State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**4952**	NAICS Code:	**221320**	SPDES Number:	**NY0028410**
Discharge Class (CL):	**05**			DEC Number:	**9-1402-00154/00002**
Toxic Class (TX):	**T**			Effective Date (EDP):	**EDP**
Major-Sub Drainage Basin:	**01 - 01**			Expiration Date (ExDP):	**ExDP**
Water Index Number:	**O-158**	Item No.:	**837 - 001**	Modification Dates (EDPM):	
Compact Area:	**IJC**				

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:	**Buffalo Sewer Authority**	Attention:	**General Manager**		
Street:	**1038 City Hall**				
City:	**Buffalo**	State:	**NY**	Zip Code:	**14202-3310**
Email:	**rnogle@buffalosewer.org**	Phone:	**(716) 851-4664**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL															
Name:	**Bird Island Wastewater Treatment Facility (WWTF)**														
Address / Location:	**90 West Ferry Street**											County:	**Erie**		
City:	**Buffalo**							State:	**NY**			Zip Code:	**14213**		
Facility Location:		Latitude:	**42**	°	**55**	’	**16**	” N	& Longitude:	**78**	°	**54**	’	**20**	” W
Primary Outfall No.:	**002**	Latitude:	**42**	°	**55**	’	**37**	” N	& Longitude:	**78**	°	**54**	’	**24**	” W
Outfall Description:	**Treated Sanitary**	Receiving Water:	**Niagara River**						Class:	**A-S**		Standard:	**A-S**		

and the additional outfalls listed in 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 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:
BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
BWP Permit Writer
RWE
RPA
EPA Region II (Region2_NPDES@epa.gov)
NYSEFC (sara.tully@efc.ny.gov)

Permit Administrator:	Michelle R. Woznick
Address:	700 Delaware Ave. Buffalo, NY 14209
Signature	Date

Contents

SUMMARY OF COMBINED SEWER OVERFLOW OUTFALLS

Outfall Number	CSO Location	Receiving Waterbody	Waterbody Class	Latitude	Longitude	Contributing Sewer Patrol Points (SPPs)
003	Austin Street	Black Rock Canal	C	42° 56' 14" N	78° 54' 26" W	003, 004, 005, 007, 008, 009, 010, 011, 184, 185, 186
004	Bird Avenue	Black Rock Canal	C	42° 55' 34" N	78° 53' 57" W	013
005	Potomac Avenue	Black Rock Canal	C	42° 55' 27" N	78° 53' 57" W	014A
006	W. Delevan Avenue	Black Rock Canal	C	42° 55' 20" N	78° 53' 59" W	179, 180, 243, 331
007	W. Delevan Avenue	Black Rock Canal	C	42° 55' 20" N	78° 53' 58" W	018
008	Brace Street	Black Rock Canal	C	42° 55' 15" N	78° 54' 0" W	019
009	Auburn Street	Black Rock Canal	C	42° 55' 8" N	78° 54' 3" W	020
010	Breckenridge Street	Black Rock Canal	C	42° 55' 2" N	78° 54' 5" W	021
011	Albany St to W. Wall - Bird Island	Niagara River	A-Special	42° 54' 49" N	78° 54' 12" W	024
012	Albany Street	Black Rock Canal	C	42° 54' 48" N	78° 54' 7" W	023, 296
013	Virginia Street	Buffalo Harbor	C	42° 53' 20" N	78° 53' 37" W	304
014	Fourth Street	Buffalo Harbor	C	42° 53' 1" N	78° 53' 12" W	206A/B
015	Genesee Street	Buffalo Harbor	C	42° 52' 58" N	78° 53' 7" W	035, 036
016	Erie Street	Buffalo Harbor	C	42° 52' 53" N	78° 53' 3" W	042A
017	Hamburg Drain, Main Street	Buffalo River	C	42° 52' 38" N	78° 52' 47" W	045A, 047, 048, 050, 051, 052, 053, 054, 055, 056, 058, 059, 065, 067, 128, 130, 146, 281, 282, 326, 327
022	Baltimore Street	Buffalo River	C	42° 52' 21" N	78° 52' 25" W	051A, 138, 145
023	Ohio Street	Buffalo River	C	42° 52' 1" N	78° 52' 5" W	279
025	Hamburg Street	Buffalo River	C	42° 51' 51" N	78° 51' 37" W	209
026	Smith Street	Buffalo River	C	42° 51' 49" N	78° 51' 3" W	068, 069, 070, 072, 073, 074, 075, 077, 078, 079, 080, 081, 082, 084, 085, 086, 087, 088, 089, 090, 091, 092, 094, 148,

						149, 150, 151, 152, 198B, 199A, 199B, 217, 218, 248, 249, 277, 314, 315, 316, 317, 318, 319, 320
027	Babcock Street	Buffalo River	C	42° 51' 48" N	78° 50' 16" W	097
028	Boone Street	Buffalo River	C	42° 51' 38" N	78° 49' 56" W	123A, 123B, 123C, 124, 125, 125A, 208
029	Boone Street	Buffalo River	C	42° 51' 37" N	78° 49' 57" W	126
031	Kimmel Avenue	Cazenovia Creek	C	42° 51' 36" N	78° 49' 28" W	115
032	W. of Bailey Avenue	Buffalo River	C	42° 51' 43" N	78° 49' 35" W	120
033	Bailey Avenue	Buffalo River	C	42° 51' 45" N	78° 49' 31" W	099, 100, 101, 103, 104
035	Cazenovia Park	Cazenovia Creek	B	42° 51' 2" N	78° 48' 31" W	107, 107A
037	Salem Street	Cazenovia Creek	C	42° 51' 8" N	78° 48' 40" W	122
038	Kingston Place	Cazenovia Creek	C	42° 51' 10" N	78° 48' 40" W	226, 227, 227A
039	Tamarack Street	Cazenovia Creek	C	42° 51' 13" N	78° 48' 46" W	311
040	Yale Place	Cazenovia Creek	C	42° 51' 15" N	78° 48' 46" W	223, 224, 225
042	S. Ryan Street	Cazenovia Creek	C	42° 51' 19" N	78° 48' 51" W	109, 220, 221, 222
044	Mumford Street	Cazenovia Creek	C	42° 51' 27" N	78° 49' 6" W	121
046	Unger Avenue	Cazenovia Creek	C	42° 51' 32" N	78° 49' 13" W	308, 308A, 308B, 309, 310
047	Southside Parkway	Cazenovia Creek	C	42° 51' 35" N	78° 49' 22" W	113, 114
048	E. of Bailey Ave.	Cazenovia Creek	C	42° 51' 38" N	78° 49' 29" W	118
049	W. of Bailey Ave.	Buffalo River	C	42° 51' 42" N	78° 49' 36" W	119
050	Seneca Street	Buffalo River	C	42° 51' 49" N	78° 49' 16" W	105
051	Hillery Park	Buffalo River	C	42° 51' 47" N	78° 48' 39" W	307
052	S. Ogden Street	Buffalo River	C	42° 51' 54" N	78° 48' 8" W	106
053	Scajaquada Drain	Scajaquada Creek	B	42° 55' 26" N	78° 51' 26" W	156, 156A, 156B, 157, 163, 164, 165, 165A, 165B, 166, 175, 176, 177, 178, 200A, 200B, 201, 202, 203, 204, 229, 229A, 247, 333,

