



Department of  
Environmental  
Conservation

# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	<b>4952</b>	NAICS Code:	<b>221320</b>	SPDES Number:	<b>NY0020966</b>
Discharge Class (CL):	<b>07</b>	DEC Number:	<b>9-0474-00008/00001</b>		
Toxic Class (TX):	<b>N</b>	Effective Date (EDP):			
Major-Sub Drainage Basin:	<b>02 - 01</b>	Expiration Date (ExDP):			
Water Index Number:	<b>Pa-53-63</b>	Item No.:	<b>802.4 - 248</b>	Modification Dates (EDPM):	
Compact Area:	<b>ORSANCO</b>				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. 1251 et.seq.)

PERMITTEE NAME AND ADDRESS						
Name:	<b>Village Of Portville</b>			Attention:	<b>Honorable Anthony Evans</b>	
Street:	<b>1 South Main Street, PO Box 436</b>					
City:	<b>Portville</b>			State:	<b>NY</b>	Zip Code: <b>14770</b>
Email:				Phone:	<b>(716) 933-8407</b>	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL										
Name:	<b>Portville WWTP</b>									
Address / Location:	<b>1 Main Street</b>						County:	<b>Cattaraugus</b>		
City:	<b>Portville</b>				State:	<b>NY</b>	Zip Code:	<b>14770</b>		
Facility Location:	Latitude:	<b>42</b> °	<b>2</b> '	<b>10</b> " N	& Longitude:	<b>-78</b> °	<b>20</b> '	<b>33</b> " W		
Primary Outfall No.:	<b>001</b>	Latitude:	<b>42</b> °	<b>2</b> '	<b>10</b> " N	& Longitude:	<b>-78</b> °	<b>20</b> '	<b>33</b> " W	
Outfall Description:	<b>Treated Sanitary</b>	Receiving Water:	<b>Dodge Creek</b>				Class:	<b>C</b>	Standard:	<b>C</b>

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2. The co-permittees subject to one or more conditions of this permit are listed on page 2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

**DISTRIBUTION:**

CO BWP - Permit Coordinator  
BWP – Permit Writer  
CO BWC - SCIS  
RWE  
RPA  
EPA Region II  
NYSEFC

Permit Administrator:			
Address:	700 Delaware Ave., Buffalo NY 14209		
Signature:		Date:	/ /

## DEFINITIONS

<b>TERM</b>	<b>DEFINITION</b>
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by the number of months for which samples were collected in the 12-month period.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the Department.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

## PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001		Dodge Creek		

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	12 MRA	0.78	MGD			Continuous	Recorder	X		
pH	Daily Minimum	6.0	SU			Daily	Grab		X	
	Daily Maximum	9.0	SU							
Temperature	Monitor		°F			Daily	Grab		X	
BOD <sub>5</sub>	Monthly Average	30	mg/L	195	lbs/d	2/Month	6-hr. Comp.	X	X	1
BOD <sub>5</sub>	7-Day Average	45	mg/L	293	lbs/d	2/Month	6-hr. Comp.	X	X	
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	195	lbs/d	2/Month	6-hr. Comp.	X	X	1
Total Suspended Solids (TSS)	7-Day Average	45	mg/L	293	lbs/d	2/Month	6-hr. Comp.	X	X	
Settleable Solids	Daily Maximum	0.1	mL/L			Daily	Grab		X	
Dissolved Oxygen	Monitor		mg/L			Daily	Grab		X	
Ammonia (as N) June 1 <sup>st</sup> – Oct. 31 <sup>st</sup>	Monthly Average	2.0	mg/L	13.0	lbs/d	2/Month	Grab		X	2
Ammonia (as N) Nov. 1 <sup>st</sup> – May 31 <sup>st</sup>	Monthly Average	3.2	mg/L	20.8	lbs/d	2/Month	Grab		X	2
Total Phosphorus (as P)	Monitor		mg/L		lbs/d	2/Month	24-hr. Comp.	X	X	
Total Mercury	12 MRA	0.7	ng/L			2/Year	Grab		X	

EFFLUENT DISINFECTION		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Required seasonal from June 1st - October 31st										
Coliform, Fecal	30-Day Geometric Mean	200	No./100 mL			2/Month	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./100 mL			2/Month	Grab		X	

### FOOTNOTES:

- Effluent shall not exceed 15% and 15% of influent concentration values for BOD<sub>5</sub> & TSS respectively.
- Limits for these parameters shall become effective when the wastewater treatment plant upgrades are complete as specified in Order on Consent Order No. R9-20210305-7.

## DISCHARGE NOTIFICATION REQUIREMENTS

- (a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any new discharge location.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

<p><b>N.Y.S. PERMITTED DISCHARGE POINT</b></p> <p><b>SPDES PERMIT No.: NY</b> _____</p> <p><b>OUTFALL No. :</b> _____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: ( ) - ### - ####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: ( ) - ### - ####</p>
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- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

## SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Parameter(s) Affected	Interim Effluent Limit(s)	Compliance Action	Due Date
001	Ammonia (as N)	Monitor	1) Conduct an engineering study to identify all actions, plant modifications and/or upgrades needed to comply with the final effluent limits.  2) Develop approvable plans and specifications for any plant modifications or upgrades required by the engineering study in item 1.  3) Construct plant modifications or upgrades specified in item 2.  4) Comply with final effluent limits.	EDPM +1 year  EDPM+ 2 years  EDPM+3.5 years EDPM + 4 years
<p><b>The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the "SPDES NOTICE/RENEWAL APPLICATION/PERMIT" letter.</b></p>				

- b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:
1. A short description of the non-compliance;
  2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
  3. Any details which tend to explain or mitigate an instance of non-compliance; and
  4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.
- c) The permittee shall submit copies of any document required by the above schedule of compliance to the NYSDEC Regional Water Engineer and to the Bureau of Water Permits.

