

Permittee: UMS Property LLC  
Facility: Production Facility KB4  
SPDES Number: NY0296759  
USEPA Non-Major/Class 01 Industrial

Date: January 13, 2025 v.1.27  
Permit Writer: Maddy Hetman  
Water Quality Reviewer: N/A  
Full Technical Review

# **SPDES Permit Fact Sheet**

## **UMS Property LLC**

### **Production Facility KB4**

#### **NY0296759**



**Department of  
Environmental  
Conservation**

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## Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Production Facility KB4.

**This fact sheet 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 fact sheet.**

## Administrative History

10/29/2024 The UMS Property LLC submitted a 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

This is an industrial facility (SIC 3089) that produces Kerdi-Board Effluent consists of treated sanitary, floor wash water, and reverse osmosis backwash water. The treatment system will include the following:

Outfall 001 (Sanitary & Floor Wash Water at 3,770 GPD)

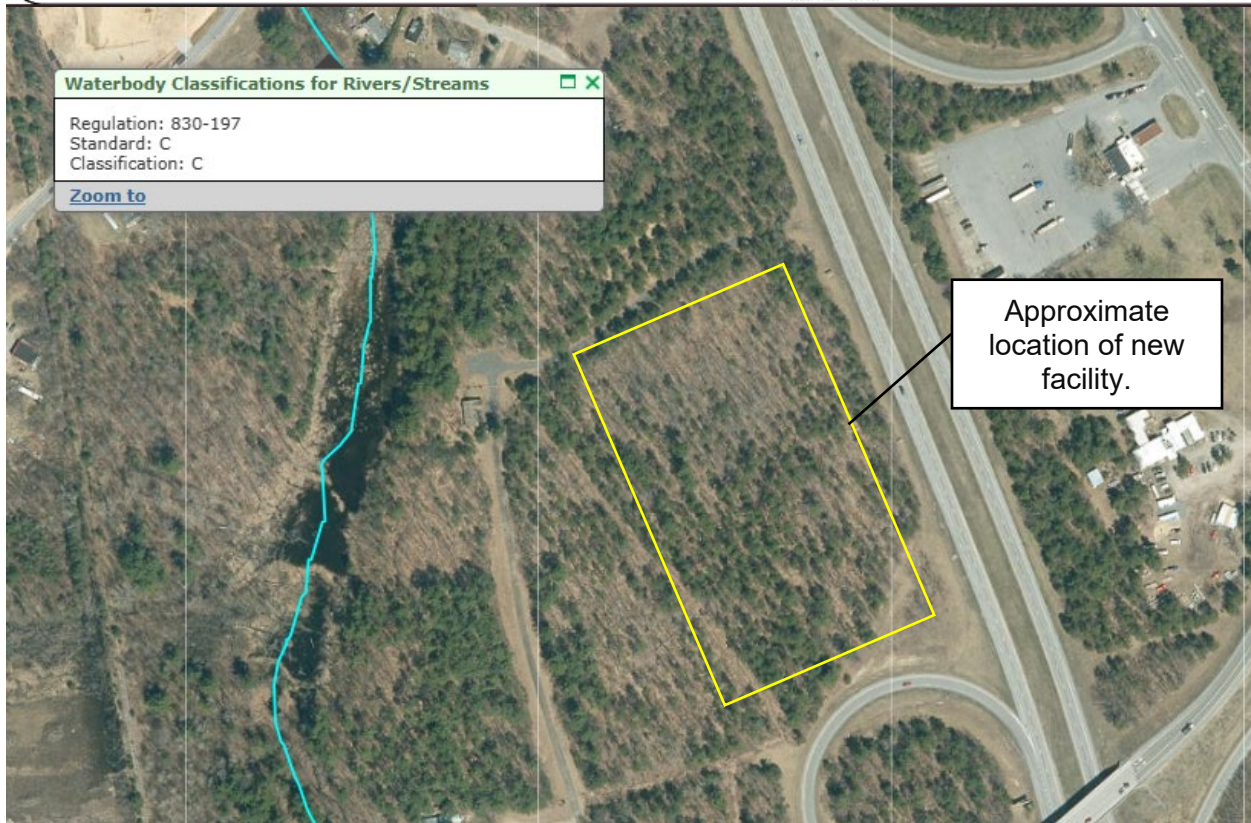
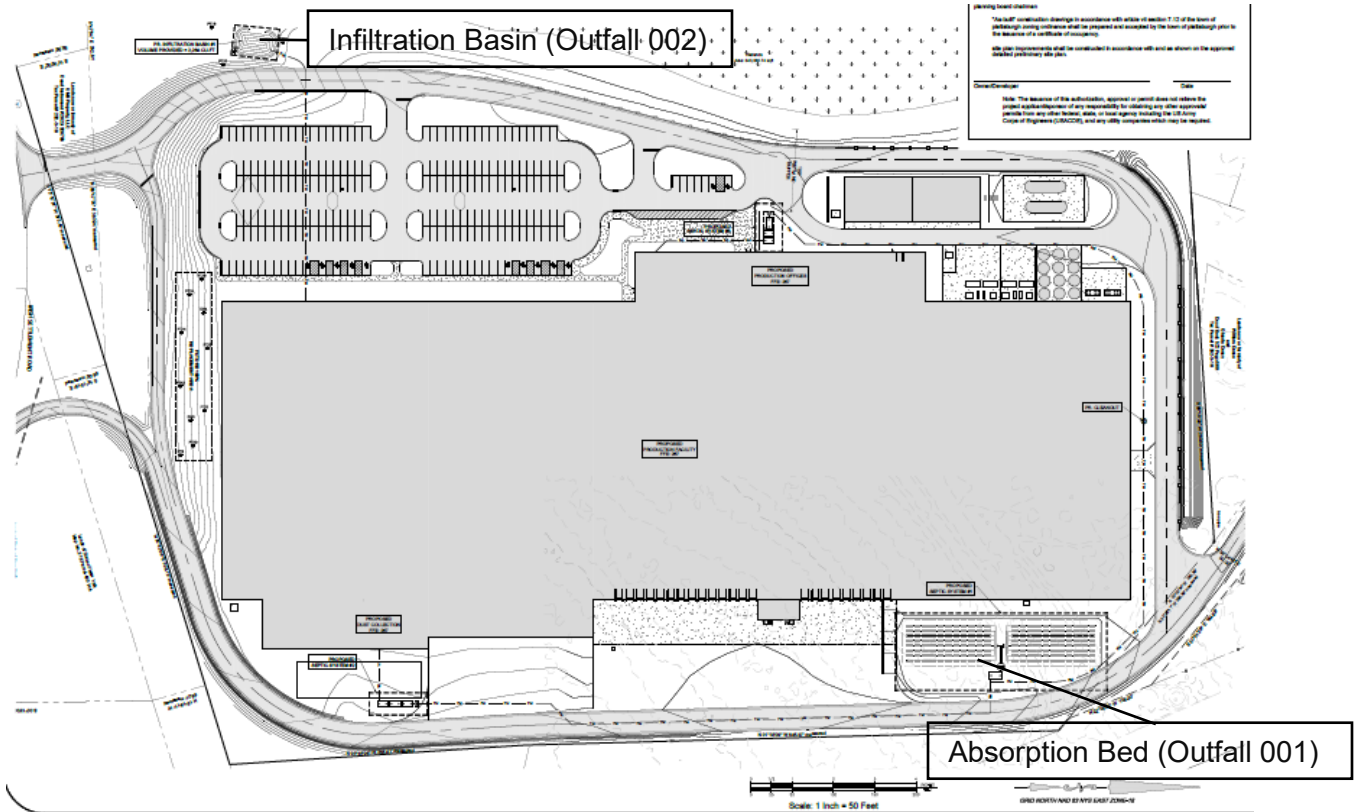
- Bag Filter (for floor wash water only)
- Septic Tanks
- Absorption Beds

