State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**6519**	NAICS Code:	**531120**	SPDES Number:	**NY0201120**
Discharge Class (CL):	**01**			DEC Number:	**2-6204-00133/00001**
Toxic Class (TX):	**N**			Effective Date (EDP):	**DRAFT**
Major-Sub Drainage Basin:	**17 - 02**			Expiration Date (ExDP):	**DRAFT**
Water Index Number:	**ER (0.3-10.1)**	Item No.:	**890 - 53**	Modification Dates (EDPM):	
Compact Area:	**IEC**				

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

PERMITTEE NAME AND ADDRESS					
Name:	**Board of Managers of 866 United Nations Plaza Condominium**	Attention:	**Karen Scalogna**		
Street:	**866 United Nations Plaza**				
City:	**New York**	State:	**NY**	Zip Code:	**10017**
Email:	**Karen.scalogna@am.jll.com**	Phone:	**(212) 752 – 0875**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL																
Name:	**866 United Nations Plaza Condominium**															
Address / Location:	**866 United Nations Plaza**											County:	**New York**			
City:	**New York**						State:	**NY**				Zip Code:	**10017**			
Facility Location:		Latitude:	**40**	°	**45**	'	**8.7**	" N	& Longitude:	**73**	°	**57**	'	**56.3**	" W	
Primary Outfall No.:	**001**	Latitude:	**40**	°	**45**	'	**07**	" N	& Longitude:	**73**	°	**57**	'	**52**	" W	
Wastewater Description:	**Non-Contact Cooling Water**	Receiving Water:	**East River**				NAICS:	**531120**	Class:	**I**		Standard:	**I**			

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

Permit Administrator:	Caitlyn Nichols		
Address:	NYSDEC Division of Environmental Permits- Region 2 47-40 21st Street, Long Island City, NY 11101		
Signature:		Date:	/ /

DEFINITIONS

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

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Non-Contact Cooling Water	East River	DRAFT	DRAFT

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow Rate	Daily Maximum	12.1	MGD			Continuous	Pump Log		X	
pH	Daily Minimum	6.0	SU			2/month	Grab		X	
	Daily Maximum	9.0								
Temperature	Daily Maximum	90	ºF			Continuous	Recorder		X	
Intake-Discharge Temperature Difference	Daily Maximum	Monitor	ºF			Weekly	Calculated	X	X	1, 2
	Monthly Average	Monitor								
Total Residual Chlorine	Daily Maximum	0.075	mg/L			Daily	Grab		X	3
Total Copper	Daily Maximum	Monitor	mg/L			2/year	Grab	X	X	
Total Lead	Daily Maximum	Monitor	mg/L			2/year	Grab	X	X	
Total Zinc	Daily Maximum	Monitor	mg/L			2/year	Grab	X	X	

FOOTNOTES:

1. Intake temperature shall be taken prior to use and addition of heat.

2. Discharge samples shall be taken in the 24” discharge pipe prior to discharge into the East River.

3. Sampling and reporting for total residual chlorine is only necessary if chlorine is used for disinfection, elsewhere in the treatment process, or the facility otherwise has reasonable potential to discharge chlorine. Otherwise, the permittee shall report NODI-9 on the DMR.

BIOLOGICAL MONITORING REQUIREMENTS

All submissions under this section should provide:

One (1) paper and one (1) electronic copy to the Energy Unit Leader[1];
One (1) copy of the cover letter to the Division of Water
State Pollution Discharge Elimination System (SPDES)
Compliance Information Section; and
One (1) copy of the cover letter to the Regional Water Engineer;
unless otherwise noted.

Impingement Mortality and Entrainment Characterization Study

1. Within three (3) months of the Effective Date of the Permit (EDP + 3 months), the permittee must submit an approvable plan for an *Impingement Mortality and Entrainment Study* at 866 United Nations Plaza. The study plan must include a schedule for implementation, standard operating procedures for data collection, and a final report. At a minimum, the final report must include:

   a. A taxonomic identification of all fish and shellfish, as defined in CP-52, documented to frequent the East River and natural life history information on each of these species.

   b. An overall estimate of the number of fish and shellfish impinged and entrained at current operating conditions, and at calculation baseline conditions. For each flow scenario, estimates shall be presented in total numbers of organisms, identified to species, or lowest practical taxon. Estimates for each taxonomic group shall also be subdivided by life stage.

   In addition, the *Impingement Mortality and Entrainment Characterization Study* must be generally consistent with the following guidelines:

