

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

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2014 AUG 18 PM 12:40
BUFFALO SEWER AUTHORITY



Joe Martens
Commissioner

August 15, 2014

CERTIFIED MAIL, RETURN RECEIPT

Mr. David P. Comerford
General Manager
Buffalo Sewer Authority
1038 City Hall
Buffalo, New York 14202-3310

Dear Mr. Comerford:

**NOTICE OF INTENT TO MODIFY
STATE POLLUTANT DISCHARGE ELIMINATION
SYSTEM (SPDES) PERMIT
DEC NO. 9-1402-00154/00002
SPDES NO. NY 0028410**

This is to inform you that pursuant to Environmental Conservation Law, Article 17, Title 8 and 6 NYCRR Part 750, the New York State Department of Environmental Conservation has made a determination to modify your referenced State Pollutant Discharge Elimination System Permit. The modified permit contains the following change from the previous version:

The BSA CSO Long Term Control Plan (LTCP) was approved on March 18, 2014. The EPA subsequently issued a revised Administrative Order (CWA-02-2014-3033) which addressed implementation of the LTCP.

BSA shall implement the approved CSO LTCP in accordance with the EPA Order (CWA-02-2014-3033) and the implementation schedules contained therein.

This change to this permit is contained on page 18.

This modification will become effective on October 1, 2014 unless you either submit on or prior to September 2, 2014 a written statement giving reasons why the permit should not be so modified or petition for a hearing, and if no written objection is received by this office from the Regional Administrator of the U.S. Environmental Protection Agency. Any such petition for a hearing shall contain specific evidence to support your contention that a hearing is necessary in accordance with 6 NYCRR, Part 621.

Thank you for your cooperation.

Respectfully,

David S. Denk
Regional Permit Administrator

MFP
Enclosures

ecc: Mr. Jeffrey Konsella, NYSDEC, Division of Water, Buffalo, Attn: Mr. William Smythe (w/enc)
Ms. Cheri Jamison, NYSDEC, Bureau of Water Permits, Albany (w/enc)
Mr. Brian Baker, NYSDEC, Division of Water, Albany (w/enc)
Ms. Michelle Josilo, U.S. Environmental Protection Agency, Region II (w/enc)
Erie County Health Department (w/enc)

SPDES Permit Statement of Basis

Permittee: Buffalo Sewer Authority
Facility: Bird Island WWTP
SPDES No: SPDES NO. 0028410

Date: August 15, 2014
Permit Writer: J. Robert Smythe

The department initiated modified draft SPDES permit is proposed and includes new language for implementation of the Buffalo Sewer Authority Long Term Control Plan (LTCP) approved March 18, 2014.

The only change to this permit is contained on page 18, with the following language added:

The BSA CSO Long Term Control Plan (LTCP) was approved on March 18, 2014. The EPA subsequently issued a revised Administrative Order (CWA-02-2014-3033) which addressed implementation of the LTCP.

BSA shall implement the approved CSO LTCP in accordance with the EPA Order (CWA-02-2014-3033) and the implementation schedules contained therein.

This permit may be reopened for modification to include any additional requirements in accordance with 6 NYCRR Part 621.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

First3.99

Industrial Code: **4952**
Discharge Class (CL): **05**
Toxic Class (TX): **T**
Major Drainage Basin: **01**
Sub Drainage Basin: **01**
Water Index Number: **Ont 158**
Compact Area:

SPDES Number: **NY0028410**
DEC Number: **9-1402-00154/00002**
Effective Date (EDP): **07/01/2014**
Expiration Date (ExDP): **06/30/2019**
Modification Date (EDPM): **10/01/2014**

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.) (hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: **Buffalo Sewer Authority**
Street: **1038 City Hall**
City: **Buffalo**

Attention: **David P. Comerford, General Manager**

State: **NY** Zip Code: **14202-3310**

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **Bird Island Wastewater Treatment Facility**
Location (C,T,V): **Buffalo (C)**
Facility Address: **90 West Ferry Street**
City: **Buffalo**

Contact: **James Keller Jr.,**
County: **Erie**

State: **NY** Zip Code: **14213**

NYTM -E: **181.42**

NYTM - N: **4759.77**

From Outfall No.: **002** at Latitude: **42 ° 55 ' 16 "** & Longitude: **78 ° 54 ' 20 "**

into receiving waters known as: **Niagara River**

Class: **A-Special**

See additional outfalls listing on pages 3 through 5 of this permit.

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **Buffalo Sewer Authority**
Street: **90 West Ferry Street**
City: **Buffalo**

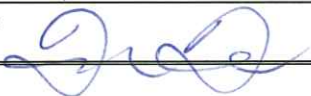
State: **NY** Zip Code: **14213**

Responsible Official or Agent: **Sal LoTempio, Plant Superintendent** Phone: **(716) 883-1820**

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:

BWP – Permit Writer
BWP – Permit Coordinator
Regional Water Engineer - Region 9
Regional Permit Administrator – Region 9
Michelle Josilo - EPA Region II

Regional Permit Administrator: David S. Denk	
Address: NYSDEC - Division of Environmental Permits 270 Michigan Avenue Buffalo, NY 14203-2915	
Signature: 	Date: 8/15/14

