

JEP 24 1987

N.M.P.C.
OPERATIONS
RECORDS MANAGEMENT

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT Special Conditions (Part 1)

Industrial Code 4911
 Discharge Class (CL) -- 03
 Toxic Class (TX) 3
 Major D.B. 03
 Sub D.B. 03
 Water Index Number _____

Facility ID Number: NY- 000 1015
 UPA Tracking Number: 70-83-0646
 Effective Date (EDP): July 1, 1983
 Expiration Date (ExDP): July 1, 1988
 Modification Date(s): September 14, 1987
 Attachment(s): General Conditions (Part II, 2/85)

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").

Attn: Mr. J.M. Toennies, Env. Affairs Dir.

Permittee Name: Niagara Mohawk Power Corp.
 Street: 300 Erie Boulevard West
 City: Syracuse State: New York Zip Code: 13202

is authorized to discharge from the facility described below:

Facility Name: Nine Mile Point Nuclear Generating Station Units #1 and 2
 Location (C,T,V): Scriba (T) County: Oswego
 Mailing Address (Street): Lake Road
 Mailing Address (City) Lycoming State: New York Zip Code: 13093

from Outfall No. 001 at: Latitude 43°31'17" & Longitude 76°24'39"
 into receiving waters known as: Lake Ontario Class: A Special

and: (list other Outfalls, Receiving Waters & Water Classification)

001, 002, 007, 008, 010, 011
 020, 021, 022, 030, 040, 041 Lake Ontario A Special

in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

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 as prescribed by Sections 17-0803 and 17-0804 of the Environmental Conservation Law and Parts 621, 752, and 755 of the Departments' rules and regulations.

Deputy

PERMIT ADMINISTRATOR Robert A. Torba	DATE ISSUED September 14, 1987	ADDRESS 7481 Henry Clay Blvd. Liverpool, NY 13088
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Distribution: Dr. Baker, Region II, EPA
 Water Division, Region 7
 Oswego County Health Department
 Dr. Spear, NJ, EPA
 R. Hannaford, BWFD

8711050287 871030
 PDR ADDCK 05000410
 PDR

Robert A. Torba
 SIGNATURE

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning July 1, 1983and lasting until July 1, 1988

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
<u>010 Condenser Cooling Water Unit #1</u>					
Flow*				Continuous	Calculated
Discharge Temperature		115	°F	Continuous	Metered
Intake - Discharge Temperature Difference ^a		35	°F	Continuous	Metered
Net Rate of Addition of Heat ^a		4.405x10 ⁹	BTU/hr.	Hourly	Calculated
<u>011 Unit #1 Wastewater</u>					
Flow*				Batch	Calculated
Oil and Grease		15	mg/l	Batch before Discharge	Grab
Solids, Suspended	30	50	mg/l	Batch before Discharge	Grab
pH 6.0 - 9.0 Range ^e			SU	Batch before Discharge	Grab
<u>020 Storm Drainage (No Monitoring Required) Unit #1</u>					
<u>021 Filter Backwash & Makeup Demineralizer Water Supply</u>					
Flow*				Batch	Calculated
Oil and Grease		15	mg/l	Batch each Discharge	Grab
Solids, Suspended	30	50	mg/l	Batch each Discharge	Grab
pH 6.0 - 9.0 Range			SU	Batch each Discharge	Grab
<u>022 Security Building Air Conditioning^b</u>					
Oil and Grease		15	mg/l	Bimonthly	Grab
Solids, Suspended	30	50	mg/l	Bimonthly	Grab
pH 6.0 - 9.0 Range			SU	Bimonthly	Grab

September 14, 1987

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning with initiation of preoperational testing (Unit #2)and lasting until EDP + 5 Years

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

01703

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
<u>001-002 Storm Drainage (No Monitoring Required)</u>					
<u>007 Floor and Equipment Drains^f</u>					
Oil and Grease		15	mg/l	2/Month	Grab
Solids, Suspended	30	50	mg/l	2/Month	Grab
pH 6.0 - 9.0 Range			SU	2/Month	Grab
<u>008 Screen Well Fish Diversion System (No Monitoring Required)</u>					
<u>040 Cooling Tower Blowdown and Service Water (Unit #2)^c</u>					
Flow*				Continuous	Recorder
Discharge Temperature		110(43.3)	°F(°C)	Continuous	Recorder
Intake-Discharge Temperature Difference		30(16.7)	°F(°C)	Continuous	Recorder
Net Addition of Heat		0.47x10 ⁹	BTU/hr.	Daily	Calculated
Free Available Chlorine	0.2	0.5	mg/l	Continuous	Recorder
pH 6.0 - 9.0 Range			SU	2/Week	Grab
<u>041 Unit #2 Wastewater (Including Demineralizer Regeneration Wastes, Filter Backwash, Floor Drains, and Treated Radioactive Wastes)</u>					
Flow*				Batch	Calculated
Oil and Grease		15	mg/l	Batch	Grab (once before discharge)
Solids, Suspended	30	50	mg/l	Batch	Grab (once before discharge)
pH 6.0 - 9.0 Range ^e			SU	Batch	Grab (once before discharge)

Facility ID#: NY 000 1015

Part 1, Page 4 of 18

Modification Date:

September 14, 1987

FOOTNOTES

*Monitoring Requirement Only

^aThe intake temperature shall be considered that temperature existing after intake water tempering.

^bThese limits and monitoring requirements shall not apply if this wastewater is discharged upstream of the sewage treatment facility.

^cThere shall be no discharge of heat from the main condensers except heat may be discharged in blowdown from recirculated cooling water systems provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculated cooling water prior to the addition of the makeup water. Outfall 040 includes cooling tower blowdown as well as service water flow.

^dMonitoring and limits may be deleted following DEC evaluation of monitoring data.

^epH range of 4.0 - 9.0 is allowable for wastewater having a conductivity of less than 10 μ mho/cm.