Outfall 002 (Reverse Osmosis Backwash Water at 15,173 GPD)

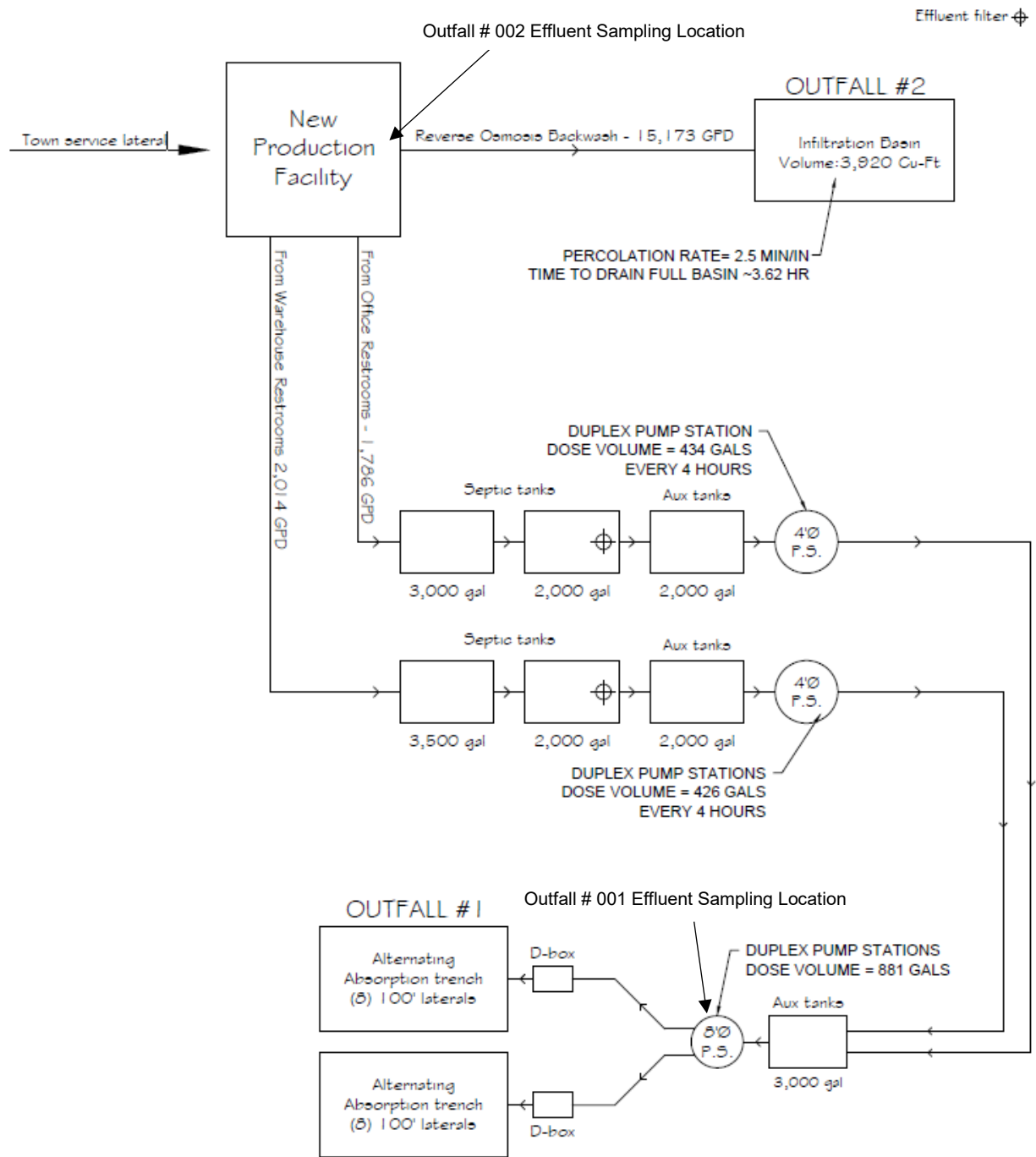
- Infiltration Basin with Dry Well

Sludge is held in the septic tanks and hauled offsite. Both Outfall 001 and Outfall 002 discharge to groundwater.