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I. ADDITIONAL OUTFALLS

a) Treatment Plant

Outfall	Type	Location	Latitude	Longitude	Receiving Water
001	Primary Treatment Outfall	West Wall - Bird Island	42° 55' 10" N	78° 54' 16" W	Niagara River
01A	Headworks Bypass	West Wall - Bird Island	42° 55' 01" N	78° 54' 14" W	Niagara River
002	WWTF Outfall	West Wall - Bird Island	42° 55' 16" N	78° 54' 20" W	Niagara River

b) Combined Sewer Overflows

Outfall	Type	Location	Latitude	Longitude	Receiving Water
003	Weir & Orifice	Austin Street	42° 56' 14" N	78° 54' 26" W	Black Rock Canal
004	Leaping Weir	Bird Avenue	42° 55' 34" N	78° 53' 57" W	Black Rock Canal
005	Manhole	Potomac Avenue	42° 55' 27" N	78° 53' 27" W	Black Rock Canal
006	Weir & Orifice	W. Delevan Avenue	42° 55' 20" N	78° 53' 29" W	Black Rock Canal
007	Weir & Orifice	W. Delevan Avenue	42° 55' 20" N	78° 55' 20" W	Black Rock Canal
008	Leaping Weir	Brace Street	42° 55' 15" N	78° 54' 00" W	Black Rock Canal
009	Leaping Weir	Auburn Street	42° 55' 08" N	78° 54' 03" W	Black Rock Canal
010	Leaping Weir	Breckenridge Street	42° 55' 02" N	78° 54' 05" W	Black Rock Canal
011	Weir & Orifice	Albany St to W. Wall - Bird Island	42° 54' 49" N	78° 54' 12" W	Niagara River
012	Weir & Orifice	Albany Street	42° 54' 48" N	78° 54' 07" W	Black Rock Canal
013	Weir & Orifice	Virginia Street	42° 53' 20" N	78° 53' 37" W	Buffalo Harbor
014	Manhole	Fourth Street	42° 53' 01" N	78° 53' 12" W	Erie Basin Slip #3
015	Leaping Weir	Genesee Street	42° 52' 58" N	78° 53' 07" W	Erie Basin Slip
016	Weir & Orifice	Erie Street	42° 52' 55" N	78° 52' 57" W	Erie Basin
017	Manhole	Hamburg Drain, Main Street	42° 52' 38" N	78° 52' 47" W	Buffalo River
022	Manhole	Baltimore Street	42° 52' 23" N	78° 52' 29" W	Buffalo River
023	Manhole	Ohio Street	42° 52' 01" N	78° 52' 05" W	Buffalo River
025	Manhole	Hamburg Street	42° 51' 51" N	78° 51' 37" W	Buffalo River
026	Manhole	Smith Street	42° 51' 49" N	78° 51' 03" W	Buffalo River
027	Weir & Orifice	Babcock Street	42° 51' 48" N	78° 50' 16" W	Buffalo River
028	Manhole	Boone Street	42° 51' 38" N	78° 49' 56" W	Buffalo River

Outfall	Type	Location	Latitude	Longitude	Receiving Water
029	Weir & Orifice	Boone Street	42° 51' 38" N	78° 49' 56" W	Buffalo River
031	Manhole	Kimmel Avenue	42° 21' 37" N	78° 49' 29" W	Cazenovia Creek
032	Manhole	W. of Bailey Avenue	42° 51' 43" N	78° 49' 35" W	Buffalo River
033	Leaping Weir	Bailey Avenue	42° 51' 48" N	78° 49' 33" W	Buffalo River
035	Weir & Orifice	Cazenovia Park	42° 51' 02" N	78° 48' 31" W	Cazenovia Creek
037	Manhole	Salem Street	42° 51' 09" N	78° 48' 41" W	Cazenovia Creek
038	Manhole	Kingston Place	42° 51' 10" N	78° 48' 40" W	Cazenovia Creek
039	Leaping Weir	Tamarack Street	42° 51' 13" N	78° 48' 46" W	Cazenovia Creek
040	Manhole	Yale Place	42° 51' 15" N	78° 48' 46" W	Cazenovia Creek
042	Manhole	S. Ryan Street	42° 51' 19" N	78° 48' 51" W	Cazenovia Creek
044	Manhole	Mumford Street	42° 51' 27" N	78° 49' 06" W	Cazenovia Creek
046	Leaping Weir	Unger Avenue	42° 51' 32" N	78° 49' 13" W	Cazenovia Creek
047	Manhole	Southside Parkway	42° 51' 35" N	78° 49' 22" W	Cazenovia Creek
048	Weir & Orifice	E. of Bailey Ave.	42° 51' 38" N	78° 49' 29" W	Cazenovia Creek
049	Weir & Orifice	W. of Bailey Ave.	42° 51' 42" N	78° 49' 36" W	Buffalo River
050	Weir & Orifice	Seneca Street	42° 51' 20" N	78° 49' 16" W	Buffalo River
051	Weir & Orifice	Hillery Park	42° 51' 43" N	78° 48' 38" W	Buffalo River
052	Weir & Orifice	S. Ogden Street	42° 51' 54" N	78° 48' 08" W	Buffalo River
053	Weir & Gate	Scajaquada Drain	42° 55' 26" N	78° 51' 26" W	Scajaquada Creek
054	Manhole	Crowley Avenue	42° 57' 07" N	78° 54' 36" W	Niagara River
055	Weir	Niagara Street	42° 56' 35" N	78° 54' 35" W	Cornelius Creek, Niagara River
056	Weir	Nottingham Terrace	42° 56' 06" N	78° 52' 39" W	Scajaquada Creek
057	Weir	Tonawanda	42° 55' 43" N	78° 53' 52" W	Scajaquada Creek
058	Weir	West Avenue	42° 55' 49" N	78° 53' 45" W	Scajaquada Creek
059	Weir	DeWitt Street	42° 55' 51" N	78° 53' 39" W	Scajaquada Creek
060	Weir	Elmwood Avenue	42° 56' 04" N	78° 52' 42" W	Scajaquada Creek
061	Weir	Scajaquada Tunnel, Lafayette Avenue	42° 55' 15" N	78° 54' 01" W	Black Rock Canal
062	Weir	West Ferry Street	42° 54' 55" N	78° 54' 07" W	Black Rock Canal
063	Weir	Front Park	42° 54' 10" N	78° 54' 07" W	Black Rock Canal

Outfall	Type	Location	Latitude	Longitude	Receiving Water
064	Manhole	Ohio Drain, Ohio Street	42° 51' 59" N	78° 52' 06" W	Buffalo River
066	Manhole	Sloan Drain, S. Ogden Street	42° 51' 53" N	78° 49' 21" W	Buffalo River

II. PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING		
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)		
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE	
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.			
PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2 that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: 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 MAX.: The highest allowable daily discharge. **DAILY MIN.:** The lowest allowable daily discharge.

