

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
182 East Union, Suite 3, Allegany, NY 14706-1328  
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www.dec.ny.gov

May 22, 2020

Mr. Daniel Bree  
Sealand Waste, LLC  
85 High Tech Drive  
Rush, New York 14543

**PERMIT TRANSMITTAL LETTER**  
**PERMIT NO. 9-0624-00025/00009**  
**SPDES NO. NY - 0275867**

Dear Permittee:

Enclosed is your permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

PLEASE REVIEW ALL PERMIT CONDITIONS CAREFULLY, INCLUDING ANY MONITORING REQUIREMENTS AND/OR COMPLIANCE SCHEDULE THAT MAY BE REQUIRED. IN PARTICULAR, IDENTIFY YOUR INITIAL RESPONSIBILITIES UNDER THIS PERMIT IN ORDER TO ASSURE TIMELY ACTION AND AVOID LATE REPORTING IF REQUIRED. SINCE FAILURE TO COMPLY PRECISELY WITH PERMIT CONDITIONS MAY BE TREATED AS A VIOLATION OF THE ENVIRONMENTAL CONSERVATION LAW, **YOU ARE REQUESTED TO PROVIDE A COPY OF THE PERMIT TO THE PROJECT CONTRACTOR, FACILITY OPERATOR, AND OTHER PERSONS DIRECTLY RESPONSIBLE FOR PERMIT IMPLEMENTATION (IF ANY).**

The Department maintains authority regarding the terms of this permit in accordance with 6 NYCRR Part 750. This regulation may be accessed from the internet at the Department's website, <http://www.dec.ny.gov/regulations/regulations.html>.

If you have any questions regarding the administrative processing of this permit or request for modification, please contact this office at the above address. Technical questions relating to the specific conditions should be directed to .

Respectfully,  
Charles D. Cranston  
Deputy Regional Permit Administrator

Enclosure

cc: Region 9 Division of Water, Regional Water Engineer  
Permit Coordinator, Bureau of Water Permits, NYSDEC, Albany  
EPA Region II  
Chautauqua County Health Department



Department of  
Environmental  
Conservation

## State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT - INDUSTRIAL

Industrial Code:	SIC: 4953	NAICS: 562212	SPDES Number:	NY0275867
Discharge Class (CL):	01		DEC Number:	9-0624-00025/00009
Toxic Class (TX):	T		Effective Date (EDP):	7/1/2020
Major Drainage Basin:	02		Expiration Date (ExDP):	6/30/2025
Sub Drainage Basin:	02		Modification Dates: (EDPM)	
Water Index Number:	PA-59	Item No.: 800.6		
Compact Area:	ORSANCO			

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:	Sealand Waste, LLC	Attention:	Daniel Bree
Street:	85 High Tech Drive		
City:	Rush	State:	NY Zip Code: 14543
Email:	breezerdan@yahoo.com	Phone:	585-359-9242

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS			
Name:	Carroll C&D Management Facility		
Location (C, T, V):	Carroll (T)	County:	Chautauqua
Facility Address:	309 Dodge Road		
City:	Frewsburg	State:	NY Zip Code: 14738
Facility Latitude	42 ° 00 ' 55 " N	Facility Longitude	79 ° 05 ' 14 " W

through the following permitted outfalls:

Primary Outfall	Type of Discharge	NAICS Code	Outfall Latitude	Outfall Longitude
001	Construction Stormwater & Groundwater	562212	42 ° 00 ' 44 " N	79 ° 05 ' 03 " W
into receiving waters known as:	Storehouse Run			Class: C (T)

and the outfalls listed on page 2 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 and 750-2.