   c. Impingement Abundance Monitoring
      i. Duration - two years for facilities with no previous impingement monitoring.
      ii. Intensity - At a minimum, one continuous 24-hour collection will be made in every, seven-day calendar period for a continuous 24- month period. The collections will be scheduled to take place within the first two days of each period so that the remainder of the period is available for an alternate collection, should plant operation or equipment malfunction and prevent impingement collection on the day initially scheduled. If for any reasons, a collection cannot be made within a given seven-day period, the subsequent collection shall proceed as scheduled. If more than 1,000 fish are collected in 24-hours of sampling, an additional 24-hour collection will be initiated within 72 hours.
      iii. Traveling screens shall be washed until they are clean prior to the start of the 24-hour collection period.
      iv. Average intake temperature before sampling, average discharge temperature and total facility flows shall be recorded on a daily basis, tabulated and included as an appendix in the final report.
      v. Collection efficiency shall be determined quarterly for each major species. Major species are defined as those occurring at greater than 10% abundance, and species of important recreational or commercial fishing interest such as striped bass, winter flounder, and blue crab.
      vi. The final report shall include a chapter on the facility and site description. In the description of the facility's operation, there will be a completed description of the condenser cooling water system including the number of traveling screens, dimensions, type, mesh size, standard operating procedures, screen washwater sluice configuration and disposition of the screen washings, and the nature and estimated quantities of debris collected at this facility.
      vii. Water quality measurements will be taken in conjunction with the impingement sampling program. Measurements will include salinity, pH, and dissolved oxygen.
      viii. Every 6 months the permittee shall submit a status report describing the sampling activities that took place during the prior 6 months, and any events that affected sampling efforts.
      ix. The final report shall include all relevant data and a summary table that includes estimates of the total numbers of fishes and shellfish impinged, by species, for the study period based upon (1) continuous operation of all pumps at full rated flow and (2) actual operational and flow data for the study period. The information must be submitted in tabular, graphic, and electronic (Excel or similar) formats.

[1] Energy Unit Leader, NYSDEC, Bureau of Ecosystem Health, 625 Broadway 5th Floor, Albany, NY 12233-4756

d. Entrainment Abundance Monitoring
   i. Duration - two years for facilities with no previous entrainment monitoring.
   ii. Intensity - At a minimum, one continuous 24-hour collection will be made in every, seven-day calendar period during March 1 to August 31 for a 2-year period. The collections will be scheduled to take place within the first two days of each period so that the remainder of the period is available for an alternate collection, should plant operation or equipment malfunction and prevent entrainment collection on the day initially scheduled. If for any reasons, a collection cannot be made within a given seven-day period, the subsequent collection shall proceed as scheduled.
   iii. All samples will be analyzed for ichthyoplankton and juvenile fish.
   iv. Proposed methods for sample processing, quality control, quality assurance, and splitting will be described in the scope of work submitted for DEC approval.
   v. Every 6 months the permittee shall submit a status report describing the sampling activities that took place during the prior 6 months, and any events that affected sampling efforts.
   vi. The final report shall include all relevant data, and a summary table that includes estimates of the total numbers of fish entrained, by species and life stage, for the study period based upon (1) continuous operation of all pumps at full rated flow and (2) actual operational and flow data for the study period. The information must be submitted in tabular, graphic, and electronic (Excel or similar) formats.

Once approved by the Department, the permittee must conduct the *Impingement Mortality and Entrainment Characterization Study* according to the approved schedule. The *Impingement Mortality and Entrainment Characterization Study* and approved schedule will become an enforceable condition of this SPDES permit.

Design and Construction Technology Review

2. Within six (6) months after the Department's approval of the *Impingement Mortality and Entrainment Study* final report, the permittee must submit an approvable *Design and Construction Technology Review* that includes:

   a. An analysis of all feasible technologies and/or operational measures capable of being installed and implemented at 866 United Nations Plaza. For each feasible alternative include:
      i. A detailed description of the alternative (including preliminary drawings and site maps, if appropriate);
      ii. A discussion of the engineering feasibility of the alternative;
      iii. An assessment of the mitigative benefits in reducing impingement mortality and entrainment abundance for all life stages of fish and shellfish, through utilization of the alternative;
      iv. A breakdown of all applicable costs including costs associated with capital improvements, operation and maintenance, and construction downtime;
      v. An estimate of the time required to implement the alternative; and
      vi. An evaluation of any adverse environmental impacts to aquatic biota, habitat, or water quality that may result from construction, installation, and use of the alternative.

3. Within 1 month of the Department's approval of the *Design and Construction Technology Review*, the permittee must submit, for Department review and consideration, a proposed suite of technologies or operational measures that meets the requirements of 6 NYCRR Part 704.5 and Section 316(b) CWA:

   a. The reductions in entrainment and impingement mortality resulting from the proposed technologies and/or operational measures can be no less stringent, and if possible, should be substantially greater than the following performance requirements:

      i. Entrainment must be reduced by at least 60 percent from the calculation baseline;
      ii. Impingement mortality must be reduced by at least 80 percent from the calculation baseline.

NOTE: Based on this and other relevant information, the Department will select technologies and/or operational measures that meet the requirements of 6 NYCRR Part 704.5, Section 316(b) CWA, 40 CFR 125 Subpart J and will modify this SPDES permit to require the use of these selected technologies and/or operational measures.

Technology Installation and Operation Plan

4. Within 3 months of the effective date of the permit modification requiring technologies and/or operational measures to meet requirements of 6 NYCRR Part 704.5 and Section 316(b) CWA, the permittee must submit an approvable *Technology Installation and Operation Plan*. This plan must include:

    a. a schedule for installing and implementing the technologies and/or operational measures selected to meet requirements of 6 NYCRR Part 704.5 and Section 316(b) CWA; and

    b. the methodology for assessing the efficacy of these technologies and operational measures.

Verification Monitoring Study- Plan and Report

5. Within 3 months of Department approval of the *Technology Installation and Operation Plan*, the permittee must submit an approvable *Verification Monitoring Study Plan*. This plan must include details of procedures to confirm that the necessary reductions in impingement and entrainment required by this permit are being achieved, and must include the following:

    a. At a minimum, two years of in-plant impingement and entrainment monitoring to verify the full-scale performance of BTA measures.

    b. A description of the frequency and duration of monitoring, the parameters to be monitored, and the basis for determining the parameters and the frequency and duration for monitoring.

    c. A schedule of implementation.

    d. A draft proposed Standard Operation Procedure (SOP) that describes the sampling protocols for these monitoring studies.