MONTHLY AVG: 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.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

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.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. **TYPE I:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. **TYPE II:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

III. PERMIT LIMITS, LEVELS AND MONITORING

a) Effluent Limits for Outfall 002

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
002	All Year unless otherwise noted	Niagara River	01/01/2010	06/30/2014

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	MRA	180	MGD			Continuous	Recorder	X		1, 5
BOD ₅	Monthly average	30	mg/l	45036	lbs/d	1/day	24-hr. comp.	X	X	2
BOD ₅	7 day average	45	mg/l	67554	lbs/d	1/day	24-hr. comp.	X	X	
Solids, Total Suspended	Monthly average	30	mg/l	45036	lbs/d	1/day	24-hr. comp.	X	X	2
Solids, Total Suspended	7 day average	45	mg/l	67554	lbs/d	1/day	24-hr. comp.	X	X	
Solids, Settleable	Daily Maximum	0.3	ml/l			6/day	grab	X	X	3
pH	Range	6.0 – 9.0	SU			6/day	grab	X	X	
Nitrogen, Ammonia (as NH ₃)	Daily Maximum	Monitor	mg/l			1/month	24-hr. comp.	X	X	
Nitrogen, TKN (as N)	Daily Maximum	Monitor	mg/l			1/month	24-hr. comp.	X	X	
Temperature	Daily Maximum	Monitor	Deg F			6/day	grab	X	X	
Phenols, Total	Monthly average			36.6	lbs/d	1/month	24-hr. comp.		X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1/day	24-hr. comp.		X	
Mercury, Total	Daily Maximum	50	ng/l			1/month	Grab			4
Effluent Disinfection required: [X] All Year [] Seasonal from _____ to _____										
Coliform, Fecal	30 day geometric mean	200	No./100 ml			1/day	grab		X	6
Coliform, Fecal	7 day geometric mean	400	No./100 ml			1/day	grab		X	6
Chlorine, Total Residual	Daily Maximum	2.0	mg/l			6/day	grab		X	3, 6

FOOTNOTES:

- The 12 month rolling average (MRA) shall be the average of the monthly average of the current month plus the monthly average of the eleven previous months.
- A monthly effluent value shall not exceed 15 % and 15 % of influent values for BOD 5 & TSS respectively for flows up to 180 MGD.
- The sample measurement for each day is calculated as the arithmetic mean of the total number of daily samples. Therefore the daily maximum is the highest of the approximately 30 daily arithmetic means calculated. The definition is derived from the DMR Manual, NYSDEC, 2002, Page 9, Section 4.4.
- The proposed limit will be **50 ng/l** until the Department reviews the Mercury Minimization Program (MMP). The calculated Water Quality Based Effluent Limit (WQBEL) for Mercury is 0.7 ng/l based on the Water Quality Evaluation for this discharge. However available information indicates this concentration is not achievable by this treatment facility. Therefore, Best Professional Judgement (BPJ) has been used to determine an interim limit of 50 ng/L the permittee can comply with. The goal of the MMP is to attain calculated WQBEL.
- This outfall shall be utilized in accordance with the existing Wet Weather Operating Plan.
- Monitoring of these parameters is only required during the period when disinfection is required.

b) Type II Action Level Monitoring for Outfall 002

OUTFALL NUMBER	WASTEWATER TYPE				EFFECTIVE	EXPIRING
002	Municipal with contributing industries				01/01/2010	06/30/2014
PARAMETER	ACTION LEVEL	UNITS	PQL (lbs/day)	SAMPLE FREQUENCY	SAMPLE TYPE	FN
Cadmium, Total	30	lbs/d	0.6	1/month	24 hr. comp.	
Chromium, Total	12.5	lbs/d	6.0	1/month	24-hr. comp.	
Copper, Dissolved	Monitor	lbs/d		1/month	24-hr. comp.	
Copper, Total	31.9	lbs/d	6.0	1/month	24 hr. comp.	
Cyanide, Total	90.0	lbs/d	90	1/month	24-hr. comp.	
Lead, Total	66.2	lbs/d	6.0	1/month	24-hr. comp.	
Nickel, Total	43.8	lbs/d	6.0	1/month	24 hr. comp.	
Zinc, Total	174	lbs/d	0.3	1/month	24-hr. comp.	
Zinc, Dissolved	Monitor	lbs/d		1/month	24-hr. comp.	
Bis(2-Ethylhexyl)Phthalate	16.7	lbs/d	12.0	1/month	24-hr. comp.	

c) Monitoring Requirements for Outfall 001

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER		EFFECTIVE	EXPIRING				
001	All Year unless otherwise noted	Niagara River		01/01/2010	06/30/2014				
PARAMETER	EFFLUENT LIMIT			MONITORING REQUIREMENTS					FN
	Type	Limit	Units	Sample Frequency	Sample Type	Location			
						Inf.	Eff.		
Flow	Monthly Total	Monitor	MGD	Continuous	Recorder/Totalizer		X	1, 2	
BOD ₅	Daily Max.	Monitor	mg/l	1/Event	Composite		X	3	
Solids, Suspended	Daily Max.	Monitor	mg/l	1/Event	Composite		X	3	
Solids, Settleable	Daily Max.	Monitor	ml/l	1/Event	grab		X	4	
Ammonia as N, mg/l, lbs/day	Daily Max.	Monitor	mg/l	1/Event	Composite		X	3	
TKN as N	Daily Max.	Monitor	mg/l	1/Event	Composite		X	3	
Phosphorus	Daily Max.	Monitor	mg/l	1/Event	Composite		X	3	
Oil & Grease	Daily Max.	Monitor	mg/l	1/Event	grab		X	3	
Coliform, Fecal	30 day geometric mean	Monitor	No./ 100 ml	1/Event	grab		X	4	
Coliform, Fecal	7 day geometric mean	Monitor	No./ 100 ml	1/Event	grab		X	4	
Chlorine, Total Residual	Daily Max.	2.0	mg/l	1/Event	grab		X	4	