^fDischarge from the two oil separators will be sampled before combination with waste stream 020.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning -- EDPand lasting until EDP + 5 Years

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

**Outfall
Number**

TABLE 1**Effluent Limitations (Maximum Limits except where otherwise indicated)**

030

<input checked="" type="checkbox"/> Flow	30 day arithmetic mean	<u>120,000</u>	<input type="checkbox"/> MGD <input checked="" type="checkbox"/> GPD
<input checked="" type="checkbox"/> CBOD ₅	30 day arithmetic mean	<u>25</u> mg/l and	<u> </u> lbs/day(*1)
<input type="checkbox"/> CBOD ₅	7 day arithmetic mean	<u> </u> mg/l and	<u> </u> lbs/day
<input checked="" type="checkbox"/> CBOD ₅	Daily	<u>45</u> mg/l and	<u> </u> lbs/day
<input type="checkbox"/> UOD (*2)	Daily	<u> </u> mg/l and	<u> </u> lbs/day
<input checked="" type="checkbox"/> Suspended Solids	30 day arithmetic mean	<u>25</u> mg/l and	<u> </u> lbs/day(*1)
<input type="checkbox"/> Suspended Solids	7 day arithmetic mean	<u> </u> mg/l and	<u> </u> lbs/day
<input checked="" type="checkbox"/> Suspended Solids	Daily	<u>45</u> mg/l and	<u> </u> lbs/day
<input checked="" type="checkbox"/> Effluent disinfection required: <input checked="" type="checkbox"/> all year			
<input type="checkbox"/> Seasonal from <u> </u> to <u> </u>			
<input type="checkbox"/> Fecal Coliform	30 day geometric mean shall not exceed 200/100 ml		
<input type="checkbox"/> Fecal Coliform	7 day geometric mean shall not exceed 400/100 ml		
<input type="checkbox"/> Fecal Coliform	6 hour geometric mean shall not exceed 800/100 ml (*3)		
<input type="checkbox"/> Fecal Coliform	No individual sample may exceed 2400/100 ml (*3)		
If chlorine is used for disinfection, a chlorine residual of <u> </u> mg/l			
shall be maintained in the chlorine contact chamber whenever disinfection			
is required. If specified here, the chlorine residual in the final discharge			
shall not exceed <u>0.5</u> mg/l.			
<input type="checkbox"/> Total Coliform	Daily	<u> </u> /100 ml	
<input type="checkbox"/> Total Kjeldahl Nitrogen	Daily	<u> </u> /mg/l as N	
<input type="checkbox"/> Ammonia	Daily	<u> </u> /mg/l as NH ₃	
<input type="checkbox"/> Dissolved Oxygen	Minimum	greater than <u> </u> mg/l	
<input checked="" type="checkbox"/> pH	Range	<u>6.0</u> to <u>9.0</u>	
<input checked="" type="checkbox"/> Settleable Solids	Daily	<u>0.1</u> ml/l	
<input type="checkbox"/> Phosphorus	Daily	<u> </u> mg/l as P	
<input type="checkbox"/> Total Nitrogen	Daily	<u> </u> mg/l as N	
<input type="checkbox"/> <u> </u>			

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TABLE 2

Monitoring Requirements

Parameter	Frequency	Sample Type	Sample Location	
			Influent	Effluent
<input checked="" type="checkbox"/> Total Flow, MGD	2/Month	Grab		
<input checked="" type="checkbox"/> CBOD ₅ , mg/l	2/Month	Grab		
<input checked="" type="checkbox"/> Suspended Solids, mg/l	2/Month	Grab		
<input checked="" type="checkbox"/> Fecal Coliform, No./100 ml	2/Month	Grab		
<input type="checkbox"/> Total Coliform, No./100 ml				
<input type="checkbox"/> Total Kjeldahl Nitrogen, mg/l as N				
<input type="checkbox"/> Ammonia, mg/l as NH ₃				
<input type="checkbox"/> Dissolved Oxygen, mg/l				
<input checked="" type="checkbox"/> pH	2/Month	Grab		
<input checked="" type="checkbox"/> Settleable Solids, ml/l	2/Month	Grab		
<input checked="" type="checkbox"/> Residual Chlorine, mg/l	2/Month	Grab		X (*4)
<input type="checkbox"/> Phosphorus, mg/l as P				
<input type="checkbox"/> Temperature, °C				
<input type="checkbox"/> Total Nitrogen, mg/l as N				
<input type="checkbox"/> Visual Observation				

NOTE: (*1) and effluent values shall not exceed _____% of influent values.
 (*2) (Ultimate Oxygen Demand) shall be computed and reported as follows:

$$UCOD = 1 \frac{1}{2} \times CBOD_5 + 4 \frac{1}{2} \times TKN \text{ (Total Kjeldahl Nitrogen)}$$

 (*3) applicable only in the Interstate Sanitation District.
 (*4) sample contact chamber effluent and final effluent if limits are specified for both.

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Definition of Daily Average and Daily Maximum

