

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the Proposed Modification of the State Pollutant Discharge
Elimination System Permits Held by the

ALBANY COUNTY SEWER DISTRICT

ORDER OF DISPOSITION

Permit Numbers:

North Plant DEC # 4-0126-00138/00001
 SPDES ID: NY 002 6875

South Plant DEC # 4-0101-00020/00001
 SPDES ID: NY 002 6867

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Proceedings

Pursuant to § 621.13 of Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR), on March 20, 2009, the staff of the New York State Department of Environmental Conservation (DEC or Department) commenced a process to modify the State Pollutant Discharge Elimination System (SPDES) permits that are held by the Albany County Sewer District (District) for the above captioned facilities. By response dated April 6, 2009, the District objected to a modification related to Best Management Practice # 6 in the proposed modified permit concerning prohibition of dry weather overflow and requested a hearing. Accordingly, the matter was referred to the Office of Hearings and Mediation Services (OHMS) and the matter was scheduled for a legislative hearing and issues conference to be held on October 20, 2009.

Prior to the publication of the hearing notice, the parties met and were able to arrive at a resolution of this matter which has been reduced to a stipulation of settlement dated September 17, 2009. The two SPDES permits that govern discharges from the above captioned facilities are annexed to the stipulation and the modified terms have been accepted as part of the stipulation of settlement (Exhibits A and B to the stipulation).

ORDER OF DISPOSITION

The Department staff and the District have successfully resolved the matters in dispute with respect to the proposed modified SPDES permits. Accordingly, there is no need for an adjudication of any issues.

I am remanding this matter back to Department staff for issuance of the modified SPDES permits. I commend the parties for their willingness and effort to resolve this matter expeditiously.

Albany, New York
September 22, 2009

_____/s/_____
Helene G. Goldberger
Administrative Law Judge