FOOTNOTES

- Flows shall be managed in accordance to the existing Wet Weather Operating Plan. All flows up to the headworks capacity and not passed through outfall 002 shall be passed through outfall 001. This requirement may be superseded by the provisions in the ongoing Consent Decree.
- Flow shall be continuously recorded and totalized. Flow reported on the Discharge Monitoring Report shall be the total flow discharge for the calendar month reporting period.
- Samples shall be composite of grab samples, one taken every four hours.
- Grab samples to be taken every four hours during each event.

IV. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR HEADWORKS BYPASS ROUTINE MONITORING REQUIREMENTS

MONITORING REQUIREMENTS								
OUTFALL No.	LIMITATIONS APPLY:			EFFECTIVE	EXPIRING			
001A	All Year unless otherwise noted			01/01/2010	06/30/2014			
PARAMETER	EFFLUENT LIMIT			MONITORING REQUIREMENTS				
	Type	Limit	Units	Sample Frequency	Sample Type	Location		FN
						Inf.	Eff.	
Flow, MG	Monthly Total	Monitor	MGD	1/Event	Estimated	X		(1)
BOD,5-day mg/l	Daily Max.	Monitor	mg/l	1/Event	Grab		X	
Solids, Suspended mg/l	Daily Max.	Monitor	mg/l	1/Event	Grab		X	
Solids, Settleable ml/l	Daily Max.	Monitor	ml/l	1/Event	Grab		X	
Oil & Grease mg/l	Daily Max.	Monitor	mg/l	1/Event	Grab		X	

(1) This outfall shall be used in accordance with the existing Wet Weather Operating Plan and/or for emergency use only.

V. WHOLE EFFLUENT TOXICITY

PARAMETER	EFFLUENT LIMIT		PQL	MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Monthly Avg.	Daily Max.	Daily Max.	TYPE I	TYPE II			
WET - Chronic Invertebrate				101		TUc	Quarterly	Footnote 1
WET - Chronic Vertebrate				101		TUc	Quarterly	Footnote 1

Footnote

1. Whole Effluent Toxicity Testing for Outfall 002

Testing Requirements - WET testing shall consist of **Chronic only**. WET testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be *Ceriodaphnia dubia* (water flea - invertebrate) and *Pimephales promelas* (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24 hr composite samples with one renewal for Acute tests and three 24 hr composite samples with two renewals for Chronic tests). The appropriate dilution series bracketing the IWC and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is **50:1** for acute, and **100:1** for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed at the specified sample frequency **during calendar years ending in 2 and 7**.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48 \text{ hr LC}_{50})$ or $(100)/(48 \text{ hr EC}_{50})$ (note that Acute data is generated by both Acute and Chronic testing) and $TU_c = (100)/(NOEC)$ when Chronic testing has been performed or $TU_c = (TU_a) \times (10)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC₅₀ or 48 hr EC₅₀ and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TU_c. Report a TU_a of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.

The complete test report including all corresponding results, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period to the Toxicity Testing Unit. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a, 48 hr LC₅₀ or 48 hr EC₅₀ for Acute tests and/or TU_c, NOEC, IC₂₅, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

VI. PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

- A. **DEFINITIONS.** Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section (PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS):
1. **Categorical Industrial User (CIU)-** an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
 2. **Local Limits -** General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.
 3. **The Publicly Owned Treatment Works (the POTW) -** as defined by 40 CFR 403.3(q) and that discharges in accordance with this permit.
 4. **Program Submission(s) -** requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and approved by letter dated September 11, 1984.
 5. **Significant Industrial User (SIU) -**
 - a. CIUs;
 - b. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
 - c. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - d. Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.
 6. **Substances of Concern -** Substances identified by the New York State Department of Environmental Conservation Industrial Chemical Survey as substances of concern.
- B. **IMPLEMENTATION.** The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:
1. **Industrial Survey.** To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:
 - a. Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. This identification and location list will be updated, at a minimum, every five years. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.
 - b. Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.
 - c. Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all significant industrial users of the POTW.
 2. **Control Mechanisms.** To provide adequate notice to and control of industrial users of the POTW the permittee shall:

- a. Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.
 - b. Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).
3. Monitoring and Inspection. To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:
 - a. Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.
 - b. The permittee shall adequately inspect each SIU at a minimum frequency of once per calendar year.
 - c. The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.
 - d. Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.
4. Enforcement. To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:
 - a. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.
 - b. Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.
 - c. Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(viii).
 - d. Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.
5. Record keeping. The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR Part 750-2.5(c).
6. Staffing. The permittee shall maintain minimum staffing positions committed to implementation of the Industrial

Pretreatment Program in accordance with the approved pretreatment program.

- C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.
- D. REPORTING. The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Compliance Branch; USEPA Region II; 290 Broadway; New York, NY 10007; an annual report that briefly describes the permittee's program activities over the previous year. This report shall be submitted to the above noted offices within 60 days of the end of the reporting period. The reporting period shall be annual with reporting period(s) ending on April 30 of each year.

