



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4911	NAICS Code:	221112	SPDES Number:	NY0201235
Discharge Class (CL):	03			DEC Number:	2-6301-00191
Toxic Class (TX):	T			Effective Date (EDP):	EDP
Major-Sub Drainage Basin:	17 - 02			Expiration Date (ExDP):	ExDP
Water Index Number:	ER	Item No.:	935-1	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:	Astoria Gas Turbine Power LLC		Attention:	Andrew Scano, Plant Manager	
Street:	31-01 20th Avenue				
City:	Astoria		State:	NY	Zip Code: 11105
Email:	Andrew.Scano@nrg.com		Phone:	718-274-8843	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL								
Name:	Astoria Gas Turbine Power							
Address / Location:	31-01 20th Avenue					County:	Queens	
City:	Astoria			State:	NY	Zip Code:	11105	
Facility Location:	Latitude:	40 ° 46 ' 53.2 " N		& Longitude:	73 ° 54 ' 24.4 " W			
Primary Outfall No.:	001	Latitude:	40 ° 47 ' 22.7 " N	& Longitude:	73 ° 54 ' 11.5 " W			
Wastewater Description:	Non-process discharge & Stormwater	Receiving Water:	East River	NAICS:	221112	Class:	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 CO BWC - SCIS RWE RPA EPA Region II	Permit Administrator:			
	Address:	625 Broadway Albany, NY 12233-1750		
	Signature:			Date: / /

DEFINITIONS FOR PERMIT LIMITS, LEVELS AND MONITORING TERMS

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 12.
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	LIMITATIONS APPLY		RECEIVING WATER			EFFECTIVE	EXPIRING	
001	All Year		East River (Portion 2)			EDP		

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS			FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location	
								Inf.	Eff.
Flow	Daily Maximum	Monitor	MGD			Continuous	Calculated		X
Temperature	Continuous	Monitor	Deg F			Continuous	Continuous		X
Oil & Grease	Daily Maximum	15	mg/L	-	-	Monthly	Grab		X
pH	Range	6.0-9.0	SU	-	-	2/Month	Grab		X
Chlorine, Total Residual	Daily Maximum	0.075	mg/L		-	2/Month	Grab		X 1
Copper, Total	Daily Maximum	Monitor	µg/L	-	-	2/Month	Grab		X
ACTION LEVEL PARAMETERS	Type	Action Level	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.
Benzene	Daily Maximum	0.1	mg/L			Quarterly	Grab		X 3,4,5
Ethylbenzene	Daily Maximum	0.045	mg/L			Quarterly	Grab		X 3,4,5
Toluene	Daily Maximum	0.1	mg/L			Quarterly	Grab		X 3,4,5
Xylenes, Total	Daily Maximum	0.1	mg/L			Quarterly	Grab		X 3,4,5

OUTFALL	LIMITATIONS APPLY		RECEIVING WATER			EFFECTIVE	EXPIRING	
01A	All Year		East River (Portion 2)			EDP		

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS			FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location	
								Inf.	Eff.
Flow	Daily Maximum	Monitor	GPD			Each Discharge	Calculated		X 2
Oil & Grease	Daily Maximum	15	mg/L	-	-	Each Discharge	Grab		X 2
pH	Range	6.0-9.0	SU	-	-	Each Discharge	Grab		X 2
Chlorine, Total Residual	Daily Maximum	0.075	mg/L		-	Each Discharge	Grab		X 1,2
Benzene	Daily Maximum	0.02	mg/L			Each Discharge	Grab		X 2
Ethylbenzene	Daily Maximum	0.02	mg/L			Each Discharge	Grab		X 2
Toluene	Daily Maximum	0.02	mg/L			Each Discharge	Grab		X 2
Xylenes, Total	Daily Maximum	0.02	mg/L			Each Discharge	Grab		X 2

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
01B	All Year	East River (portion 2)	Commencement of Construction	Completion of Construction