## SCHEDULE OF SUBMITTALS

- a) The permittee shall submit the following information to the Regional Water Engineer at the address listed on the Recording, Reporting and Monitoring page of this Permit, and to the Bureau of Water Permits, 625 Broadway, Albany NY 12233-3505:

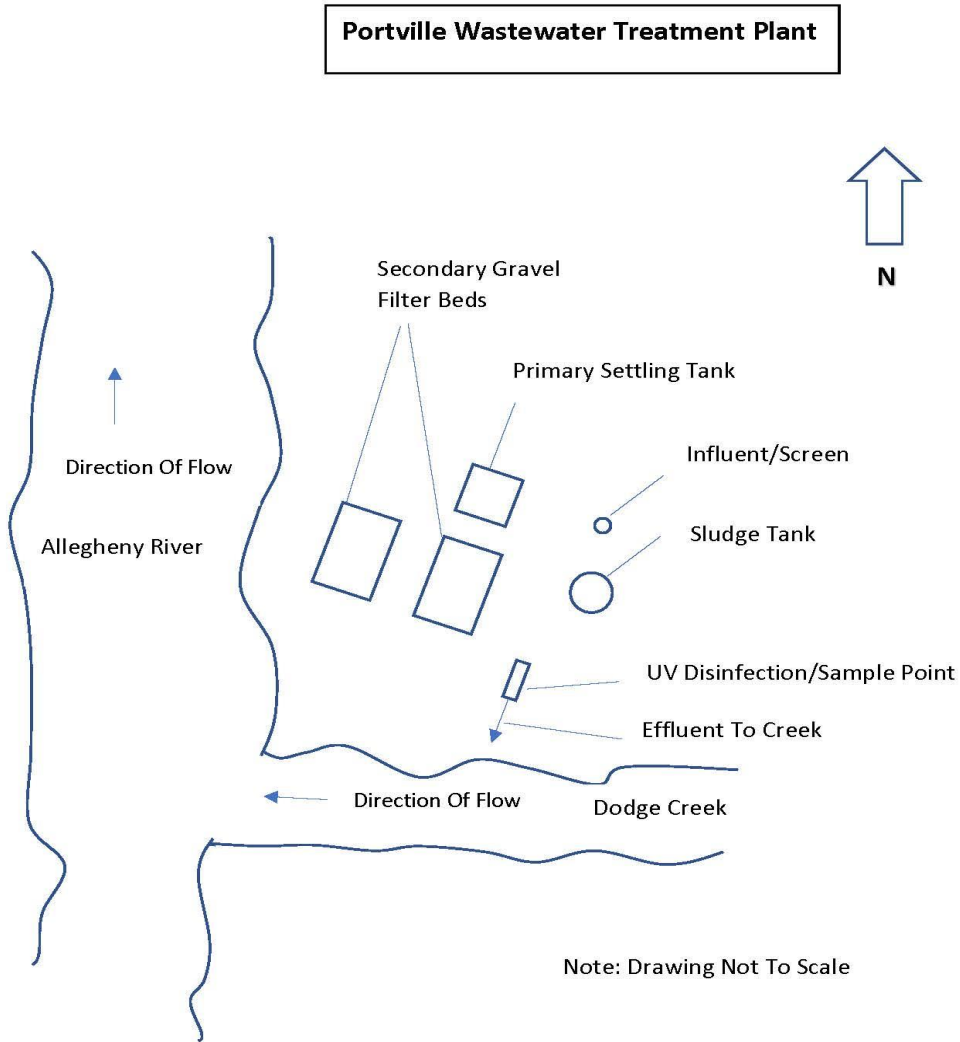
Outfall(s)	Required Action	Due Date
001	1) Submit a report prepared by a professional engineer licensed to practice in New York State detailing what actions, plant modifications and / or upgrades that will be necessary to comply with the final effluent limit for Ammonia.	EDPM + 1 Year
	2) Submit plans and specifications for the construction of any plant modifications or upgrades identified in the engineering report from item 1.	EDPM + 2 Years
	3) Submit progress reports on progress towards meeting the final effluent limit.	Every 9 Months

- b) Unless noted otherwise, the above actions are one time requirements. The permittee shall submit the results of the above actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the above submittal(s), unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

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# MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



# GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through I as follows:
- B. General Conditions
- |  |   |
|--|---|
| 1. Duty to comply                                | 6 NYCRR 750-2.1(e) & 2.4                |
| 2. Duty to reapply                               | 6 NYCRR 750-1.16(a)                     |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g)                      |
| 4. Duty to mitigate                              | 6 NYCRR 750-2.7(f)                      |
| 5. Permit actions                                | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights                               | 6 NYCRR 750-2.2(b)                      |
| 7. Duty to provide information                   | 6 NYCRR 750-2.1(i)                      |
| 8. Inspection and entry                          | 6 NYCRR 750-2.1(a) & 2.3                |
- C. Operation and Maintenance
- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8                      |
| 2. Bypass                         | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset                          | 6 NYCRR 750-1.2(a)(94) & 2.8(c)      |
- D. Monitoring and Records
- |                           |  |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b)   |
- E. Reporting Requirements
- |   |                             |
|---|-----------------------------|
| 1. Reporting requirements                     | 6 NYCRR 750-2.5, 2.7 & 1.17 |
| 2. Anticipated noncompliance                  | 6 NYCRR 750-2.7(a)          |
| 3. Transfers                                  | 6 NYCRR 750-1.17            |
| 4. Monitoring reports                         | 6 NYCRR 750-2.5(e)          |
| 5. Compliance schedules                       | 6 NYCRR 750-1.14(d)         |
| 6. 24-hour reporting                          | 6 NYCRR 750-2.7(c) & (d)    |
| 7. Other noncompliance                        | 6 NYCRR 750-2.7(e)          |
| 8. Other information                          | 6 NYCRR 750-2.1(f)          |
| 9. Additional conditions applicable to a POTW | 6 NYCRR 750-2.9             |
- F. Planned Changes
1. The permittee shall give notice to the Department as soon as possible of planned physical alterations or additions to the permitted facility when:
    - a. The alteration or addition to the permitted facility may meet any of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
    - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
    - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

In addition to the Department, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.