The annual report shall include:

1. Industrial Survey. Updated industrial survey information in accordance with 40 CFR 403.12(i)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).
2. Implementation Status. Status of Pretreatment Program Implementation, to include:
 - a. Any interference upset or permit violations experienced at the POTW directly attributable to industrial users.
 - b. Listing of significant industrial users issued permits.
 - c. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.
 - d. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards that are on compliance schedules. The listing should include for each facility the final date of compliance.
 - e. Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIU's organized by parameter.
 - f. A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.
3. Enforcement Status. Status of enforcement activities to include:
 - a. Listing of significant industrial users in Significant Non-Compliance (as defined by 40 CFR 403.8(f)(2)(viii)) with federal or local pretreatment standards at end of the reporting period.
 - b. Summary of enforcement activities taken against non-complying significant industrial users. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR Part 403.8(f)(2)(viii).

VII. BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS

The permittee shall implement the following Best Management Practices (BMPs). These BMPs are designed to implement operation & maintenance procedures, utilize the existing treatment facility and collection system to the maximum extent practicable, and implement sewer design, replacement and drainage planning, to maximize pollutant capture and minimize water quality impacts from combined sewer overflows. The BMPs are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy. The EPA's policy is available at http://cfpub.epa.gov/npdes/cso/cpolicy.cfm?program_id=5.

1. CSO Maintenance/Inspection - The permittee shall develop a written maintenance and inspection program for all CSOs listed on page(s) 3-5 of this permit. This program shall include all regulators tributary to these CSOs, and shall be conducted during periods of both dry and wet weather. This is to insure that no discharges occur during dry weather and that the maximum amount of wet weather flow is conveyed to the Bird Island POTW for treatment. This program shall consist of inspections with required repair, cleaning and maintenance done as needed. This program shall consist of monthly inspections.

Inspection reports shall be completed indicating visual inspection, any observed flow, incidence of rain or snowmelt, condition of equipment and work required. These reports shall be in a format approved by the Regional Office and submitted to the Region with the monthly operating report (Form 92-15-7).

2. Maximum Use of Collection System for Storage - The permittee shall optimize the collection system by operating and maintaining it to minimize the discharge of pollutants from CSOs. It is intended that the maximum amount of in-system storage capacity be used (without causing service backups) to minimize CSOs and convey the maximum amount of combined sewage to the treatment plant in accordance with Item 4 below.

This shall be accomplished by an evaluation of the hydraulic capacity of the system but should also include a continuous program of flushing or cleaning to prevent deposition of solids and the adjustment of regulators and weirs to maximize storage.

3. Industrial Pretreatment - The approved Industrial Pretreatment Program shall consider CSOs in the calculation of local limits for indirect discharges. Discharge of persistent toxics upstream of CSOs will be in accordance with guidance under (NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.3.8 New Discharges to POTWs. (<http://www.dec.ny.gov/regulations/2652.html>). For industrial operations characterized by use of batch discharge, consideration shall be given to the feasibility of a schedule of discharge during conditions of no CSO. For industrial discharges characterized by continuous discharge, consideration must be given to the collection system capacity to maximize delivery of waste to the treatment plant. Non-contact cooling water should be excluded from the combined system to the maximum extent practicable. Direct discharges of cooling water must apply for a SPDES permit. To the maximum extent practicable, consideration shall be given to maximize the capture of non-domestic waste containing toxic pollutants and this wastewater should be given priority over residential/commercial service areas for capture and treatment by the POTW.
4. Maximize Flow to POTW - Factors cited in Item 2. above shall also be considered in maximizing flow to the POTW. Maximum delivery to the POTW is particularly critical in treatment of "first-flush" flows. The treatment plant shall be capable of receiving and treating: the peak design hydraulic loading rates for all process units; i.e., a minimum of 450MGD through the plant headworks; and a minimum of 300 MGD through the secondary treatment works during wet weather in accordance with the existing Wet Weather Operating Plan. The collection system and headworks must be capable of delivering these flows during wet weather. If the permittee cannot deliver maximum design flow for treatment, the permittee shall submit a plan and schedule for accomplishing this requirement within 12 months after the effective date of this permit.
5. Wet Weather Operating Plan - The permittee shall maximize treatment during wet weather events. This shall be accomplished by having a wet weather operating plan containing procedures so as to operate unit processes to treat maximum flows while not appreciably diminishing effluent quality or destabilizing treatment upon return to dry weather operation. The BSA must continue to implement the wet weather operations plan

The submission of a wet weather operating plan is a one time requirement that shall be done to the Department's satisfaction once. However, a revised wet weather operating plan must be submitted whenever the POTW and/or sewer collection system is significantly replaced or modified in a manner that impacts flows at Bird Island WWTP. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submission. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT".

6. Prohibition of Dry Weather Overflow - Dry weather overflows from the combined sewer system are prohibited. The occurrence of any dry weather overflow shall be promptly abated and reported to the NYSDEC Region 9 Office within 24 hours. A written report shall also be submitted within fourteen (14) days of the time the permittee becomes aware of the occurrence. The occurrence of any dry weather overflow shall be promptly abated and reported to the NYSDEC Regional Office in accordance with 6 NYCRR Part 750-2.7.
7. Control of Floatable and Settleable Solids - The discharge of floating solids, oil and grease, or solids of sewage origin which cause deposition in the receiving waters, is a violation of the NYS Narrative Water Quality Standards contained in Part 703. As such, the permittee shall implement best management practices in order to eliminate or minimize the discharge of these substances. All of the measures cited in Items 1, 2, 4 & 5 above shall constitute approvable "BMPs" for mitigation of this problem. If aesthetic problems persist, the permittee should consider additional BMP's including but not limited to: street sweeping, litter control laws, installation of floatables traps in catch basins (such as hoods), booming and skimming of CSOs, and disposable netting on CSO outfalls. In cases of severe or excessive floatables generation, booming and skimming should be considered an interim measure prior to implementation of final control measures. Public education on harmful disposal practices of personal hygienic devices may also be necessary including but not limited to: public broadcast television, printed information inserts in sewer bills, or public health curricula in local schools.
8. Combined Sewer System Replacement - Replacement of combined sewers shall not be designed or constructed unless approved by NYSDEC. When replacement of a combined sewer is necessary it shall be replaced by separate sanitary and storm sewers to the greatest extent possible. These separate sanitary and storm sewers shall be designed and constructed simultaneously but without interconnections to maximum extent practicable. When combined sewers are replaced, the design should contain cross sections which provide sewage velocities which prevent deposition of organic solids during low flow conditions.
9. Combined Sewer/Extension - Combined sewer/extension, when allowed should be accomplished using separate sewers. These sanitary and storm sewer extensions shall be designed and constructed simultaneously but without interconnections. No new source of storm water shall be connected to any separate sanitary sewer in the collection system.