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS			FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location	
Inf.	Eff.								
Flow	Daily Maximum	0.72	MGD	-	-	Continuous	Meter		X
pH	Range	6.0-9.0	SU	-	-	1/Day	Grab		X
Total Suspended Solids (TSS)	Monthly Average	20	mg/L	120	lbs/d	Weekly	Grab		X
Total Suspended Solids (TSS)	Daily Maximum	40	mg/L	240	lbs/d	Weekly	Grab		X
Benzene	Daily Maximum	5	µg/L	-	-	Weekly	Grab		X
Naphthalene	Daily Maximum	50	µg/L	-	-	Weekly	Grab		X
Toluene	Daily Maximum	5.0	µg/L	-	-	Weekly	Grab		X
Ethylbenzene	Daily Maximum	5.0	µg/L	-	-	Weekly	Grab		X
Acenaphthene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Benzo(a)Pyrene	Monthly Average	6x10 ⁻³	µg/L	-	-	Weekly	Grab		X
Chrysene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Phenanthrene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Pyrene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Barium, Total	Monthly Average	510	µg/L	-	-	Weekly	Grab		X
	Daily Maximum	1200	µg/L	-	-	Weekly	Grab		X
1,1-Dichloroethane	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Trichloroethylene (TCE)	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
1,1,1-Trichloroethane (TCA)	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Anthracene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Benzo(A)Anthracene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Benzo(B)Fluoranthene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Benzo(G,H,I)Perylene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Benzo(K)Fluoranthene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Dibenz(A,H)Anthracene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Fluoranthene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Indeno(1,3,4-C,D)Pyrene	Daily Maximum	10	µg/L	-	-	Weekly	Grab		X
Aroclor 1260	Daily Maximum	0.065	µg/L	-	-	Weekly	Grab	X	6

WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote			3	TUa	Quarterly	See footnote		X	3,7
WET - Acute Vertebrate	See footnote			3	TUa	Quarterly	See footnote		X	3,7
WET - Chronic Invertebrate	See footnote			10	TUc	Quarterly	See footnote		X	3,7
WET - Chronic Vertebrate	See footnote			10	TUc	Quarterly	See footnote		X	3,7

FOOTNOTES:

1. Monitoring for Total Residual Chlorine is required if city water is used for process water or tank hydro testing.
2. Hydro Test Water: Each discharge of hydro test water may be discharged directly via outfall 001, or as directed by the Regional Water Engineer. Samples must be taken from the bottom, middle and top of the tank being hydro tested and analyzed for all parameters that are independent of the normal monthly/quarterly storm water sampling.

The Regional Water Engineer must be informed at least 2 business days prior to the discharge of tank test water, tank water bottoms, or equipment wastewater.

Data associated with tank test water shall be kept at the facility along with a log of visual observations for a period of three years and be available to department personnel upon request.

For effluent parameters requiring sampling each batch, 12-hour composite samples shall be taken at the beginning and ending of each batch discharge. For discharges lasting more than 5 days, additional 6-hour composites shall be obtained for every additional 2 days of discharge over 5 days. The results of those discharges will be averaged for the purpose of determining compliance with daily average limitations specified above. All 12-hour composite samples must be flow proportional. All 6-hour composite samples must be time proportional.

3. Quarterly samples shall be reported as calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).
4. Action Levels: If the action level is exceeded the permittee shall undertake efforts to track down the source of contamination and perform corrective actions to bring effluent concentration below the action level. If levels higher than the action levels persist, the permittee shall evaluate the treatment system operation and identify and employ actions to reduce concentrations present in the discharge. The permit may also be reopened by the Department for consideration of revised action levels or effluent limits. Action level monitoring results and the effectiveness of the actions taken shall be summarized and submitted with the DMR data.
5. Stormwater Sampling

A minimum of one grab sample must be taken from the *stormwater discharge associated with industrial activity* resulting from a storm event with at least 0.1 inch of precipitation (defined as a "measurable" event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a stormwater *discharge* (e.g., a storm event in excess of 0.1 inches may not result in a stormwater *discharge* at some facilities), or if the *owner or operator* is able to document that less than a 72 hour interval is representative for local storm events during the sampling period.

The grab sample must be taken during the first 30 minutes (or as soon thereafter as practical, but not to exceed one [1] hour) of the *discharge*. If the sampled *discharge* commingles with non-stormwater water, the *owner or operator* must attempt to sample the stormwater *discharge* before it mixes. Additional sampling guidelines and exceptions have been detailed and authorized by the Department, within the storm water sampling plan, dated July 15, 2016.