    The plan and SOP must be updated as required by the Department. Upon receipt of Department approval, the permittee must complete the *Verification Monitoring Study* in accordance with the approved schedule. The *Verification Monitoring Study Plan* and approved schedule will become an enforceable condition of this SPDES permit.

6. Within 6 months of the completion of the *Verification Monitoring Study* the permittee must submit an approvable report to the Energy Unit Leader that demonstrates compliance with 6 NYCRR Part 704.5 and Section 316(b) CWA.

Additional Reporting Requirements

7. The permittee must maintain records of all data, reports and analysis pertaining to compliance with 6 NYCRR Part 704.5, and Section 316(b) CWA for a period no less than 10 years from the Effective Date of the Permit.

8. If the selected BTA measures do not meet the required reductions in entrainment, within 6 months of the Department's notice, the permittee must submit an approvable Contingency Plan to meet the BTA requirements of 6 NYCRR Part 704.5 and Section 316(b) of the CWA. Upon Department approval, the Contingency Plan shall become part of the TIOP and an enforceable condition of this permit. Any contingency proposed must result in a reduction in entrainment equivalent to the reductions that would be achieved if the facility operated a wet closed-cycle cooling system.

General Requirement

9. Modification of the facility cooling water intake must not occur without prior Department approval. The permittee must submit written notification, including detailed descriptions and plans, to the NYS DEC Energy Unit; the Director of the Bureau of Water Compliance Program; and both the Regional Permit Administrator and the Regional Water Engineer, Region 2, at least 60 days prior to any proposed change which would result in the alteration of the permitted operation, location, design, construction or capacity of the cooling water intake structure. The permittee must submit with the written notification a demonstration that the change reflects the best technology available for minimizing adverse environmental impacts pursuant to 6 NYCRR Part 704.5 and Section

316(b) CWA. As determined by NYS DEC, a permit modification application in accordance with 6 NYCRR Part 621 may be required.

10. Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act or Environmental Conservation Law section 11-0535 and its implementing regulations at 6 NYCRR Part 182.

SCHEDULE OF SUBMITTALS

Outfall(s)	Parameter(s) Affected	Required Action	Due Date
	N/A	1. Submit an approvable *Impingement and Entrainment Study* Plan	EDP + 3 months
		2. Submit an approvable *Design and Construction Technology Review*	IM&E approval +6 months
		3. Submit a proposed suite of technologies or operational measures for Department review and consideration	DCTR approval + 1 month
		4. Submit an approvable *Technology Installation and Operation Plan*	EDPM* + 3 months
		5. Submit an approvable *Verification Monitoring Study Plan*	TIOP approval + 3 months
		6. Submit an approvable report to the Energy Unit Leader that demonstrates compliance with 6 NYCRR Part 704.5 and 316(b) of the Clean Water Act	VMP approval +6 months
		9. Submit an approvable “Thermal Study Plan”	EDP + 6 months

*From the suite of technologies and/or operational measures submitted for review, the Department will select technologies and/or operational measures that meet the requirements of 6NYCRR Part 704, section 704.5, Section 316(b) of the Clean Water Act, and the performance goals of Commissioner Policy #52. Subsequent to these selections the Department will modify this permit.

MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On 11/10/2022, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10.

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements[2] as described in detail below:

    a. Conditional Exclusion Certification - A certification (Appendix D of *DOW 1.3.10*), signed in accordance with 750-1.8 Signature of SPDES forms, must be submitted once every five (5) years to the Regional Water Engineer and to the Bureau of Water Permits certifying that the facility is neither a mercury source nor receives flows from a mercury source. Criteria to determine if a facility has a mercury source are as follows:

    - The facility is or receives discharge from 1) individually permitted combined sewer overflow (CSOs)[3] communities and/or 2) Type II sanitary sewer overflow (SSO)[4] facilities;
    - One or more effluent samples which exceed 12 ng/L, including samples taken as a result of the SPDES application process;
    - Internal or tributary waste stream samples exceed the GLCA effluent limitation **AND** the final effluent samples are less than the GLCA due primarily to dilution by uncontaminated or less contaminated waste streams. Both components of this criterion may include samples taken as a result of the SPDES application process;
    - A permit application or other information indicates that mercury is handled on site and could be discharged through outfalls;
    - Outfalls which contain legacy mercury contamination;
    - The facility's collection system receives discharges from a dental and/or categorical industrial user (CIU)[5] that may discharge mercury;
    - The facility accepts hauled wastes; or,
    - The facility is defined as a categorical industry that may discharge mercury. This may also include dentists, universities, hospitals, or laboratories which have their own SPDES permit.

    b. Control Strategy - The control strategy must contain the following minimum elements:

    i. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.

    ii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.

[2]Neither monitoring nor outreach is required for facilities meeting the criteria for MMP Type IV, but monitoring and/or outreach can be included in the permittee's control strategy.
[3] CSO permits are included under the 05 and 07 permit classifications.
[4] These are overflow retention facilities (ORFs) and are included under the 05 and 07 permit classifications.
[5] CIUs include those listed under Federal Regulation in 40 CFR Part 400.