If separate sewers are to be extended from combined sewers, the permittee shall demonstrate the ability of the sewerage system to convey, and the treatment plant to adequately treat, the increased dry-weather flows. Upon a determination by the Regional Water Engineer an assessment shall be made by the permittee of the effects of the increased flow of sanitary sewage or industrial waste on the strength of CSOs and their frequency of occurrence including the impacts upon best usage of the receiving water. This assessment should use techniques such as collection system and water quality modeling contained in the 1999 Water Environment Federation Manual of Practice FD-17 entitled, Prevention and Control of Sewer System Overflows, 2nd edition.

10. Sewage Backups - If, there are documented, recurrent instances of sewage backing up into house(s) or discharges of raw sewage onto the ground surface from surcharging manholes, the permittee shall, upon letter notification from DEC, prohibit further connections that would make the surcharging/back-up problems worse.
11. Septage and Hauled Waste - The discharge or release of septage or hauled waste upstream of a CSO is prohibited.
12. Control of Run-off - It is recommended that the impacts of run-off from development and re-development in areas served by combined sewers be reduced by requiring compliance with the New York Standards for Erosion and Sediment Control and the quantity control requirements included in the New York State Stormwater Management Design Manual. (<http://www.dec.ny.gov/chemical/8694.html>).
13. Public Notification - The permittee shall continue to maintain identification signs at all CSO outfalls owned and operated by the permittee. The permittee shall place the signs at or near the CSO outfalls and ensure that the signs are easily readable by the public. 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:

N.Y.S. PERMITTED DISCHARGE POINT
(wet weather discharge)
SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: () - ### - ####

OR: _____

The permittee shall implement a public notification program to inform citizens of the location and occurrence of CSO events in accordance with the proposed Consent Order Decree.

14. Characterization and Monitoring - The permittee shall characterize the combined sewer system, determine the frequency of overflows, and identify CSO impacts in accordance with Combined Sewer Overflows, Guidance for Nine Minimum Controls, EPA, 1995, Chapter 10. These are minimum requirements, more extensive characterization and monitoring efforts which may be required as part of the Long Term Control Plan.
15. Annual Report - The permittee shall submit an annual report summarizing implementation of the above best management practices (BMPs). The report shall list existing documentation of implementation of the BMPs and shall be submitted by January 31st of each year to the Regional office listed on the Recording, Reporting and Additional Monitoring page of this permit and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505. Examples of recommended documentation of the BMPs are found in Combined Sewer Overflows, Guidance for Nine Minimum Controls (NMC), EPA, 1995. The permittee may obtain an electronic copy of the NMC guidance at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. For guidance on developing the annual report, a BMP checklist is available from DEC on-line at http://www.dec.ny.gov/docs/water_pdf/csobmp.pdf. The permittee must submit a completed copy of this checklist along with the annual report. The actual documentation shall be stored at a central location and be made available to DEC upon request.

VIII.**CSO LONG-TERM CONTROL PLAN**

The BSA CSO Long Term Control Plan (LTCP) was approved on March 18, 2014. The EPA subsequently issued a revised Administrative Order (CWA-02-2014-3033) which addressed implementation of the LTCP.

BSA shall implement the approved CSO LTCP in accordance with the EPA Order (CWA-02-2014-3033) and the implementation schedules contained therein.

This permit may be reopened for modification to include any additional requirements in accordance with 6 NYCRR Part 621.

IX. STORM WATER POLLUTANT PREVENTION PLAN FOR POTWs WITH STORMWATER OUTFALLS

1. General - The Department has determined that stormwater discharges from POTWs with design flows at or above one MGD shall be covered under the SPDES permit. If the permittee has already submitted a Notice of Intent to the Department for coverage under the General Storm Water permit, the permittee shall submit a Notice of Termination to the Department upon receipt of this final SPDES permit containing the requirement to develop a SWPPP.

The permittee is required to develop, maintain, and implement a Storm Water Pollutant Prevention Plan (SWPPP) to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and other stormwater discharges including, but not limited to, drainage from raw material storage.

The SWPPP shall be documented in narrative form and shall include the 13 minimum elements below and plot plans, drawings, or maps necessary to clearly delineate the direction of stormwater flow and identify the conveyance, such as ditch, swale, storm sewer or sheet flow, and receiving water body. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the SWPPP and may be incorporated by reference. A copy of the current SWPPP shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. Compliance Deadlines - The BSA shall revise the February 2008 SWPPP developed under the General Permit. The revised plan shall be submitted by **07/01/2010** to the Regional Water Engineer. The SWPPP shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The SWPPP shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the SWPPP is inadequate, or (c) a letter from the Department identifies inadequacies in the SWPPP. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All SWPPP revisions (with the exception of minimum elements - see item (4.B.) below) must be submitted to the Regional Water Engineer within 30 days. Note that the permittee is not required to obtain Department approval of the SWPPP (or of any minimum elements) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. Facility Review - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at <http://www.dec.state.ny.us/website/dcs/permits/olpermits/form2c.pdf>) as well as those that are required to be monitored by the SPDES permit.