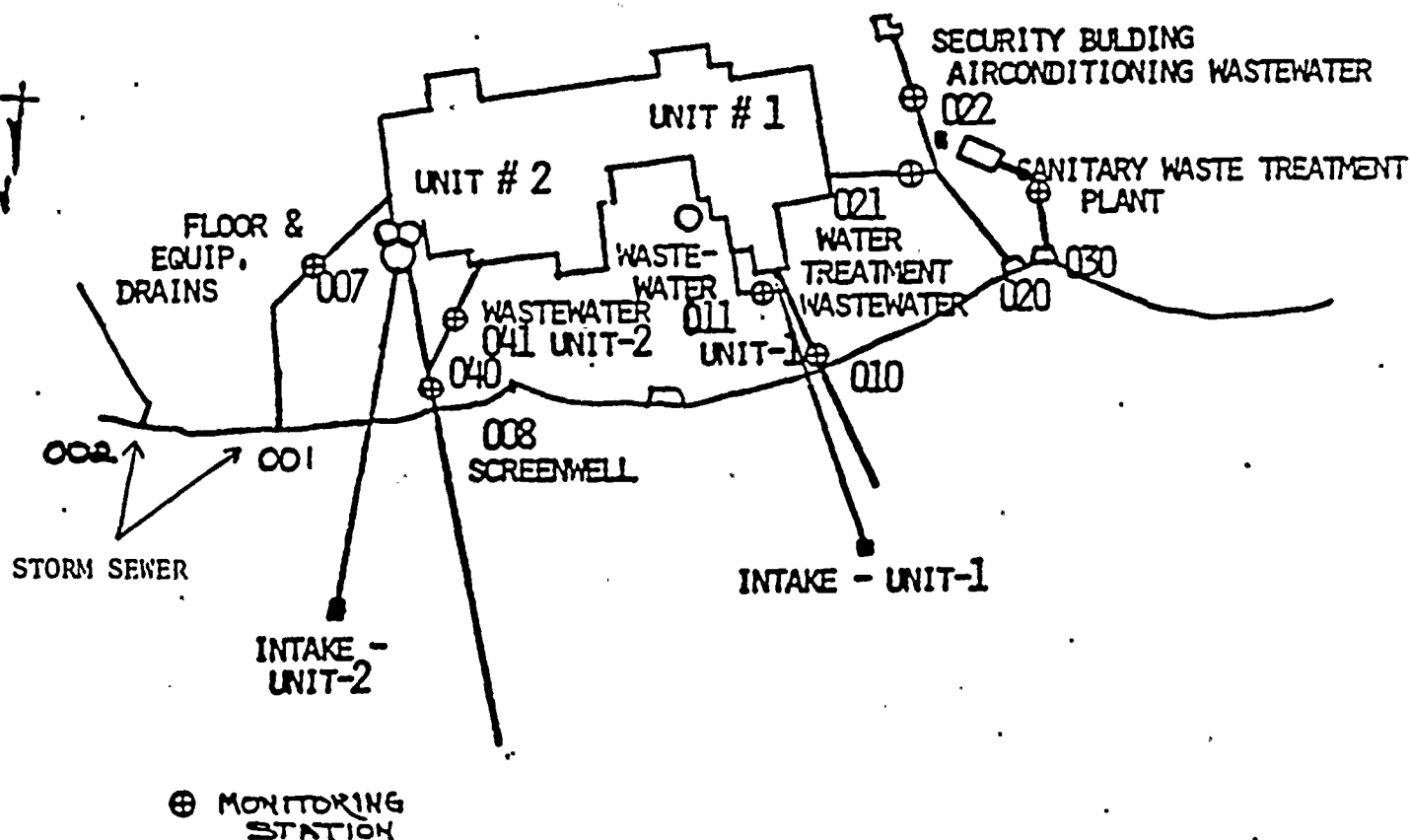
The daily average discharge is the total discharge by weight or in other appropriate units as specified herein, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges in appropriate units as specified herein divided by the number of days during the calendar month when the measurements were made.

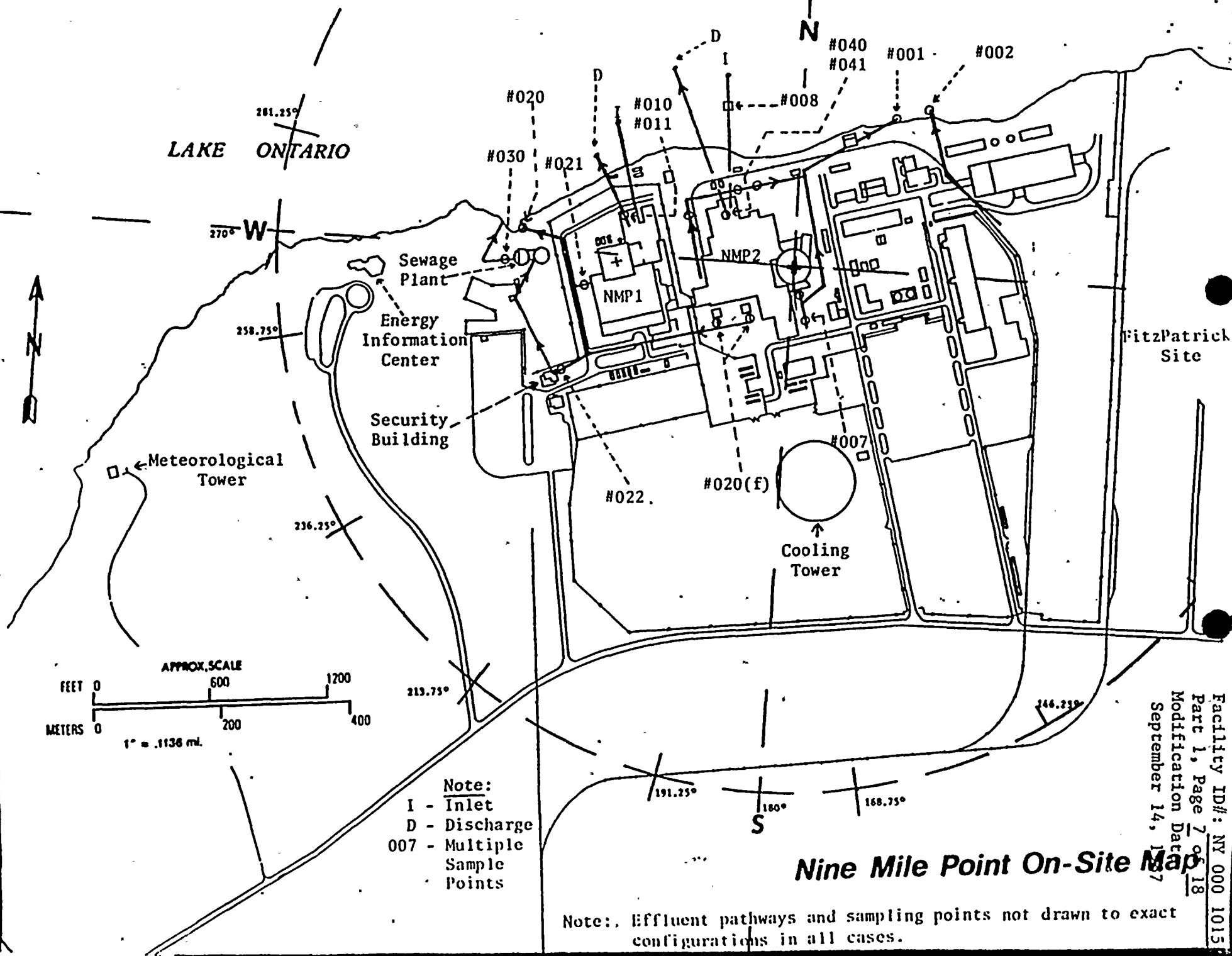
The daily maximum discharge means the total discharge by weight or in other appropriate units as specified herein, during any calendar day.

Monitoring Locations

Permittee shall take samples and measurements to meet the monitoring requirements at the location(s) indicated below:

(Show locations of outfalls with sketch or flow diagram as appropriate).