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

**DISTRIBUTION:**

CO BWP - Permit Coordinator  
RWE  
RPA  
EPA Region II  
Chautauqua County Health Dept

Permit Administrator:	Charles D. Cranston		
Address:	182 East Union, Suite 3, Allegany, NY 14706 - 1328		
Signature:		Date:	5/22/2020

## OUTFALL SUMMARY

OUTFALL	DESCRIPTION	RECEIVING WATER / CLASS	LATITUDE LONGITUDE
001	Construction Stormwater & Groundwater	Storehouse Run Class C(T)	42° 00' 44" 79° 05' 03"
002	Construction Stormwater & Groundwater	Storehouse Run Class C(T)	42° 00' 42" 79° 05' 05"
01A	Construction Stormwater & Groundwater	Storehouse Run Class C(T) (via Outfall 001 or 002)	42° 00' 44" 79° 05' 09"
003	Non-contact Stormwater Runoff	Storehouse Run Class C(T)	42° 00' 40" 79° 05' 21"
004	Contaminated Groundwater & Stormwater Runoff	Tributary to Storehouse Run Class C(T)	42° 00' 49" 79° 05' 09"
04A	Contaminated Groundwater	Tributary to Storehouse Run Class C(T) (via Outfall 004)	42° 00' 48" 79° 05' 15"
04B	Contaminated Groundwater	Tributary to Storehouse Run Class C(T) (via Outfall 004)	42° 00' 47" 79° 05' 19"
04C	Contaminated Groundwater	Tributary to Storehouse Run Class C(T) (via Outfall 004)	42° 00' 52" 79° 05' 12"
04D	Contaminated Groundwater	Tributary to Storehouse Run Class C(T) (via Outfall 004)	42° 00' 51" 79° 05' 10"
005	Groundwater	Tributary to Storehouse Run Class C(T)	42° 00' 48" 79° 05' 06"

## 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.	See below	See below

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL	COMPLIANCE LEVEL / MINIMUM LEVEL (ML)	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 permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This Minimum Level (ML) can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, which trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, temperature, or concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc.) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

### Notes:

#### 1. EFFLUENT LIMIT TYPES:

- a. **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.
- b. **DAILY MAX:** The highest allowable daily discharge.
- c. **DAILY MIN:** The lowest allowable daily discharge.
- d. **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.
- e. **7 DAY ARITHMETIC MEAN (7 day average):** The highest allowable average of daily discharges over a calendar week.
- f. **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.
- g. **7 DAY GEOMETRIC MEAN:** The highest allowable geometric mean of daily discharges over a calendar week.
- h. **12 MONTH ROLLING AVERAGE:** The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by 12.
- i. **RANGE:** The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

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.

## PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	WASTEWATER TYPE			RECEIVING WATER		EFFECTIVE	EXPIRING
001	Construction Stormwater & Groundwater			Storehouse Run		EDP	ExDP
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)	
pH	6.5	8.5	SU	Monthly	Grab		
Temperature		70	°F	Continuous	Recorder	1	

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate		Monitor			GPD	Monthly	Estimated	2
Total Suspended Solids		Monitor			mg/L	Monthly	Grab	

OUTFALL	WASTEWATER TYPE			RECEIVING WATER		EFFECTIVE	EXPIRING
002	Construction Stormwater & Groundwater			Storehouse Run		EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)	
pH	6.5	8.5	SU	Monthly	Grab		
Temperature		70	°F	Continuous	Recorder	1	

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate		Monitor			GPD	Monthly	Estimated	2
Total Suspended Solids		Monitor			mg/L	Monthly	Grab	

Footnotes:

1. Temperature shall be continuously monitored by an installed recorder from May 15<sup>th</sup> to September 15<sup>th</sup>. For the period, September 16<sup>th</sup> to May 14<sup>th</sup>, temperature shall be monitored monthly, by grab sample.
2. Flow shall be estimated using an appropriate hydraulic equation, relating flow depth, roughness coefficient and outfall geometric properties.

**PERMIT LIMITS, LEVELS AND MONITORING (continued)**

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Construction Stormwater & Groundwater	Storehouse Run (via Outfall 001 and/or 002)	EDP	ExDP

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate	Monitor	Monitor			GPD	Continuous	Recorder	
pH		Monitor			SU	Monthly	Grab	

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Non-Contact Stormwater Runoff	Storehouse Run (via Sandberg Road Roadside Channel)	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Monthly	Grab	
Temperature		70	°F	Monthly	Grab	3

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate		Monitor			GPD	Monthly	Estimated	2
Total Suspended Solids		10			mg/L	Monthly	Grab	

Footnote 3: Temperature sampling is required only for discharges occurring between May 1 and October 31. For the period November 1 to April 30, sampling/monitoring is not required.