4. A. 13 Minimum elements - Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices (BMPs) that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of minimum elements of the SWPPP and BMPs is available in the September 1992 manual *Storm Water Management for Industrial Activities*, EPA 832-R-92-006 (available on-line at <http://nepis.epa.gov/pubtitleOW.htm>). At a minimum, the plan shall include the following elements:

- | | | |
|-------------------------------------|---|---------------------------------|
| 1. Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

Note that for some facilities, especially those with few employees, some of the above may not be applicable. It is acceptable in these

cases to indicate "Not Applicable" for the portion(s) of the SWPPP that do not apply to your facility, along with an explanation, for instance if street sweeping did not apply because no streets exist at the facility.

B. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters - As part of the erosion and sediment control element, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity at least 30 days prior to soil disturbance. The SWPPP shall also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.state.ny.us/website/dow/toolbox/swforms.html) prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP is properly implemented.

Note:

If the permittee is covered under the MS4 permit, the permittee may substitute this to satisfy some of the conditions in this SWPPP.

X. DISCHARGE NOTIFICATION REQUIREMENTS***Sign Maintenance***

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.

Data Retention

The permittee shall retain records for a minimum period of 5 years in accordance with 6NYCRR Part 750-1.12(b)(2) and Part 750-2.5(c)(1). These records, which include discharge monitoring reports (DMRs) and annual reports, must be retained at a repository accessible to the public. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be the business office, wastewater treatment plant, village, town, city, or county clerk's office, the local library, or other location approved by the Department.

XI.**SCHEDULE OF COMPLIANCE****Short-term Hi-Intensity Sampling**

Action Code	Outfall Number(s)	Compliance Action	Due Date																											
	001	<p>The permittee shall conduct sampling for the following parameters detected in the WWTP effluent and listed in the permit application. Sampling shall be once per event for a minimum of 10 events. The permittee submit the results of the analyses along with the daily flow:</p> <table><thead><tr><th><u>Parameters</u></th><th><u>EPA Method of Analysis Required</u></th><th><u>Sample Type</u></th></tr></thead><tbody><tr><td>Arsenic, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Cadmium, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Chromium, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Copper, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Cyanide, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Lead, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Nickel, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr><tr><td>Zinc, Total</td><td>200.7</td><td>24 hr. Comp.</td></tr></tbody></table>	<u>Parameters</u>	<u>EPA Method of Analysis Required</u>	<u>Sample Type</u>	Arsenic, Total	200.7	24 hr. Comp.	Cadmium, Total	200.7	24 hr. Comp.	Chromium, Total	200.7	24 hr. Comp.	Copper, Total	200.7	24 hr. Comp.	Cyanide, Total	200.7	24 hr. Comp.	Lead, Total	200.7	24 hr. Comp.	Nickel, Total	200.7	24 hr. Comp.	Zinc, Total	200.7	24 hr. Comp.	06/01/2010
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Nickel, Total	200.7	24 hr. Comp.																												
Zinc, Total	200.7	24 hr. Comp.																												

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. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

- a) 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 in accordance with 6NYCRR Part 750-2.7. 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. A description of any factors which tend to explain or mitigate the 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.
- b) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

XII. MERCURY MINIMIZATION PROGRAM

1. **General** – Within 12 months of the effective date of this permit (by 01/01/2011), the permittee shall develop and immediately implement, and maintain a Mercury Minimization Program (MMP). The MMP is required because the 50 ng/L permit limit exceeds the state-wide calculated water quality based effluent limit (WQBEL) of 0.70 nanograms/liter (ng/L) for Total Mercury. The goal of the MMP will be to reduce mercury effluent levels in pursuit of the calculated WQBEL.

2. **MMP Elements** - The MMP shall be documented in narrative form and shall include any necessary drawings or maps. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. As a minimum, the MMP shall include an on-going program consisting of: periodic monitoring designed to quantify and, over time, track the reduction of mercury; an acceptable control strategy for reducing mercury discharges via cost-effective measures, which may include more stringent control of tributary waste streams; and submission of annual status reports.

A. **Monitoring** - All permit-related mercury monitoring shall be performed using EPA Method 1631 and shall be coordinated so that the results can be compared. All samples shall be grabs and use of EPA Method 1669 during sample collection is recommended. Minimum required monitoring is as follows:

- i. **Sewage Treatment Plant Influent & Effluent, and Type II SSO* Outfalls** - Samples at each of these locations must be collected in accordance with the minimum frequency specified on the mercury permit limits page.
- ii. **Key Locations in the Collection System and Potential Significant Mercury Sources** - The minimum monitoring frequency at these locations shall be semi-annual. Monitoring of properly treated dental facility discharges is not required.
- iii. **Hauled Wastes** - Hauled wastes which may contain significant mercury levels must be periodically tested prior to acceptance to ensure compliance with pretreatment/local limits requirements.
- iv. Additional monitoring must be completed as may be required elsewhere in this permit or upon Department request.

B. **Control Strategy** - An acceptable control strategy is required for reducing mercury discharges via cost-effective measures, including but not limited to more stringent control of industrial users and hauled wastes. The control strategy will become enforceable under this permit and shall contain the following minimum elements:

- i. **Pretreatment/Local Limits** - The permittee shall evaluate and revise current requirements in pursuit of the water quality goal.
- ii. **Periodic Inspection** - The permittee must inspect users as necessary to support the MMP. Each dental facility shall be inspected at least once every five years to verify compliance with the wastewater treatment and notification elements of 6NYCRR Part 374.4. Other mercury sources shall also be inspected once every five years. Alternatively, the permittee may develop an outreach program which informs these users of their responsibilities once every five years and is supported by a subset of site inspections. Monitoring shall be performed as required above.
- iii. **Systems with CSO & Type II SSO* Outfalls** - Priority shall be given to controlling mercury sources upstream of CSOs and Type II SSOs through mercury reduction activities and/or controlled-release discharge. Effective control is necessary to avoid the need for the Department to establish mercury permit limits at these outfalls.
- iv. A file shall be maintained containing all MMP documentation, including the dental forms required by 6NYCRR Part 374.4, which shall be available for review by DEC representatives.