ADDITIONAL REQUIREMENTS:

- I. The following requirements are applicable to Units #1 and #2.
1. There shall be no discharge of PCB's from this facility.
 2. In regard to general conditions 11.5, items #3 and #4 shall be reported semi-annually to NYSDEC offices in Cortland and Albany.
 3. There shall be no discharge of boiler chemical cleaning compounds, metal cleaning wastewater, or boiler blowdown from this facility.
 4. Radioactivity
 - a. Gross Beta - Shall not exceed 1,000 picocuries per liter in the absence of Sr^{90} and alpha emitters.
 - b. Radium 226 - Shall not exceed 3 picocuries per liter.
 - c. Strontium 90 - Shall not exceed 10 picocuries per liter.
 5. The permittee shall submit on a trimesterly basis a report to the Department's offices in Cortland and Albany by the 28th of the month following the end of the period. Submission of reports for Unit #2 shall commence with the initiation of reactor low power testing.
 - a. Daily minimum, average, and maximum station electrical output shall be determined and logged.
 - b. Daily minimum, average, and maximum water use shall be directly or indirectly measured or calculated and logged.
 - c. Daily minimum, average, and maximum intake and discharge temperatures shall be logged.
 - d. Measurements in a, b, and c shall be taken on an hourly basis.
 6. The location, design, construction, and capacity of cooling water intake structures, in connection with point source thermal discharges, shall reflect the best technology available for minimizing adverse environmental impact.
 7. All thermal discharges to the waters of the state shall assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on the body of water.

8. Niagara Mohawk shall notify the Department within one week from the time of submission to the Nuclear Regulatory Commission of any requested changes to the Environmental Protection Plan requirements which could in any way affect the requirements of this permit.
9. Niagara Mohawk shall also submit concurrently to the Department any water-related report on the environment it submits to any federal, state, or local agency.
10. Niagara Mohawk shall provide access to the Nine Mile Point Site at any time to representatives of the Department subject to site security regulations to assess the environmental impact of the operation of the Nine Mile Point Nuclear Facility and to review any sampling program, methodology, and the gathering and reporting of any data.
11. No biocides, slimicides, or corrosion control chemicals are authorized for use, except for those listed by parameter in the permit. Prior Department approval is required for any additional use of these chemicals as well as for the use of any new water treatment chemicals.
- II. The following requirements are applicable to Unit #1.
1. By August 1, 1983, the permittee shall submit final plans, signed and sealed by an engineer licensed to practice in New York State, describing the addition of storage capacity for discharges 011 and 021. Construction to be initiated by October 1, 1983.
2. The Department has approved the applicant's request pursuant to Section 316(a) of the Clean Water Act (CWA) for alternative effluent limitations at this facility. The thermal effluent limitations on page 2 of this permit reflect this approval.
3. The water temperature at the surface of Lake Ontario shall not be raised more than three Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin except in a mixing zone consisting of an area of 425 acres from the point of discharge, this temperature may be exceeded.
4. The Department has contingently approved the applicant's consideration of intake impacts submitted pursuant to Section 316(b) of the CWA. Completion of the biological monitoring program described in Additional Requirement Section IV and demonstration of impacts similar to previous studies is required to obtain final approval of the 316(b) request.

III. The following requirements are applicable to Unit #2.

1. By initiation of reactor lower power testing, the company shall file for approval with the Department at its offices in Albany and Syracuse an updated report on all Unit #2 water treatment, corrosion inhibitor, anti-fouling, slimicide, biocide, and boiler cleaning chemicals or compounds. Such report shall identify each product by chemical formula and/or composition, annual consumption, frequency of use, maximum use per incident, effluent concentration, bioassay and toxicity limits, and procedures for use. Approval shall only be granted for those circumstances and uses which do not contravene New York State Water Quality Standards. No substitutions will be allowed without prior approval. Wastewaters containing chemicals and oil shall be collected and treated prior to dilution with non-contact cooling water in facilities which shall be approved by the Department.
2. No discharge from this facility shall cause violation of the New York State Department of Health regulations contained in 10 NYCRR Part 170 at the source of intake of any water supply used for drinking, culinary or food processing purposes.
3. Pursuant to Part 704 Criteria Governing Thermal Discharges, Section 704.3-Mixing Zone Criteria, upon the presentation of a final design for the discharge, the Department shall specify, as appropriate, definable numerical limits for the mixing zone, including linear distances from the point of discharge, surface area involvement, and volume of receiving water entrained in the thermal plume.
4. Not less than 180 days prior to the initiation of discharge from the Nine Mile Point Nuclear Generating Station Unit #2, Niagara Mohawk shall submit for approval to the Department of Environmental Conservation a plan of study for:

Verification of the extent of the thermal plume in the receiving waters by conducting thermal surveys in alternate months except for December through March during the first two years of operation.

5. Existing biological studies in Lake Ontario as required by regulatory agencies shall continue. Such study programs shall be adjusted as required by regulatory agencies to assess the operating impact of Unit #2. Requirements to submit reports, frequency of submission, and content shall be established at the time of approval of the study programs.

6. Not less than 180 days prior to the initiation of discharges from the Nine Mile-Point Nuclear Generating Station Unit #2, Niagara Mohawk shall submit to the NYSDEC office in Albany three copies of the following plans and specifications. Plans shall be stamped by an engineer licensed in New York State.

- a. Plans of proposed structures, including intake structure, diffuser, tunnel cross section, cooling tower, screenwell building, and equipment (including pumps).
- b. Plans of all on-site treatment facilities including oil/water separators.
- c. Piping and/or flow diagrams for all facility waste streams, including any piping to or from Nine Mile Point Unit #1 and contaminated plant and site drainage.
- d. Flow diagram of circulating cooling water system from the intake to the diffuser.