						334A, 334B, 335A, 335B, 336A, 336B, 337, 338, 339, 340, 341A, 342A, 342B, 345
054	Crowley Avenue	Niagara River	A-Special	42° 57' 7" N	78° 54' 36" W	187, 188, 189, 190, 191, 193, 280
055	Niagara Street	Niagara River	A-Special	42° 56' 42" N	78° 54' 32" W	001
056	Nottingham Terrace	Scajaquada Creek	B	42° 56' 5" N	78° 52' 34" W	244, 245
057	Tonawanda	Scajaquada Creek	B	42° 55' 43" N	78° 53' 52" W	195
058	West Avenue	Scajaquada Creek	B	42° 55' 49" N	78° 53' 45" W	213, 214, 215
059	DeWitt Street	Scajaquada Creek	B	42° 55' 51" N	78° 53' 39" W	181, 182, 183
060	Elmwood Avenue	Scajaquada Creek	B	42° 56' 4" N	78° 52' 42" W	230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241
061	Scajaquada Tunnel, Lafayette Avenue	Black Rock Canal	C	42° 55' 15" N	78° 54' 1" W	330
062	West Ferry Street	Black Rock Canal	C	42° 54' 55" N	78° 54' 7" W	022
063	Front Park	Black Rock Canal	C	42° 54' 8" N	78° 54' 6" W	283
064	Ohio Drain, Ohio Street	Buffalo River	C	42° 51' 59" N	78° 52' 4" W	129, 131, 132, 133, 135A, 136A, 137
066	Sloan Drain, S. Ogden Street	Buffalo River	C	42° 51' 54" N	78° 48' 7" W	211, 212, 291, 292, 293, 294, 295, 322, 329

DEFINITIONS

TERM	DEFINITION
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 DEC 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 DEC.
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 002

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
002	All Year	Niagara River	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	12 MRA	180	MGD			Continuous	Recorder	X		
Flow	Instantaneous Maximum	Monitor	MGD			Continuous	Recorder		X	
pH	Daily Minimum	6.0	SU			6/Day	Grab		X	
	Daily Maximum	9.0	SU							
Temperature	Daily Maximum	Monitor	ºF			6/Day	Grab		X	
BOD_5	Monthly Average	30	mg/L	45,000	lbs/d	1/Day	24-hr. Comp.	X	X	1
BOD_5	7-Day Average	45	mg/L	68,000	lbs/d	1/Day	24-hr. Comp.		X	
Total Suspended Solids (TSS)	Monthly Average	30	mg/L	45,000	lbs/d	1/Day	24-hr. Comp.	X	X	1
Total Suspended Solids (TSS)	7-Day Average	45	mg/L	68,000	lbs/d	1/Day	24-hr. Comp.		X	
Settleable Solids	Daily Maximum	0.3	mL/L			6/Day	Grab		X	
Ammonia (as N)	Monthly Average	Monitor	mg/L			1/Day	24-hr. Comp.		X	
Total Phosphorus (as P)	Monthly Average	1.0	mg/L			1/Day	24-hr. Comp.		X	
Total Phenols	Monthly Average	20	µg/L	30	lbs/d	1/Month	24-hr. Comp.		X	4,5
Total Mercury	12 MRA	5.7	ng/L			1/Quarter	Calculated		X	2
Total Mercury	Daily Maximum	50	ng/L			1/Quarter	Grab		X	2
Biennial Pollutant Scan	Daily Maximum					1/Two Years	-		X	3
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Copper, Total	Daily Maximum	Monitor	µg/L	32	lbs/d	1/Month	24-hr. Comp.		X	6
Zinc, Total	Daily Maximum	Monitor	µg/L	170	lbs/d	1/Month	24-hr. Comp.		X	6
EFFLUENT DISINFECTION Required All Year		Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Coliform, Fecal	30-Day Geometric Mean	200	No./ 100 mL			1/Day	Grab		X	
Coliform, Fecal	7-Day Geometric Mean	400	No./ 100 mL			1/Day	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.1	mg/L			6/Day	Grab		X	4

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PERMIT LIMITS, LEVELS AND MONITORING – Outfall 002 (continued)

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			3.0	TUa	Quarterly	See footnote		X	7
WET - Acute Vertebrate	See footnote			3.0	TUa	Quarterly	See footnote		X	7
WET - Chronic Invertebrate	See footnote			20	TUc	Quarterly	See footnote		X	7
WET - Chronic Vertebrate	See footnote			20	TUc	Quarterly	See footnote		X	7

OUTFALL 002 FOOTNOTES:

1. Effluent shall not exceed 15% and 15% of influent concentration values for BOD_5 & TSS respectively.

2. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).

3. Biennial Pollutant Scan: The permittee shall perform effluent sampling every two (2) years for all applicable pollutants identified in the NY-2A Application, Tables A - D. Sampling data shall be collected according to the guidance in the NY-2A application and maintained by the permittee. Monitoring results shall not be submitted on the DMR. Data shall be submitted with the next submission of the NY-2A form.

4. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

5. At least 4 individual manual grab samples must be collected over the course of 24 hours analyzed separately and the concentrations averaged. Alternatively, grab samples may be collected in the field and composited in the laboratory and analyzed as a single sample if the results are equivalent to the arithmetic averaging of individual grab samples. Where effluent flows do not vary more than 10 percent over the course of composite sample collection, composite samples may be composed of equal size grab samples taken at equal time intervals. Where effluent flows do vary more than 10 percent over the course of sample collection, composite samples must be flow-proportioned.

6. Action Levels: If the action level is exceeded, the additional monitoring requirement is triggered, and the permittee shall undertake a short-term, high-intensity, monitoring program. Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive days and analyzed. Results shall be expressed in both mass and concentration. If levels higher than the action levels are confirmed, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may also be reopened by the DEC for consideration of revised action levels or effluent limits. Action level monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the DMR.

PERMIT LIMITS, LEVELS AND MONITORING – Outfall 002 (continued)

OUTFALL 002 FOOTNOTES (continued):

7. **Whole Effluent Toxicity (WET) Testing:**
   Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. 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 DEC. 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 should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be 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 10:1 for acute, and 20:1 for chronic.

   Monitoring Period - WET testing shall be performed quarterly (calendar quarters) during calendar years ending in 2 and 7.

   Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa = (100)/(48-hr LC50) [note that Acute data is generated by both Acute and Chronic testing] and TUc = (100)/(7-day NOEC) or (100)/(7-day IC25) when Chronic testing has been performed or TUc = (TUa) x (10) when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC50, 7-day NOEC and/or IC25 are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC25 and resulting highest TUc. For Acute results, report a TUa of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TUa of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC50. Also, in the absence of a 48-hr LC50, use 1.0 TUa for the Chronic prediction from the Acute data, and report a TUc of 10.0.

   The complete test report including all bench sheets, 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 with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48-hr LC50 for Acute tests and/or TUc, 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 DEC 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 Identification/Reduction Evaluation (TI/RE) in accordance with DEC guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

EMERGING CONTAMINANT LEVELS AND MONITORING – Outfall 002

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
002	All Year	Niagara River	EDP	ExDP

EMERGING CONTAMINANTS		Limit	Units	Action Level	Units	Sample Frequency[1]	Sample Type	Inf.	Eff.	FN
Perfluorobutanoic Acid (PFBA) CAS No. 375-22-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoropentanoic Acid (PFPeA) CAS No. 2706-90-3	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorohexanoic Acid (PFHxA) CAS No.307-24-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoroheptanoic Acid (PFHpA) CAS No. 375-85-9	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorooctanoic Acid (PFOA) CAS No. 335-67-1	Daily Maximum			10	ng/L	1/quarter	Grab		X	2
Perfluorononanoic Acid (PFNA) CAS No. 375-95-1	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoro-decanoic Acid (PFDA) CAS No. 335-76-2	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoroundecanoic Acid (PFUnA) CAS No. 2058-94-8	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorododecanoic Acid (PFDoA) CAS No. 307-55-1	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorotridecanoic Acid (PFTiA) CAS No. 72629-94-8	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorotetradecanoic Acid (PFTeA) CAS No. 376-06-7	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorobutanesulfonic Acid (PFBS) CAS No. 375-73-5	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoropentanesulfonic Acid (PFPeS) CAS No. 2706-91-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorohexanesulfonic Acid (PFHxS) CAS No. 355-46-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoroheptanesulfonic Acid (PFHpS) CAS No. 375-92-8	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorooctanesulfonic Acid (PFOS) CAS No. 1763-23-1	Daily Maximum			10	ng/L	1/quarter	Grab		X	2
Perfluorononanesulfonic Acid (PFNS) CAS No. 68259-12-1	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorodecanesulfonic Acid (PFDS) CAS No. 335-77-3	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorododecanesulfonic Acid (PFDoS) CAS No. 79780-39-5	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluorooctanesulfonamide (FOSA) CAS No. 754-91-6	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
N-Methyl Perfluorooctanesulfonamidoacetic Acid (NMeFOSAA) CAS No. 2355-31-9	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	

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EMERGING CONTAMINANT LEVELS AND MONITORING – Outfall 002

EMERGING CONTAMINANTS		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
N-Ethyl Perfluorooctanesulfonamidoacetic Acid (NEtFOSAA) CAS No. 2991-50-6	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
1H,1H,2H,2H-Fluorotelomer Sulfonic Acid (4:2 FTS) CAS No. 757124-72-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
1H,1H,2H,2H- Fluorotelomer Sulfonic Acid (6:2 FTS) CAS No. 27619-97-2	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
1H,1H,2H,2H- Fluorotelomer Sulfonic Acid (8:2 FTS) CAS No. 39108-34-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
N-ethyl Perfluoro-octanesulfon-amide (NEtFOSA) CAS No. 4151-50-2	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
N-Methyl Perfluorooctane Sulfonamide (NMeFOSA) CAS No. 31506-32-8	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
N-Methyl Perfluorooctanesulfonamido Ethanol (NMeFOSE) CAS No. 24448-09-7	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
N-Ethyl Perfluorooctanesulfonamido Ethanol (NEtFOSE) CAS No. 1691-99-2	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS) CAS No. 756426-58-1	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA or GenX) CAS No. 13252-13-6	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11Cl-PF3OUdS) CAS No. 763051-92-9	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA) CAS No. 919005-14-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
3-Perfluoropropyl Propanoic Acid (3:3 FTCA) CAS No. 356-02-5	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
2H,2H,3H,3H-Perfluorooctanoic Acid (5:3 FTCA) CAS No. 914637-49-3	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
3-Perfluoroheptyl Propanoic Acid (7:3 FTCA) CAS No. 812-70-4	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Nonafluoro-3,6-dioxaheptanoic Acid (NFDHA) CAS No. 151772-58-6	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	

Emerging Contaminant Footnotes on Page 12

EMERGING CONTAMINANT LEVELS AND MONITORING – Outfall 002

EMERGING CONTAMINANTS		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
Perfluoro-4-Methoxybutanoic Acid (PFMBA) CAS No. 863090-89-5	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoro-3-Methoxypropanoic Acid (PFMPA) CAS No. 377-73-1	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	
Perfluoro(2-Ethoxyethane)Sulfonic Acid (PFEESA) CAS No. 113507-82-7	Daily Maximum	Monitor	ng/L			1/quarter	Grab		X	

EMERGING CONTAMINANT FOOTNOTES:

1. Quarterly samples shall be collected in calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).

2. Emerging Contaminants Action Level: Upon each exceedance of the PFOA and/or PFOS Action Levels, perform one (1) confirmatory sampling within seven (7) days of discovery for the parameter(s) exceeded. If confirmed exceedance, notify DEC at emergingcontaminantsdow@dec.ny.gov and initiate minimization program and continuous reporting as outlined in the Schedule of Additional Submittals. If minimization program initiated, sampling can continue on a quarterly basis with no confirmatory sampling required. All PFAS compound sampling shall use EPA Method 1633.