## GENERAL REQUIREMENTS (continued)

### 2. Notification Requirement for POTWs

All POTWs shall provide adequate notice to the Department and the USEPA of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice shall include information on:
  - i. the quality and quantity of effluent introduced into the POTW, and
  - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address:

U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866

### G. Sludge Management

The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.

### H. SPDES Permit Program Fee

The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

### I. Water Treatment Chemicals (WTCs)

New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the Department's website at: <http://www.dec.ny.gov/permits/93245.html>

## RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.
- B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with the DMR Manual available on Department's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/103774.html>. **Hardcopy paper DMRs will only be received at the address listed below, directed to the Bureau of Water Compliance, if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

Attach the monthly "Wastewater Facility Operation Report" (form 92-15-7) and any required DMR attachments electronically to the DMR or with the hardcopy submittal.

The first monitoring period begins on the effective date of this permit, and, unless otherwise required, the reports are due no later than the 28th day of the month following the end of each monitoring period.

- C. Additional information required to be submitted by this permit shall be summarized and reported to the RWE and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation  
Division of Water, Bureau of Water Permits  
625 Broadway, Albany, New York 12233-3505  
(518) 402-8111

Department of Environmental Conservation  
Regional Water Engineer, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
(716) 851-7070

- D. Bypass and Sewage Pollutant Right to Know Reporting: In accordance with the Sewage Pollutant Right to Know Act (ECL § 17-0826-a), Publicly Owned Treatment Works (POTWs) are required to notify DEC and Department of Health within two hours of discovery of an untreated or partially treated sewage discharge and to notify the public and adjoining municipalities within four hours of discovery. Information regarding reporting and other requirements of this program may be found on the Department's website. In addition, POTWs are required to provide a five-day incident report and supplemental information to the DEC in accordance with Part 750-2.7(d) by utilizing the Division of Water Report of Noncompliance Event form unless waived by DEC on a case-by-case basis.
- E. Schedule of Additional Submittals:  
The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
001	<u>SHORT-TERM HIGH-INTENSITY MONITORING PROGRAM</u> The permittee shall collect eight (8) samples representative of normal discharge conditions and treatment operations over eight (8) weeks for TDS. The permittee shall use approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters listed. The permittee shall submit a summary of the results.	EDP + 2 months

- F. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- G. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- H. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- I. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- J. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

DRAFT

Permittee: Village Of Portville  
Facility: Village Of Portville WWTP  
SPDES Number: NY0020966  
USEPA Non-Major/Class 07 Municipal

Date: October 12, 2022  
Permit Writer: William P. Murray, P.E.  
Water Quality Reviewer: Aseem Kumar  
Full Technical Review

v.1.9

# **SPDES Permit Fact Sheet Village Of Portville Village Of Portville WWTP NY0020966**



**Department of  
Environmental  
Conservation**

## Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) EBPS permit renewal has been drafted for the Village Of Portville WWTP. The following is a summary of the changes to the permit:

- Updated permit format, definitions, and general conditions;
- Added monitoring for dissolved oxygen as daily minimum year-round;
- Added monitoring for Total Dissolved Solids daily maximum year-round;
- Added monitoring for Total Phosphorus;
- Added Ammonia (NH<sub>3</sub>-N) limits as monthly average for Summer and Winter seasons; and
- Added Mercury limits as 12 months rolling average (12MRA) with semiannually sampling frequency.

This factsheet summarizes the information used to determine the effluent limitations (limits) and other conditions contained in the permit. General background information including the regulatory basis for the effluent limitations and other conditions are in the [Appendix](#) linked throughout this factsheet.

## Administrative History

10/1/2006 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 10/1/2011. The 2006 permit, along with all subsequent modifications has formed the basis of this permit.

The permit was administratively renewed in 2011 and again in 2016. The previous permit administrative renewal was effective until 9/30/2021.

9/30/2021 The current permit was extended pursuant to SAPA<sup>1</sup>.

8/19/2008 Permit was modified to include Schedule of Compliance due date.

10/11/2017 Department issued a Request for Information (RFI) to modify and renew the SPDES permit due to the facility's EBPS score<sup>2</sup>. At the time of the RFI, the facility had an EBPS score of 57 and ranking of 16/77.

1/22/2019 The Village Of Portville submitted a timely and sufficient NY-2C permit application.

The Notice of Complete Application, published in the [Environmental Notice Bulletin](#) and newspapers, contains information on the public notice process.

## Facility Information

This facility is a publicly owned treatment works (POTW) SPDES Class 07 Significant Minor, USEPA Non-Major that receives flow from domestic users, with effluent consisting of treated sanitary wastewater. The collection system consists of separate sewers. The facility does not have any significant industrial users (SIUs). The treatment plant was updated 1987 to provide

<sup>1</sup> State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(f)

<sup>2</sup> Pursuant to 6 NYCRR 750-1.18 and NYS Environmental Benefit Permit Strategy (EBPS)

secondary treatment for a design flow of 0.78 MGD. The treatment plant has since been upgraded to provide UV disinfection in 2006

The current Design Flow of 0.78 MGD treatment plant consists of:

- Preliminary Treatment: Screening
- Primary Treatment: Primary Clarification
- Secondary Treatment: Gravel Filter Beds
- Disinfection: UV

Sludge is land applied or hauled to another Public Wastewater Treatment Plant (Bath).