### Site Overview



### Facility Flow Diagram



### Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from the application submitted by the permittee.

## Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	3089	Treated Sanitary Sewage and Floor Wash Water	Ground Water, GA
002	3089	Reverse Osmosis Backwash Water	Ground Water, GA

See the [Outfall and Receiving Water Summary Table](#) and [Appendix](#) for additional information.

### Critical Receiving Water Data & Mixing Zone

The facility discharges to groundwater, Class GA, via absorption beds (Outfall 001) and an infiltration basin (Outfall 002). The effluent limitations for Outfall 001 and 002 were developed with no dilution, based on groundwater quality standards found in 6 NYCRR 703.5 and TOGS 1.1.1 (Part I) and groundwater effluent limitations contained in 6 NYCRR 703.6 and TOGS 1.1.1 (Part II).

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](#)

### 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)<sup>1</sup> determination.

[Appendix Link](#)

### Best Management Practices (BMPs) for Industrial Facilities

In accordance with 6 NYCRR 750-1.14(f) and 40 CFR 122.44(k), the permittee is required to develop and implement a BMP plan that prevents, or minimizes the potential for, the release of toxic or hazardous pollutants to state waters. The BMP plan requires annual review by the permittee.

### Stormwater Pollution Prevention Requirements

The facility discharges stormwater associated with industrial activity and requires SPDES permit coverage under 40 CFR 122.26(a)(6). On 3/6/2024, the permittee submitted a Conditional Exclusion for No Exposure Form, certifying that all industrial activities and materials are completely sheltered from exposure. This condition must be maintained for the exclusion to

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<sup>1</sup> As prescribed by 6 NYCRR Part 617

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remain applicable. The schedule of submittals also includes a due date for re-certification every five years as required by 40 CFR 122.26(g)(iii). This requirement is new.

### Emerging Contaminant Monitoring

Emerging Contaminants, such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D), have been used in a wide variety of consumer and industrial product as well as in manufacturing processes for decades. These contaminants do not break down easily, therefore their presence in wastewater can remain a concern for years following their discontinued use. As the science surrounding these contaminants is still evolving, additional monitoring is needed to better understand potential sources and background levels. For more information on emerging contaminants, please see the DEC Division of Water web page: [Emerging Contaminants In NY's Waters - NYSDEC](#).

**Required Sampling:** Pursuant to 6 NYCRR Part 750-1.13(b), the permit includes a short-term monitoring program listed in the Schedule of Additional Submittals to evaluate the influent and effluent discharge levels of Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane. This monitoring program is consistent with guidance released in EPA guidance memos dated April 28, 2022, and December 5, 2022.

The DEC will review the monitoring results and pursuant to 6 NYCRR 750-2.1(i) may notify the permittee of the need for further monitoring to identify potential sources as specified in the Emerging Contaminants Investigation Checklist for Industrial Facilities to determine whether cause exists to modify the permit to incorporate a pollutant minimization program per 6 NYCRR 750-1.14(f).

The DEC will consider this information and progress made to track down and reduce or eliminate the source of the identified pollutants in determining if a permit modification is needed.