**PERMIT LIMITS, LEVELS AND MONITORING (continued)**

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
004	Contaminated Groundwater & Contaminated Stormwater	Tributary to Storehouse Run	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Monthly	Grab	
Temperature		70	°F	Daily	Grab	
Dissolved Oxygen	7.0		mg/L	Monthly	Grab	

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate		Monitor			GPD	Monthly	Estimated	2
BOD <sub>5</sub>		5.0			mg/L	Monthly	Grab	
Total Suspended Solids		10			mg/L	Monthly	Grab	
Total Dissolved Solids		500			mg/L	Monthly	Grab	
Ammonia, as N (June 1 – Oct. 31)		0.93			mg/L	Monthly	Grab	
Ammonia, as N (Nov. 1 – May 31)		1.9			mg/L	Monthly	Grab	
α-Terpineol	0.016	0.033			mg/L	Monthly	Grab	
Benzoic Acid	0.071	0.12			mg/L	Monthly	Grab	
p-Cresol	0.014	0.025			mg/L	Monthly	Grab	
Phenol	0.015	0.026			mg/L	Monthly	Grab	
Total Zinc	110	200			µg/L	Monthly	Grab	
Total Aluminum		100			µg/L	Monthly	Grab	
Total Manganese		Monitor			µg/L	Monthly	Grab	
Total Iron		1000			ug/L	Monthly	Grab	

**PERMIT LIMITS, LEVELS AND MONITORING (continued)**

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
04A, 04B, 04C, 04D	Contaminated Groundwater	Tributary to Storehouse Run (via Outfall 004)	EDP	ExDP

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate		Monitor			GPD	Monthly	Estimated	2
pH		Monitor			SU	Monthly	Grab	
Total Zinc		Monitor			µg/L	Monthly	Grab	
Total Dissolved Solids		Monitor			mg/L	Monthly	Grab	
Total Iron		Monitor			µg/L	Monthly	Grab	
Total Manganese		Monitor			µg/L	Monthly	Grab	

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
005	Groundwater	Tributary to Storehouse Run	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.5	8.5	SU	Monthly	Grab	
Temperature		70	°F	Monthly	Grab	3

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		COMPLIANCE LEVEL/ ML	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max						
Flow Rate	Monitor	Monitor			GPD	Continuous	Recorder	
Total Suspended Solids		10			mg/L	Monthly	Grab	



## SPECIAL CONDITIONS – INDUSTRY BEST MANAGEMENT PRACTICES

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan 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 stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. 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 plan and may be incorporated by reference. A copy of the current BMP plan 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 initial completed BMP plan shall be submitted by **EDP + 6 Months** to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan 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 plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions (with the exception of SWPPPs - see item (5.) 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 BMP plan (or of any SWPPPs) 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.ny.gov/docs/permits\\_ej\\_operations\\_pdf/form2c.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf)) or that are required to be monitored for by the SPDES permit.
4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify 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 stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

- |                                     |   |                                 |
|-------------------------------------|---|---------------------------------|
| 1. BMP 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 BMPs may not be applicable. It is acceptable in these cases to indicate “Not Applicable” for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

## SPECIAL CONDITIONS – INDUSTRY BEST MANAGEMENT PRACTICES (continued)

5. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters** - As part of BMP #11, 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 groundwater. 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.ny.gov/chemical/43133.html](http://www.dec.ny.gov/chemical/43133.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 are properly implemented.

## DISCHARGE NOTIFICATION REQUIREMENTS

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

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

<p><b>N.Y.S. PERMITTED DISCHARGE POINT</b></p> <p><b>SPDES PERMIT No.: NY _____</b></p> <p><b>OUTFALL No. : _____</b></p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: (    ) - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: (    ) - ### - #####</p>
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- (e) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained 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.