6. This is a Compliance Level. The calculated WQBEL is 1×10^{-6} $\mu\text{g/L}$.

7. Whole Effluent Toxicity (WET) Testing:

Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be Ceriodaphnia dubia (water flea - invertebrate) and Pimephales promelas (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 10:1 for acute, and 10:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed quarterly (calendar quarters) beginning in January 2022 and lasting for a period of one full year.

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

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a , 48-hr LC50 for Acute tests and/or TU_c , NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with Department guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

SPECIAL CONDITIONS

1. No foaming agents are to be used tributary to Outfall 001.
2. Construction activities during the repowering project shall require the development of a stormwater pollution prevention plan (SWPPP), which shall be submitted to NYSDEC at least 30 days prior to the commencement of soil disturbance. The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including *the New York Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual*. The permittee must adhere to the SWPPP during the repowering project. The SWPPP shall be maintained on-site and submitted to the Department on request.

BEST MANAGEMENT PRACTICES FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.
2. **Compliance Deadlines** - The initial BMP plan has been received by the Department. The BMP plan shall be reviewed annually and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.
3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.
4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

1. BMP Pollution Prevention Team	6. Security	10. Spill Prevention & Response
2. Reporting of BMP Incidents	7. Preventive Maintenance	11. Erosion & Sediment Control
3. Risk Identification & Assessment	8. Good Housekeeping	12. Management of Runoff
4. Employee Training	9. Materials/Waste Handling, Storage, & Compatibility	13. Street Sweeping
5. Inspections and Records		

BEST MANAGEMENT PRACTICES FOR INDUSTRIAL FACILITIES

5. **Required Sampling For "Hot Spot" Identification** - Development of the BMP plan shall include sampling of waste stream segments for the purpose of pollutant "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility (including but not limited to soil, equipment, material storage areas, sewer lines etc.) which contributes elevated levels of problem pollutants to the wastewater and/or stormwater collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.
6. **Facilities with Petroleum and/or Chemical Bulk Storage (PBS and CBS) Areas** - Compliance must be maintained with all applicable regulations including those involving releases, registration, handling and storage (6 NYCRR 595-599 and 612-614). Stormwater discharges from handling and storage areas should be eliminated where practical.
 - A. **Spill Cleanup** - All spilled or leaked substances must be removed from secondary containment systems as soon as practical and for CBS storage areas within 24 hours, unless written authorization is received from the Department. The containment system must be thoroughly cleaned to remove any residual contamination which could cause contamination of stormwater and the resulting discharge of pollutants to waters of the State. Following spill cleanup the affected area must be completely flushed with clean water three times and the water removed after each flushing for proper disposal in an on-site or off-site wastewater treatment plant designed to treat such water and permitted to discharge such wastewater. Alternately, the permittee may test the first batch of stormwater following the spill cleanup to determine discharge acceptability. If the water contains no pollutants at concentrations above the applicable effluent limits or Action Levels it may be discharged. Otherwise it must be disposed of as noted above. See *Discharge Monitoring* below for the list of parameters to be sampled for.
 - B. **Discharge Operation** - Stormwater must be removed before it compromises the required containment system capacity. Each discharge may only proceed with the prior approval of the permittee staff person responsible for ensuring SPDES permit compliance. Bulk storage secondary containment drainage systems must be locked in a closed position except when the operator is in the process of draining accumulated stormwater. Transfer area secondary containment drainage systems must be locked in a closed position during all transfers to or from these systems and must not be reopened unless the transfer area is clean of contaminants. Stormwater discharges from secondary containment systems should be avoided during periods of precipitation. A logbook shall be maintained on site noting the date, time and personnel supervising each discharge.
 - C. **Discharge Screening** - Prior to each discharge from a secondary containment system the stormwater must be screened for contamination*. All stormwater must be inspected for visible evidence of contamination. Additional screening methods shall be developed by the permittee as part of the overall BMP Plan, e.g. the use of volatile gas meters to detect the presence of gross levels of gasoline or volatile organic compounds. If the screening indicates contamination, the permittee must collect and analyze a representative sample** of the stormwater. If the water contains no pollutants at concentrations above the applicable effluent limits or Action Levels it may be discharged. Otherwise it must either be disposed of in an onsite or off-site wastewater treatment plant designed to treat and permitted to discharge such wastewater or the Regional Water Engineer can be contacted to determine if it may be discharged without treatment.
 - E. **Discharge Reporting** - Any results of monitoring required above, excluding screening data, must be submitted to the Department by appending them to the corresponding DMR. Failure to perform the required discharge monitoring and reporting shall constitute a violation of the terms of the SPDES permit.
 - F. **Prohibited Discharges** - **In all cases, any discharge which contains a visible sheen, foam, or odor, or may cause or contribute to a violation of water quality is prohibited.** The following discharges are prohibited unless specifically authorized elsewhere in this SPDES permit: spills or leaks, tank bottoms, maintenance wastewaters, wash waters where detergents or other chemicals have been used, tank hydrotest and ballast waters, contained firefighting runoff, fire training water contaminated by contact with pollutants or containing foam or fire retardant additives, and unnecessary discharges of water or wastewater into secondary containment systems.

