in downstream sediments.

For direct dischargers, the SPDES permit program has reduced point source discharges to very low levels. The Division is frequently involved in hearing negotiations with permittees that require special monitoring programs just to detect the limited substances at permitted levels. Under the proposed regulations for the Great Lakes Water Quality Initiative, discharges of bioaccumulative and persistent substances would be capped at present levels and new discharges of bioaccumulative and persistent substances would be prohibited unless the discharger demonstrates compelling economic or sociological reasons for the increased discharge.

Considering the context of these and other Division of Water initiatives, it would be incongruous to allow new dischargers to use combined sewer systems to mask the discharge of bioaccumulative and persistent substances through CSOs. Such overflows would assure that, at least part of the time, the discharged bioaccumulative and persistent substance would be untreated and would subsequently tend to reconcentrate in the environment because of their bioaccumulative and persistent properties.

At the same time, an untreated discharge of BADs to a separate sewer system, that would be diluted to be undetectable in the POTW treatment plant effluent, would be detrimental to or substantially damage or pollute the environment or natural resources of the

state.

For all of the above reasons, the department is addressing these discharges now rather than waiting for an EPA initiative.

Where no federal categorical discharge standard applies, the department's most implementable authority to restrict discharges to POTWs (rather than from POTWs) is over discharges to combined sewers (Montgomery Environmental Coalition vs. Costle, 646 F. 2d 568 (D.C. Cir. 1980) and 40 CFR 122.45(h)), discharges to POTWs from which any discharge would be considered a violation of a water quality standard (6NYCRR 703 and 40 CFR 122.45(h)) and discharges of waste that is hauled to POTWs under a Part 364 permit (ECL 27-0305). It is for these types of discharges that this guidance recommends more restrictive measures.

For discharges that do not contain bioaccumulative and persistent substances, there are times when the department should be rightly excluded from review of a new discharge. Many POTWs have approved pretreatment programs that would allow for ample review and control of these new discharges. Furthermore, these POTWs are frequently already receiving substantial quantities of industrial waste such that the acceptance of a new discharge may not constitute a substantial change in volume or character of pollutants being introduced to the POTW as defined by State/Federal regulation and the SPDES General Conditions.

To allow for consistent handling of POTW notifications of proposed new, changed or substantially increased discharges, the Division of Water has prepared the document entitled Guidance for Acceptance of New Discharges (Appendix C) for POTW's preparing new discharge notifications for DEC. Included in this document are guidance to POTWs for: (1) evaluating the effects of proposed new, increased or changed discharges, (2) completing the form and (3) determining if the form must be submitted to DEC prior to permitting the new discharge. NYSDEC staff should encourage POTWs with approved local pretreatment programs to make this determination rather than awaiting an NYSDEC determination.

Permit writers may also wish to refer to the April 23, 1992 Division of Hazardous Substance Regulation and the Division of Water joint memorandum on Part 364 Permits for Industrial Waste with Disposal at POTWs. This memorandum requires that the Regional Water Engineer sign off on issuance of any 364 transporter permits allowing for discharges to POTWs.

GUIDANCE

All new, increased or changed discharge proposals should be submitted to the Permit writer by the POTW permittee on the New Discharge Form in accordance with Appendix C, Guidance for Acceptance of New Discharges. If a proposal is not submitted in

accordance with Appendix C, or if it is incomplete, it should be returned to the permittee.

Upon submission of a complete New Discharge Form and associated documentation, the permit writer should consult the guidance below to determine if the SPDES permit must be modified.

I. PERMITTEE EVALUATION OF EFFECTS

In accordance with Appendix C (Guidance for Acceptance of New Discharges), POTWs proposing to accept a new discharge must first demonstrate that:

- A. the discharge is adequately characterized;
- B. the discharge will not cause the Maximum Allowable Headworks Loadings to be exceeded;
- C. the discharge will not endanger the health and safety of POTW employees;
- D. the discharge will not cause a nuisance (i.e. odors) or an explosive condition;
- E. the discharge complies with National Pretreatment Standards and
- F. all pollution prevention requirements have been satisfied.

The permit writer's review of whether these six items have been satisfied should be in accordance with the guidance given in Appendix C and, provided the New Discharge form has been adequately prepared and the certifications called for by the Appendix C Guidance are included, should be relatively brief.

Nonetheless, if a new discharge is a Significant Industrial User (SIU) in accordance with 40 CFR 403.3, that discharge must be controlled by permit.

If the proposed SIU discharge is to a POTW that does not have a USEPA pretreatment program or pretreatment mini-program in place, the permit writer should prohibit the discharge until a mini-program or USEPA pretreatment program is in place.

Further, if the waste is to be hauled to the POTW, the point of discharge must be approved by the POTW and the operator should have control over the method and rate of discharge.

In reviewing the submission, the permit writer should contact and consult with his/her counterpart in the region or central office. If the submission does not demonstrate that the above criteria have been met, the permit writer should notify the permittee by letter of the deficiencies with a copy to the regional water engineer or, for regional permit writers, the Chief of the Biological Systems Section.

II. POTW TREATMENT PLANT SPDES PERMIT

When a permit writer receives a New Discharge Form proposing a discharge that is not a discharge of bioaccumulative and persistent substances to a combined sewer system, the permit writer must determine whether the POTW SPDES permit must be modified to include an action level, limit or additional monitoring prior to the POTWs acceptance of the discharge. This determination should be made in accordance with TOGS 1.3.3.

If the SPDES permit must be modified, the permit writer must notify the POTW permittee that the discharge is prohibited until the permit has been modified or until the permittee requires the discharge to be pretreated such that a permit modification is unnecessary. Appendix B contains an example letter for notifying a POTW permittee that a discharge is prohibited until the permit has been modified or until the permittee requires the discharge to be pretreated such that a permit modification is unnecessary.

If the SPDES permit does not need to be modified, the permit writer must notify the POTW permittee that the discharge can be accepted without permit modification. Appendix B contains an example letter for notifying a POTW that a discharge can be accepted without permit modification.

If the permit writer believes that the discharge may be accepted without permit modification, but nonetheless believes that some short term monitoring would be appropriate, the permit writer should send a "308 letter". The NYSDEC has ample authority to require reasonable short term monitoring under Section 308 of the Clean Water Act. Using a 308 letter the permit writer can require short term monitoring without modifying the SPDES permit. Appendix B contains an example letter for notifying a POTW that a discharge can be accepted without permit modification, but that the POTW must perform a short term monitoring program.

III. BIOACCUMULATIVE AND PERSISTENT SUBSTANCES TO COMBINED SEWERS OR TRUCKED TO ANY POTW

CSO Notification

When a permit writer receives a New Discharge Form proposing a discharge to a combined sewer system of one or more of the bioaccumulative and persistent substances in Appendix C (Guidance for Acceptance of New Discharges) - ATTACHMENT 3, the permit writer must determine whether the discharges have the potential to exceed the BAT/BPJ levels given in ATTACHMENT 3 at the point of discharge to the sewer system. The assessment should include consideration of whether dilution is being used to meet the BAT/BPJ levels. The permittee should also provide an assessment of the frequency of downpipe CSOs.

Bioaccumulative and Persistent Substances to CSO Meeting ATTACHMENT 3 Levels

If the bioaccumulative and persistent substances are not expected to exceed the BAT/BPJ levels at the point of discharge to the sewer system and the new discharge will not require additional effluent limits, action levels or monitoring requirements for the POTW treatment plant permit, the permittee should be informed that the permit does not need to be modified prior to the permittee accepting the proposed new discharge. Appendix B contains an example letter for notifying a POTW that a discharge can be accepted without permit modification.