MERCURY MINIMIZATION PROGRAM (MMP) – Type IV (Continued)

c. **Status Report** - An **annual** status report must be developed and maintained on site, in accordance with the Schedule of Additional Submittals, summarizing:

   i. Review of criteria to determine if the facility has a potential mercury source;
      a. If the permittee no longer meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated permit modification;
   ii. All actions undertaken, pursuant to the control strategy, during the previous year; and
   iii. Actions planned, pursuant to the control strategy, for the upcoming year.

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

3. MMP Modification - The MMP must be modified whenever:
   a. Changes at the facility, or within the collection system, increase the potential for mercury discharges;
   b. A letter from the Department identifies inadequacies in the MMP.

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

DEFINITIONS:

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

DISCHARGE NOTIFICATION REQUIREMENTS

The permittee has obtained a waiver for the installation of signs at all outfalls. The waiver was submitted and accepted on 2/27/2019.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:
Influent: Shall be taken in the pipe following pump prior to once-through cooling water system.
Effluent: Shall be taken in the 24” discharge pipe prior to discharge.

GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:

B. General Conditions

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

C. Operation and Maintenance

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

D. Monitoring and Records

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

E. Reporting Requirements

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

F. Sludge Management

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

G. 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.

H. 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 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 excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the Department's website at: http://www.dec.ny.gov/permits/93245.html

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.

B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with the DMR Manual available on Department's website.

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

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

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

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111
spdesapp@dec.ny.gov

Department of Environmental Conservation
Regional Water Engineer, Region 2
One Hunters Point Plaza, Long Island City, New York, 11101-5407 Phone: (718) 482-4933
DOW.r2@dec.ny.gov

D. Schedule of Additional Submittals:

The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	MERCURY MINIMIZATION PLAN The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	***Maintained Onsite*** EDP + 12 months, annually thereafter
	MERCURY - CONDITIONAL EXCLUSION CERTIFICATION Permittee must submit a mercury conditional exclusion certification every five years in order to maintain MMP Type IV status.	11/10/2027 and every 5 years thereafter

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."

E. 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.

F. 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.

G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

H. 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.

I. 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.

SPDES Permit Fact Sheet Board of Managers of 866 United Nations Plaza Condominium 866 United Nations Plaza Condominium NY0201120

NEW YORK STATE | Department of Environmental Conservation

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Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) EBPS permit renewal has been drafted for the 866 United Nations Plaza Condominium. The changes to the permit are summarized below:

- Updated permit format, definitions, and general conditions
- Updated SIC code
- Updated permittee attention and email address
- Reduced Temperature limit from 95 ºF to 90 ºF
- Reduced Total Residual Chlorine limit at Outfall 001 from 0.2 mg/L to 0.075 mg/L
- Added Monitor limit for Total Copper, Total Lead, and Total Zinc
- Removed footnote 2 as it is no longer applicable to the facility and the requirements for reporting WTCs is encompassed in the General Requirements section
- Added Biological Monitoring Requirements
- Added Mercury Minimization Plan Type IV
- Updated Discharge Notification Requirements to reflect that permittee obtained a waiver for installation of a sign at Outfall 001
- Updated Site Schematic and specified influent and effluent sampling locations
- Added Schedule of Additional Submittals that includes Mercury Minimization Plan Annual Status Report and Mercury Conditional Exclusion Certification

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

Administrative History

7/1/2001 The last full technical review was performed and the SPDES permit became effective with a new five-year term and expiration date of 7/1/2006. The 2001 permit has formed the basis of this permit.

The permit was administratively renewed in 2006 and again in 2011. The current permit administrative renewal is effective until 8/31/2026.

1/13/2022 Department issued a Request for Information (RFI) to modify and renew the SPDES permit due to the facility's EBPS score[1]. At the time of the RFI, the facility had an EBPS score of 208 and ranking of 116.

8/19/2022 The Board of Managers of 866 United Nations Plaza Condominium submitted an NY-2C permit application.

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

Facility Information

866 United Nations Plaza is an industrial facility (SIC code(s) 6519). It is a commercial condominium building complex consisting of one 460,000 square-foot commercial condominium and 2 residential towers, each 430,000 square-feet. The complex is adjacent to, but not a part of,

[1] Pursuant to 6 NYCRR 750-1.18 and NYS Environmental Benefit Permit Strategy (EBPS)