WWTF SPECIAL CONDITIONS

1. At all times, the permittee shall operate the WWTF in a manner that maximizes treatment of influent flow. The operational modes for the WWTF (Normal, Primary Bypass, Partial Treatment) are to be identified in the WWOP and approved by the Department. The permittee shall provide written request to the Department, in accordance with 6 NYCRR 750-2.7(a), for any reduction in available wet weather capacities, should capacity of the WWTF be limited due to out-of-service equipment for routine maintenance purposes.

2. Wet-Weather Event Ramp-Up: Primary Bypass mode shall not be initiated until the flows through primary treatment exceed 160 MGD. Partial Treatment mode shall only be initiated from Primary Bypass mode and shall only be initiated when secondary treatment flows exceed 400 MGD.

3. Wet-Weather Event Wind-Down: Once Partial Treatment mode is initiated, the permittee may continue to operate in partial treatment mode until such time flows recede below 380 MGD for 1 continuous hour, upon which the permittee shall revert to primary bypass mode, or normal mode if possible. Operation of the WWTF in primary bypass mode shall only continue until such time the WWTF can operate in normal mode.

4. The permittee shall develop and submit for Department approval, a routine schedule for settled wastewater wet well and aeration system drain down and inspection to monitor accumulation of grit. Upon Department approval, this routine schedule shall be incorporated into the WWTF's Operation and Maintenance Plan. Upon inspection, should an accumulation of grit occur that may reasonably impact facility operation and/or significantly reduce hydraulic capacity, the permittee shall submit to the Department an approvable schedule for cleaning and removal of the grit. Note that written notification of any reduction in available capacity shall be submitted to the Department in accordance with 6 NYCRR 750-2.7(a).

PERMIT LIMITS, LEVELS AND MONITORING – Outfall 001

OUTFALL	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year (During Outfall 001 Discharges)	Niagara River	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
								Location		
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Inf.	Eff.	
Flow	Monthly Total	Monitor	MG			Continuous	Totalizer		X	1,2
BOD_5	Daily Maximum	Monitor	mg/L			See Footnote 3	Composite		X	
Solids, Total Suspended (TSS)	Daily Maximum	Monitor	mg/L			See Footnote 3	Composite		X	
Solids, Settleable	Daily Maximum	Monitor	mL/L			See Footnote 3	Grab		X	
Oil & Grease	Daily Maximum	Monitor	mg/L			See Footnote 3	Grab		X	
Ammonia (as N)	Daily Maximum	Monitor	mg/L			See Footnote 3	Composite		X	
Phosphorus, Total	Daily Maximum	Monitor	mg/L			See Footnote 3	Composite		X	
Effluent Disinfection Required Year-Round										
Coliform, Fecal	30-Day Geometric Mean	Monitor	No./ 100 mL			See Footnote 3	Grab		X	
Coliform, Fecal	7 Day Geometric Mean	400	No./ 100 mL			See Footnote 3	Grab		X	4,5
Chlorine, Total Residual	Daily Maximum	2.0	mg/L			See Footnote 3	Grab		X	

OUTFALL 001 FOOTNOTES:

1. Flows shall be managed in accordance with the Best Management Practices for Combined Sewer Overflows section of this permit and the approved Wet Weather Operating Plan. No discharge is permitted except as caused by excess flows above the wet weather capacity of the secondary treatment process.

2. 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.

3. Representative composite samples shall be a composite of grab samples, one taken every four hours. Required grab samples shall be collected a minimum of once every four hours during each event. Sampling shall begin within 30 minutes of the start of the discharge from Outfall 001.

4. This is a final effluent limitation. See Schedule of Compliance for any applicable interim effluent limitations.

5. The seven-day average shall be calculated as the average of the results for each of the discharge days over the seven-day period. For example, if Outfall 001 discharges for three days [or any part of a day] during the period, the average of the three days would constitute the seven-day average for the purposes of compliance.

PERMIT LIMITS, LEVELS AND MONITORING – Outfall 01A

OUTFALL	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	All Year (during Outfall 01A discharges)	Niagara River	EDP	ExDP

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly Total	Monitor	MG			See Footnote 3	Estimated		X	1,2
BOD_5	Daily Maximum	Monitor	mg/L			See Footnote 3	Grab		X	2
Solids, Total Suspended (TSS)	Daily Maximum	Monitor	mg/L			See Footnote 3	Grab		X	2
Solids, Settleable	Daily Maximum	Monitor	mL/L			See Footnote 3	Grab		X	2
Oil & Grease	Daily Maximum	Monitor	mg/L			See Footnote 3	Grab		X	2

OUTFALL 01A FOOTNOTES:

1. This outfall shall only be used in accordance with the approved WWOP and/or for emergency use only. No discharge is permitted except as caused by excess flows above the wet weather capacity of the WWTF.

2. Total discharge volume shall be estimated for each event. Flow reported on the Discharge Monitoring Report shall be the total flow discharged for the calendar month.

3. All samples collected for discharges from Outfall 01A shall be collected as individual grab samples, one take per discharge event.

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 https://www.epa.gov/npdes/combined-sewer-overflows-csos

1. CSO Maintenance/Inspection - The permittee shall continue to maintain a written maintenance and inspection program for all CSOs. 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 ensure 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 Region 9 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 facility 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/docs/water_pdf/togs138.pdf). 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 facility. 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 nondomestic 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 facility shall be capable of receiving and treating the peak design hydraulic loading rates for all process units during wet weather, unless otherwise approved by the Department during periods of limited capacity throughout WWTF construction. The collection system and headworks must be capable of delivering these flows during wet weather.