Controlled Release to CSO of Bioaccumulative and Persistent Substances Exceeding ATTACHMENT 3 Levels

If the bioaccumulative and persistent substances are expected to exceed the BAT/BPJ levels at the point of discharge to the sewer system and the frequency of downpipe overflows is sufficiently infrequent (as a rule of thumb, less than four times per year) and the discharge is of a nature that it can be readily controlled, the permit writer should notify the permittee that the discharge cannot be accepted until the permit is modified or until the permittee prohibits the discharge when downpipe CSOs are operating. Appendix B contains an example letter for notifying a POTW permittee that a discharge is prohibited until the permit is modified or until the permittee limits, by permit, the discharge to the levels given in Appendix C - ATTACHMENT 3. If the permittee chooses to accept the discharge and not impose conditions as NYSDEC would impose herein, the permit writer must modify the CSO outfall permit (whether the CSO outfall permit is separate from or part of the POTW treatment plant permit) to prohibit discharges when any downpipe CSOs are operating. Whether any downpipe CSOs are operating may be determined by monitoring of the most frequently operating downpipe CSO as an indicator of the operation of all downpipe CSOs. The permittee and the discharger should designate coordinators and the permittee should be required to submit flow inventory reports with DMRs. Appendix A contains an example permit page to implement this requirement.

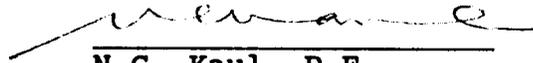
Continuous Discharge to CSO of Bioaccumulative and Persistent Substances Exceeding ATTACHMENT 3 Levels

If the bioaccumulative and persistent substances are expected to exceed the BAT/BPJ levels at the point of discharge to the sewer system and the frequency of downpipe overflows or the nature of the discharge make controlled release an unacceptable option, the permit writer should notify the permittee that the discharge cannot be accepted until the permit is modified or until the permittee limits, by permit, the discharge to the levels given in Appendix C - ATTACHMENT 3. Appendix B contains an example letter for notifying a POTW permittee that a discharge is prohibited until the permit is modified or until the permittee limits, by permit, the discharge to the levels given in Appendix C - ATTACHMENT 3. If the permittee chooses to accept the discharge and not impose conditions

as NYSDEC would impose herein, the permit writer must modify the CSO outfall permit (whether the CSO outfall permit is separate from or part of the POTW treatment plant permit) to require the new discharge to meet the BAT/BPJ discharge levels for bioaccumulative and persistent substances as summarized in Appendix C - ATTACHMENT 3. Appendix A is an example permit page to implement this requirement.

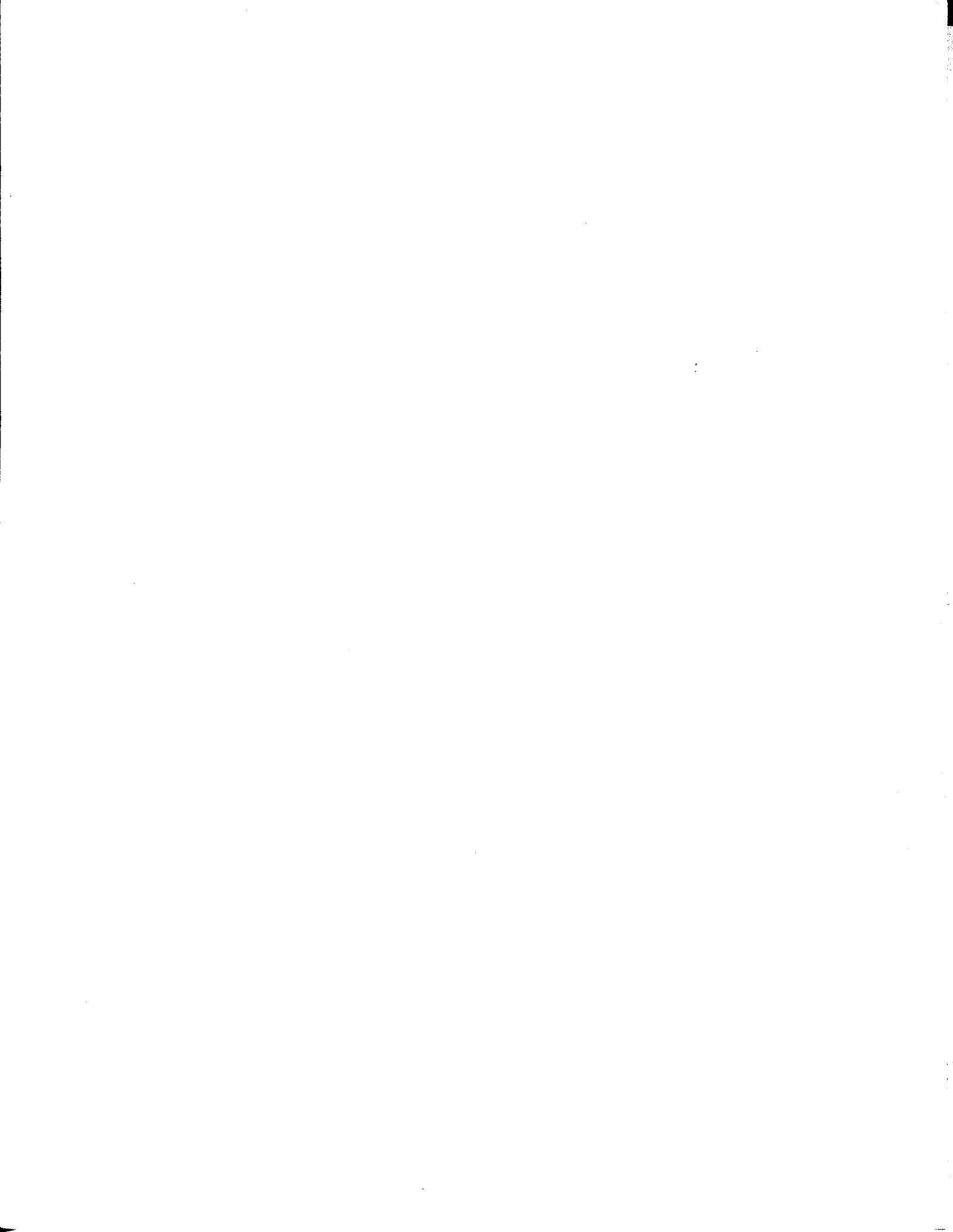
Discharges Delivered Under a 364 Permit

If the proposed new discharge is to be hauled to the POTW under a Part 364 transporter permit, the permit writer should consult the April 23, 1992 Division of Hazardous Substance Regulation and the Division of Water joint memorandum on Part 364 Permits for Industrial Waste. In addition, if any bioaccumulative and persistent substances are expected to exceed the levels given in ATTACHMENT 3 at the point of discharge to the sewer system, the permit writer should contact the Regional Water Engineer to assure that the 364 permit will not be approved for wastes exceeding the levels given in ATTACHMENT 3. The permit writer should also notify the permittee that it has been recommended to the Regional Water Engineer that the 364 permit be denied unless the discharge is treated to meet the levels given in ATTACHMENT 3. Appendix B contains an example letter to notify the permittee that the permit writer has recommended that the 364 permit be denied.