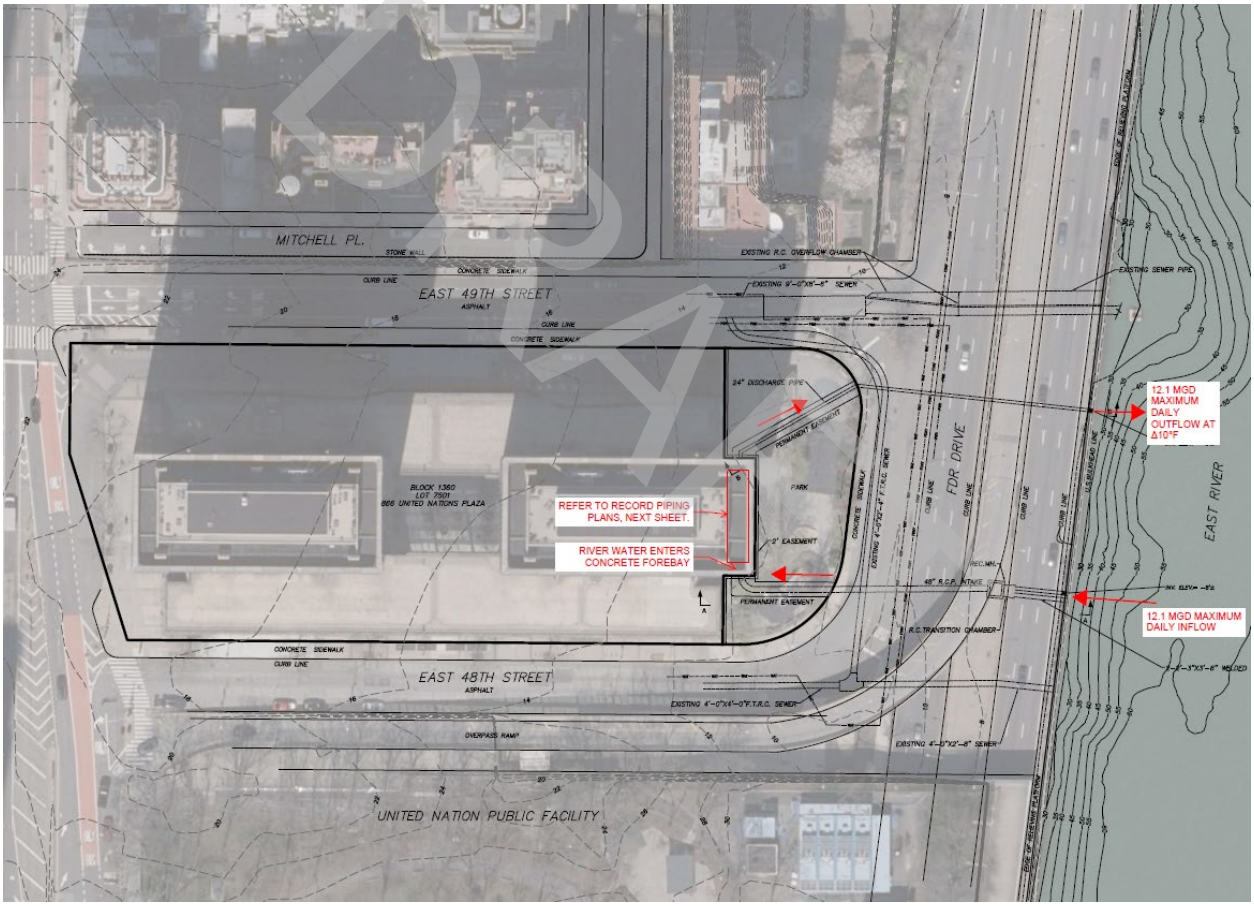
the United Nations. The facility uses water withdrawn from the East River for its cooling system for the property. Effluent consists of non-contact cooling water. The current system was constructed in 1965 to provide cooling to the property. There are no additives or chemical fixing of the water used in the process and what is pumped in is pumped out in equal measure.

The outfall is a single, 24" discharge pipe fully submerged with an invert of approximately -5 ft. that discharges approximately 2 ft. from the bulkhead wall. Discharge is to the East River.

Cooling Water Intake Structure (CWIS) Biological Monitoring

The facility currently uses a once-through cooling system to withdraw water from the East River using a cooling water intake structure and is subject to the performance goals of 6 NYCRR 704.5. Appendix A contains the Biological Fact Sheet with details on the permit requirements related to the CWIS.

Site Overview



Enforcement History

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

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from Discharge Monitoring Reports and the application submitted by the permittee for the period 3/31/2017 to 2/28/2022. Appendix Link

Interstate Water Pollution Control Agencies

Outfall 001 is located within the Interstate Environmental Commission (IEC) compact area. Appendix Link

Receiving Water Information

The facility discharges via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	6519	Non-Contact Cooling Water	East River, Class I

Reach Description: The East River (ER portion 1) is from the true east-west line passing through the southernmost tip of Manhattan Island at the Battery and extending to the east shore of East River in Brooklyn to a line across the river north of Wards Island between Stony Point in Bronx County and Lawrence Point in Queens County. Excludes the outlet channel of the Harlem River (from line drawn by extending 101st Street in Manhattan to southwesterly tip of Wards Island) and excluding Little Hell Gate outlet (northerly of line drawn from Stony Point to Sunken Meadow navigation bell on Wards Island).

See the Outfall and Receiving Water Summary Table and Appendix for additional information.

Impaired Waterbody Information

The East River segment (PWL No. 1702-0011) was first listed on the 1998 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to PCBs, other toxics from contaminated sediment. The segment continues to be listed as of the 2018 NYS Section 303(d) List. A TMDL has not been developed to address the impairment, and therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Critical Receiving Water Data & Mixing Zone

The facility discharges to the East River, which is a tidal waterbody and therefore a chronic dilution ratio of 10:1 is applicable. The acute dilution ratio of 10:1 was also applied.

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	10:1	10:1	10:1	TOGS 1.3.1 (for ponded or tidal waterbodies)

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

Permit Requirements

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

Whole Effluent Toxicity (WET) Testing

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

Anti-backsliding

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

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[2] determination. Appendix Link

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. This requirement is being continued from the previous permit. The permittee requested and was granted a waiver on 2/27/2019.

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

Best Management Practices (BMPs) for Industrial Facilities

As there are no stormwater discharges occurring on-site at this facility, BMPs for Industrial Facilities are not required.

Stormwater Pollution Prevention Requirements

There are no stormwater discharges occurring on-site at this facility.

