

Bureau of Industrial Programs  
DRAFT SPDES PERMIT TRANSMITTAL FORM AND FACT SHEET DATA

To: George Hansen, Chief, PDES Permit Section  
From: Walter Loveridge, Chief, Physical Systems Section  
Date: January 8, 1980

Project Engineer: Walter Loveridge

Permit No: NY 010 7930

SIC Code: 5311

Name: Pyramid Crossgates Company

Receiving Water: Krum Kill

Location: Guilderland (T), Albany County

Average Total Flow: 3 MGD

Type of Operation and Major Products:

Shopping Center

Production Levels if Effluent Guidelines Exist:

NA

Rationale for Permit Conditions:

Parking lot runoff from storm waters

Comments on Pertinent Data:

Attachment

WL/sr

cc: Mr. Berner

Region 4 - Water Quality Engineer

Region 4 - Director (w/o att.)

Copies:

Facility ID No. : NY 010 7930

Effective Date : EDP

Expiration Date : EDP + 5 years

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

Special Conditions  
(Part I)

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 provisions of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, October 18, 1972, (33 U.S.C. §1251 et. seq.) (hereinafter referred to as "the Act").

Pyramid Crossgates Company

(SIC 5311)

is authorized to discharge from the facility described below:

Crossgates Shopping Center  
Western Avenue  
Guilderland, New York  
Guilderland (T), Albany County

into receiving waters known as:

Krum Kill (Class A)

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 written authorization is given by the Department. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information, forms, and fees as are required by the Department of Environmental Conservation no later than 180 days prior to the expiration date.

By Authority of \_\_\_\_\_

Designated Representative of Commissioner of the  
Department of Environmental Conservation

Date

Signature

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning \_\_\_\_\_ and lasting until \_\_\_\_\_  
 the discharges from the permitted facility shall be limited and monitored by the  
 permittee as specified below:

Outfall Number	Effluent Parameter	Discharge Limitations				Monitoring Reqs.	
		kg/day Daily Avg.	(lbs/day) Daily Max.	Other Units Daily Avg.	(Specify) Daily Max.	Measurement Frequency	Sample Type
001*	Storm Water Runoff						
	Flow	---	---	---	---	Monthly	Instant.
	Total Suspended Solids	---	---	30 mg/l	50 mg/l	"	Grab***
	Settleable Solids	---	---	---	.3 ml/l	"	"
	Oil & Grease	---	---	---	15 mg/l	"	"
	Sodium Chloride (NaCl)	---	---	---	500 mg/l	"	"
	Cadmium**	---	---	---	---	Quarterly	"
	Chromium**	---	---	---	---	"	"
	Copper**	---	---	---	---	"	"
	Lead**	---	---	---	---	"	"
	Manganese**	---	---	---	---	"	"
	Mercury**	---	---	---	---	"	"
	Zinc**	---	---	---	---	"	"
	Nickel**	---	---	---	---	"	"
	Iron**	---	---	---	---	"	"

\* This discharge is for parking lot runoff only and shall not contain waste from any commercial or industrial operations.

\*\* Monitoring Requirement only.

\*\*\* Grab sample will be taken during the first half hour of storm water discharge.

The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units and shall be monitored as follows: monthly grab.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): in discharge before entering stream.

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, 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 and reported by submitting a completed and signed Discharge Monitoring Report form once every 3 months to the Department of Environmental Conservation and other appropriate regulatory agencies at the offices specified 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):

Chief, Waste Source Monitoring Section  
New York State Department of Environmental Conservation  
Room 300 - 50 Wolf Road - Albany, New York 12233

Regional Engineer  
New York State Department of Environmental Conservation  
Regional Office #4  
50 Wolf Road  
Albany, New York 12233

Albany County Health Department  
Attn: Director, Div. of Env. Health Services  
South Ferry & Green Streets  
Albany, New York 12201

c) If so directed by this permit or by previous request, Monthly Wastewater Treatment Plant Operator's Reports shall be submitted to the DEC Regional Office and county health department or county environmental control agency specified above.

d) Each submitted Discharge Monitoring Report shall be signed as follows:

1. If submitted by a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the Discharge Monitoring Report originates;
2. If submitted by a partnership, by a general partner;
3. If submitted by a sole proprietor, by the proprietor;
4. If submitted by a municipality, State or Federal agency, or other public entity; by a principal executive officer, ranking elected official, commanding officer, or other duly authorized employee.

e) Unless otherwise specified, all information submitted on the Discharge Monitoring Form shall be based upon measurements and sampling carried out during the most recently completed reporting period.

f) Blank Discharge Monitoring Report Forms are available at the above addresses.