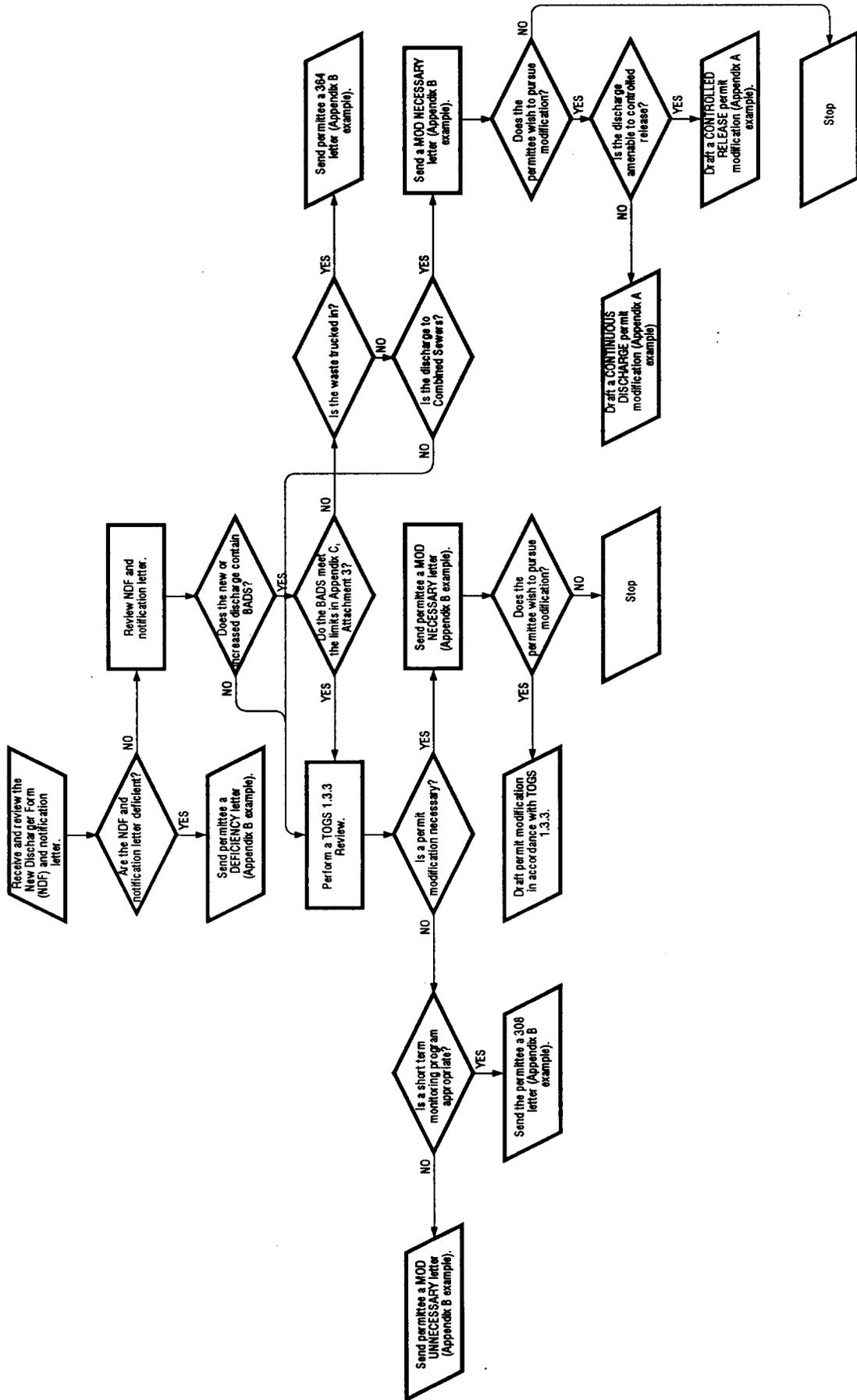


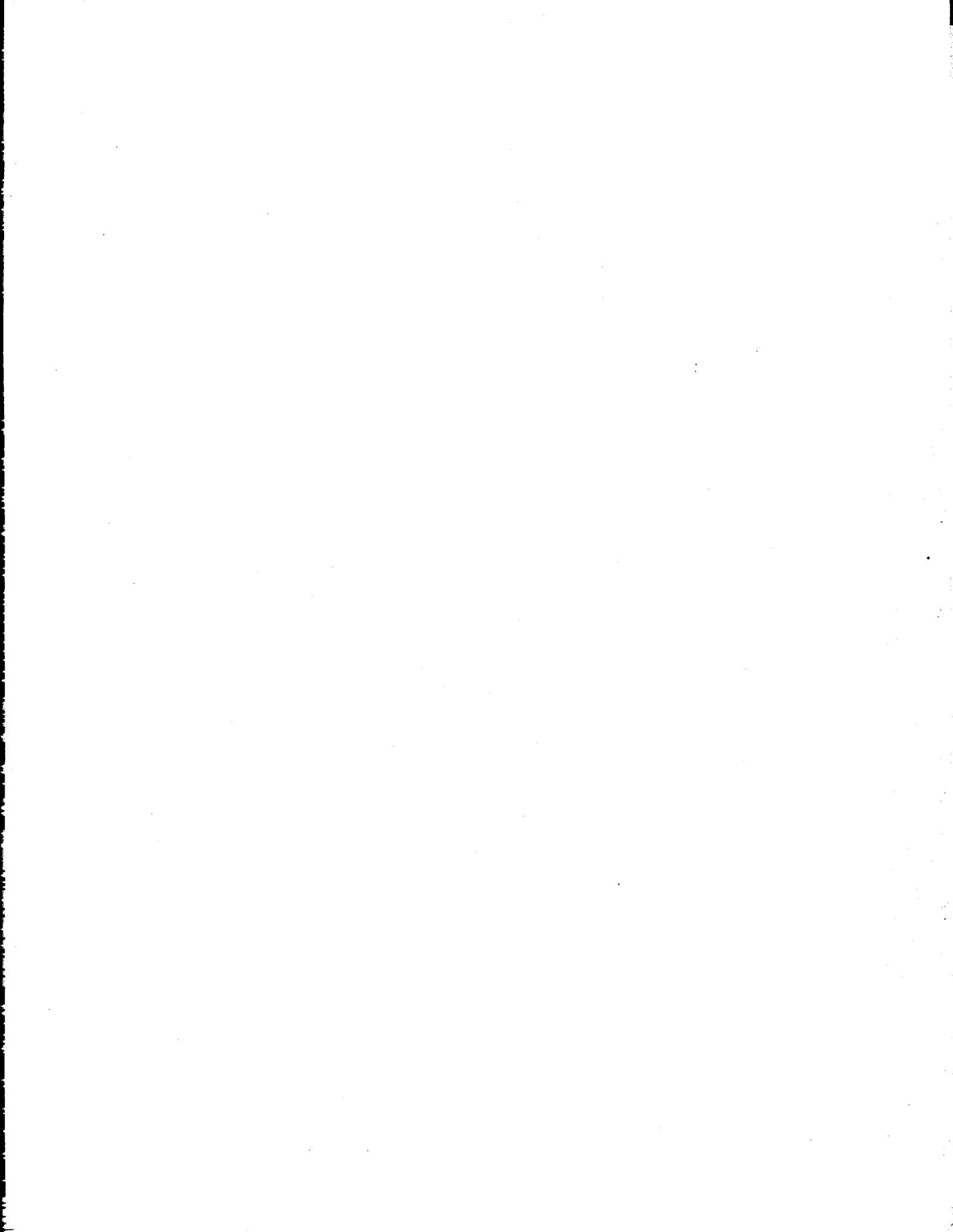
N.G. Kaul, P.E.
Director
Division of Water

Attachments



RECOMMENDED PERMIT WRITER'S DECISION TREE FOR NEW DISCHARGES TO POTWS





APPENDIX A
NYSDEC DIVISION OF WATER TOGS 1.3.8
EXAMPLE PERMIT PAGES



**APPENDIX A - TOGS 1.3.8
CONTROLLED RELEASE PERMIT**

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning EDM

and lasting until EDM + 5 YEARS

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type

{INSERT OUTFALL NUMBER} - Combined Sewer Overflow at {INSERT NAME OF MOST FREQUENTLY OPERATING DOWN PIPE OVERFLOW}

{INSERT NAME(S) OF
BIOACCUMULATIVE AND
PERSISTENT SUBSTANCES}

(1)(2)(3)(5)(6)

Quarterly⁽⁴⁾

- (1) The permittee shall prohibit Old Time Dirty Industries from discharging the above noted Bioaccumulative and Persistent Substances from {INSERT NAME AND LOCATION OF PROPOSED NEW DISCHARGE SOURCE} when outfall {INSERT OUTFALL NUMBER} is operating.
- (2) The permittee shall designate a coordinator and require {INSERT NAME OF DISCHARGER} to designate a coordinator for controlling discharges when outfall {INSERT OUTFALL NUMBER} is operating. During any period of snowmelt or precipitation, the permittee coordinator shall inspect outfall {INSERT OUTFALL NUMBER} daily. If outfall {INSERT OUTFALL NUMBER} is overflowing or if overflow appears imminent, the permittee coordinator shall immediately notify {INSERT NAME OF DISCHARGER} coordinator that the discharge must be terminated until the Outfall {INSERT OUTFALL NUMBER} stops overflowing
- (3) Outfall {INSERT OUTFALL NUMBER} shall be inspected weekly to assure the regulator is operating properly. These flow inventory reports shall be submitted with Discharge Monitoring Reports within 28 days following the end of each calendar quarter.
- (4) The permittee shall require {INSERT NAME OF DISCHARGER} to submit to the permittee flow inventory reports including a daily log of volumes of wastewater delivered to storage, volume in storage and volume discharged.
- (5) Permittee shall include a copy of the discharger permit, which shall have been revised to include the applicable portions of this Controlled Release Permit, in its annual report.
- (6) Permittee shall inspect a representative sample of _____ controlled release dischargers during a controlled release event, and include copies of all such inspection reports with its DMR for the period covering this event.