Mercury[3]

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

The facility is located outside of the Great Lakes Basin, is a Class 01 industrial facility, and does not have a mercury source. On 11/10/2022, the permittee submitted a Conditional Exclusion Certification, certifying that the facility does not have any of the mercury sources listed in Part III.A.3. of DOW 1.3.10 and the effluent measured <12 ng/L. Therefore, consistent with DOW 1.3.10, the permit includes requirements for the implementation of MMP Type IV and does not include mercury effluent limitations. The Schedule of Additional Submittals includes a mercury minimization plan annual status report (maintained onsite), and re-certification of the exclusion

[2] As prescribed by 6 NYCRR Part 617
[3] In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

every five years. As part of the re-certification, the effluent must be sampled and continue to measure <12 ng/L. This requirement is new.

Schedule(s) of Additional Submittals

A schedule of additional submittals has been included for the following (Appendix Link):

- Mercury Minimization Plan Annual Status Report
- Mercury Conditional Exclusion Certification Form

Special Conditions

The Special Conditions previously included in the SPDES permit are being removed. Biological Monitoring Requirements will be included in the draft SPDES permit.

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001	40° 45' 07" N	73° 57' 52" W	East River	I	ER (portion 1) PWL: 1702-0011	17 / 02	-	-	-	-	12.1	10:1	10:1	10:1

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	001	**Description of Wastewater:** Non-Contact Cooling Water													
		Type of Treatment: N/A													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 3/31/2017 to 2/28/2022 was obtained from Discharge Monitoring Reports provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent.															
Flow Rate	MGD	Daily Max	12.1	12.09 Actual Maximum	51/4	**12.1**	Design Flow	Narrative: No alterations that will impair the waters for their best usages.					703.2	-	**TBEL**
	The flow limit is set at the design flow of the wastewater treatment facility.														
pH	SU	Minimum	6.0	6 Actual Minimum	59/0	**6.0**	TOGS 1.2.1	-	The normal range shall not be extended by more than one-tenth (0.1) of a pH unit.				703.3	-	**TBEL**
		Maximum	9.0	8.74 Actual Maximum	59/0	**9.0**									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution an effluent limitation equal to the TBEL is protective of the WQS.														
Temperature	°F	Daily Max	95	78 Actual Maximum	54/0	95	Antibacksliding	-	**Narrative (Estuary): The water temperature at the surface of an estuary shall not be raised to more than 90F at any point.**				704.2	-	**WQBEL**
	The discharge is a thermal discharge consisting of non-contact cooling water (NCCW). The current permit limit of 95 ºF is being reduced to an effluent temperature limit of 90 ºF. This conforms with the criteria governing thermal discharges under 6 NYCRR 704.2(b)(5).														

[4] Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with >3 nondetects)

Outfall #	001	**Description of Wastewater:** Non-Contact Cooling Water														
		Type of Treatment: N/A														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Intake-Discharge Temperature Difference	°F	Monthly Avg	Monitor	8.76	54/0	**Monitor**	750-1.13 Monitor	Narrative (Estuary): The water temperature at the surface of an estuary shall not be raised to more than 90 degrees Fahrenheit at any point.					704.2	-	**Monitor**	
		Daily Max	Monitor	23.42	53/2	**Monitor**	750-1.13 Monitor								**Monitor**	
	The Intake-Discharge Temperature Difference is being continued from the previous permit.															
Total Residual Chlorine (TRC)	mg/L	Daily Max	0.2	-	-	2.0	TOGS 1.3.3	-	-	0.0075	A(C)	**0.075**	703.5	-	**WQBEL**	
	No discharge of Total Residual Chlorine (TRC) occurred during the 5-year term. The WQBEL was calculated by multiplying the WQS by the chronic dilution ratio. Due to the low dilution, the calculated WQBEL is less than the TBEL and an effluent limitation equal to the WQBEL is appropriate.															
Additional Pollutants Detected																
Total Copper	mg/L	-	-	0.047	1/0	**Monitor**	750-1.13 Monitor	0.047	0.047	0.0034	A(C)	-	-	-	**Monitor**	
	Total Copper was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. The existing effluent quality is presumed to be representative of the ambient conditions. Based on information provided by the permittee, it is presumed that the detected Total Copper reported in the NY-2C application is resulting from its presence in the intake water and not occurring because of a treatment process, of which there are none, or from the materials that make up the once-through cooling water system. Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Copper in the East River.															
Total Lead	mg/L	-	-	0.012	1/0	**Monitor**	750-1.13 Monitor	0.012	0.012	0.008	A(C)	-	-	-	**Monitor**	
	Total Lead was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. The existing effluent quality is presumed to be representative of the ambient conditions. Based on information provided by the permittee, it is presumed that the detected Total Lead reported in the NY-2C application is resulting from its presence in the intake water and not occurring because of a treatment process, of which there are none, or from the materials that make up the once-through cooling water system. Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Lead in the East River.															
Total Zinc	mg/L	-	-	0.07	1/0	**Monitor**	750-1.13 Monitor	0.07	0.07	0.066	A(C)	-	-	-	**Monitor**	
	Total Zinc was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. The existing effluent quality is presumed to be representative of the ambient conditions. Based on information provided by the permittee, it is presumed that the detected Total Zinc reported in the NY-2C application is resulting from its presence in the intake water and not occurring because of a treatment process, of which there are none, or from the materials that make up the once-through cooling water system. Therefore, no WQBEL is specified. Monitoring of the influent and effluent will be included in the permit to confirm that there is no net increase of Total Zinc in the East River.															
Bromide	mg/L	-	-	45.5	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	Bromide was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Bromide does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															