### Schedule of Additional Submittals

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

- Emerging Contaminant Short-Term Monitoring
- Priority Pollutant Scan
- Best Management Practice (BMP) Plan
- Stormwater No Exposure Certification

## 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	44° 39' 31.37" N	73° 29' 10.10" W	Groundwater	GA	-	10/01	-	-	-	-	3770	X	-	-
002	44° 39' 23.50" N	73° 29' 20.01" W	Groundwater	GA	-	10/01	-	-	-	-	15,173	-	-	-

## POLLUTANT SUMMARY TABLE

### Outfall 001

Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement		
			Permit Limit	Existing Effluent Quality <sup>2</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis				
Outfall #		001	Description of Wastewater: Sanitary & Floor Wash Water														
			Type of Treatment: Septic Tank to Absorption Beds														
<b>General Notes:</b> Existing discharge data does not exist for this new facility.																	
Flow Rate	GPD	Daily Maximum	-	3770 Average	0/0	3770	Design Flow	No alterations that will impair the waters for their best usages.						703.2	-	TBEL	
	A new flow limit, set at the design flow of the wastewater treatment facility.																
pH	SU	Minimum	-	8.31	1/0	-	-	-	-	-	Range	6.5 - 8.5	703.6	-	WQBEL		
		Maximum	-	8.31	1/0	-	-	-	-	-							
Consistent with 703.6 the pH shall not be lower than 6.5 or the pH of the natural groundwater, whichever is lower, and shall not be greater than 8.5 or the pH of the natural groundwater, whichever is greater.																	
<b>Additional Pollutants Detected</b>																	
Total Copper	mg/L	Daily Maximum	-	0.28	1/0	-	-	-	-	0.2	H(WS)	0.4	703.6	-	WQBEL		
	Consistent with 6 NYCRR Part 703.6 groundwater effluent limitations for discharges to Class GA waters are being applied at Outfall 001.																

<sup>2</sup> Existing Effluent Quality (EEQ) was established from information given by the permittee in the NY-2C application as measured in the municipal source water.

Outfall #	Description of Wastewater: Sanitary & Floor Wash Water														
	Type of Treatment: Septic Tank to Absorption Beds														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sub>2</sub>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Lead	mg/L	Daily Maximum	-	0.0023	1/0	-	-	-	-	0.025	H(WS)	0.05	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Nickel	mg/L	Daily Maximum	-	0.0006	1/0	-	-	-	-	0.1	H(WS)	0.2	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Fluoride	mg/L	Daily Maximum	-	0.4	1/0	-	-	-	-	1.5	H(WS)	3.0	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Nitrate-Nitrite	mg/L	Daily Maximum	-	0.19	1/0	-	-	-	-	10	H(WS)	20	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Iron	mg/L	Daily Maximum	-	0.01	1/0	-	-	-	-	0.3	E(WS)	0.6	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Oil & Grease	mg/L	Daily Maximum	-	-	-	-	-	-	-	-	-	15	703.6	-	WQBEL
	Given the waste stream includes floor wash water, a WQBEL for oil and grease has been included.														

Outfall 002

Outfall #	Description of Wastewater: Reverse Osmosis (RO) Backwash Wastewater															
	Type of Treatment: Infiltration Basin with Dry Well															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality <sup>3</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
<b>General Notes:</b> Existing discharge data does not exist for this new facility. The information entered as the existing effluent quality was taken from the NY-2C application and estimated from the municipal source water and an assumed concentration factor for the RO system.																
Flow Rate	GPD	Daily Maximum	-	15173 Average	0/0	15173	Design Flow	No alterations that will impair the waters for their best usages.						703.2	-	TBEL
	A new flow limit, set at the design flow of the wastewater treatment facility.															
pH	SU	Minimum	-	8.31	1/0	-		-	-	-	Range	6.5 - 8.5	703.6	-	WQBEL	
		Maximum	-	8.31	1/0	-										
	Consistent with 703.6 the pH shall not be lower than 6.5 or the pH of the natural groundwater, whichever is lower, and shall not be greater than 8.5 or the pH of the natural groundwater, whichever is greater.															
<b>Additional Pollutants Detected</b>																
Total Copper	mg/L	Daily Maximum	-	0.42	1/0	-	-	-	-	0.2	H(WS)	0.4	703.6	-	WQBEL	
	Consistent with 6 NYCRR Part 703.6 groundwater effluent limitations for discharges to Class GA waters are being applied at Outfall 002.															
Lead	mg/L	Daily Maximum	-	0.00345	1/0	-	-	-	-	0.025	H(WS)	0.05	703.6	-	No Limitation or Monitoring	
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.															
Nickel	mg/L	Daily Maximum	-	0.0009	1/0	-	-	-	-	0.1	H(WS)	0.2	703.6	-	No Limitation or Monitoring	
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.															
Fluoride	mg/L	Daily Maximum	-	0.6	1/0	-	-	-	-	1.5	H(WS)	3.0	703.6	-	No Limitation or Monitoring	
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.															