IV. Biological Monitoring and Related Matters - Unit #1

- A. Previous Biological Monitoring Data - EDP + 3 Months, the permittee shall file with the Chief, Bureau of Environmental Protection in Albany; Fishery Section head in Cape Vincent; and with the Regional Supervisor of Fish and Wildlife in Syracuse a report containing and/or identifying all previous reports regarding this facility which contain biological data relating to the ecological effects of plant operation from March 31, 1975 to the present. Previously submitted reports need not be duplicated, but title, date, and data location must be completely identified. A copy of all unsubmitted reports and data shall be sent to the above offices by EDP + 3 Months. Data to be reported should include, but is not necessarily limited to cooling water flows, dates, times, available operating and meteorological conditions, and species, numbers and other available biological information.
- B. Impingement Monitoring - The permittee shall conduct a program to determine the numbers and total weights by species of fish impinged on all intake traveling screens.
 1. Collections shall be made seventy-eight (78) days each year, provided that the circulating water pumps are in operation. When collection days coincide with shut down of the main circulating water pumps, collections need not be taken. Collections shall be obtained at the following intensity on days randomly selected within each month. Should the randomly selected dates result in a period in excess of 10 days during any month in which sampling does not occur,

additional sampling is required so that periods in excess of 10 days without a sample do not occur.

<u>Month</u>	<u>Number of Sample Days</u>
January	4
February	4
March	4
April	16
May	20
June	4
July	4
August	6
September	4
October	4
November	4
December	4

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2. Collections shall be conducted for a minimum period of 24 hours. The beginning of the 24-hour period shall be selected and held constant by the permittee for all collections. A collection period shall be no longer than 26 hours. Impingement collection shall be calculated and reported on a 24-hour basis.
 3. Travelling screens shall be washed until they are clean prior to the start of the 24-hour collection period.
 4. Individual length (cm) and weight (g) measurements shall be made on white perch, smallmouth bass, yellow perch, alewife, rainbow smelt, and each species of salmonid in order to characterize the size distribution for each 24-hour collection. No less than 25 organisms of each species shall be measured unless fewer than 25 individuals occur in the collection.

If more than 25 individuals of a single species are collected, except for smallmouth bass, yellow perch and each species of salmonid which are to be processed separately, a representative subsample of 25 fish shall be removed and lengths and weights recorded for the subsample. In the event of high impingement numbers, an estimate of the numbers and total weights by species fish shall be calculated as follows:

$$\text{Estimated No. of Fish} = \frac{(\text{Volume of Total Sample}) \times (\text{No. of Fish in Subsample})}{\text{Volume of Subsample}}$$

The total sample volume shall be determined by repeatedly filling a volumetrically graduated 20-gallon plastic container and then recording and summing the values. The total volume is then thoroughly mixed by hand or with a shovel and spread

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out evenly over a flat surface. An aliquot of the total sample is randomly selected and this sample portion is removed from the flat surface and measured in the graduated container to determine its approximate volume. The total number of fish in the subsample is then determined.

In the event of extremely large impingement loads, the permittee may request regional staff to make adjustments to or suspend the above subsampling procedures.

5. Electrical output and operation of the condenser cooling water system including intake and discharge temperature and total flow shall be recorded on a daily basis and tabulated as required in the following section on reporting.
6. By EDP + 3 Months, the permittee shall file for approval at the office in Section IV.A. above, a plan which will determine the collection efficiency of the following impinged organisms: white perch, smallmouth bass, yellow perch, alewife, and rainbow smelt. Prior collection efficiency data specific to this plant may be substituted for the above plan provided that it is submitted by EDP + 3 Months, to the NYSDEC and approved by the NYSDEC.

C. Reporting

1. All data required by Section IV or incorporated by reference in Section IV shall be included in an annual biological monitoring report.
2. The annual report shall be submitted by six months from the last month of data collection.
3. The following shall be included in the annual report in addition to (1) above:
 - a. Monthly and annual totals of impingement by species and grand total over all species. The calculations to be done are as follows:
 - Monthly "mean" is equal to the total number of fish impinged by species on the sampling days in the month divided by the total number of sampling days.
 - Annual "mean" is equal to the total number of fish impinged by species on the sampling days in the year divided by the total number of sampling days.

Similar calculations shall be made for grand total over species. The total number of fish and sampling days shall be clearly indicated in any table reporting the "totals".

- b. An estimate of the collection efficiencies to be determined pursuant to Section IV.B.6. above. If sufficient time is not available to include these estimates in the first annual report, the permittee may, upon written request and substantiation and with NYSDEC approval, extend this reporting requirement into an annual report other than the initial.
 - c. Estimates shall be developed of the average monthly impingement rate based on the number of sampling days and total volume of water pumped during these days, and also of the total monthly impingement based on the average monthly rate and the volume of water pumped during the month, for each species impinged.
4. All measurements shall use the metric system, e.g., flows should be in cubic meters/sec. (m^3/s).
 5. Copies of all reports regarding water and biological parameters related to intake and discharge considerations, whether generated for this permit or otherwise, shall be sent to the offices in Section IV.A. above.
 6. Report(s) submitted in fulfillment of permit conditions shall clearly identify on the title page the permit number and the specific section(s) by character and number that the report(s) fulfill. Each section of the text of such report(s) shall identify the section(s) of the permit that it fulfills.
 7. NYSDEC reserves the right to have more frequent submittal of the data required to be reported, provided that the permittee is given at least one (1) month prior notice of such more frequent reporting requirements.
 8. The measures the permittee instituted, if any, in the reporting year to accomplish minimization of facility impacts on aquatic biota shall be sent to the offices in Section IV.A. above.
 9. The formats for reporting the following data are included in Appendix A. Data sheets and formats for reporting the following data:
 - a. Flow
 - b. Temperature
 - c. Circulator operation
 - d. Electrical output

are available from the office of Environmental Protection.

- D. Biological specimens may be required to be submitted to the NYSDEC upon request.
- E. The facility shall be operated in such a manner as to minimize facility impacts on aquatic biota.
- F. As a result of the NYSDEC's review of the biological monitoring program, the permittee may be required to implement appropriate methods and procedures to reduce to the fullest extent possible the effects of facility operation on aquatic organisms.