Outfall #	001	**Description of Wastewater:** Non-Contact Cooling Water **Type of Treatment:** N/A														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Color	cpu@ ph7	-	-	18	1/0	-	-	Narrative: None in amounts that will adversely affect the taste, color or odor thereof, or impair the waters for their best usages.					703.2	-	**No Limitation**
	Color was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Color does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Nitrate	mg/L	-	-	0.39	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Nitrate was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Nitrate does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Nitrite	mg/L	-	-	0.02	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Nitrite was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Nitrite does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Total Phosphorus	mg/L	-	-	0.13	1/0	-	-	Narrative: None in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages.					703.2	-	**No Limitation**
	Total Phosphorus was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Total Phosphorus does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Sulfate (as SO_4)	mg/L	-	-	1930	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Sulfate (as SO_4) was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Sulfate (as SO_4) does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Sulfite (as SO_3)	mg/L	-	-	1.2	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Sulfite (as SO_3) was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Sulfite (as SO_3) does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Surfactants	mg/L	-	-	0.04	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Surfactants was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Surfactants does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Total Boron	mg/L	-	-	2.24	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Total Boron was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Surfactants does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
Total Iron	mg/L	-	-	0.68	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**
	Total Iron was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Total Iron does not exist for Class I waterbodies. Therefore, no WQBEL is specified.														
	mg/L	-	-	539	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**

Outfall #	001	**Description of Wastewater:** Non-Contact Cooling Water														
		Type of Treatment: N/A														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[4]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL			
Total Magnesium	Total Magnesium was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Total Magnesium does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															
Total Manganese	mg/L	-	-	0.04	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	Total Manganese was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Total Manganese does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															
Total Titanium	mg/L	-	-	0.02	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	Total Titanium was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Total Titanium does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															
Chemical Oxygen Demand (COD)	mg/L	-	-	855	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	Chemical Oxygen Demand (COD) was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Chemical Oxygen Demand (COD) does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															
Total Suspended Solids (TSS)	mg/L	-	-	12.8	1/0	-	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.					703.2	-	**No Limitation**	
	Total Suspended Solids was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. A numeric water quality standard for Chemical Oxygen Demand (COD) does not exist for Class I waterbodies. Therefore, no WQBEL is specified.															
Ammonia (as N)	mg/L	-	-	0.1	1/0	-	-	-	-	-	-	-	-	-	**No Limitation**	
	Ammonia (as N) was detected in a single priority pollutant scan submitted with the SPDES NY-2C application. The concentration detected is presumed to be representative of the background concentration of Ammonia (as N) in the East River. There are no treatment processes occurring at this outfall and there are no other wastestreams attributing to the discharge. Therefore, no limitation is being provided.															
Total Mercury	ng/L	-	-	3.1	1/0	-	-	-	-	0.7	H(FC)	-	-	-	**DOW 1.3.10**	
	See mercury section of factsheet.															

Appendix A: Biological Factsheet – Cooling Water Intake Structure

Biological Fact Sheet - Cooling Water Intake Structure
Bureau of Ecosystem Health, Energy Unit

Name of Facility: 866 United Nations Plaza
Owner/Operator: Board of Managers of 866 United Nations Plaza
SPDES #: NY0201120
Location: New York County, New York
New York City
East River

1. Description of Facility

866 United Nations Plaza ("UNP") is a complex of commercial condominiums and residential space located in midtown Manhattan, along the East River. The cooling system for the complex has been in use since 1965. The cooling water intake structure (CWIS) consists of a 48" pipe and 2 circulating water pumps plus one standby pump that can withdraw up to 14.8 MGD of cooling water from the East River. A coarse screen placed on the intake pipes is used to filter debris from the water. Water is withdrawn into a forebay, where at one time two traveling screens were operated to remove smaller debris from the cooling water. These screens were removed prior to the current owner's possession of the property, and only remnants of the screen infrastructure remain in the forebay. The circulating water pumps withdraw water from the forebay to be used for climate control purposes within the complex. After being used for cooling, the water is discharged from the facility back to the East River, at a maximum discharge temperature of 95°F.

2. Ecological Resource

The East River in the vicinity of the UNP CWIS is classified as Class I surface saline water. The best uses of Class I waters are secondary contact recreation and fishing. These waters shall support fish, shellfish, and wildlife propagation and survival. UNP has not conducted any site-specific biological studies at the facility to characterize impingement and entrainment. Therefore, the permittee used data from two nearby facilities that use cooling water from the East River to estimate the species and number of fish that might be impacted by the CWIS. These data are not intended to predict actual impingement and entrainment at UNP. Using data from the other facilities, UNP estimated that at maximum pump capacity, the CWIS could impinge between 225 and 94,000 fish, and entrain between 1.3 million and 46 million juvenile fish, larvae and eggs. Fish species that likely occur in the vicinity of the intake include grubby, bay anchovy, fourbeard rockling, goby species, blueback herring, Atlantic croaker, Northern pipefish, Atlantic tomcod, winter flounder, Atlantic menhaden, and river herring. Additionally, blue crab may be susceptible to impingement at the facility intake.