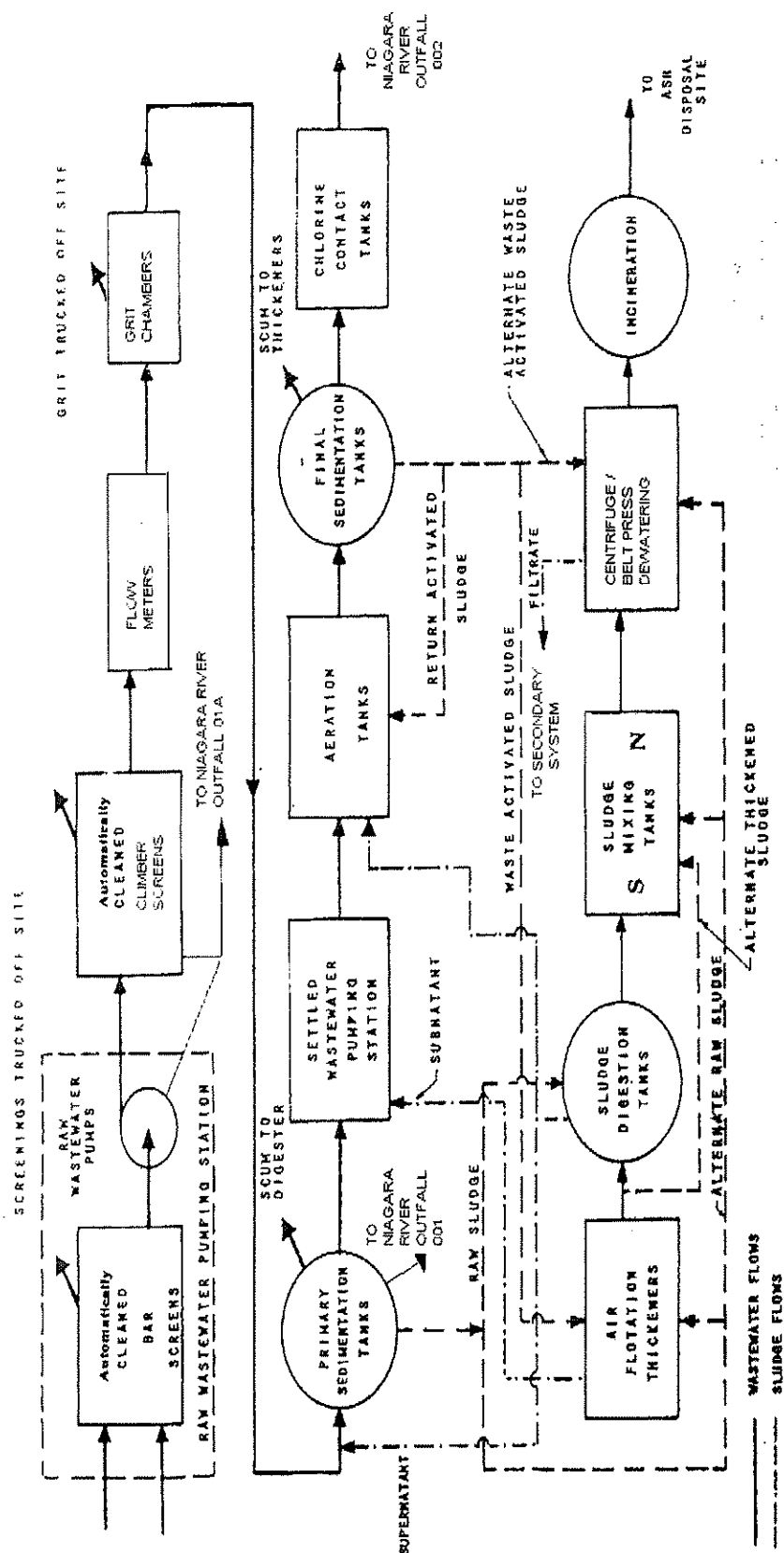
C. **Annual Status Report** - An annual status report shall be submitted to the Regional Water Engineer and to the Bureau of Water Permits summarizing: (a) all MMP monitoring results for the previous year; (b) a list of known and potential mercury sources; (c) all action undertaken pursuant to the strategy during the previous year, (d) actions planned for the upcoming year, and (e) progress toward the goal. The first annual status report is due 01/01/2011 and follow-up reports are due annually thereafter. Note that the complete MMP documentation need not be submitted to the Department unless otherwise requested.

* Overflow Retention Facilities (ORF) or Peak Excess Flow Treatment Facilities (PEFTF). ORFs were designed, approved and constructed under an SSO abatement program. ORFs capture most sewer system flow surges and return them to the POTW for treatment. Under certain exceptionally high flow conditions, excess flow may be discharged.

3. **MMP Modification** - The MMP shall be modified whenever: (a) changes at the facility or within the collection system increase the potential for mercury discharges; (b) actual discharges exceed 50 ng/L; (c) a letter from the Department identifies inadequacies in the MMP; or, (d) pursuant to a permit modification.

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:



RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) The permittee shall also refer to 6NYCRR Part 750 for additional information concerning monitoring and reporting requirements and conditions.
- b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

☒ (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

☐ (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

☒ (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

☒ Regional Water Engineer and/or ☐ County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Watershed Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Phone: 716-851-7070

Send an **additional copy** of each DMR page to:

- c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6NYCRR Part 750.
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two 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 sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