01723155

September 14, 1987

SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS

(a) Permittee shall achieve compliance with the effluent limitations specified in this permit for the permitted discharge(s) in accordance with the following schedule:

Action Code	Outfall Number(s)	Compliance Action	Due Date
02	011 & 021	Approvable Final Plans - Waste Storage Tanks (Additional Requirement #II.1)	8/1/83
04	011 & 021	Commencement of Construction (Additional Requirement #II.1)	10/1/83
01	All	Chemical Use Report - Unit #2 (Additional Requirement #III.1)	Initiation of reactor low power testing.
44	040	Plan of Study - Thermal Plume Verification (Additional Requirement #III.4)	180 days prior to initiation of discharge.
02	040	Final Plans - Circulating Cooling Water & Waste Treatment (Additional Requirement #III.6)	180 days prior to initiation of discharge.
39	NA	Compilation of Reports Containing Biological Data (Additional Requirement #IV.1.a)	EDP + 3 Months
44	NA	Plan of Study - Collection Efficiency (Additional Requirement #IV.6)	EDP + 3 Months

(b) The permittee shall submit to the Department of Environmental Conservation the required document(s) where a specific action is required in (a) above to be taken by a certain date, and a written notice of compliance or noncompliance with each of the above schedule dates, postmarked no later than 14 days following each elapsed date. Each notice of noncompliance shall include the following information:

1. A short description of the noncompliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement without further delay;
3. A description of any factors which tend to explain or mitigate the noncompliance; and
4. An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next scheduled requirement on time.

SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS (continued)

(c) The permittee shall submit copies of the written notice of compliance or noncompliance required herein to the following offices:

Chief, Compliance Section

New York State Department of Environmental Conservation

50 Wolf Road

Albany, New York 12233

Regional Water Engineer, Region 7

New York State Department of Environmental Conservation

7481 Henry Clay Boulevard

Liverpool, New York 13088

Oswego County Dept. of Health

70 Bunner Street

Oswego, New York 13126

USEPA, Region II

Planning and Management Division

26 Federal Plaza

New York, New York 10278

The permittee shall submit copies of any engineering reports, plans of study, final plans, as-built plans, infiltration-inflow studies, etc. required herein to the New York State Department of Environmental Conservation Regional Office specified above unless otherwise specified in this permit or in writing by the Department or its designated field office.

September 14, 1987

MONITORING, RECORDING AND REPORTING

a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be:

☐ Summarized, signed and retained for a period of three years from the date of sampling for subsequent inspection by the Department or its designated agent.

☒ Summarized and reported by submitting completed and signed Discharge Monitoring Report forms once every _____ month(s) to the locations specified below. Blank forms available at department offices listed below.

The first report will be due no later than _____

Thereafter, reports shall be submitted no later than the 28th of the following month(s): MONTHLY

Department of Environmental Conservation
Regional Water Engineer, Region 7
7481 Henry Clay Boulevard
Liverpool, New York 13088

Oswego County Dept. of Health
70 Bunner Street
Oswego, New York 13126

Department of Environmental Conservation
Division of Water
50 Wolf Road,
Albany, New York 12233

☒ (Applicable only if checked)

Dr. Richard Baker, Chief
Permit Administration Branch
Planning & Management Division
USEPA Region II, 26 Federal Plaza
New York, New York 10278

- c) If so directed, Monthly Wastewater Treatment Plant Operator's Reports should be submitted to the Regional Engineer and County Health Department or County Environmental Control Agency specified above.
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) On or after April 1, 1984, any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquires regarding laboratory certification should be sent to the Laboratory Certification/Quality Assurance Group, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)
DISCHARGE PERMIT

GENERAL CONDITIONS
(PART II)

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PART II - GENERAL CONDITIONS

1. GENERAL PROVISIONS

a. A determination has been made on the basis of a submitted application, plans, or other available information, that compliance with the specified permit provisions will reasonably assure compliance with applicable water quality standards. Satisfaction of permit provisions notwithstanding, if operation pursuant to the permit causes or contributes to a condition in contravention of State water quality standards, or if the Department determines, on the basis of notice provided by the permittee and any related investigation, inspection or sampling, that a modification of the permit is necessary to assure maintenance of water quality standards or compliance with other provisions of ECL Article 17, or the Act, the Department may require such a modification and may require abatement action to be taken by the permittee and may also prohibit the noticed act until the permit has been modified.

b. All discharges authorized by this permit shall be consistent with the terms and conditions of this permit. Facility expansions, production increases, or process modifications which result in new or increased discharges of pollutants into the waters of the state must be reported by submission of a new SPDES application, in which case the permit may be modified accordingly. The discharge of any pollutant, not identified and authorized, or the discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Facility modifications, process modifications, or production decreases which result in decreased discharges of pollutants must be reported by submission of written notice to the permit-issuing authority, in which case the permit-issuing authority may require the permittee to submit a new SPDES application.

c. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

d. If the discharge(s) permitted herein originate within the jurisdiction of an interstate water pollution control agency, then the permitted discharge(s) must also comply with any applicable effluent standards or water quality standards promulgated by that interstate agency.

e. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Environmental Conservation Law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

f. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

g. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

h. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

i. The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

j. The filing of a request by the permittee for a permit modification, revocation, transfer, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

k. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

2. SPECIAL REPORTING REQUIREMENTS FOR EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

a. All existing manufacturing, commercial, mining and silvicultural dischargers must notify the Department as soon as know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not specifically controlled in the permit, pursuant to General Provision 1 (b) herein.

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (i) 500 micrograms/liter;
- (ii) 1.0 milligram/liter for antimony;
- (iii) Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
- (iv) The level established by the Department in accordance with 40 CFR §122.44(f).

3. That they have begun or expect to begin to use, or manufacture as an intermediate or final product or by-product, any toxic pollutant which was not reported in the permit application under 40 CFR §122.21(g)(9) and which is being or may be discharged to waters of the state.

3. EXCLUSIONS

a. The issuance of this permit by the Department and the receipt thereof by the Applicant does not supersede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof.

b. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations; nor does it obviate the necessity of obtaining other assent required by law for the discharge authorized.

c. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

d. Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Clean Water Act shall be in conformance with regulations promulgated pursuant to Section 311 governing the applicability of Section 311 of the Clean Water Act to discharges from facilities with NPDES permits.