   Upon Construction Completion of No Feasible Alternatives Upgrades: 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 facility shall be capable of receiving and treating: the peak design hydraulic loading rates for all process units; i.e., a minimum of 560 MGD through the facility headworks; a minimum of 160 MGD through the primary treatment works and high-rate (Outfall 001) disinfection works; and a minimum of 400 MGD through the secondary treatment and Outfall 002 disinfection works during wet weather. 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 24 months after construction completion.

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (continued)

5. 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 in accordance with 6 NYCRR Part 750-2.7.

6. Wet Weather Operating Plan (WWOP) - The permittee shall maximize treatment during wet weather events. This shall be accomplished by having a WWOP 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 WWOP shall be developed in accordance with the DEC guidance, Wet Weather Operating Practices for POTWs With Combined Sewers, (http://www.dec.ny.gov/docs/water_pdf/wwtechtran.pdf), and submitted to the Regional Water Engineer and the Bureau of Water Permits for review and approval in accordance with the Schedule of Submittals.

   A revised wet weather operating plan must be submitted whenever the POTW or sewer collection system is significantly replaced or modified.

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 BMPs 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 DEC. 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 stormwater 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 facility to adequately treat, the increased dry-weather flows. Should the Regional Water Engineer determine additional justification for sewer extension is necessary, the permittee shall assess the effects of the increased flow of sanitary sewage or industrial waste on the character and frequency of CSOs and the effects on the best use 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 exacerbate the surcharging/back-up problems.

11. Septage and Hauled Waste - The discharge or release of septage or hauled waste upstream of a CSO is prohibited.

12. Control of Runoff - It is recommended that the impacts of runoff from development and redevelopment 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.)

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (continued)

13. Public Notification – The permittee shall 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:

NYSDEC Division of Water Regional Office Address:

NYSDEC Division of Water Regional Phone: ( ) - ### -####

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 electronically submit the Combined Sewer Overflows (CSO) Annual Report using nForm (https://www.dec.ny.gov/chemical/48595.html), which summarizes the implementation of the above BMPs and the CSO Long-Term Control Plan. The CSO Annual Report shall be submitted by January 31st of each year. The complete documentation shall be stored at a central location and be made available to DEC upon request.

SPECIAL CONDITIONS: CSO CONTROL POLICY

A. Water Quality Requirements for Combined Sewer Overflows

Long-Term Control Plan

The permittee submitted a LTCP on January 13, 2014 in accordance with the Guidance for Long-Term Control Plan, EPA, September 1995. The plan was approved on March 18, 2014. On April 11, 2014, the USEPA and the permittee entered into an Administrative Order on Consent (CWA-02-2014-3033) that required the implementation of the LTCP.

In accordance with the approved 2014 LTCP, the permittee was required to implement several projects including in-line storage, off-line storage, green infrastructure, and implementation of real-time control systems. Due to several factors, implementation of the 2014 LTCP was not completed. On October 22, 2025, BSA and NYSDEC entered into a Consent Judgement (Case No. R9-20060922-35), requiring, amongst other things, an updated LTCP, implementation schedule, and updated PCCM Plan.

Upon implementation, the permittee shall effectively operate and maintain the CSO controls identified in the LTCP.

Water Quality Criterion – Presumption Approach

The permittee shall not discharge any pollutant at a level that causes an in-stream excursion of the applicable water quality requirements. The EPA 1994 CSO Control Policy indicates that a CSO control plan that meets the criteria below would provide an adequate level on control to meet the water quality requirements of the CWA. Following implementation of the approved LTCP, the following criteria shall be an enforceable performance metric under this permit:

Receiving Waterbody	Target Number of Activations in Typical Year
Black Rock Canal	4
Buffalo River	6
Cazenovia Creek	4-6*
Cornelius Creek	9
Erie Basin Marina	2
Niagara River	9
Scajaquada Creek	4

*Dependent on location Cazenovia Creek

Any additional discharges of combined sewage flow during wet weather shall receive the minimum treatment specified below:

- Primary clarification or equivalent, and
- Solids and floatables disposal, and
- Disinfection, if required to meet WQS, protect designated uses, and protect human health, including removal of harmful disinfection chemical residuals

B. Monitoring Requirements – Post Construction Compliance Monitoring Program

1. The PCCM Program sampling shall be implemented, in accordance with the PCCMP, as required by NYSDEC Consent Judgement Case No. R9-20060922-35. An initial period of two years, beginning in the year following LTCP completion. Following the initial 2-year PCCM period, subsequent PCCM shall be conducted during years ending in 0 and 5. Ambient sampling must be conducted, at a minimum, for the following parameters:

PARAMETER	Units	Sample Type
BOD_5	mg/L	Grab
Coliform, Fecal	#/100ml	Grab
Dissolved Oxygen	mg/L	Grab
Floatable Material	-	Visual Observation
Ammonia (as N)	mg/L	Grab
Phosphorus	mg/L	Grab
Solids, Settleable	mL/L	Grab
Solids, Suspended	mg/L	Grab

SPECIAL CONDITIONS: CSO CONTROL POLICY (continued)

2. The permittee shall submit an approvable PCCM Program Report that shall include:
   a. Analytical results of the PCCM sampling,
   b. The number of CSO events and volume of CSO discharged during the PCCM period,
   c. An assessment of whether CSO receiving water quality complies with applicable water quality standards,
   d. Recommendations for potential improvements in CSO controls for when water quality standards are not attained, and
   e. A discussion of whether the CSO controls are meeting the frequency goals of the Presumptive Approach, selected by the permittee in the LTCP, to verify the effectiveness of the CSO controls.