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 must be reported by submission of a new SPDES application or, if such new or increased discharge does not violate the effluent limitations specified in this permit, by submission to the permit issuing authority of notice of such new or increased discharges of pollutants (in which case the permit may be modified to specify effluent limitations for any pollutants not identified and limited herein); 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.

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.

2. PROHIBITIONS

a. The following discharges into the waters of the State are hereby prohibited:

- (1) The discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste, such as terms are defined by the Act or pursuant thereto;

- (2) Any discharge which the Secretary of the Army acting through the Chief of Engineers finds would substantially impair anchorage and navigation;
- (3) Any discharge to which the Regional Administrator has objected in writing pursuant to any right to object provided the Administrator in Section 402(d) of the Act; and
- (4) Any discharge from a point source which is in conflict with a plan or amendment thereto approved pursuant to section 208(b) of the Act, or any other discharge not permitted by this article, article 17 of the ECL, other rules and regulations adopted or applicable pursuant thereto, the Act, or the provisions of a SPDES permit.

### 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. Nothing in this permit shall be deemed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act, as amended.

### 4. MODIFICATION, SUSPENSION, REVOCATION

a. If the permittee fails or refuses to comply with an interim or final 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 terms or conditions of this permit; or;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or false or inaccurate statements or information in the application; 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 authorized 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 standards 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.

c. Notwithstanding (b) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in Section 17-0813 of the Environmental Conservation Law or Section 307(a) of the Act) is established for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, or if this permit contains no limitations on such pollutants, this permit shall be revised or modified in accordance with the toxic effluent standards or prohibition and the permittee shall be so notified.

d. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 304(b)(2) (C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitations in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

##### 5. REPORTING NONCOMPLIANCE

a. If for any reason the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit or should any unusual or extraordinary discharge of wastes occur for the permitted facilities, the permittee shall immediately notify the Department of Environmental Conservation Regional Office by telephone and provide the following information in writing within five days of such notification:

- (1) Cause of noncompliance;
  - (2) A description of the noncomplying discharge including its impact upon the receiving waters;
  - (3) Anticipated time the condition of noncompliance is expected to continue, or if such condition has been corrected, the duration of the period of noncompliance;
  - (4) Steps taken by the permittee to reduce and eliminate the noncomplying discharge; and
  - (5) Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance.
- b. Permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
  - c. Except as provided herein under Prohibition of Bypass of Treatment Works, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
  - d. It is recognized that equipment malfunction, acts of God or other circumstances beyond the control of the Permittee may sometimes result in effluent concentrations exceeding the permit limitations despite the exercise of appropriate care and maintenance measures and corrective measures by the Permittee. The Permittee may come forward to demonstrate to the Department that such circumstances exist in any case where effluent concentrations exceed those set forth in this permit. The Department, however, is not bound to wait for or solicit such demonstrations prior to the initiation of any enforcement proceeding; nor must it accept as valid on its face the statements made in any such demonstration. Nevertheless, if the Department seeks to enforce in an administrative or judicial proceeding any provision of any permit issued to the Permittee by any permitting agency, the Permittee may raise at that time the issue of whether under the Constitution, statute, or decisional law it is entitled to a defense that its conduct was caused by circumstances beyond its control.

## 6. INSPECTIONS

- a. The permittee shall allow the Commissioner of the Department of Environmental Conservation, the Regional Administrator, and/or their authorized representative, upon the presentation of credentials:
  1. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
  2. To have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
  3. To inspect any monitoring equipment or practices being maintained pursuant to this permit; or

4. To have access to and sample any discharge of pollutants to waters of the State or to publicly owned treatment works resulting directly or indirectly from activities or operations of the owner or operator of the premises in which the effluent source or outlet is located.