4. MODIFICATION, SUSPENSION, REVOCATION

a. If the permittee fails or refuses to comply with any requirement in a SPDES permit, such noncompliance shall constitute a violation of the permit for which the Commissioner may modify, suspend, or revoke the permit or take direct enforcement action pursuant to law. When, at any time during or prior to a period for compliance, the permittee announces or otherwise lets it be known, or the Commissioner on reasonable cause determines, that the permittee will not make the requisite efforts to achieve compliance with an interim or final requirement, the Commissioner may modify, suspend or revoke the permit and take direct enforcement action pursuant to law, without waiting for expiration of the period for compliance with such requirements.

b. After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any provision of this permit; or
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts at any time; or materially false or inaccurate statements or information in the application or the permit; or
3. A change in any physical circumstances, requirements or criteria applicable to discharges that requires either a temporary or permanent reduction or elimination of the permitted discharges, such as:
 - (i) standards for construction or operation of the discharging facility;
 - (ii) the characteristics of the waters into which such discharge is made;
 - (iii) the water quality criteria applicable to such waters;
 - (iv) the classification of such waters; or
 - (v) effluent limitations or other requirements applicable pursuant to the Act or State Law.
4. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, a suspension, or revocation.
5. Failure to satisfy the reporting requirements of General Provision 1(b) herein.
6. Violation of any provision of ECL or regulation promulgated thereunder, which is directly related to the permitted activity.

c. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the Department shall institute proceedings to modify the permit in order to achieve conformance with the toxic effluent standard or prohibition.

5. REPORTING NONCOMPLIANCE

a. Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

c. 1. The following shall be included as information which must be reported within 24 hours under paragraph (b.) above:

(i) Any unanticipated bypass which violates any effluent limitation in the permit;

(ii) Any upset which violates any effluent limitation in the permit;

(iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iv) Any unusual situation, caused by a deviation from normal operation or experience (e.g. a chemical or oil spill) which creates a potentially hazardous condition.

2. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

3. During weekends, oral noncompliance reports, required by this paragraph, may be made at 518-457-7362

d. Other noncompliance. The permittee shall report all instances of noncompliance not otherwise required to be reported under this section or other sections of this permit, when its Discharge Monitoring Reports are submitted. Such reports shall contain the information listed in paragraph (b.) above.

e. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

6. INSPECTION AND ENTRY

a. The permittee shall allow the Commissioner of the Department, the EPA Regional Administrator, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or Environmental Conservation Law, any substances or parameters at any location.

7. TRANSFER OF PERMIT

a. This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and issuance of a new permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or Environmental Conservation Law.

b. Transfers by modification. Except as provided in paragraph (c.) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. Until such transfer is effected, any discharge by the new owner or operator constitutes a violation of ECL, Section 17-0803.

c. Automatic transfers. As an alternative to transfers under paragraph (b.) of this section, any SPDES permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Department at least 30 days in advance of the proposed transfer, date in paragraph (c.) (2.) of this section;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The Department does not notify the existing permittee and the proposed new permittee of its intent to modify the permit or require a new permit. A modification under this subparagraph may also be a minor modification. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (c.) (2.) of this section.

d. The terms and conditions of this permit are binding on the successors or assigns in interest of the original permittee.

e. The Department may require the new permittee to submit a new application.

8. PERMIT RENEWAL

a. Any permittee who wishes to continue to discharge after the expiration date of a permit shall apply for renewal of its permit no later than 180 days prior to the permit's expiration date (unless permission for a later date has been granted by the Department) by submitting any forms, fees, or supplemental information which may be required by the Department. Upon request, the Department shall provide the permittee with specific information concerning the forms, fees, and supplemental information required.

b. When a permittee has made timely and sufficient application for the renewal of a permit or a new permit with reference to any activity of a continuing nature, the existing permit does not expire until the application has been finally determined by the Department, and, in case the application is denied or the terms of the new permit limited, until the last day for seeking review of the Department order or a later date fixed by order of the reviewing court, provided that this subdivision shall not affect any valid Department action then in effect summarily suspending such permit.

9. SPECIAL PROVISIONS - NEW OR MODIFIED DISPOSAL SYSTEMS

a. Prior to construction of any new waste disposal system or modification which would materially alter the volume of, or the method or effect of treating or disposing of the sewage, industrial waste or other wastes, from an existing waste disposal system, the Permittee shall submit to the Department or its designated field office for review, an approvable engineering report, plans, and specifications which have been prepared by a person or firm licensed to practice Professional Engineering in the State of New York.

b. The construction of the above new or modified disposal system shall not start until the Permittee receives written approval from the Department or its designated field office.

c. The construction of the above new or modified disposal system shall be under the general supervision of a person or firm licensed to practice Professional Engineering in New York State, and upon completion of construction that person or firm shall certify to the Department or its designated field office that the system has been fully completed in accordance with the approved engineering report, plans and specifications, permit and letter of approval.

d. The Department and its designated field offices review wastewater disposal system reports, plans, and specifications treatment process capability only, and approval by either office does not constitute approval of the system's structural integrity.

10. MONITORING, RECORDING, AND REPORTING

10.1 GENERAL

a. The permittee shall comply with all recording, reporting, monitoring and sampling requirements specified in this permit and such other additional terms, provisions, requirements or conditions that the Department may deem to be reasonably necessary to achieve the purposes of the Environmental Conservation Law, Article 17, the Act, or rules and regulations adopted pursuant thereto.

b. Samples and measurements taken to meet the monitoring requirements specified in this permit shall be representative of the quantity and character of the monitored discharges. Composite samples shall be composed of a minimum of 8 grab samples, collected over the specified collection period, either at a constant sample volume for a constant flow interval or at a flow-proportioned sample volume for a constant time interval, unless otherwise specified in Part I of this permit. Grab sample means a single sample, taken over a period not exceeding 15 minutes.

c. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

d. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation or by both.

10.2 SIGNATORIES AND CERTIFICATION

a. All reports required by this permit shall be signed as follows:

1. For a corporation: by a principal executive officer of at least the level of vice-president; or
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: by either a principal or executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.



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4. A duly authorized representative of the person described in items (1.), (2.), or (3.). A person is a duly authorized representative only if:

- (i) The authorization is made in writing by a person described in paragraph (a.)(1.), (2.), or (3.) of this section;
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

(iii) The written authorization is submitted to the Department.

b. Changes to authorization: If an authorization under subparagraph (a.)(4.) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subparagraph (a.)(4.) of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

c. Certification: Any person signing a report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision, in accordance with a system, designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

d. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

10.3 RECORDING OF MONITORING ACTIVITIES AND RESULTS

a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

b. Records of monitoring information shall include:

- 1. The date, exact place, and time of sampling or measurements;
- 2. The individual(s) who performed the sampling or measurements;
- 3. The date(s) analyses were performed;
- 4. The individual(s) who performed the analyses;
- 5. The analytical techniques or methods used; and
- 6. The results of such analyses.