The primary outfall (Outfall 001) is bank discharge from a pipe embedded in a concrete headwall to Dodge Creek, 400-feet upstream of its confluence with the Allegheny River.

The facility is planning the following upgrades/improvements:

- Empty Community Settling Tank
- Restore influent pump station
- Restore filter beds
- Restore UV disinfection equipment
- Empty sludge silo, and
- Repair/restore collection system

## Site Overview



EXISTING WWTF SITE PLAN

## Enforcement History

The facility is operating under Order on Consent R9-20210305-7 dated 5/13/21. The Order requires the following compliance actions:

- Submit approvable plans and technical specifications, along with an approvable schedule for construction, prepared by a New York State licensed professional engineer, for plant upgrades to achieve compliance with SPDES effluent limits;
- Complete construction of plant upgrades, commence operation of the system, and comply with all effluent limitations; and
- Submit as-built drawings of the plant improvements.

Compliance and enforcement information can be found on the EPA's [Enforcement and Compliance History Online \(ECHO\)](#) website.



### Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period February 28, 2015 to April 30, 2018.

### Receiving Water Information

The facility discharges via the following outfall:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4952	Treated sanitary sewage	Dodge Creek at the confluence with the Allegheny River (Class C)

**Reach Description:** Outfall 001 discharges to Dodge Creek approximately 400-feet upstream of confluence with the Allegheny River.

See the [Outfall and Receiving Water Summary Table](#) and [Appendix](#) for additional information.

### Impaired Waterbody Information

This waterbody segment (PWL No. 0201-0065) is not listed on the 2016 New York State Section 303(d) List of Impaired/TMDL Waters, nor is waterbody segment which forms the confluence (i.e., Allegheny River, PWL No. 0201-0026), and therefore, there are no applicable wasteload allocations (WLAs) for this discharge nor are there any currently being developed.

### Critical Receiving Water Data & Mixing Zone

The low flow condition for the Dodge Creek of 0.388 MGD (0.6 CFS) was obtained from a drainage basin ratio analysis with USGS gage station 03010720, Dodge Creek located at Portville. The 7Q10 flow and drainage area at the gage were found from the USGS/NYSDEC Bulletin 74, 1979. The 1Q10 flow was estimated as half the 7Q10 flow, and the 30Q10 flow was estimated as 1.2 times the 7Q10 flow. In addition, at the 03010820 gage, Allegheny River flow of 103 CFS was calculated from the USGS SW Toolbox software. By using the drainage area basin, a flow of 89.9 CFS was calculated at the confluence of the Allegheny River and Dodge Creek in the Allegheny River.

Gage Name: Dodge Creek

Gage Name: Dodge Creek at Portville

Gage ID: 03010720

7Q10 Flow at Gage (CFS): 0.6 CFS Source: Bulletin 74

Calculated 7Q10 Flow at Facility (CFS): 0.6

Estimated 1Q10 (CFS): 0.3

Estimated 30Q10 (CFS): 0.72

Gage Name: Allegheny River at Olean

Gage ID: 03010820

Drainage Area at Gage (mi<sup>2</sup>): 957



Drainage Area at Confluence (mi<sup>2</sup>): 860  
 7Q10 Flow at Gage (CFS): 102      Source: Stormwater Toolbox  
 Calculated 7Q10 Flow at Facility (CFS): 90  
 Estimated 1Q10 (CFS): 45  
 Estimated 30Q10 (CFS): 108

The 1Q10, 7Q10, and 30Q10 flows were used to calculate the acute, chronic, and human, aesthetic, wildlife (HEW) dilution ratios, respectively.

$$\text{Dilution Ratio} = (\text{Facility Flow} + \text{Low Flow}) / \text{Facility Flow}$$

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	1.25:1	1.5:1	1.6:1	TOGS 1.3.1

Critical receiving water data are listed in the [Pollutant Summary Table](#) at the end of this fact sheet. [Appendix Link](#)

## Permit Requirements

The technology based effluent limitations ([TBELs](#)), water quality-based effluent limitations ([WQBELs](#)), [Existing Effluent Quality](#) and a discussion of the selected effluent limitation for each pollutant present in the discharge are provided in the [Pollutant Summary Table](#).

### USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT), and New Source Performance Standards (NSPS) limitations are based on [Effluent Limitation Guidelines](#) developed by USEPA for specific industries<sup>3</sup>. For this facility there are no promulgated effluent guidelines. [Appendix Link](#)

### Whole Effluent Toxicity (WET) Testing

None of the seven criteria that are indicative of potential toxicity are applicable to this facility; therefore, WET testing is not included in the permit. [Appendix Link](#)

### Anti-backsliding

The limitations contained in the permit are at least as stringent as the previous permit limits and there are no instances of backsliding. [Appendix Link](#)

### Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)<sup>4</sup> determination. [Appendix Link](#)

<sup>3</sup> As promulgated under 40 CFR Parts 405 - 471

<sup>4</sup> As prescribed by 6 NYCRR Part 617

### Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. This requirement is being continued from the previous permit.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is updated from the previous permit.

### Mercury<sup>5</sup>

The multiple discharge variance (MDV) for mercury provides the framework for NYSDEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. [Appendix Link](#)

The facility is located outside of the Great Lakes Basin. It is a Class 07 POTW with a flow less than 1 MGD, and the permit includes requirements for the implementation of MMP Type II.