C. Special Conditions

1. Sensitive Area[1] Reassessment
   The permittee shall reassess overflows to sensitive areas stated in the LTCP, where elimination or relocation of the overflows is not physically possible or economically achievable. The permittee shall also assess whether new or additional sensitive areas may be affected by overflows that were not initially identified in the LTCP. The permittee shall consider new or improved techniques to eliminate or relocate overflows or changed circumstances that influence economic achievability. The permittee shall prepare and submit to the Regional Water Engineer a report, separately from the PCCM Program Report, that presents the results of this reassessment, feasible improvements to eliminate or minimize overflows to sensitive areas, and the permittee's recommendation regarding the elimination or relocation of these outfalls. The permittee shall submit such reports by December 31st in the same year the PCCM Program Report is submitted**.**

2. Reopener

   This permit may be modified or revoked and reissued, as provided pursuant to 6 NYCRR 750-1.18, 6 NYCRR 750-1.20, 40 CFR 122.62 and 124.5, for the following reasons:

   I. To include new or revised conditions developed to comply with any state of federal law or regulation that addresses CSOs that are adopted or promulgated subsequent to the effective date of this permit.
   II. To include new or revised conditions if new information, not available at the time of permit issuance, indicates that CSO controls imposed under the permit have failed to ensure the attainment of applicable water quality requirements.

STORMWATER POLLUTION PREVENTION REQUIREMENTS

Stormwater discharges at this facility are covered under the current Multi-Sector General Permit (MSGP) Sector [T] (GP-0-23-001), SPDES No. NYR00H113.

[1] Sensitive areas include designated Outstanding National Resource Waters, National Marine Sanctuaries, waters with threated or endangered species and their habitat, waters with primary contact recreation, public drinking water intakes or their designated protection areas, and shellfish beds, waters listed on the NYSDEC 303(d) list, or any other area determined by the Department.

MERCURY MINIMIZATION PROGRAM (MMP) - Type I

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.

2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:

   a. Monitoring - Monitoring at Outfall 002, influent and other locations tributary to compliance points shall be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136[2]. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

      Minimum required monitoring is as follows:

      i. Sewage Treatment Plant Influent and Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.

      ii. *Key Locations* and *Potential Mercury Sources* – The permit includes reduced monitoring requirements and does not require key location sampling. See section 2.a.iv below.

      iii. Hauled Wastes – The permittee must establish procedures for the acceptance of hauled waste to ensure the hauled waste is not a potential mercury source. Loads which may exceed 500 ng/L,[3] must receive approval from the DEC prior to acceptance.

      iv. Decreased Monitoring Requirements – The permittee has an EEQ at or below 12 ng/L and the permit includes the following requirements:

         1) Reduced requirements
            a) Conduct influent monitoring, sampling quarterly, in lieu of monitoring within the collection system, such as at *key locations*; and
            b) Conduct effluent compliance sampling quarterly.
         2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the DEC may undertake a Department-initiated modification to remove the allowance of reduced requirements.
         3) Under the decreased permit requirements, the facility must continue to conduct a status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.

      v. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).

[2] Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10.*
[3] A level of 0.2 mg/L (200,000 ng/L) or more is considered hazardous per 40 CFR Part 261.11. 500 ng/L is used here to alert the permittee that there is an unusual concentration of mercury and that it will need to be managed appropriately.

MERCURY MINIMIZATION PROGRAM (MMP) - Type I (Continued)

b. Control Strategy - The control strategy must contain the following minimum elements:
   i. Pretreatment/Sewer Use Law - The permittee must review pretreatment program requirements and the Sewer Use Law (SUL) to ensure it is up-to-date and enforceable with applicable permit requirements and will support efforts to achieve a dissolved mercury concentration of 0.70 ng/L in the effluent.
   ii. Monitoring and Inventory/Inspections for Outfall 002 -
      1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must enforce its sewer use law to track down and minimize these sources.
      2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
         a) Dental Facilities
            1. The permittee must maintain an inventory of each dental facility.
            2. The permittee must inspect each dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6 NYCRR 374.4. Alternatively, the permittee may develop and implement an outreach program,[4] which informs users of their responsibilities, and collect the "Amalgam Waste Compliance Report for Dental Dischargers"[5] form, as needed, to satisfy the inspection requirements. The permittee must conduct the outreach program at least once every five years and ensure the "Amalgam Waste Compliance Report for Dental Dischargers" are submitted by new users, as necessary. The outreach program could be supported by a subset of site inspections.
            3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)a) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.
         b) Other *potential mercury sources*
            1. The permittee must maintain an inventory of other *potential mercury sources.*
            2. The permittee must inspect other *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program which informs users of their responsibilities as *potential mercury sources.* The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
            3. A file shall be maintained containing documentation demonstrating compliance with 2.b.ii.2)b) above. This file shall be available for review by DEC representatives and copies shall be provided upon request.
   iii. Systems with CSO & Type II SSO Outfalls – Permittees must prioritize *potential mercury sources* upstream of CSOs and Type II SSOs for mercury reduction activities and/or controlled-release discharge.
   iv. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
   v. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

[4] For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.
[5] The form, "Amalgam Waste Compliance Report for Dental Dischargers," can be found here: https://www.dec.ny.gov/docs/water_pdf/dentalform.pdf

MERCURY MINIMIZATION PROGRAM (MMP) - Type I (Continued)

c. **Status Report - An annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:
   i. All MMP monitoring results for Outfall 002 for the previous reporting period;
   ii. A list of known and *potential mercury sources* for Outfall 002
      1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the DEC for a permittee-initiated modification;
   iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
   iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
   v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).

   The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).

3. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility, or within the collection system, increase the potential for mercury discharges;
   b. Effluent discharges exceed the current permit limitation(s); or
   c. A letter from the DEC identifies inadequacies in the MMP.

   The DEC may use information in the status reports, as applicable in accordance with 2.c of this MMP, to determine if the permit limitations and MMP Type is appropriate for the facility.

DEFINITIONS:

Key location – a location within the collection/wastewater system (e.g. including but not limited to a specific manhole/access point, tributary sewer/wastewater connection, or user discharge point) identified by the permittee as a potential mercury source. The permittee may adjust key locations based upon sampling and/or best professional judgement.

Potential mercury source – a source identified by the permittee that may reasonably be expected to have total mercury contained in the discharge. Some potential mercury sources include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, batteries, hauled wastes, universities, hospitals, laboratories, landfills, Brownfield sites, or raw material storage.

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:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

NYSDEC Division of Water Regional Phone: ( ) - ### - ####

(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.

INDUSTRIAL 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:

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 (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 USEPA on 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 waste stream 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, 40 CFR Part 122, 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 SIUs of the POTW.
   d) Provide a written technical evaluation of the need to revise local limits following permit issuance or reissuance.