## **DISCHARGE NOTIFICATION REQUIREMENTS (continued)**

- (g) All requirements of the Discharge Notification Act, including public repository requirements, are waived for any outfall meeting any of the following circumstances, provided Department notification is made in accordance with (h) below:
- (i) such sign would be inconsistent with any other state or federal statute;
  - (ii) the Discharge Notification Requirements contained herein would require that such sign could only be located in an area that is damaged by ice or flooding due to a one-year storm or storms of less severity;
  - (iii) instances in which the outfall to the receiving water is located on private or government property which is restricted to the public through fencing, patrolling, or other control mechanisms. Property which is posted only, without additional control mechanisms, does not qualify for this provision;
  - (iv) instances where the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water;  
or
  - (v) instances in which the discharge from the outfall is located in the receiving water, two-hundred or more feet from the shoreline of the receiving water.
- (h) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the waiver criteria listed in (g) above, notification (form enclosed) must be made to the Department's Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, of such fact, and, provided there is no objection by the Department, a sign and DMR repository for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and associated regulations are complied with.

## SCHEDULE OF SUBMITTALS

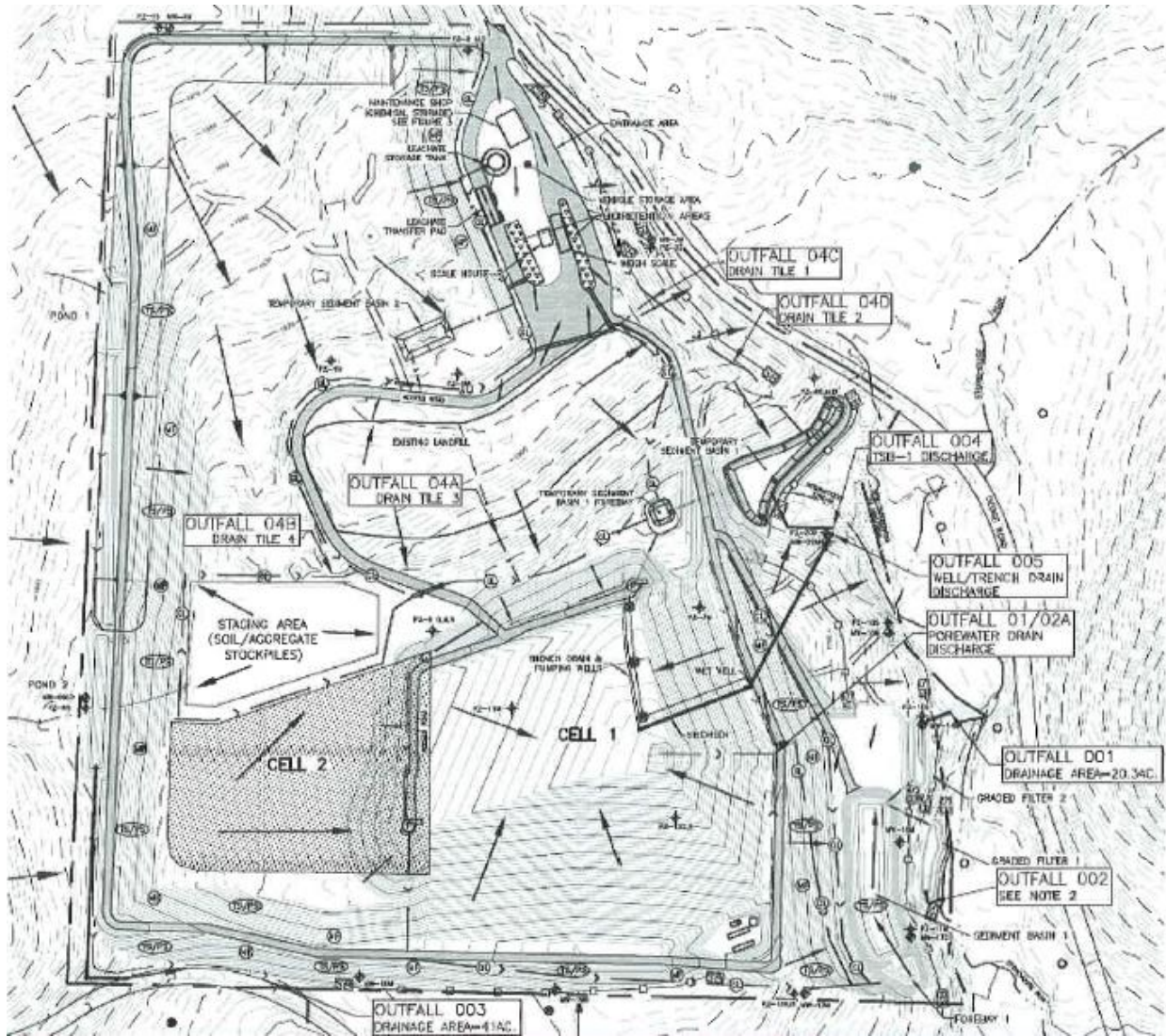
- a) The permittee shall submit the following information to the Regional Water Engineer at the address listed on the Recording, Reporting and Monitoring page of this Permit, and to the Bureau of Water Permits, 625 Broadway, Albany NY 12233-3505:

Outfall(s)	Parameter(s) Affected	Required Action	Due Date
N/A	N/A	The permittee shall submit the initial Best Management Practices (BMP) Plan. The BMP Plan should be developed and implemented to prevent, or minimize the potential for, the release of significant amounts of toxic or hazardous pollutants to state waters. The BMP Plan should be implemented within 6 months of commencement of construction operations.	EDP + 6 Months
N/A	N/A	The permittee shall provide written notification to the Department identifying the date of commencement of construction operations at the site.	Start of Construction + 7 Days

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

# 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:





## GENERAL REQUIREMENTS

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:

### A. General Conditions

1. Duty to comply 6NYCRR 750-2.1(e) & 2.4
2. Duty to reapply 6NYCRR 750-1.16(a)
3. Need to halt or reduce activity not a defense 6NYCRR 750-2.1(g)
4. Duty to mitigate 6NYCRR 750-2.7(f)
5. Permit actions 6NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
6. Property rights 6NYCRR 750-2.2(b)
7. Duty to provide information 6NYCRR 750-2.1(i)
8. Inspection and entry 6NYCRR 750-2.1(a) & 2.3

### B. Operation and Maintenance

1. Proper Operation & Maintenance 6NYCRR 750-2.8
2. Bypass 6NYCRR 750-1.2(a)(17), 2.8(b) & 2.7
3. Upset 6NYCRR 750-1.2(a)(94) & 2.8(c)

### C. Monitoring and Records

1. Monitoring and records 6NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d)
2. Signatory requirements 6NYCRR 750-1.8 & 2.5(b)

### D. Reporting Requirements

1. Reporting requirements for non-POTWs 6NYCRR 750-2.5, 2.6, 2.7, & 1.17
2. Anticipated noncompliance 6NYCRR 750-2.7(a)
3. Transfers 6NYCRR 750-1.17
4. Monitoring reports 6NYCRR 750-2.5(e)
5. Compliance schedules 6NYCRR 750-1.14(d)
6. 24-hour reporting 6NYCRR 750-2.7(c) & (d)
7. Other noncompliance 6NYCRR 750-2.7(e)
8. Other information 6NYCRR 750-2.1(f)

### E. Sludge Management

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

### F. SPDES Permit Program Fee

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

### G. Water Treatment Chemicals (WTCs)

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

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be attached to either the December DMR or the annual monitoring report required below.

The *WTC Notification Form and WTC Annual Report Form* are available from the Department's website at:

<http://www.dec.ny.gov/permits/93245.html>

## RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

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

DMRs must be submitted electronically using the electronic reporting tool specified by NYSDEC. Instructions on the use of the electronic reporting tool are available in the DMR Manual.

To submit via hard copy: Hard copy paper DMRs will only be accepted by the Department if a waiver from the electronic submittal requirements has been granted by DEC to the facility. DMRs shall be sent to:

Department of Environmental Conservation  
Division of Water, Bureau of Water Compliance  
625 Broadway, Albany, New York 12233-3506  
Phone: (518) 402-8177

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.

2. Any information the permit requires to be submitted to the Regional Water Engineer shall be sent to:

Department of Environmental Conservation  
Regional Water Engineer, Region 9  
270 Michigan Ave  
Buffalo, New York 14203  
Phone: (716) 851-7070

- C. 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.
- D. 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.
- E. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- F. 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.
- G. 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.