3. Discussion of Best Technology Available

According to 6NYCRR Part 704.5 - *Intake structures* and §316(b) of the federal Clean Water Act (CWA), the location, design, construction, and capacity of cooling water intake structures must reflect the "best technology available" (BTA) for minimizing adverse environmental impact. The identification of BTA is a technology driven determination, however, the final decision may also consider cost.

As part of the SPDES Biological monitoring requirements, the permittee will evaluate feasible technologies and/or operational measures capable of being employed at the UNP facility that will result in a reduction in impingement and entrainment.

For existing facilities with cooling water intake structures, the Department expects that impingement and entrainment at the facility CWIS will be minimized from the implementation of these permit conditions.

4. Determination of Best Technology Available

After evaluating all the available alternatives, the Department will determine the technology or combination of technologies and/or operational measures which will meet the requirements of §704.5 and §316(b) CWA.

5. Monitoring Requirements

Biological Monitoring Requirement #1 will require the permittee to conduct an Impingement and Entrainment Characterization Study at the facility to assess adverse environmental impact at the CWIS. After implementation of Best Technology Available, Biological Monitoring Requirement #5 directs the permittee to conduct a site-specific study to confirm that required reductions in impingement and entrainment are met.

6. Legal Requirements

The requirements for the cooling water intake structure in this State Pollutant Discharge Elimination System permit are consistent with the policies and requirements embodied in the New York State Environmental Conservation Law, in particular - Sec.1-0101.1.; 1-0101.2.; 1-0101.3.b., c.; 1-0303.19.; 3-0301.1.b., c., i., s. and t.; 11-0107.1; 11-0303.; 11-0535.2; 11-1301.; 11-1321.1.; 17-0105.17.; 17-0303.2., 4.g.; 17-0701.2., the performance goals of Commissioner Policy #52, 6 NYCRR Part 704.5 Section 316(b) CWA, and the rules thereunder, specifically 40 CFR Parts 122 and 125.

7. Summary of Proposed Permit Changes

Additions

Biological Monitoring Requirement 1	Requires the permittee to conduct an Impingement Mortality and Entrainment Characterization study
Biological Monitoring Requirement 2	Requires the permittee to submit a Design and Construction Technology Review
Biological Monitoring Requirement 3	Requires the permittee to submit a Proposed Suite of Technologies and Operational Measures
Biological Monitoring Requirement 4	Requires the permittee to submit a Technology Installation and Operation Plan
Biological Monitoring Requirement 5	Requires the permittee to submit a Verification Monitoring Study Plan
Biological Monitoring Requirement 6	Requires the permittee to submit a Verification Monitoring Study Report
Biological Monitoring Requirement 7	Requires permittee to maintain records for at least 10 years
Biological Monitoring Requirement 8	Requires permittee to submit a contingency plan if reductions in impingement and entrainment are not met
Biological Monitoring Requirement 9	Requires that modification to the cooling water intake structure not be made prior to Department approval.

Biological Monitoring Requirement 10	Statement that conditions in the permit do not authorize take of endangered species

8. References

6 NYCRR §701.13 Classifications- Surface Waters and Groundwaters- Class I Surface Saline Waters

6 NYCRR § 704.5 Intake Structures

40 CFR 125 Subpart J

Engineer's Report for 866 United Nations Plaza. Prepared by M.G.McLaren Engineering and land Surveying, P.C. Woodcliff, NJ. August 2022.

Impingement and Entrainment Estimate- Cooling Water System Prepared by M.G.McLaren Engineering and land Surveying, P.C. Woodcliff, NJ. November 2022.

Appendix B: Regulatory and Technical Basis of Permit Authorizations

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

Regulatory References

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

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

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

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

Outfall and Receiving Water Information

Impaired Waters

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

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

Interstate Water Pollution Control Agencies

Some POTWs may be subject to regulations of interstate basin/compact agencies including: Interstate Sanitation Commission (ISC), International Joint Commission (IJC), Delaware River Basin Commission (DRBC), Ohio River Valley Water Sanitation Commission (ORSANCO), and the Susquehanna River Basin Commission (SRBC). Generally, basin commission requirements focus principally on water quality and not treatment technology. However, interstate/compact agency regulations for the ISC, IJC, DRBC and NYC Watershed contain explicit effluent limits which must be addressed during permit drafting. 6 NYCRR 750-2.1(d) requires SPDES permits for discharges that originate within the jurisdiction of an interstate water pollution control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

Existing Effluent Quality

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

Permit Requirements

Basis for Effluent Limitations

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

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

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(*l*) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case basis in this factsheet. Consistent with current case law[5] and USEPA interpretation[6] anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

[5] American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)
[6] U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

Antidegradation Policy

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

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

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

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

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

Best Professional Judgement (BPJ)

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

Water Quality-Based Effluent Limitations (WQBELs)

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

1.3.2, 1.3.5 and 1.3.6. The Department considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

In accordance with TOGS 1.3.1., the Department may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:
"EPA Technical Support Document for Water Quality-Based Toxics Control" (March 1991); EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1, "Total Maximum Daily Loads and Water Quality-Based Effluent Limitations" (July 1996); "CORMIX v11.0" (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

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

1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the Department;

2) identify water quality criteria applicable to these pollutants;

3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,

4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

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

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

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

Minimum Level of Detection

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

Monitoring Requirements

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

Other Conditions

Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) "to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed." The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the

previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The Department has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

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

Schedules of Compliance

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

Schedule(s) of Additional Submittals

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

Best Management Practices (BMP) for Industrial Facilities

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