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.

INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

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 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 DEC or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the DEC 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. Recordkeeping: 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 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 DEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. DEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.

INDUSTRIAL PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

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, a periodic report that briefly describes the permittee's program activities over the previous year. This report shall be submitted in accordance with the Schedule of Submittals 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 periodic 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 Program Implementation, to include:
   a) Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.
   b) Listing of SIUs issued permits.
   c) Listing of SIUs inspected or monitored during the previous reporting period and summary of results.
   d) Listing of SIUs notified of promulgated pretreatment standards or applicable local standards who 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 SIUs 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 SIUs. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR 403.8(f)(2)(viii).

E. ADDITIONAL PRETREATMENT CONDITIONS:
1. Notification of Material Change:
   a) Facility shall provide adequate notice to the EPA prior to the introduction of any new pollutants from an indirect discharger that is subject to categorical standards and prior to any substantial change in the volume or character of pollutants by existing sources (40 CFR 122.42 (b) (1&2)). Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the facility and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility (40 CFR 122.42 (b)(3)).

   b) Facility shall provide adequate notice to the DEC prior to the addition or modification of any SIUs or CIUs which may materially change the nature of the discharge from the POTW or increase the discharge of one or more substances authorized in this permit or discharge a substance not currently authorized in this permit (6 NYCRR Part 750-2.9(a)(1)). Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the facility and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility (6 NYCRR 750-2.9 (a)(1)(ii)). The noticed act is prohibited until the DEC determines whether a permit modification is necessary pursuant to 750-2.9(a)(2).

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall(s)	Compliance Action	Compliance Date[6]
002, 001	ACHIEVE FINAL EFFLUENT LIMITS Upon DEC acceptance of Construction Completion Certification of No Feasible Alternative (NFA) Upgrades at the WWTF, the permittee shall achieve compliance with the final effluent limits for total phenols and total residual chlorine at Outfall 002, and fecal coliform at Outfall 001.	Upon Department Acceptance of Construction Completion of NFA Upgrades
Unless noted otherwise, the above actions are one-time requirements.		

OUTFALL	PARAMETER	INTERIM EFFLUENT LIMIT					MONITORING REQUIREMENTS				Notes
		Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
002	Total Residual Chlorine	Daily Maximum	2.0	mg/L			6/Day	Grab	-	X	1
002	Total Phenols	Monthly Average	Monitor	ug/L	36.6	lb/d	1/Month	24-Hour Composite	-	X	1,2
001	Fecal Coliform	7d Geometric Mean	Monitor	#/100mL			1/Per Event	Grab	-	X	1,3

Notes:

1. Interim limits expire upon Construction Completion Certification of NFA Upgrades at the WWTF in accordance with NYSDEC Consent Judgement Case No. R9-20060922-35.
2. At least 4 individual manual grab samples must be collected over the course of 24 hours analyzed separately and the concentrations averaged. Alternatively, grab samples may be collected in the field and composited in the laboratory and analyzed as a single sample if the results are equivalent to the arithmetic averaging of individual grab samples. Where effluent flows do not vary more than 10 percent over the course of composite sample collection, composite samples may be composed of equal size grab samples taken at equal time intervals. Where effluent flows do vary more than 10 percent over the course of sample collection, composite samples must be flow-proportioned.
3. Required grab samples shall be collected a minimum of once every four hours during each event. Sampling shall begin within 30 minutes of the start of the discharge from Outfall 001.

b) The permittee shall submit a Report of Non-Compliance Event form 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 notifications 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 DEC Regional Water Engineer and to the Bureau of Water Permits.

[6] 6 NYCRR 750-1.14 (a)

MONITORING LOCATIONS

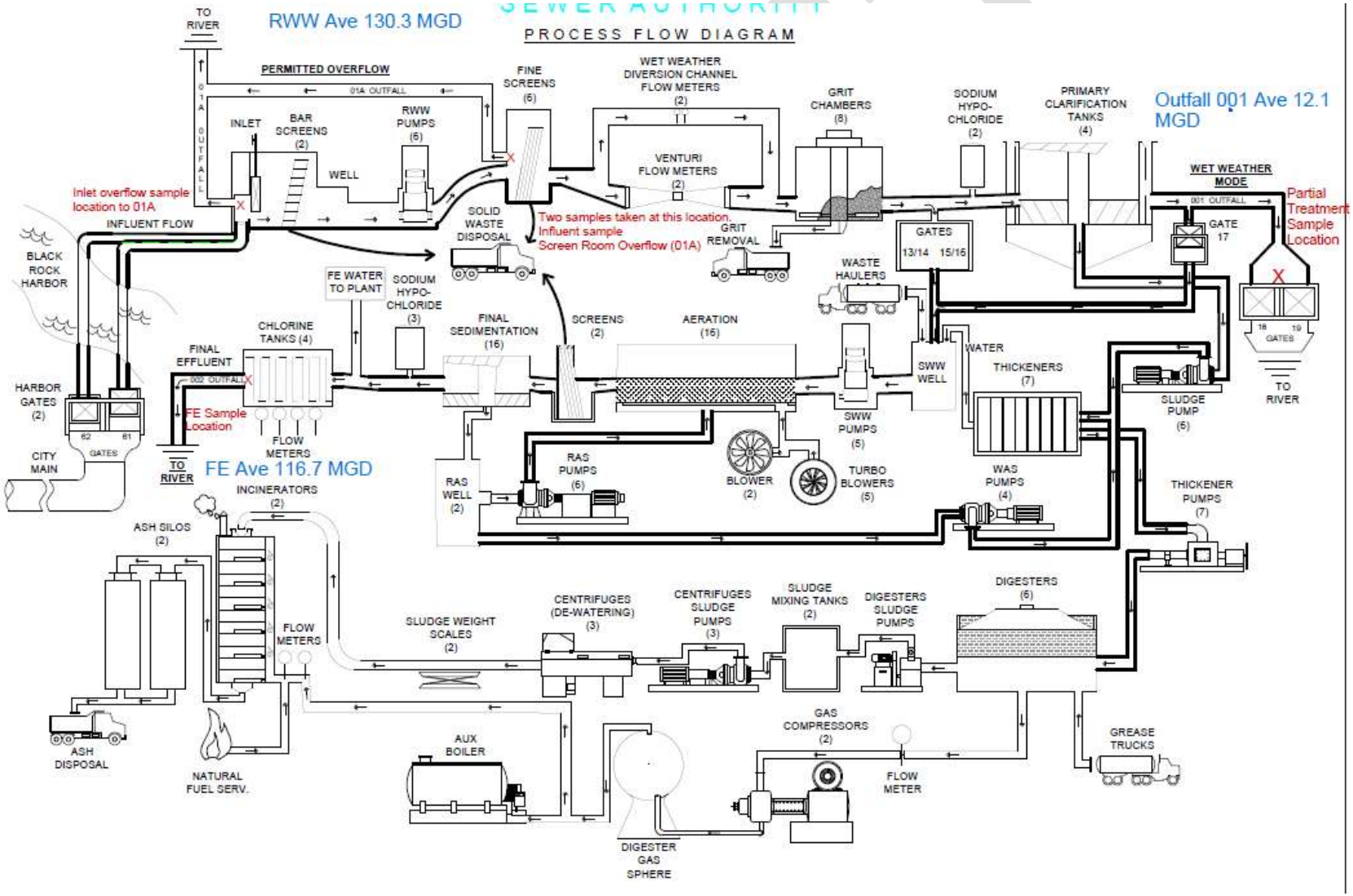
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:

Influent Sample: The sample shall be collected at the fine screens

Effluent Samples: Samples shall be collected as follows, prior to discharge to the Niagara River.

002 & 001 – The sample shall be collected following disinfection.

01A – The sample shall be collected at one or both of the following locations. When both locations are sampled, the two samples may be composited for reporting purposes. a) At the WWTF headworks, prior to the bar screens; and or b) At the overflow from the fine screen wet well.



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 DEC 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 DEC, 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 DEC, 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 DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC 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 DEC. 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 DEC.
   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 DEC'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 DEC 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 DEC's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at https://www.dec.ny.gov/chemical/8461.html. **Hardcopy paper DMRs will only be accepted 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 Regional Water Engineer 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 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 9
700 Delaware Avenue, Buffalo, NY 14209

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 DEC'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
002	EMERGING CONTAMINANT (EC) MINIMIZATION PROGRAM The permittee shall initiate and continue track down of potential sources by utilizing the "Emerging Contaminants Investigation Checklist for POTWs" available at Emerging Contaminants In NY's Waters - NYSDEC and submit reports summarizing: a. All EC monitoring results taken to date; b. A list of known and potential EC sources; c. All actions taken to reduce EC contaminants; and d. Proposed next steps, including a monitoring plan to identify/confirm EC sources, and ensure continued progress towards minimization/eliminating contaminants.	Confirmation of initial Action Level exceedance + 12 months and every 6 months thereafter until effluent falls below action levels for at least 12 months or until further notified by the Department
001 & 002	WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	December DMR (January 28th)
002	ANNUAL FLOW CERTIFICATION The permittee shall submit an Annual Flow Certification form each year in accordance with 750-2.9(C)(4). The form shall be attached to the February DMR or submitted through nForm.	February DMR (March 28th)
002	BIENNIAL POLLUTANT SCAN The permittee shall implement an ongoing monitoring program and perform effluent sampling every two years as specified in footnote of the permit limits table.	Retain and submit with next NY-2A Application
002	WHOLE EFFLUENT TOXICITY (WET) TESTING WET testing shall be performed as required in the footnote of the permit limits table. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.	Within 60 days following the end of each monitoring period
002	WWTF SPECIAL CONDITION #4 The permittee shall develop and submit for Department approval, a routine schedule for settled wastewater wet well and aeration system drain down and inspection to monitor accumulation of grit. Upon Department approval, this routine schedule shall be incorporated into the WWTF's Operation and Maintenance Plan.	September 1, 2028
01A, 001, & 002	WET WEATHER OPERATIONS PLAN (WWOP) The permittee shall submit an updated Wet Weather Operation Plan (WWOP). The WWOP shall outline the optimum operational procedures to transition from dry weather operation mode to wet weather operation mode, and back to dry weather operation mode. These procedures shall be used to optimize the treatment of the maximum volume of wet weather flows possible at the treatment facility during wet weather events, while minimizing discharges from Outfall 001 and meeting the effluent limitations in this permit.	Department Acceptance of Construction Completion of NFA Upgrades + 60 Days

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	**Required Action**	**Due Date**
ALL	COMBINED SEWER OVERFLOW (CSO) ANNUAL REPORT The permittee shall submit a Combined Sewer Overflows (CSO) Annual Report, which summarizes the implementation of BMPs and the Long-Term Control Plan (if applicable) via nForm (https://www.dec.ny.gov/pubs/95925.html). Additional information regarding CSO Annual Report is available on-line at https://www.dec.ny.gov/chemical/48595.html.	January 31st Each Year
ALL	POST-CONSTRUCTION COMPLIANCE MONITORING (PCCM) PROGRAM REPORT The permittee shall submit a PCCM Program Report as detailed in the SPECIAL CONDITIONS: CSO CONTROL POLICY section of this permit. The initial report and subsequent reports shall be submitted in accordance with the approved PCCMP.	In Accordance with Approved PCCMP
ALL	SENSITIVE AREA REASSESSMENT REPORT The permittee shall submit a report, separately from the PCCM Program Report, that presents the results of the sensitive area reassessment, feasible improvements to eliminate or minimize overflows to sensitive areas, and the permittee's recommendation regarding the elimination or relocation of these outfalls. The permittee shall submit such reports by December 31st in the same year the PCCM Program Report is submitted.	December 31st of same year PCCM Program Report submitted
002	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite*** EDP + 12 months, annually thereafter
002	INDUSTRIAL PRETREATMENT PROGRAM Submit a report that briefly describes the permittee's program activities over the previous year (May 1 – April 30). The report shall follow the guidelines contained in this permit and be submitted to the Regional Water Engineer and the Bureau of Water permits as well as the USEPA Region II office.	Annually by June 30th (Within 60 days after the end of the reporting period)

Unless noted otherwise, the above actions are one-time requirements.

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.