**APPENDIX A - TOGS 1.3.8
CONTINUOUS DISCHARGE PERMIT**

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning EDM

and lasting until EDM + 5 YEARS

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type

{INSERT OUTFALL NUMBER} - Combined Sewer Overflow {INSERT NAME CLOSEST ROUTINELY OPERATING DOWN PIPE FLOW}

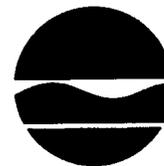
{INSERT NAME(S) OF BIOACCUMULATIVE AND PERSISTENT SUBSTANCES}	INSERT LIMIT FROM APP. C ATTACH- MENT 3 ⁽¹⁾	µg/l	(In accordance with Appendix C)	24-hr.comp. ⁽¹⁾
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(1) The Effluent limit and monitoring requirements apply at {INSERT NAME AND LOCATION OF PROPOSED NEW DISCHARGE SOURCE}.



APPENDIX B
NYSDEC DIVISION OF WATER TOGS 1.3.8
EXAMPLE LETTERS





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Commissioner

**APPENDIX B - TOGS 1.3.8
MODIFICATION UNNECESSARY LETTER**

Permittee Name (from page one of permit)
Permittee Mailing Address (from page one of permit)

re: New Discharge Notification
By Letter Dated {INSERT DATE}
SPDES Permit NY {INSERT #}

Dear Permittee:

This letter is to notify you that the above noted discharge may proceed without modification to the above noted permit.

Under General Condition 12.1 of New York State Pollution Discharge Elimination System (SPDES) permits, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, Publicly Owned Treatment Works (POTW) permittees are required to notify the New York State Department of Environmental Conservation (NYSDEC) when they will be accepting 'new or increased discharges of pollutants'. Under 6 NYCRR Part 754.4(i) the NYSDEC may prohibit the discharge until the SPDES permit is modified to account for the new discharge. It is not necessary to modify your SPDES permit to account for the above noted discharge.

If you have any questions or comments, please do not hesitate to call me at (518)457-6716.

Very Truly Yours

Chief, Biological Systems Section
OR Regional Water Engineer

cc: John Pulaski
Regional Water Engineer - Region {INSERT R.O.}
Chief, Biological Systems Section - Albany





Langdon Marsh
Commissioner

APPENDIX B - TOGS 1.3.8
308 LETTER

Permittee Name (from page one of permit)
Permittee Mailing Address (from page one of permit)

re: New Discharge Notification
By Letter Dated {INSERT DATE}
SPDES Permit NY {INSERT #}

Dear Permittee:

This letter is to notify you that the above noted discharge may proceed without modification to the above noted permit.

Under General Condition 12.1 of New York State Pollution Discharge Elimination System (SPDES) permits, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, Publicly Owned Treatment Works (POTW) permittees are required to notify the New York State Department of Environmental Conservation (NYSDEC) when they will be accepting 'new or increased discharges of pollutants'. Under 6 NYCRR Part 754.4(i) the NYSDEC may prohibit the discharge until the SPDES permit is modified to account for the new discharge. It is not necessary to modify your SPDES permit to account for the above noted discharge.

Nonetheless, in accordance with Section 308 of the Clean Water Act, 33 USC Section 1318, we are requesting that you provide the information detailed on the attached page to provide additional assurance that the proposed discharge does not make it necessary to modify your discharge permit.

If you have any questions or comments, please do not hesitate to call me at (518)457-6716.

Very Truly Yours

Chief, Biological Systems Section
OR Regional Water Engineer

cc: John Pulaski
Regional Water Engineer - Region {INSERT R.O.}
Chief, Biological Systems Section - Albany

HIGH INTENSITY MONITORING PROGRAM

The effluent from the {insert name of treatment plant}, SPDES Permit No. NY {insert permit number}, shall be monitored for three days during which {insert name of new discharge} is discharging quantities of pollutants that are representative of normal discharge operations. The resulting monitoring results shall be submitted, within 6 months of the date of receipt of this letter, to:

Regional Water Engineer
{insert address}

Chief, Biological Systems Section
NYSDEC, Room 318
50 Wolf Road
Albany, NY 12233-3505

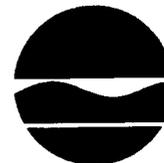
The substance(s) for which to be monitored, the sample type(s) and special analytical requirement(s) are as follows:

<u>PARAMETER</u>	<u>SAMPLE TYPE</u>	<u>ANALYTICAL TECHNIQUE</u>
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{Generally, acceptable analytical techniques are GC/MS for organics and Graphite Furnace for metals}

{Generally, with the exception of volatiles and cyanide, the sample type should be 24 hour composite}

{Toxicity Testing may be the best screen when substances will be discharged which have no water quality standard, are below detection but are nonetheless of concern and when there is a complex mixed effluent. If toxicity testing is required the monitoring should be for three sets of two 24 hour composite samples}



Langdon Marsh
Commissioner

**APPENDIX B - TOGS 1.3.8
DEFICIENCY LETTER**

Permittee Name (from page one of permit)
Permittee Mailing Address (from page one of permit)

re: New Discharge Notification
By Letter Dated {INSERT DATE}
SPDES Permit NY {INSERT #}

Dear Permittee:

This letter is to notify you that the above notification is deficient and must be supplemented with the information needs detailed on the attached page(s).

Under General Condition 12.1 of New York State Pollution Discharge Elimination System (SPDES) permits, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, Publicly Owned Treatment Works (POTW) permittees are required to notify the New York State Department of Environmental Conservation (NYSDEC) when they will be accepting 'new or increased discharges of pollutants'. Under 6 NYCRR Part 754.4(i) the NYSDEC may prohibit the discharge until the SPDES permit is modified to account for the new discharge. It may be necessary to modify your permit to account for the above noted discharge; you are prohibited from accepting the discharge until this determination is complete. Please submit the information noted on the attached page(s) to:

The Regional Water Engineer

Chief, Biological Systems Section
NYSDEC, Room 318
50 Wolf Road
Albany, NY 12233-3505

If you have any questions or comments, please do not hesitate to call me at (518)457-6716.