Based upon one sample result the Existing Effluent Quality (EEQ) is  $\leq 12$  ng/L; therefore, an effluent limit of 12 ng/L total mercury as 12-month rolling average is included in the permit.

As the EEQ is  $\leq 12$  ng/L, the sampling frequency in the permit is reduced from monthly to semi-annually. The permit language reflects additional reductions in the MMP requirements.

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<sup>5</sup> In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

## OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	42° 2' 10" N	-78° 20' 33" W	Dodge Creek	C	Pa-53-63* PWL: 0201-0065	02 / 01	77	0.194	0.388	0.465	0.78	1.25 : 1	1.5 : 1	1.6 : 1
*-Part 802.4 Item # 248			The 30Q10 flow was obtained by multiplying the 7Q10 flow by 1.2, and the 1Q10 flow was obtained by multiplying the 7Q10 flow by 0.5											

## POLLUTANT SUMMARY TABLE

### Outfall 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sup>6</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Outfall #		001	Description of Wastewater: Sanitary Wastewater												
			Type of Treatment: Primary Settling, Secondary Gravel Filter, UV Disinfection												
<b>General Notes:</b> Existing discharge data from 2/28/15 to 4/30/18 was obtained from the application provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	MGD	Monthly Avg	0.78	0.36 Actual Average	38	0.78	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				703.2	-	TBEL	
Consistent with TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant is specified.															
pH	SU	Minimum	6.0	6.1	38/0	6.0	TOGS 1.3.3	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	WQBEL
		Maximum	9.0	7.1	38/0	9.0									
Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. Given that adequate dilution is not available, an effluent limitation equal to the WQS is appropriate.															
Temperature	°F	Monthly Avg	-	40	38/0			Narrative (Non-Trout): The water temperature at the surface of a stream shall not be raised to more than 90F at any point and... shall not be raised or lowered to more than 5F over the temperature that existed before the addition				704.2	-	Monitor	

<sup>6</sup> Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Permittee: Village Of Portville  
 Facility: Village Of Portville WWTP  
 SPDES Number: NY0020966  
 USEPA Non-Major/Class 07 Municipal

Date: October 12, 2022  
 Permit Writer: William P. Murray, P.E.  
 Water Quality Reviewer: Aseem Kumar  
 Full Technical Review

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Outfall #	Description of Wastewater: Sanitary Wastewater														
	Type of Treatment: Primary Settling, Secondary Gravel Filter, UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sup>6</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
The water temperature at the surface of the stream shall not be raised to more than 90 °F at any point. Monitoring of the effluent is required for process control and informational purposes.															
Dissolved Oxygen (DO)	mg/L	Daily Min	-	2.7	1/0	-	-		Critical Point	(Non-Trout) 4.0 mg/L	Narrative	4.0	703.3	-	Monitor
	The model showed that a WQBEL for DO of 4.0 is necessary year-round to maintain adequate downstream water quality. See Technical Note for details.														
5-day Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	Monthly Avg	30	20	38/0	<b>30</b>	TOGS 1.3.3	See Dissolved Oxygen				-	703.3	-	TBEL
		Daily Max	45	573	38/0	<b>45</b>	TOGS 1.3.3					-			
	lbs/d	Monthly Avg	195	24	38/0	<b>195</b>	TOGS 1.3.3					-			
		Daily Max	293	303	38/0	<b>293</b>	TOGS 1.3.3					-			
	% Rem	Minimum	85	60	38/0	<b>85</b>	TOGS 1.3.3					-			
A waste assimilative capacity analysis was performed, and the model indicated that the secondary treatment levels (30/45 mg/L) would be protective of the water quality of the receiving water for class C. See Technical Note for details															
Total Suspended Solids (TSS)	mg/L	Monthly Avg	30	10	38/0	<b>30</b>	TOGS 1.3.3	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	TBEL	
		Daily Max	45	47	38/0	<b>45</b>	TOGS 1.3.3								
	lbs/d	Monthly Avg	195	31	38/0	<b>195</b>	TOGS 1.3.3								
		Daily Max	293	168	38/0	<b>293</b>	TOGS 1.3.3								
	% Rem	Minimum	85	56	38/0	<b>85</b>	TOGS 1.3.3								
Consistent with TOGS 1.3.3 for POTWs, TBELs reflect secondary treatment standards. Effluent limits equal to secondary treatment are required consistent with the BOD <sub>5</sub> limits.															
Settleable Solids	ml/L	Daily Max	0.1	0	0/38	<b>0.1</b>	TOGS 1.3.3	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages			703.2	-	TBEL		
Consistent with TOGS 1.3.3 the effluent limitation is equal to the TBEL of 0.1 ml/L for POTWs providing secondary treatment and filtration. The TBEL is reasonably protective of the WQS.															