BEST MANAGEMENT PRACTICES FOR INDUSTRIAL FACILITIES

- * Discharge includes stormwater discharges and snow and ice removal. If applicable, a representative sample of snow and/or ice should be collected and allowed to melt prior to assessment.
- ** If the stored substance is gasoline or aviation fuel then sample for oil & grease, benzene, ethylbenzene, naphthalene, toluene and total xylenes (EPA method 602). If the stored substance is kerosene, diesel fuel, fuel oil, or lubricating oil then sample for oil & grease and polynuclear aromatic hydrocarbons (PAHs, EPA method 610). If the substance(s) are listed in Tables 6-8 of SPDES application form NY-2C then sampling is required. If the substance(s) are listed in NY-2C Tables 9-10 sampling for appropriate indicator parameters may be required, e.g. BOD5 or toxicity testing. Contact the facility inspector for further guidance. In all cases flow and pH monitoring is required.

DRAFT

MERCURY MINIMIZATION PROGRAM (MMP) - Type IV

On May 28, 2021, 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 elements¹ 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)² communities and/or 2) Type II sanitary sewer overflow (SSO)³ facilities;
 - One or more effluent samples which exceed 12 ng/L, including samples taken as a result of the SPDES application process;
 - 1) Internal or tributary waste stream samples exceed the GLCA effluent limitation **AND** 2) 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)⁴ 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.

¹Neither monitoring nor outreach is not required for facilities meeting the criteria for MMP Type IV, but monitoring and/or outreach can be included in the permittee's control strategy.

²CSO permits are included under the 05 and 07 permit classifications.

³These are overflow retention facilities (ORFs) and are included under the 05 and 07 permit classifications.

⁴CIUs 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 completed and maintained on site 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 first status report is required to be completed in accordance with the [Schedule of Additional Submittals](#). 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

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

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

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

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

OR:

NYSDEC Division of Water Regional Office Address:

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

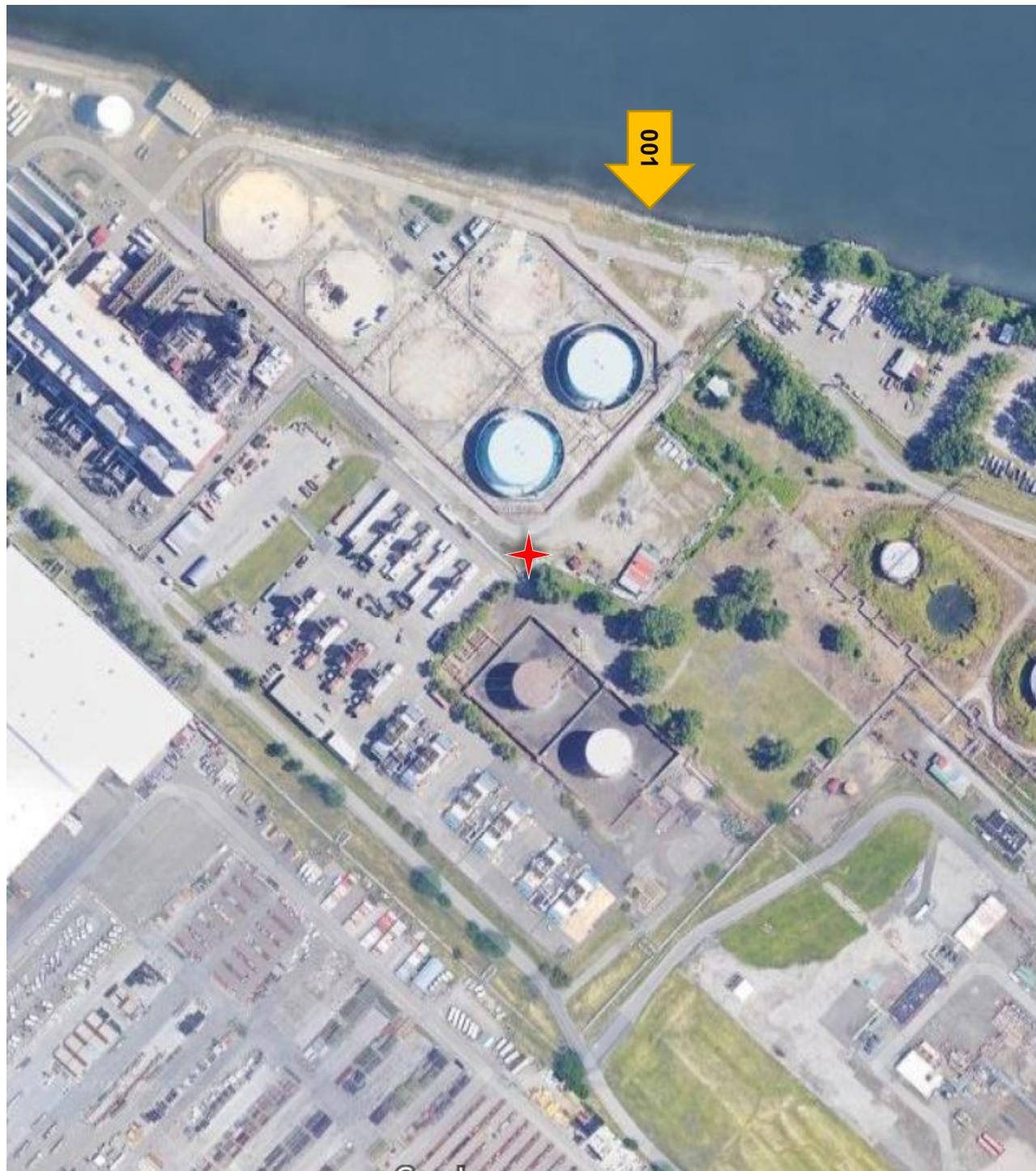
- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.
- (g) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the DNA waiver criteria, notification must be made to the Department's Bureau of Water Permits. Provided there is no objection by the Department, a sign for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time and take appropriate measures to assure that the ECL and associated regulations are complied with.

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:

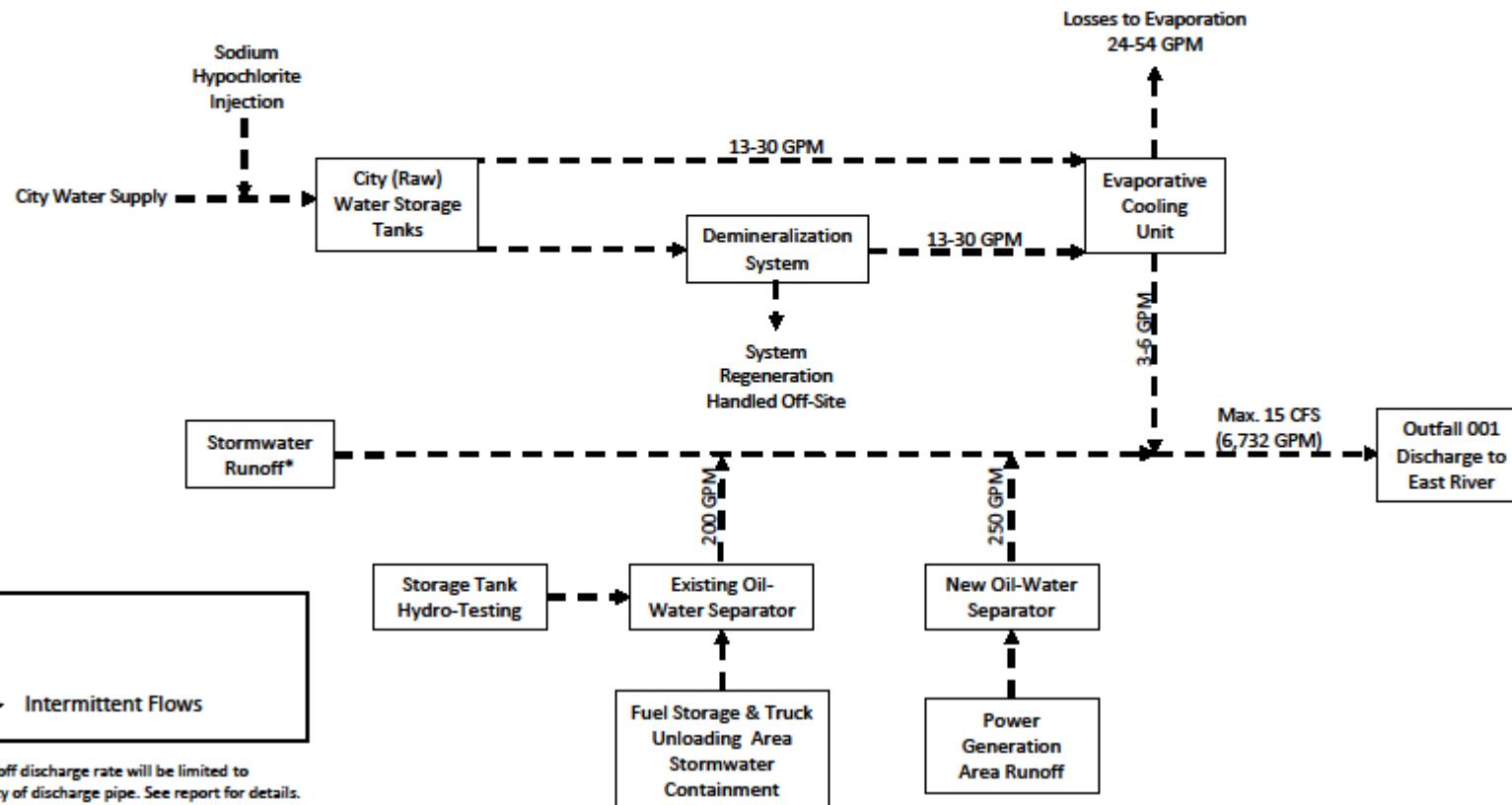
Influent: Municipal water

Effluent: Immediately after the Oil-Water Separator (★)