Very Truly Yours

Chief, Biological Systems Section
OR Regional Water Engineer

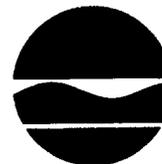
cc: John Pulaski
Regional Water Engineer - Region {INSERT R.O.}
Chief, Biological Systems Section - Albany

ADDITIONAL INFORMATION NEEDS OR DEFICIENCIES

Please submit the following [M]issing or [I]ncomplete information, as indicated below (if the brackets do not contain an I or an M, the information submitted is adequate):

1. Permittee endorsement.
2. Source description.
3. Basis of hazardous determination.
4. Method of conveyance to the POTW.
5. Description of substance analyzed for.
6. Certification that the discharge will meet (1) sewer code, (2) 40 CFR 403.5, (3) applicable federal categorical standards, (4) the maximum allowable headworks loadings and (5) will not cause nuisance odor conditions.
7. Statement of compliance with SPDES Permit limits.
8. Description of control instrument.
9. Statement of whether the new discharge would be a significant industrial user.
10. CSO Outfall numbers, latitudes and longitudes and a statement that the the concentrations shown on the new discharge form are the maximum expected concentrations.
11. Sludge disposal method and ultimate disposal site.
12. New Discharger Form
13. (other)

Additional information required for those items listed as incomplete above:



Langdon Marsh
Commissioner

**APPENDIX B - TOGS 1.3.8
MODIFICATION NECESSARY LETTER**

Permittee Name {from page one of permit}
Permittee Mailing Address {from page one of permit}

re: New Discharge Notification
By Letter Dated {INSERT DATE}
SPDES Permit NY {INSERT #}

Dear Permittee:

This letter is to notify you that the above noted discharge prohibited until the above noted permit is modified to account for the discharge.

Under General Condition 12.1 of New York State Pollution Discharge Elimination System (SPDES) permits, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, Publicly Owned Treatment Works (POTW) permittees are required to notify the New York State Department of Environmental Conservation (NYSDEC) when they will be accepting 'new or increased discharges of pollutants'. Under 6 NYCRR Part 754.4(i) the NYSDEC may prohibit the discharge until the SPDES permit is modified to account for the new discharge. It is necessary to modify your SPDES permit to account for the above noted discharge. Please complete and submit the attached short environmental assessment form, an application fee (\$250 for POTWs over 100,000 GPD and \$150 for POTWs 10,000 to 100,000 GPD) and a copy of your original submission {INSERT IF NECESSARY - along with the additional information noted on the attached page} to:

Regional Permit Administrator
Division of Regulatory Affairs
{address of regional office}

{FOR USEPA APPROVED PRETREATMENT PROGRAMS ONLY}

Alternatively, the discharge may be accepted without modification to the above noted SPDES permit if (1) Bioaccumulative and Durable Substances in the proposed new discharge are limited by discharge permit to the levels listed in ATTACHMENT 3 (copy attached) to the NYSDEC manual entitled Guidance for Acceptance of New Discharges at the point of discharge to the sewers and (2) all other toxic substances believed present are limited by sewer discharge permit to levels at which it would be reasonable to conclude that those substances would not be detectable* in POTW treatment plant discharge.

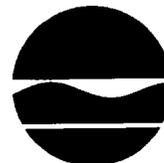
If you have any questions or comments, please do not hesitate to call me at (518)457-6716.

Very Truly Yours

Chief, Biological Systems Section
OR Regional Water Engineer

* see Guidance for Acceptance of New Discharges for a description of what is meant by detectable.

cc: John Pulaski
Regional Water Engineer - Region {INSERT R.O.}
Chief, Biological Systems Section - Albany



Langdon Marsh
Commissioner

APPENDIX B - TOGS 1.3.8
364 LETTER

Permittee Name {from page one of permit}
Permittee Mailing Address {from page one of permit}

re: New Discharge Notification
By Letter Dated {INSERT DATE}
SPDES Permit NY {INSERT #}

Dear Permittee:

This letter is to notify you that I have recommended that the Department deny the permit to truck the waste described in the above noted notification to the your POTW.

In accordance with an internal NYSDEC procedure devised by the Divisions of Hazardous Substance Regulation and Water, the Regional Water Engineer must sign off on any permits to haul waste to a POTW for disposal. I have determined that the discharge to your POTW of the bioaccumulative and durable substances described in the above noted notification would be detrimental to or substantially damage or pollute the environment or natural resources of the state. In accordance with ECL 27-0305, I am recommending that the 6NYCRR Part 364 transporter permit for that waste be denied.

{FOR USEPA APPROVED PRETREATMENT PROGRAMS ONLY}

Alternatively, I will sign off on the 364 transporter permit if (1) Bioaccumulative and Durable Substances in the proposed new discharge are limited by discharge permit to the levels listed in ATTACHMENT 3 (copy attached) to the NYSDEC manual entitled Guidance for Acceptance of New Discharges at the point of discharge to the sewers and (2) all other toxic substances believed present are limited by sewer discharge permit to levels at which it would be reasonable to conclude that those substances would not be detectable* in POTW treatment plant discharge.

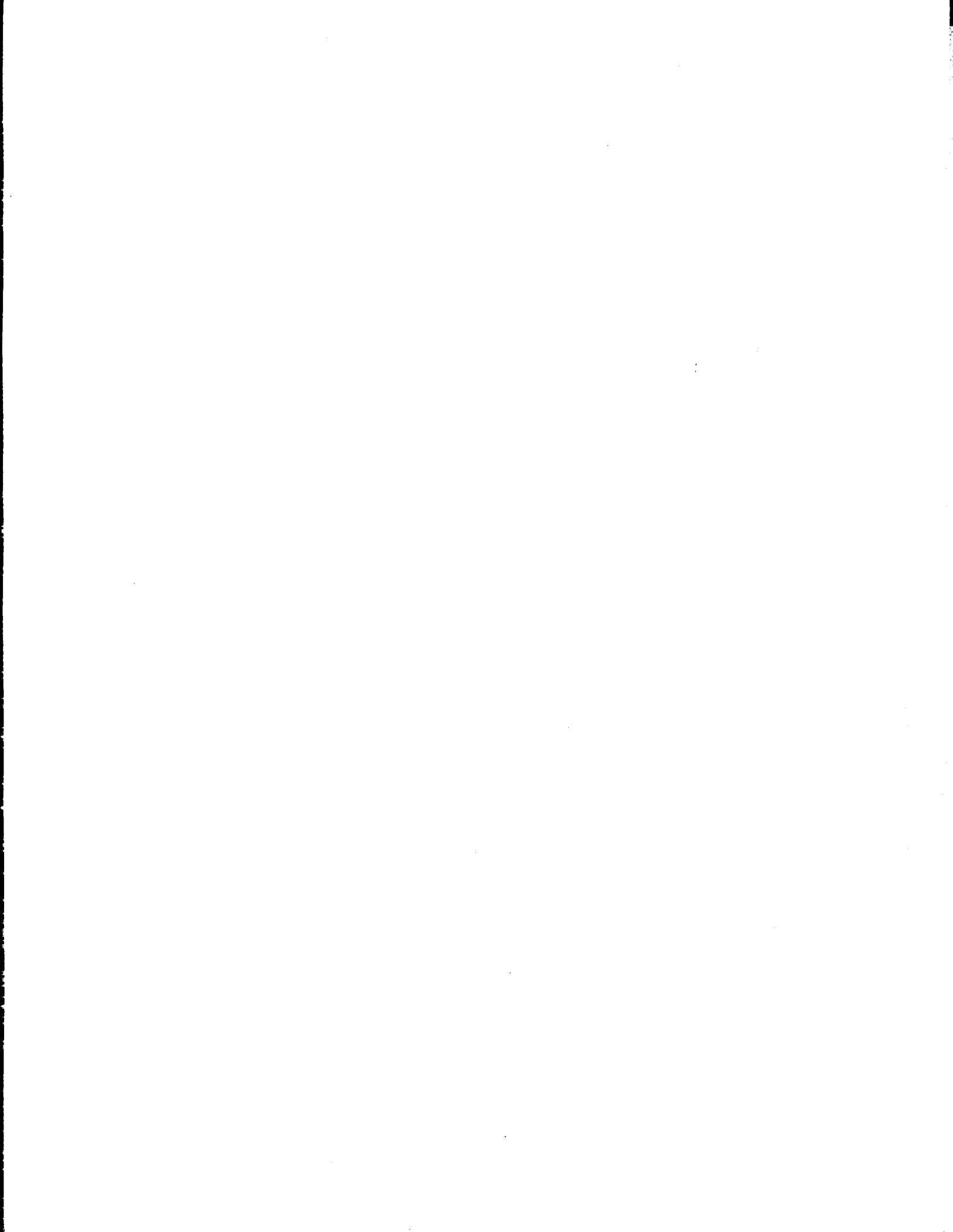
If you have any questions or comments, please do not hesitate to call me at {INSERT TELEPHONE NUMBER OF RWE}

Very Truly Yours

Regional Water Engineer

* see Guidance for Acceptance of New Discharges for a description of what is meant by detectable.

cc: John Pulaski
Chief, Biological Systems Section - Albany



APPENDIX C
NYSDEC DIVISION OF WATER TOGS 1.3.8
GUIDANCE FOR ACCEPTANCE OF NEW DISCHARGES





Langdon Marsh
Commissioner

APPENDIX C - TOGS 1.3.8
GUIDANCE FOR ACCEPTANCE OF NEW DISCHARGES

Guidance to New York State Publicly Owned Treatment Works State Pollutant Discharge Elimination System permit holders on acceptance of new, increased or changed discharges from non-domestic¹ users (or potential users) of the Publicly Owned Treatment Works.