<sup>3</sup> Existing Effluent Quality (EEQ) was established from information given by the permittee in the NY-2C application as measured in the municipal source water.

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Outfall #	002	Description of Wastewater: Reverse Osmosis (RO) Backwash Wastewater													
		Type of Treatment: Infiltration Basin with Dry Well													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality <sup>3</sup>	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Nitrate-Nitrite	mg/L	Daily Maximum	-	0.29	1/0	-	-	-	-	10	H(WS)	20	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														
Iron	mg/L	Daily Maximum	-	0.015	1/0	-	-	-	-	0.3	E(WS)	0.6	703.6	-	No Limitation or Monitoring
	Given the difference in the expected concentration and the groundwater effluent limitation, no effluent limitation or monitoring requirement is needed at this time. Confirmatory sampling will be done after startup as required in the Schedule of Additional Submittals.														

## Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the fact sheet 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 fact sheet:

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

#### 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, 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.

### 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 to Groundwater*

TBELs aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. Requirements for discharges from industrial facilities to groundwater are summarized in TOGS 1.2.1. In accordance with TOGS 1.2.1, for facilities discharging to groundwater:

- Discharges will typically be limited to the more stringent of the groundwater effluent standards in 6 NYCRR 703.6 or the applicable treatment technology listed in TOGS 1.2.1 Attachment (C).
- Discharges from industrial facilities which contain nitrogen or nitrogen compounds include effluent limitations for Nitrate of 20 mg/L (as N). Groundwater discharges in Nassau and Suffolk Counties are required to achieve an effluent standard for Total Nitrogen of 10 mg/L (as N).
- Disinfection will typically not be required for discharges to groundwater unless local public health concerns exist due to exposure or contact with effluent.

#### *Water Quality-Based Effluent Limitations (WQBELs) for Discharges to Groundwater*

The procedure for developing WQBELs includes identifying the pollutants present in the discharge(s), identifying water quality criteria applicable to these pollutants, determining if WQBELs are necessary (reasonable potential), and calculating the WQBELs. For groundwater discharges, if the expected concentration of the pollutant of concern in the receiving water may exceed the ambient groundwater quality standard or guidance value, then there is reasonable potential that the discharge may cause or contribute to a violation of the water quality, and a WQBEL for the pollutant is required.

WQBELs for groundwater discharges are based on the groundwater effluent limits set forth in 6 NYCRR Part 703 (Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations) except as noted in 6 NYCRR 702.21. TOGS 1.1.1 provides a listing of groundwater effluent limitations for substances having an ambient water quality standard or guidance value. Groundwater effluent limitations are applied at the point of discharge to the groundwater distribution system.

For land treatment systems with no accessible final sampling points, such as constructed wetland treatment systems or buried sand filters, permit limitations for groundwater discharges are typically based on ambient groundwater quality standards or guidance values applied at representative down gradient monitoring well(s). Limitations at the downgradient sampling point are set at the Class GA ambient groundwater standards, rather than at the groundwater effluent limits promulgated under 6 NYCRR

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703.6, as compliance is determined based upon the concentrations present in the downgradient groundwater monitoring well at the groundwater interface.

Class GA standards are established for the protection of sources of drinking water designated as Health (Water Source) or H(W)S in TOGS 1.1.1. As such, effluent limitations based on aquatic life criteria and WET testing requirements are not applicable to groundwater discharges.

### 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

#### 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.