Permittee: Village Of Portville  
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 Water Quality Reviewer: Aseem Kumar  
 Full Technical Review

v.1.9

Outfall #	Description of Wastewater: Sanitary Wastewater														
	Type of Treatment: Primary Settling, Secondary Gravel Filter, UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sup>6</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Nitrogen, Ammonia (as N) June 1 <sup>st</sup> – Oct. 31 <sup>st</sup>	mg/L	Monthly Avg	-					-	1.24	1.24	H(WS)	2.0	703.5	-	WQBEL
	lb/d	Monthly Avg	-					-	-	-	-	13.0			
See technical note.															
Nitrogen, Ammonia (as N) Nov. 1 <sup>st</sup> – May 31 <sup>st</sup>	mg/L	Monthly Avg	-	1.48	1/0			-	1.81	1.81	H(WS)	3.2	703.5	-	WQBEL
	lb/d	Monthly Avg	-					-	-	-	-	20.8			
See technical note.															
Total Phosphorus	mg/L	Monthly Avg		1.59	1/0						Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.	-	-	-	Monitor
	lb/d							-	-						
	lb/mon							-	-						
	lb/yr	12 Month Load						-	-						
Portville WWTP discharges to Dodge Creek which flows into the Allegheny River. The Allegheny Reservoir (P95a) is downstream of the confluence of Dodge Creek and the Allegheny River. However, the facility is not expanding and has been in existence since before 1988. Therefore, a phosphorus limit is not required per TOGS 1.3.6. A monitoring requirement has been added for informational purposes.															
Total Mercury	ng/L	Daily Max				200	ILCA	-	-	0.7	H(FC)	50 (GLCA)	TOGS-1.3.10	-	-
	ng/L	12 MRA					EEQ	-	-	0.7	H(FC)	12 (12MRA)	TOGS-1.3.10	-	WQBEL
See <a href="#">Mercury section of this factsheet</a> .															
Coliform, Fecal	#/100 ml	30d Geo Mean	200	697	17/0	200	TOGS 1.3.3	-					703.4	-	TBEL

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Outfall #	Description of Wastewater: Sanitary Wastewater														
	Type of Treatment: Primary Settling, Secondary Gravel Filter, UV Disinfection														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sup>6</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
		7d Geo Mean	400	10,000	17/0	<b>400</b>	TOGS 1.3.3	-	Narrative: The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.						
Consistent with TOGS 1.3.3, effluent disinfection is required year-round due to the class of the receiving waterbody. Fecal coliform effluent limitations equal to the TBEL are specified.															
Total Residual Chlorine (TRC)	mg/L	Daily Max				2.0	TOGS 1.3.3								
Since UV is used for disinfection, a TRC limit is not necessary.															
Additional Pollutants Detected															
Total Dissolved Solids	mg/L	Daily Max		476	1					500	Narrative	750	703.3		
			No background information is available, therefore zero ambient TDS is assumed. A short-term, high intensity monitoring program is required to verify the reasonable potential of exceeding the WQS. See Schedule Of Submittals in draft Permit for details.												
Oil & Grease	mg/L	Daily Max		<5.4	1			-	--	Narrative: No residue attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules of grease			703.2		
			Since oil and grease was not detected and is not reasonably expected to be present in the effluent, a limit is not necessary.												

## Technical Note

For oxygen-demanding pollutants (BOD and ammonia), the Department uses a model which incorporates the Streeter-Phelps equation. The equation relates decomposition of inorganic and organic matter and oxygen reaeration in ambient water and calculates the resulting ambient dissolved oxygen level. The waste assimilative capacity (WAC) of the stream is determined through an iterative process involving waste Ultimate Oxygen Demand (UOD) as an input to the model to meet a dissolved oxygen endpoint (i.e., an applicable dissolved oxygen level established for the receiving water pursuant to NYS ECL 17-0301). The following technical note explains how the waste assimilative capacity for BOD5 (UOD) was determined along with ammonia limits.

### **1. Waste Assimilative Capacity (WAC)**

A desktop WAC analysis was performed using a Streeter-Phelps model. The design wastewater flow of 1.207 cfs, 7Q10 of 0.6 cfs, temperatures of 25°C and 10°C for summer and winter seasons, respectively; and reaeration and deoxygenation rates (Ka/day, Kd /day) for conventional pollutants were incorporated into the model as inputs. In absence of site-specific data for Ka and Kd, default values were assigned using best professional judgement. The WAC analysis was conducted with a goal of maintaining a dissolved oxygen level of 4 mg/L at all times, pursuant to the water quality standard for Class C waterbodies. A WAC (in terms of UOD) of 200 mg/L and 300 mg/L were calculated for summer and winter seasons, respectively. The computed UODs will ensure that the dissolved oxygen of 4 mg/L will be maintained all times in the receiving water. The high UOD levels indicate that secondary treatment levels are acceptable and are protective of the quality of the receiving water.

### **2. Ammonia Limits**

The ammonia effluent limits were developed using the design wastewater flow and 30Q10 flow of the receiving water. In the absence of a statistically based annual 30Q10 flow, this was estimated from the 7Q10 flow using a multiplication factor of 1.2, resulting in a dilution factor of 1.6:1. Rotating Integrated Basin Studies (RIBS) data for ammonia is not available and therefore the boundary level was set at zero mg/L. The ammonia water quality standards in terms of total ammonia of 1.24 and 1.81 mg/L were obtained from TOGS 1.1.1 using a pH of 7.5 and temperatures of 25°C and 10°C for the summer and winter seasons, respectively. The effluent limits of 2.0 mg/L and 3.2 mg/L for these periods were computed using the applicable standards (as noted above) and the applicable dilution. The toxic ammonia limits were then compared with WAC-derived ammonia values. The toxicity-based ammonia limits were determined to be more stringent than the WAC-derived values and are recommended as effluent limits.

### **Notes**

MA7CD10 and 7Q10 flows are equivalent and defined as the minimum average discharge over a period of seven consecutive days with a recurrence interval of 10 years.

MA30CD10 and 20Q10 flows are equivalent and defined as the minimum average discharge over a period of 30 consecutive days with a recurrence interval of 10 years.

**Reach Description:** The model included the Village of Portville WWTP and the additional flow from the downstream confluence of Dodge Creek with the Allegheny River.



## Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the factsheet for multiple types of SPDES permits. Portions of this Appendix may not be applicable to this specific permit.