Under General Condition 12.1 of New York State Pollutant Discharge Elimination System (SPDES) permits, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, Publicly Owned Treatment Works (POTW) permittees are required to notify the New York State Department of Environmental Conservation (NYSDEC) when they will be accepting 'new or increased discharges of pollutants'. This guidance is intended to assist POTW permittees in (1) judging what constitutes 'any substantial change in volume or character of pollutants' as set forth in General Condition 12.1, 6 NYCRR Part 754.4(g) and 40 CFR 122.42, (2) preparing notifications to the Department of 'any substantial change in volume or character of pollutants', (3) judging when a waste is adequately characterized and (4) evaluating the effects of a discharge on POTW operation, effluent quality and POTW employee health and safety.

I. PRIOR NOTIFICATION TO NYSDEC

Notwithstanding the notification requirements in permits, state and federal regulation, there are times when the NYSDEC should be rightly excluded from review of a new, increased or changed discharge. Many local POTWs have approved pretreatment programs that would allow for ample review and control of new discharges. Furthermore, these POTWs are, many times, already receiving substantial quantities of industrial waste such that acceptance of a new or increased discharge may not constitute a substantial change in volume or character of pollutants being introduced to the POTW.

To provide for efficient, non-duplicative review of such discharges, POTWs may reasonably accept new or increased discharges of wastes without prior notification to NYSDEC provided:

- (1) the waste is adequately characterized; and
- (2) for each toxic substance believed present in the proposed discharge to the POTW at levels exceeding the levels found in

¹ For the purposes of this guidance, a non-domestic user is any discharger to the POTW that may discharge wastewater that are substantially different, or represents a substantial increase in wastewater presently being discharged to the POTW. Non-domestic users do not, as a matter of course, include laundromats, restaurants, car washes, auto repair shops, etc. These sources would be significant only in the smallest POTWs.

domestic wastes², headworks loading analysis shows the discharge will not, in conjunction with present discharges, cause the maximum allowable headworks loading to be exceeded; and

(3) the POTW SPDES permit contains an effluent limit for each toxic substance believed present; or the pollutant is covered by an action level in the SPDES permit and the proposed discharge would not, in conjunction with present discharges, cause the action level to be exceeded; or it would be reasonable to conclude that the toxic substance is at levels that, in conjunction with present discharges, would not be detectable³ in the POTW treatment plant effluent; and

(4) the discharge is not believed to contain bioaccumulative and persistent substances (see ATTACHMENT 3 for a listing of bioaccumulative and persistent substances); and

(5) the discharge will not endanger the health and safety of POTW employees; and

(6) the discharge will not cause a nuisance (i.e. odors) or an explosive condition;

(7) the discharge will not violate a national pretreatment standard;

(8) the discharge will not violate local sewer use code(s);

(9) all pollution prevention requirements have been satisfied and

(10) the POTW is covered under a USEPA approved pretreatment program.

POTWs with approved local pretreatment programs are encouraged to determine whether or not notification to NYSDEC prior to acceptance of a proposed discharge is necessary. If prior notification is necessary, POTW permittees should submit the New Discharge Form and cover letter as outlined in IX below. However, even if the POTW permittee determines that prior notification to the department is not necessary, it may nonetheless be wise to submit a completed New Discharge Form and cover letter with the annual pretreatment report.

II. ADEQUATE INITIAL CHARACTERIZATION

Whether or not a proposed discharge is adequately characterized is dependent on the source of the discharge and the amount of available monitoring information and/or on engineering projections of the discharge's wastewater quality. For continuous discharges initial characterization is usually adequate using any

² Levels found in domestic waste can be determined by analysis of the POTW's domestic wastes or the permittee may use the levels given in the Supplemental Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA - 5/91.

³ Detection levels of substances in wastewater vary depending upon the wastewater matrix, analytical services available and the effort expended in sample collection and analysis. This guidance document recommends that the permittee use the GC/MS Method Detection Limit (MDL) for most organics (where GC/MS is appropriate), GC/ECD MDL for PCBs/Pesticides and the Graphite Furnace MDL for metals (where Graphite Furnace is appropriate) as shown in ATTACHMENT 5 to calculate effluent loadings that would be detectable.

three daily composite samples analyzed for conventionals, non-conventionals, Oil and Grease, pH and toxics. For holding tank discharges that are likely to be consistent, initial characterization may be achieved with one sample if top, middle and bottom samples can be composited. For holding tank discharges that are likely to be inconsistent, it may be necessary to monitor likely constituents in each tank prior to discharge.

Some examples of appropriate initial characterization programs are as follows:

Leachate. When a landfill or other source of leachate is not on the DEC list of inactive hazardous waste disposal sites, the leachate can be adequately characterized by any three daily composite samples for BOD, TSS, Oil and Grease, TKN, Ammonia, Iron, Manganese, pH, Phenols, Phosphorus, Chlorides, Total Dissolved Solids and one daily composite sample for all priority pollutants except 2,3,7,8 TCDD and asbestos (see ATTACHMENT 1 for a listing of priority pollutants). To find out if a landfill is on the DEC list of inactive hazardous waste disposal sites, contact the Division of Hazardous Waste Remediation ((518)457-0639).

When a landfill or other source of leachate is on the DEC list of inactive hazardous waste disposal sites and no other information is known about the site (there is no ongoing investigation), then adequate characterization requires any three daily composite samples analyzed for BOD, TSS, Oil and Grease, TKN, Ammonia, Manganese, Phosphorus, pH, Chlorides, Total Dissolved Solids and a single daily composite sample for all the substances listed on the Target Compound list plus 30 (see ATTACHMENT 2 for the Target Compound List - the plus 30 refers to up to 30 fugitive peaks in a GC/MS scan).

When a landfill is on the DEC list of inactive hazardous waste disposal sites and there is an ongoing investigation, the characterization needs should be determined from the ongoing investigation. A Division of Hazardous Waste Remediation contact overseeing the ongoing investigation should be identified and consulted.

Fuel Contaminated Wastewater. Groundwater remediation or tank waters associated with fuel contaminated wastewater should be characterized by at least one sample for Benzene, Toluene, Ethyl benzene, Xylene, Methyl tert-butyl ether, Naphthalene, Oil and Grease, pH and Lead.

Groundwater Remediation Wastewaters (other than fuel contaminated). Groundwater remediation wastewater characterization needs are most frequently determined from ongoing investigations of the source(s) of contamination. If there are additional concerns, then additional monitoring should be required.

Categorical Industrial Discharge. An industry subject to a federal categorical pretreatment standard must, at a minimum, monitor for all of the regulated pollutants in accordance with 40 CFR 403.12.

Proposed Facilities. For discharges which are proposed but for which no wastewater has been generated for sampling and analysis, an engineering projection of the proposed discharge should be evaluated. The engineering projection should be based on discharges from similar facilities.