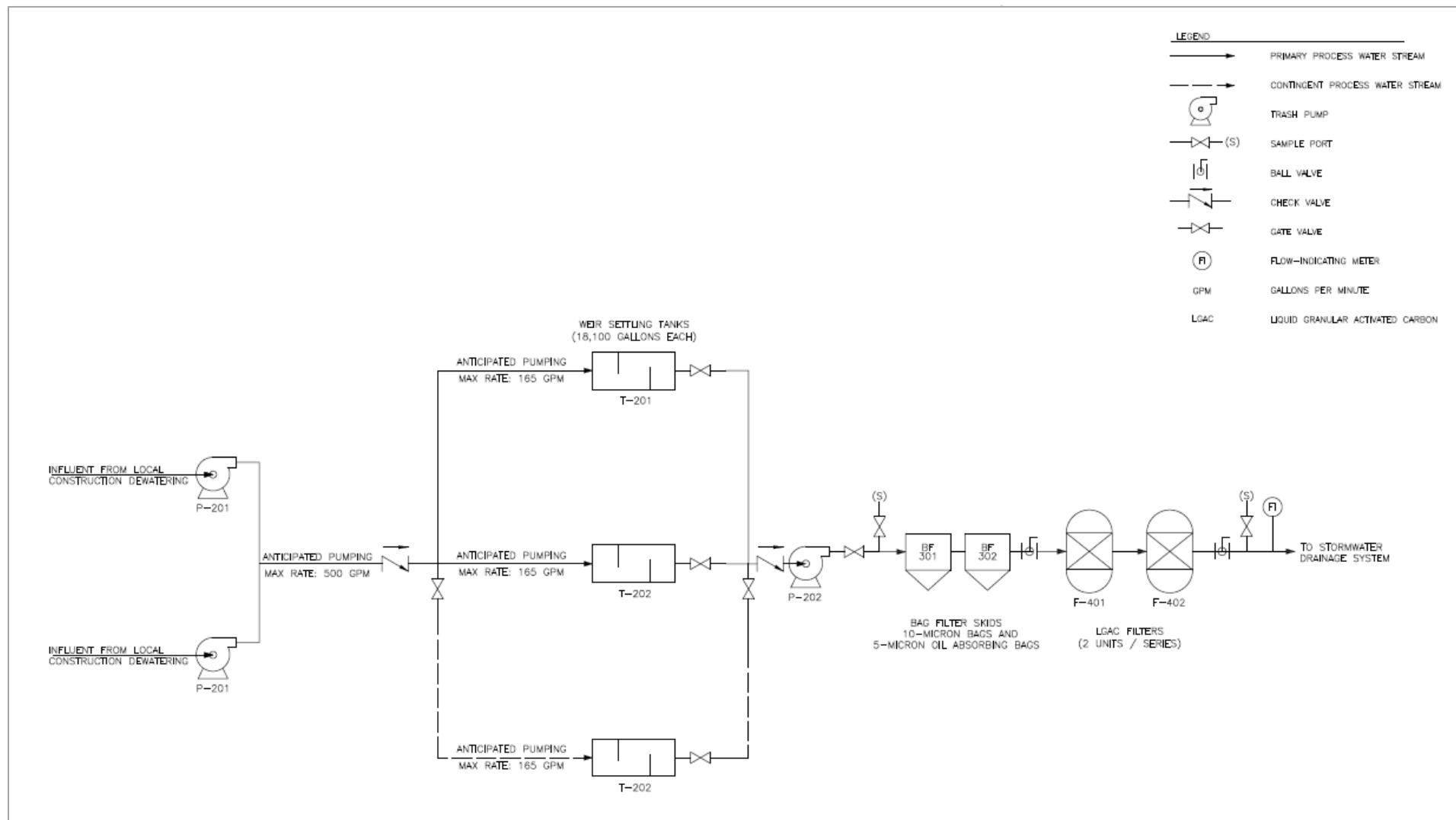


Attachment NY-2C-3
Outfall 001 Discharge Flow Diagram
Astoria Gas Turbine Power Facility
Astoria, New York City
SPDES Permit Modification
April 2020

Effective upon completion of gas turbine
replacement project



Construction Dewatering Treatment Plan



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 in writing by the Department.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be 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 for the Bureau of Water Permits, 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. The monitoring information required 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

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

- 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:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
	<p>BMP PLAN The permittee shall review the completed BMP plan annually. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. The BMP plan must be maintained onsite.</p>	Annually with the December DMR
	<p>MERCURY ANNUAL STATUS REPORT The permittee shall prepare an annual status report, as detailed in the MERCURY MINIMIZATION PROGRAM (MMP) - Type IV, section 2.c on page 10. This report shall be maintained onsite.</p>	EDP + 1 year, and annually thereafter
	<p>MERCURY CONDITIONAL EXCLUSION CERTIFICATION A mercury conditional exclusion certification (Appendix D of DOW 1.3.10) must be completed and submitted to the Department every five (5) years.</p>	5/28/2026 and every 5 years thereafter
01B	<p>WHOLE EFFLUENT TOXICITY (WET) TESTING WET testing shall be performed on a Chronic testing, but report both the acute and chronic results, quarterly. The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.</p>	Within 60 days following the end of each monitoring period

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
01B	<p><u>Stormwater Pollution Prevention Plan for Repowering Project Construction</u> The permittee shall submit a copy of the SWPPP for the repowering project construction and any amendments thereto to the NYSDEC Regional Water Engineer, local governing body and/or any other authorized agency having jurisdiction or regulatory control over the construction activity.</p>	30 days prior to commencement of construction

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.