### Regulatory References

The provisions of the permit are based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750 and include monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits. Below are the most common citations for the requirements included in SPDES permits:

- Clean Water Act (CWA) 33 section USC 1251 to 1387
- Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations
  - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
  - 6 NYCRR Part 621
  - 6 NYCRR Part 750
  - 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
  - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, referred to as Technical and Operational Guidance Series (TOGS)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E

The following is a quick guide to the references used within the factsheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Best Management Practices (BMPS) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25,2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (DOW 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRTK)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

### Outfall and Receiving Water Information

#### Impaired Waters

The [NYS 303\(d\) List of Impaired/TMDL Waters](#) identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a WLA of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed to



determine the existing capabilities of the wastewater treatment plants and to assure that wasteload allocations (WLAs) are allocated equitably.

### Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95<sup>th</sup> (monthly average) and 99<sup>th</sup> (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program. The [Pollutant Summary Table](#) identifies the number of sample data points available.

### Permit Requirements

#### Basis for Effluent Limitations

Sections 101, 301, 304, 308, 401, 402, and 405 of the CWA and Titles 5, 7, and 8 of Article 17 ECL, as well as their implementing federal and state regulations, and related guidance, provide the basis for the effluent limitations and other conditions in the permit.

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, and/or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

#### Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(l) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this factsheet. Consistent with current case law<sup>7</sup> and USEPA interpretation<sup>8</sup> anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

#### Antidegradation Policy

New York State implements the antidegradation portion of the CWA based upon two documents: (1) Organization and Delegation Memorandum #85-40, "Water Quality Antidegradation Policy" (September 9, 1985); and, (2) TOGS 1.3.9, "Implementation of the NYSDEC Antidegradation Policy – Great Lakes Basin (Supplement to Antidegradation Policy dated September 9, 1985) (undated)." The permit for the facility contains effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, SPDES applications have been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

#### Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed

<sup>7</sup> American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

<sup>8</sup> U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

### *Technology-based Effluent Limitations (TBELs) for Industrial Facilities*

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies and/or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and/or Best Professional Judgment (BPJ).

### *USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility*

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the [USEPA Effluent Limitation Guideline Calculations Table](#).

### *Best Professional Judgement (BPJ)*

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the Department is authorized to issue a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11. The BPJ limitation considers the existing technology present at the facility, the statistically calculated existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

### *Technology-based Effluent Limitations (TBELs)*

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/l, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

### *Technology-based Effluent Limitations (TBELs) for Discharges to Groundwater*

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls for POTWs discharging to surface waters, known as secondary treatment. The applicable regulations are specified

in 40 CFR 133.102 and 6 NYCRR 750-1.11. These and other requirements are summarized in TOGS 1.3.3 and below:

- Secondary treatment requirements of 40 CFR Part 133 will typically not be included unless the facility discharges to a surface water prior to entering the groundwater or if, in the permit writer's judgement, limitations are necessary to prevent nuisance conditions or enhance plant operation.
- Since nitrogen is a component of all domestic wastewater, permits for facilities discharging 30,000 GPD or greater include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent. When this occurs, disinfection requirements and effluent limitations for chlorine residual are developed in accordance with TOGS 1.3.3.

#### *Technology-based Effluent Limitations (TBELS) for Industrial Facilities to Groundwater*

TBELS aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. Requirements for discharges from industrial facilities to groundwater are summarized in TOGS 1.2.1. In accordance with TOGS 1.2.1, for facilities discharging to groundwater:

- Discharges will typically be limited to the more stringent of the groundwater effluent standards in 6 NYCRR 703.6 or the applicable treatment technology listed in TOGS 1.2.1 Attachment (C).
- Discharges from industrial facilities which contain nitrogen or nitrogen compounds include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent.

#### *Water Quality-Based Effluent Limitations (WQBELs)*

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

##### Mixing Zone Analyses

In accordance with TOGS 1.3.1., the Department may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:

“EPA Technical Support Document for Water Quality-Based Toxics Control” (March 1991); EPA Region VIII’s “Mixing Zones and Dilution Policy” (December 1994); NYSDEC TOGS 1.3.1, “Total Maximum Daily Loads and Water Quality-Based Effluent Limitations” (July 1996); “CORMIX v11.0” (2019).

##### Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations

are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using  $1.2 \times 7Q10$  to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

#### Reasonable Potential Analysis (RPA)

The Reasonable Potential Analysis (RPA) is a statistical estimation process, outlined in the 1991 USEPA Technical Support Document for Water Quality-based Toxics Control (TSD), Appendix E. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility. This projected instream concentration (PIC) is calculated using the appropriate ratio and compared to the water quality standard (WQS). When the RPA process determines the WQS may be exceeded, a WQBEL is required. The procedure for developing WQBELs includes the following steps:

- 1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the Department;
- 2) identify water quality criteria applicable to these pollutants;
- 3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,
- 4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The Department uses modeling tools to estimate the expected concentrations of the pollutant in the receiving water and develop WQBELs. These tools were developed in part using the methodology referenced above. If the estimated concentration of the pollutant in the receiving water is expected to exceed the ambient water quality standard or guidance value (i.e. numeric interpretation of a narrative water quality standard), then there is a reasonable potential that the discharge may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. If a TMDL is in place, the facility's WLA for that pollutant is applied as the WQBEL.

For carbonaceous and nitrogenous oxygen demanding pollutants, the Department uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.



A Watershed Maximum Daily Load (WMDL) may be developed by the Department to account for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments. The WMDL uses a simple dilution model, assuming full mix in the receiving stream, to calculate the maximum allowable pollutant load that can be discharged and still meet water quality standards during critical low flow in downstream segments such as those with sensitive receptors (e.g. public water supply) or higher water classification. WQBELs are established to ensure that the cumulative mass load from point source discharges does not exceed the maximum allowable load to ensure permit limits are protective of water quality.