POTW Treatment Plant Sludges. Notwithstanding the best practice of only introducing POTW sludge to the solids treatment or destruction train, when a POTW sludge is proposed to be accepted for treatment and disposal a single representative sample of the sludge should be monitoring initially for percent solids, percent volatile solids Ammonia, Nitrate, TKN, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Phosphorus, pH, Potassium, Selenium and Zinc.

Please note that wastewater treatment plant sludges are fundamentally different than liquid wastewater in that contaminants tend to be concentrated in in the solids portion of the sludge, making the concentrations of contaminants range to much higher levels than could reasonably be expected in liquid wastewater. At the same time, because the contaminants are already associated with solids, they will be more likely to be easily removed with the treatment plant sludge. It may be more appropriate to compare levels of contaminants in sludge to sludge standards for landspreading than to standards for discharge of liquid wastewater.

Septage. Concerns about septage center more on the effects of the septage on the design conventional parameters of the treatment plant. As such prior monitoring of septage is unnecessary. Rather, the effects of septage on a plant should be assessed based on the general characteristics given in Appendix C - Attachment 4.

III. ONGOING CHARACTERIZATION

Wastewater.

For the first year of operation, new discharges of liquid wastewater should be monitored in accordance with the following chart for substances detected during the initial characterization. The monitoring frequency may then be reduced if warranted by the results of the first year of monitoring.

INDUSTRIAL FLOW (GPD)	RECOMMENDED INDUSTRIAL SELF-MONITORING FREQUENCIES DURING INITIAL COMPLIANCE PERIOD (FIRST YEAR)	
	CONVENTIONALS, METALS, CYANIDE, AND PHENOL	GC OR GC/MS ORGANICS
0-10,000	1/MONTH	2/YEAR
10,001-50,000	2/MONTH	4/YEAR
50,001-100,000	1/WEEK	1/MONTH
100,001-240,000	2/WEEK	2/MONTH
>240,000	3/WEEK	4/MONTH

If no discharge exists during any period, no monitoring should be required.

Septage. Some of the best ongoing monitoring programs for septage in the State use a permitting system that requires reporting of the source and subsequent telephone survey of sources to verify that the septage comes from households. In addition, it is appropriate to check all loads for pH and visual appearance and to spot check loads for metals, oil and grease and volatiles.

Please note that, as is true with wastewater treatment plant sludges, septage is fundamentally different than liquid wastewater in that metal discharged from a residence will likely concentrate in the septic tank solids, making the concentrations of metals range to much higher levels than could reasonably be expected in liquid wastewater. The variability of results of septage monitoring summarized in the Supplemental Manual On the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program - May, 1991 (see Appendix C - Attachment 4) and the variability of results in septage monitoring done by Westchester County Department of Environmental Facilities suggest that monitoring results for sludge cannot be compared directly to local limits.

IV. MAXIMUM ALLOWABLE HEADWORKS LOADING

The Maximum Allowable Headworks Loading (MAHL) for any substance is the mass loading of that substance that the POTW has determined, through engineering analysis, below which (1) SPDES permit effluent limits will not be exceeded, (2) sludge disposal criteria will not be exceeded and (3) the processes at the POTW treatment plant will not be inhibited. EPA guidance for calculation of MAHLs is contained in the document entitled Guidance Manual on the Development and Implementation of Local Discharge

Limitations Under the Pretreatment Program, USEPA, December, 1987.

The MAHL includes the loading from industrial, non-industrial sources and a safety factor. Showing that the total permitted load to the facility does not exceed the MAHL is not adequate. The total permitted load plus the non-industrial load plus a margin of safety must be less than the MAHL.

Furthermore, the MAHL for any one substance may originally have been calculated without the benefit of a SPDES permit effluent limit for that substance (e.g. the MAHL may have been based on sludge criteria or inhibition). Showing that the MAHL would not be exceeded when the substance is not addressed by the permit is not, in itself, adequate to show that the SPDES permit does not need to be modified to include additional action level(s) or effluent limit(s).

The MAHLs for conventional pollutants and for flows are the design ratings for the POTW treatment plant.

If the proposed discharge would cause the MAHL to be exceeded, it must be prohibited or pretreatment must be required to assure the MAHL will not be exceeded.

V. BIOACCUMULATIVE AND PERSISTENT SUBSTANCES

Bioaccumulative and persistent substances are those substances listed in ATTACHMENT 3. Because of the characteristics of these substances, prior notification to NYSDEC is necessary for every proposed discharge of bioaccumulative and persistent substances. Further, bioaccumulative and persistent substances should not be accepted without prior DEC approval.

One exception to this bioaccumulative and persistent substances notification/approval process is mercury in septage or sewage treatment plant sludges. Acceptance of septage or sewage sludge that contains Mercury at levels lower than the landspreading guidelines, would not require prior notification of NYSDEC solely because of the Mercury contained in the discharge.

VI. POTW EMPLOYEE HEALTH AND SAFETY

A proposed discharge may cause enclosed space type dangers to employees of the POTW at pump stations, sewers, manholes, etc. The EPA Manual entitled Guidance to Protect POTW Workers from Toxic and Reactive Gases and Vapors - June, 1992 and DEC Air Guide -I, Guidelines for the Control of Toxic Ambient Air Contaminants should be used to evaluate these types of discharges.

Examples of concentrations in wastewater that would normally

be considered acceptable for protection of POTW employees are as follows:

<u>PARAMETER</u>	<u>CONCENTRATION</u>
Benzene	0.14 mg/l
Ethyl benzene	1.59 mg/l
Naphthalene	2.65 mg/l
Toluene	1.36 mg/l
Xylene	2.08 mg/l

Nonetheless, there are many other substances that create life threatening environments in sewers (methane, hydrogen sulfide, etc.) and each POTW should provide an independent assessment of the health hazards to POTW employees working downpipe of such discharges.

VII. NUISANCE OR EXPLOSIVE CONDITIONS

A proposed discharge may cause odors if the point of introduction to the POTW is poorly chosen. Examples of this are (1) the introduction of septage to a manhole in a heavily trafficked area, (2) the introduction of septage to the POTW treatment plant in a sloppy manner or (3) introduction of a volatile chemical waste where the public may be exposed to vapors from the waste.

Introduction of septage should be in accordance with Recommended Standards for Wastewater Facilities - 1990 edition. A copy of the relevant section is included in attachment 4. Another good document on septage handling and treatment is the EPA Handbook - Septage Treatment and Disposal.

Where odor from organic vapors is a consideration, the permittee should screen discharges by calculating the vapor phase concentrations of volatile organics using the algorithm described in the Guidance Manual on Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA, December, 1987, Chapter 4 and by comparing those levels to odor thresholds in the literature (e.g. The Handbook of Environmental Data on Organic Chemicals - Van Nostrand Reinhold).

Examples of maximum concentrations in wastewater levels that would normally be considered acceptable for protection against odors at points in the sewer system exposed to the environment are as follows:

<u>PARAMETER</u>	<u>VAPOR ODOR RECOGNITION</u>	<u>CONCENTRATION</u>
Benzene	30 mg/cu m (detection)	133 ug/l
Ethyl benzene	2.6 mg/cu m	90 ug/l
Naphthalene	3 mg/cu m	157 ug/l
Toluene	15 mg/cu m	54 ug/l
Xylene	8 mg/cu m	38 ug/l

A proposed discharge may also pose an explosive threat. The Guidance Manual on Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA, December, 1987, Chapter 4 and table 4-2 provide screening techniques for explosive substances.

Examples of maximum concentrations in wastewater that would normally be considered acceptable for protection against explosion are as follows:

<u>PARAMETER</u>	<u>CONCENTRATION</u>
Benzene	20 mg/l
Ethyl benzene	16 mg/l
Naphthalene	240 mg/l
Toluene	17 mg/l
Xylene	20.8 mg/l

Nonetheless, each POTW should provide an independent assessment of the explosion hazards for substances discharged to sewers.

Discharges with closed cup flashpoints less than 140 degrees F are prohibited under 40 CFR 403.5.