#### 7. TRANSFER OF OWNERSHIP

- a. Any permittee who intends to transfer a SPDES permit is required to notify the Department in advance of the transfer. In the case of a change of ownership only, notice to the Department is required prior to change; in the case of an ownership change accompanied by a change or proposed change in wastewater characteristics, a minimum of 180 days prior notice to the Department is required.
- b. The terms and conditions of this permit are binding on the successors or assigns in interest of the original permittee.

#### 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 for 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 herein 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 herein shall be representative of the volume and nature of the monitored discharge. Composite samples should be "flow-proportioned" if necessary to obtain a representative sample.
- c. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

### 10.2 Monitoring Locations

- a. Permittee shall take samples and measurements to meet the monitoring requirements at the locations specified.
- b. Unless specified otherwise, samples of the effluent shall be taken at the point of combined flow into the outfall sewer.
- c. Unless specified otherwise, samples of the influent wastewater shall be taken at the point of plant inflow.

### 10.3 Recording of Monitoring Activities and Results

a. The permittee shall make and maintain records of all information resulting from the monitoring activities required by this permit.

b. The permittee shall record for each measurement or sample taken pursuant to the requirements of this permit the following information: (1) The date, exact place, and time of sampling; (2) The dates analyses were performed; (3) Who performed the analyses; (4) The analytical techniques or methods used; and, (5) The results of all required analyses.

c. If the permittee monitors any pollutant more frequently than is required by this permit, he shall include the results of such monitoring in the calculation and reporting of the values required in the Discharge Monitoring Report form. Such increased frequency shall be indicated on the Discharge Monitoring Report form.

d. The permittee shall retain for a minimum of three (3) years all records of monitoring activities and results including all records of calibration and maintenance of instrumentation and original strip chart recordings from continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation or other proceedings regarding the discharge of pollutants by the permittee or when requested by the Commissioner of the Department of Environmental Conservation or the EPA Regional Administrator.

### 10.4 Analytical Methods

Following promulgation of guidelines establishing test procedures for the analysis of pollutants, published pursuant to Section 304(g) of the Federal Water Pollution Control Act, as amended, all sampling and analytical methods used to meet the monitoring requirements specified above shall conform to such guidelines. If the Section 304(g) guidelines do not specify test procedures for any pollutants required to be monitored by this permit and until such guidelines are promulgated, sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the Commissioner, conform to the latest edition of the following references:

1. Standard Methods for the Examination of Water and Wastewaters, 14th Edition, 1976, American Public Health Association, New York, New York 10019.
2. A. S. T. M. Standards, Part 31, Water; Atmospheric Analysis, 1975, American Society for Testing and Material, Philadelphia, Pennsylvania 19103.

3. Methods for Chemical Analysis of Water and Wastes,  
March, 1979, Environmental Protection Agency Water Quality  
Office, Analytical Quality Control Laboratory, NECR,  
Cincinnati, Ohio 45268.

#### 10.5 Application for Alternate Test Procedures

a. The applicant shall submit his application to the Director of the Bureau of Monitoring and Surveillance, Division of Pure Waters, N.Y.D.E.C., 50 Wolf Road, Albany, New York 12233.

b. Unless and until printed application forms are made available, an application for an alternate test procedure may be made by letter in triplicate. Any application for an alternate test procedure shall:

- (1) Provide the name and address of the responsible person or firm making the discharge (if not the applicant) and the applicable ID number of the existing or pending permit, issuing agency, and type of permit for which the alternate test procedure is requested, and the discharge serial number.

- (2) Identify the pollutant or parameter for which approval of an alternate testing procedure is being requested.

- (3) Provide justification for using testing procedures other than those specified in Table I, FEDERAL REGISTER, 52781, Vol. 41, No. 232, Wed., Dec. 1, 1976, or as amended.

- (4) Provide a detailed description of the proposed alternate test procedure, together with references to published studies of the applicability of the alternate test procedure to the effluents in question.

#### 10.6 Confidential Information

a. Except for data determined to be confidential under Section 17-0805 of the Environmental Conservation Law or Section 308 of the Act, all such reports shall be available for public inspection at the offices of the Department of Environmental Conservation and the Regional Administrator of EPA Region II. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 71-1933 of the Environmental Conservation Law or Section 309 of the Act.

## 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 maintain in good working order and operate as efficiently as reasonably possible any disposal system or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- c. Any maintenance of the disposal system that may cause a degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the New York State Department of Environmental Conservation.
- d. 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.
- e. The permittee shall not discharge floating solids or visible foam, unless specifically authorized by this permit.