### *Water Quality-Based Effluent Limitations (WQBELs) for Discharges to Groundwater*

The procedure for developing WQBELs includes identifying the pollutants present in the discharge(s), identifying water quality criteria applicable to these pollutants, determining if WQBELs are necessary (reasonable potential), and calculating the WQBELs. For groundwater discharges, if the expected concentration of the pollutant of concern in the receiving water may exceed the ambient groundwater quality standard or guidance value, then there is reasonable potential that the discharge may cause or contribute to a violation of the water quality, and a WQBEL for the pollutant is required.

WQBELs for groundwater discharges are based on the groundwater effluent limits set forth in 6 NYCRR Part 703 (Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations) except as noted in 6 NYCRR 702.21. TOGS 1.1.1 provides a listing of groundwater effluent limitations for substances having an ambient water quality standard or guidance value. Groundwater effluent limitations are applied at the point of discharge to the groundwater distribution system.

For land treatment systems with no accessible final sampling points, such as constructed wetland treatment systems or buried sand filters, permit limitations for groundwater discharges are typically based on ambient groundwater quality standards or guidance values applied at representative down gradient monitoring well(s). Limitations at the downgradient sampling point are set at the Class GA ambient groundwater standards, rather than at the groundwater effluent limits promulgated under 6 NYCRR 703.6, as compliance is determined based upon the concentrations present in the downgradient groundwater monitoring well at the groundwater interface.

Class GA standards are established for the protection of sources of drinking water designated as Health (Water Source) or H(W.S) in TOGS 1.1.1. As such, effluent limitations based on aquatic life criteria and WET testing requirements are not applicable to groundwater discharges.

### *Whole Effluent Toxicity (WET) Testing:*

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity testing should be included in SPDES permits. The authority to require toxicity testing is in 6NYCRR 702.9. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

1. There is the presence of substances in the effluent for which ambient water quality criteria do not exist.
2. There are uncertainties in the development of TMDLs, WLAs, and WQBELs, caused by inadequate ambient and/or discharge data, high natural background concentrations of pollutants, available treatment technology, and other such factors.
3. There is the presence of substances for which WQBELs are below analytical detectability.
4. There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five.

5. There are observed detrimental effects on the receiving water biota.
6. Previous WET testing indicated a problem.
7. POTWs which exceed a discharge of 1 MGD. Facilities of less than 1 MGD may be required to test, e.g., POTWs <1 MGD which are managing industrial pretreatment programs.

### *Minimum Level of Detection*

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is “sufficiently sensitive” when the method’s minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

### *Monitoring Requirements*

CWA section 308, 40 CFR 122.44(i), 6 NYCRR 750-1.13, and 750-2.5 require that monitoring be included in permits to determine compliance with effluent limitations. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required. The permittee is responsible for conducting the monitoring and reporting results on Discharge Monitoring Reports (DMRs). The permit contains the monitoring requirements for the facility. Monitoring frequency is based on the minimum sampling necessary to adequately monitor the facility’s performance and characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels (6 NYCRR 750-1.13). For industrial facilities, sampling frequency is based on guidance provided in TOGS 1.2.1. For municipal facilities, sampling frequency is based on guidance provided in TOGS 1.3.3.

### *Other Conditions*

#### *Mercury*

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) “to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed.” The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The Department has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

All surface water SPDES permittees are eligible for authorization by the MDV provided they meet the requirements specified in DOW 1.3.10.

### *Schedules of Compliance*

Schedules of compliance are included in accordance with 40 CFR Part 132 Attachment F, Procedure 9, 40 CFR 122.47 and 6 NYCRR 750-1.14. Schedules of compliance are intended to, in the shortest reasonable time, achieve compliance with applicable effluent standards and limitations, water quality standards, and other applicable requirements. Where the time for compliance is more than nine months, the schedule of compliance must include interim requirements and dates for their achievement. If the time necessary to complete the interim milestones is more than nine months, and not readily divisible into stages for completion, progress reports must be required.

### Schedule(s) of Additional Submittals

Schedules of Additional Submittals are used to summarize the deliverables required by the permit not identified in a separate Schedule of Compliance.

### Best Management Practices (BMP) for Industrial Facilities

BMP plans are authorized for inclusion in NPDES permits pursuant to Sections 304(e) and 402 (a)(1) of the Clean Water Act, and 6 NYCRR 750-1.14(f). The regulations pertaining to BMPs are promulgated under 40 CFR Part 125, Subpart K. These regulations specifically address surface water discharges.

### Pollutant Minimization Programs

Pollutant Minimization Programs are included when a pollutant is being discharged from the facility at detectable levels and the ML for the most sensitive method is greater than the calculated WQBEL. These programs typically include an on-going potential source identification, evaluation, and prioritization program to demonstrate progress towards meeting the goal of the WQBEL. Pollutant Minimization Plan requirements are based on 40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1.

### Mini Industrial Pretreatment Program

Pretreatment requirements are intended to protect a WWTP from receiving pollutants that cause pass through or interference to the operations of the POTW receiving such wastes. When necessary, the Department, in accordance with TOGS 1.3.3. and through issued SPDES permits, requires WWTPs to develop and implement mini or partial pretreatment programs. These requirements are consistent with regulations in 6 NYCRR §750-2.9(b)(1), ECL 17-0811, ECL 17-0825, and 40 CFR §403.5.

As part of the mini pretreatment program, a WWTP must identify industrial users; determine whether legal authority controls (e.g. sewer use laws) are adequate; require, issue, and enforce industrial user permits; and, implement the program.