Also in accordance with 40 CFR 403.5, any trucked or hauled waste must be discharged at a location formally designated by the POTW permittee and included in the transporter's 364 permit.

VIII. POLLUTION PREVENTION REQUIREMENTS

At the time of the writing of this guidance the NYSDEC is undertaking at least one initiative designed to foster pollution prevention in discharges to POTWs. Proposed discharges should comply with NYSDEC initiatives on pollution prevention.

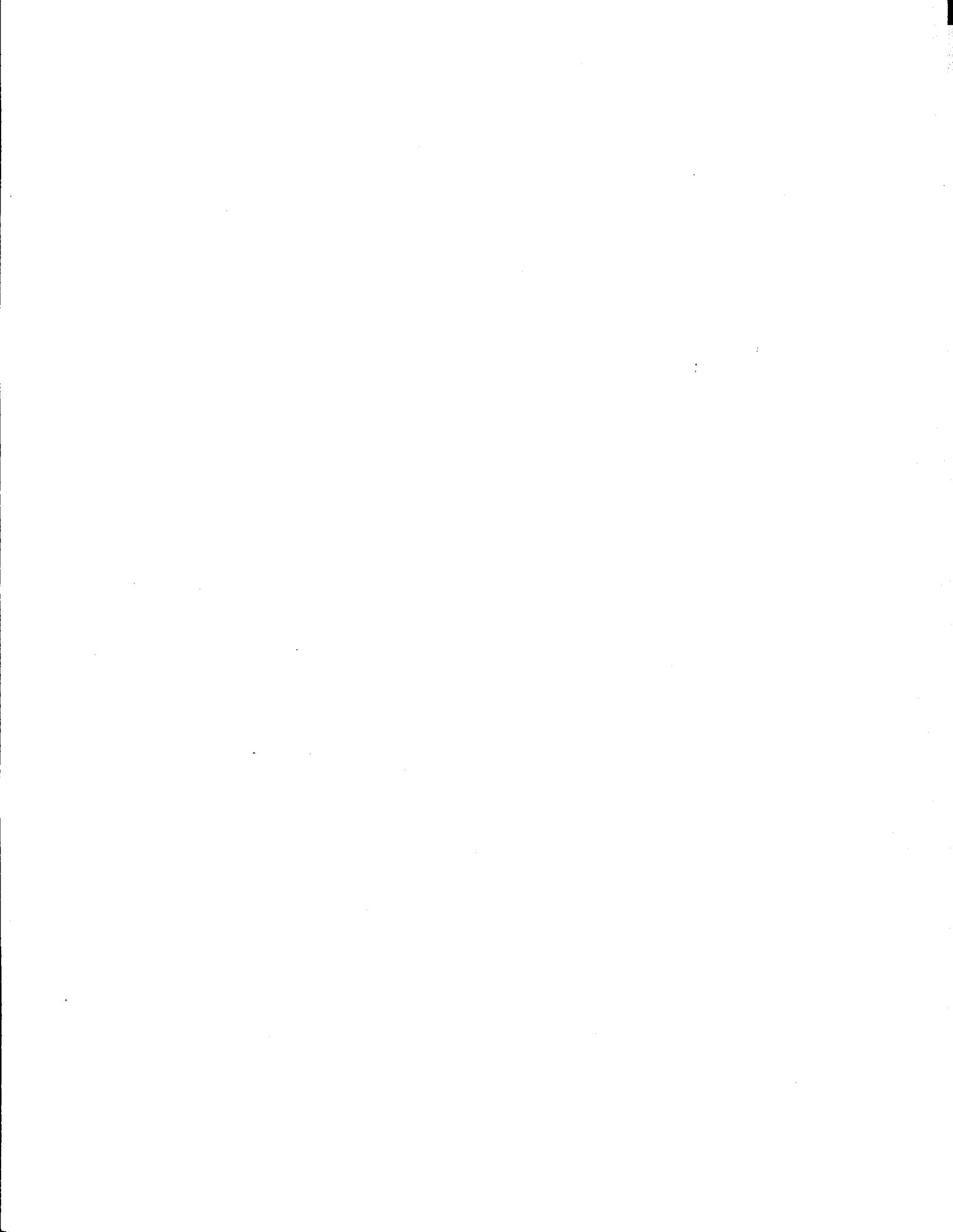
IX. NEW DISCHARGE FORM

Notification to the NYSDEC of any substantial change in volume or character of pollutants being introduced in a POTW must be submitted with a completed New Discharge Form and a cover letter, signed by the Chief Executive Officer of the permitted entity or an equivalent, duly authorized local official, containing the following information:

1. A statement from the permittee endorsing the submission.
2. A brief description the source of the proposed discharge.
3. A brief explanation of the basis of the determination of

whether the waste is hazardous or non-hazardous.

4. How the proposed discharge will be conveyed from the source to the POTW and in what manner the proposed discharge will be introduced.
5. The substances for which the proposed discharge has been analyzed. When the proposed discharge has been scanned, simply note the scan, not all the analytes in the scan (e.g. priority pollutants, Target Compound List plus 30, Volatiles, Semi-Volatiles, etc.).
6. A statement that the proposed discharge will meet (1) the local sewer use code, (2) 40 CFR 403.5 including prohibitions against explosion and protections of worker health and safety, (3) all applicable federal categorical pretreatment standards (4) the Maximum Allowable Headworks Loadings and (5) odor control requirements.
7. A statement that compliance with SPDES Permit limits will be maintained.
8. The proposed control instrument (permits/contracts, permit limits, monitoring, etc.) which the POTW will impose on the new or increased discharge.
9. Whether or not a new discharge is proposed for classification as a Significant Industrial User (SIU) and provide the basis for that proposal.
10. For a proposed discharge of bioaccumulative and persistent to a combined sewer system, list CSOs downpipe from the discharge point including outfall numbers, frequencies of discharge (per year) and latitudes and longitudes. In addition, a statement that the concentrations shown on the new discharge form are the maximum expected concentrations and that those concentrations are achieved without dilution.
11. The method of POTW sludge disposal or reuse and the ultimate site of reuse or disposal.



DIRECTIONS FOR NEW DISCHARGE FORM

- Question 1. Use name and permit number from page 1 of your SPDES permit.
- Question 3. Please note date when proposed discharge will commence.
- Question 4. E.G. - Influent wet well, influent holding tank, discharge source sewer, manhole at Hollywood and Vine, etc.
- Question 5. Please note whether the proposed discharge would be a characteristic or listed hazardous waste.
- Question 6. Include all substances detected in the initial characterization program.
- Question 7. Include maximum from initial monitoring or, if the discharge is expected to exceed what showed up in initial monitoring, a projected 'worst case' (for example - 8th decile). Even though the column indicates PPM units, also include the maximum flows (gpd and gpm) that will be allowed on any given day in this column.
- Question 8. Generally for metals; use a reasonable worst case (for example - 8th decile) to represent min. If an assumed removal rate is used footnote the number and explain the basis for the removal rate on a separate sheet.
- Question 9. See directions for question 6.
- Question 10. If other dischargers to the POTW are permitted to discharge the substance, the total pounds allowed to all other dischargers.
- Question 11. Generally for metals (especially copper, zinc and lead), taken from the Supplemental Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA - May 1991 or from sampling of purely residential wastewaters in the POTW service area.
- Question 12. If influent monitoring information is available for the substance, use the most recent year's data to calculate the loadings for this column.
- Question 13. If available, as calculated in accordance with the most recent headworks analysis; this does not necessarily require a revised headworks analysis.
- Question 14. If detailed maximum data is not available, project a worst case.
- Question 15. If detailed maximum data is not available, project a worst case.

SUBMIT THE COVER LETTER, NEW DISCHARGE FORM AND ANY ATTACHMENTS TO:

The Regional Water Engineer

Chief, Biological Systems Section
NYSDEC, Room 318
50 Wolf Road
Albany, NY 12233-3505