10.4 TEST AND ANALYTICAL PROCEDURES

a. Monitoring must be conducted using test procedures promulgated, pursuant to 40 CFR Part 136, except:

- 1. Those promulgated test procedures, proposed to be extended to additional parameters on October 26, 1984 (49 Federal Register 43437) are approved for the analysis of such additional parameters.
- 2. Should the Department require the use of a particular test procedure, such test procedure will be specified in Part I of this permit.
- 3. Should the permittee desire to use a test method not approved herein, prior Department approval is required, pursuant to paragraph (b) of this section.

b. Application for approval of test procedures shall be made to the Permit Administrator (see Part 1, page 1 for address), and shall contain:

- 1. the name and address of the applicant or the responsible person making the discharge, the applicable SPDES identification number of the existing or pending permit, name of the permit issuing agency name and telephone number of applicant's contact person;
- 2. the names of the pollutants or parameters for which an alternate testing procedure is being requested, and the monitoring location(s) at which each testing procedure will be utilized;

3. justification for using test procedures, other than those approved in paragraph (a) of this section; and
4. A detailed description of the alternate procedure, together with:
 - (i) references to published studies, if any, of the applicability of the alternate test procedure to the effluents in question;
 - (ii) data regarding analytical sensitivity (i.e. levels of detection), accuracy, and reproducibility, including supporting quality control/quality assurance studies; and
 - (iii) information on known interferences, if any.

Additional information can be obtained by contacting the Bureau of Water Research (NYSDEC, 50 Wolf Road, Albany, New York 12233).

11. DISPOSAL SYSTEM OPERATION AND QUALITY CONTROL

11.1 GENERAL

a. The disposal system shall not receive or be committed to receive wastes beyond its design capacity as to volume and character of wastes treated, nor shall the system be materially altered as to: type, degree, or capacity of treatment provided; disposal of treated effluent; or treatment and disposal of separated scum, liquids, solids or combinations thereof resulting from the treatment process without prior written approval of the Department of Environmental Conservation or its designated field office.

b. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

c. When required under Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR650), sufficient personnel meeting qualifications for operators of sewage treatment works as required therein shall be employed to satisfactorily operate and maintain the treatment works.

d. The permittee shall not discharge floating solids or visible foam.

11.2 BYPASS

a. Definitions:

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations:

The permittee may allow any bypass to occur which does not cause effluent limitations to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c.) and (d.) of this section.

c. Notice:

1. Anticipated bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass.

2. Unanticipated bypass - The permittee shall submit notice of an unanticipated bypass as required in Section 5, paragraph c. of this Part (24 hour notice).

d. Prohibition of bypass:

1. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (ii) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The permittee submitted notices as required under paragraph (c.) of this section.

2. The Department may approve an anticipated bypass after considering its adverse affects, if the Department determines that it will meet the three conditions listed in paragraph (d)(1) of this section. In approving such bypass, the Department may impose conditions, designed to minimize any adverse environmental impact of the bypass.

11.3 UPSET

a. Definition:

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset:

An upset constitutes an affirmative defense to an action brought for noncompliance with such permit effluent limitations if the requirements of paragraph (c.) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset:

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the cause(s) of the upset;
2. The permitted facility was at the time being properly operated; and
3. The permittee submitted notice of the upset as required in Section 5, paragraph c. of this part (24 hour notice).
4. The permittee complied with any remedial measures required under Section 5, paragraph e. of this part.

d. Burden of proof:

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

11.4 SPECIAL CONDITION - DISPOSAL SYSTEMS WITH SEPTIC TANKS

If a septic tank is installed as part of the disposal system, it shall be inspected by the permittee or his agent for scum and sludge accumulation at intervals not to exceed one year's duration, and such accumulation will be removed before the depth of either exceeds one-fourth ($\frac{1}{4}$) of the liquid depth so that no settleable solids or scum will leave in the septic tank effluent. Such accumulation shall be disposed of in an approved manner.

11.5 SLUDGE DISPOSAL

a. The storage or disposal of collected screenings, sludges, other solids, or precipitates separated from the permitted discharges and/or intake or supply water by the permittee shall be done in such a manner as to prevent creation of nuisance conditions or entry of such materials into classified waters or their tributaries, and in a manner approved by the Department. Any live fish, shellfish, or other animals collected or trapped as a result of intake water screening or treatment may be returned to their water body habitat. The permittee shall maintain records of disposal on all effluent screenings, sludges and other solids associated with the discharge(s) herein described. The following data shall be compiled and reported to the Department or its designated field office upon request:

1. The sources of the materials to be disposed of;
2. The approximate volumes and weights;
3. The method by which they were removed and transported;
4. Their final disposal locations.

12. CONDITIONS APPLICABLE TO A PUBLICLY OWNED TREATMENT WORKS (POTW)

12.1 GENERAL

a. All POTWs must provide adequate notice to the Department of the following:

1. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
2. 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.
3. For 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.

12.2 NATIONAL PRETREATMENT STANDARDS: PROHIBITED DISCHARGES

(Note: The following Section was published in the Federal Register, Vol. 46, No. 18 - Wednesday January 28, 1981. The effective date of the regulation (Part 403) was March 30, 1981)

§403.5 National Pretreatment Standards: Prohibited Discharges.

a. General prohibitions:

Pollutants introduced into POTW's by an non-domestic source shall not Pass Through the POTW or Interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (b.) of this section apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

b. Specific prohibitions:

In addition, the following pollutants shall not be introduced into a POTW:

1. Pollutants which create a fire or explosion hazard in the POTW;
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 unless the works is specifically designed to accommodate such discharges;
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW approves alternate temperature limits.

c. When Specific Limits Must be Developed by POTW:

1. POTW's developing POTW Pretreatment Programs pursuant to § 403.8 shall develop and enforce specific limits to implement the prohibitions listed in § 403.5(a) and (b).



2. All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's Facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

3. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

d. Local Limits:

Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c.) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

e. EPA and State Enforcement Actions:

If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA or DEC to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA or DEC may take appropriate enforcement action.

f. Compliance Deadlines:

Compliance with the provisions of this section is required beginning on March 13, 1981, except for paragraph (b.) (5) of this section which must be complied with by August 25, 1981.