### 11.2 Prohibition of Bypass of Treatment Works

- a. Bypass or diversion of wastes from any portion of the treatment facilities is prohibited except:
  - (1) Where unavoidable to prevent loss of life, serious injury or severe property damage. Severe property damage includes substantial physical damage to property; damage to the treatment facilities which would cause 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. It does not include economic loss caused by delays in production; and
  - (2) Where there are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and

(3) Where the permittee promptly but in no event later than 24 hours after the permittee learns of the bypass, submits notice of the bypass or an anticipated need for bypass to the Department containing the information required by Section 5 of this Part.

Where the permittee knows in advance of the need for the bypass, this notification shall be submitted for approval to the Department before the date of bypass. Bypass shall be either:

- (i) Prohibited by the Department in consideration of the adverse effects of the bypass and the factors set out above, or
- (ii) Allowed under conditions determined to be necessary by the Department to minimize any adverse effects.

### 11.3 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.

### 11.4 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) AND USERS OF A POTW

12.1 GENERAL

a. Notice shall be given the Department of Environmental Conservation of any new introduction of pollutants into the POTW from a source which would be a new source as defined in Section 306 of the Act if such source was discharging pollutants; and, except as to such categories and classes of sources specified by the Commissioner, any new introduction of pollutants which exceed 10,000 gallons on any one day into the POTW from a source which would be subject to Section 301 of the Act if such source was discharging pollutants; and any substantial change in volume or character of pollutants being introduced into the POTW at the time of issuance of the permit. Such notice shall include information on the quality and quantity of effluent to be introduced into the POTW; and an anticipated impact of such change in the quantity or quality of effluent to be discharged from the POTW.

b. The permittee shall require any industrial user of the POTW to comply with the requirements of Section 204(b), 307, and 308 of the Act. Any industrial user subject to the requirements of Section 307 of the Act shall be required by the permittee to prepare and transmit to the New York State Department of Environmental Conservation periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with Section 307 requirements. The permittee, upon receipt of such reports shall transmit a copy promptly to the Department.

c. For discharges from publicly owned treatment works, appropriate measures will be established by the permittee to insure compliance by industrial users with any system of user charges and recovery of construction costs required under the provisions of the Act.

d. Persons discharging industrial waste to a publicly owned treatment works shall comply with toxic effluent standards and pretreatment standards and with monitoring, reporting, recording, sampling and entry requirements provided by the Act or the Environmental Conservation Law, Article 17 or adopted pursuant to the Act or the Environmental Conservation Law, Article 17.

12.2 NATIONAL PRETREATMENT STANDARDS: PROHIBITED DISCHARGES

(Note: The following Section was published in the Federal Register, Vol. 43, No. 123 - Monday June 26, 1978. The effective date of the regulation (Part 403) was August 25, 1978)

§403.5 National Pretreatment Standards: Prohibited Discharges.

(a) Pollutants introduced into POTW's by any source of a nondomestic discharge shall not inhibit or interfere with the operation or performance of the works. These general prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State, or local Pretreatment Requirements.

(b) The following pollutants may 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 sewers, or other Interference with the operation of the POTW;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause Interference in 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 treatment works influent exceeds 40°C(104°F) unless the works is designed to accommodate such heat.

(c) POTW's developing POTW Pretreatment Programs pursuant to §403.8 shall be required to develop and enforce specific limits for discharges of the pollutants listed in §403.5(b)(1)-(5). In addition, any POTW in violation of an NPDES Permit requirement as a result of Interference by a pollutant listed in §403.5(b)(1)-(5) shall be required by the EPA or NPDES state to develop and enforce such specific limits.

(d) Where specific prohibitions or limits on the pollutants or pollutant parameters listed in §403.5(b)(1)-(5) are developed by a POTW, either as a requirement of an Approved POTW Pretreatment Program pursuant to §403.8 or an NPDES Permit, such limits shall be incorporated in the NPDES Permit issued to the POTW and shall replace and be enforceable in lieu of the general prohibitions set forth in this section.

(e) Compliance with the provisions of this section is required beginning on the effective date of this regulation, except for paragraph (b)(5) of this section which must be complied with within 3 years of the effective date of this regulation.