

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations of Article 17 of  
the Environmental Conservation Law and  
Title 6 of the Official Compilation Of Codes,  
Rules and Regulations of the State of New York

**MODIFICATION OF ORDER ON CONSENT**

- by -

File No. R4-2008-0513-64M1

Brunswick Central School  
3992 State Route 2  
Troy, NY 12180

Respondent

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**WHEREAS:**

1. New York State and the Department of Environmental Conservation have jurisdiction to protect the waters of the State pursuant to Environmental Conservation Law ("ECL") Article 17 and the State Pollutant Discharge Elimination System ("SPDES") permit program and applicable regulations.

2. Respondent is subject to Order on Consent R4-2008-0513-64 (effective June 3, 2008) ("Order"). Respondent was required under the Order to bring the wastewater treatment plant ("WWTP") into full compliance by January 1, 2009, which has not occurred.

3. By correspondence dated April 29, 2009, Respondent has requested an extension to the time frame for bringing the WWTP into compliance. The Department finds good cause for granting Respondent's request.

4. Respondent has affirmatively waived their right to a hearing in the manner provided by law and has consented to the issuing of this Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. In respect of the aforesaid violation, a civil penalty in the amount of FOUR THOUSAND DOLLARS (\$4,000) is hereby assessed against the Respondent. ONE THOUSAND DOLLARS (\$1,000) of the civil penalty is due upon the return of a signed and notarized copy of this Order to the Department. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.

The balance of the penalty, THREE THOUSAND DOLLARS (\$3,000), is suspended and shall not be payable, provided that Respondent fully complies with the requirements of this Order in a timely fashion. In the event that Respondent fails to comply with the requirements of this Order the entire suspended portion of the penalty shall become due and payable upon written notice to Respondent without prejudicing the Department from seeking further appropriate penalties for violations of this Order by Respondent.

II. Respondent shall comply with the Modification's Schedule of Compliance which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supercedes the Schedule of Compliance contained in the Order.

III. The effective date of this Modification shall be the date it is signed by the Department.

IV. All terms, provisions, and conditions of the Order remain in effect unless expressly modified in this Modification.

DATED: \_\_\_\_\_, 2009  
Rotterdam, New York

Alexander B. Grannis  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

\_\_\_\_\_  
Eugene J. Kelly  
Regional Director  
Region 4

CONSENT BY RESPONDENT  
Brunswick Central School

Respondent hereby consents to the issuing and entering of this Modification, waives their right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

STATE OF NEW YORK    )  
  )ss.:  
COUNTY OF                    )

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public  
Qualified in the County of:  
My Commission Expires:

## SCHEDULE OF COMPLIANCE

1. Respondent shall meet the following schedule for the upgrade of the WWTP:
  - Start pilot treatment by September 1, 2009
  - Submit engineering reports by February 28, 2010
  - Submit engineering plans by May 15, 2010
  - Complete construction by September 1, 2010
2. The following interim effluent limitations (95<sup>th</sup> percentile of the 2008 reported values) shall apply beginning on the effective date of this Modification until September 1, 2010:

PARAMETER	INTERIM EFFLUENT LIMITATIONS	
	Limit	Units
Oxygen Demand, Ultimate (UOD)-Daily Max	174	mg/l
Oxygen Demand, Ultimate (UOD)-Daily Max	16	lbs/d
Nitrogen, Ammonia, Total (as NH <sub>3</sub> ) - 30 Day Avg.	34	mg/l

All other effluent limitations shall remain as specified in the SPDES permit.