



NEW YORK
STATE OF
OPPORTUNITY

Department of
Environmental
Conservation

SPDES Compliance and Enforcement

SFY 2020/2021 ANNUAL REPORT

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Kathy Hochul, Governor | Basil Seggos, Commissioner



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- This report details activities and accomplishments with corresponding data for the period April 1, 2020 through March 31, 2021 (State Fiscal Year 2020/21 or SFY 2020/21).
- For previous SPDES Compliance and Enforcement annual reports, visit:
www.dec.ny.gov/chemical/62557.html
- Information on other programs in the Division of Water can be found at:
www.dec.ny.gov/chemical/290.html
- For questions or other information, please email: dowinfo@dec.ny.gov

Cover photos:

Executive Summary

After a challenging year navigating the COVID pandemic, the Division of Water (DOW) Bureau of Water Compliance (BWC) is pleased to provide our State Pollution Discharge Elimination System (SPDES) Compliance and Enforcement Annual Report, for State Fiscal Year (SFY) 2020/21 (April 1, 2020 through March 31, 2021). BWC has been producing this annual report for over a decade to inform the public and fulfill notification requirements. Previous versions of the report can be found on the New York State Department of Environmental Conservation's (Department) website at: <https://www.dec.ny.gov/chemical/62557.html>.

This report summarizes several aspects of DOW's compliance and enforcement program relating to the SPDES program, including inspections, Discharge Monitoring Reporting (DMR), and enforcement. The report also provides basic background on the relationship of other SPDES programs, such as water quality monitoring and assessment, to the compliance and enforcement program.

As in previous years, reducing the amount of untreated and undertreated wastewater released to New York's waterways continues to be a priority of DOW. This report includes information on the Sewage Pollution Right to Know (SPRTK) Act and continues to serve as DOW's annual update on this program. To learn more about the SPRTK program, please access the Department's SPRTK webpage at: www.dec.ny.gov/chemical/90315.html.

The SPRTK webpage details data on releases of untreated and undertreated wastewater that local officials must report for their publicly owned treatment works (POTWs) and publicly owned sewer systems (POSS). The webpage also provides information on combined sewer overflow (CSO) releases and oversight activities. For more detail on the CSO program, visit: <https://www.dec.ny.gov/chemical/48595.html>

Additionally, DOW encourages review of other resources, including facility specific DMR data, on the United States Environmental Protection Agency's Enforcement and Compliance History Online website, available at: <https://echo.epa.gov>. Through electronic reporting requirements, and direct entry of data by DOW, there is a variety of information available on SPDES permitted facilities.

Finally, although the COVID pandemic prevented an award of projects under DOW's Water Quality Improvement Project (WQIP) program in 2020, this program is once again active for 2021. The WQIP is a competitive, statewide reimbursement grant program, that funds water quality improvement projects and protection of drinking water sources. Funding for WQIP projects comes from the Environmental Protection Fund and the Clean Water Infrastructure Act of 2017. More information on the WQIP program can be found on the Department's website at: <https://www.dec.ny.gov/pubs/4774.html>.

Regulatory Authority

Abundant surface and groundwater resources can be found in New York. Article 17 of the Environmental Conservation Law (ECL) entitled "Water Pollution Control" was enacted to protect and maintain these essential resources. Article 17, Title 8, authorized creation of the State Pollutant Discharge Elimination System (SPDES) program to maintain New York's waters with reasonable standards of purity.

Administered by DEC, the intent of the SPDES program is to eliminate the pollution of New York's waters while maintaining the highest quality of water possible, consistent with:

- Protection of public health and drinking water supplies
- Public enjoyment of the resource
- Protection and propagation of fish and wildlife
- Availability as a resource for industrial and commercial activities

In 1974, New York State's SPDES program was approved by the United States Environmental Protection Agency (USEPA) for the control of surface wastewater and stormwater discharges, consistent with the Clean Water Act (CWA). The SPDES program provides additional protection by regulating point source discharges to groundwater.

Using current water quality standards, SPDES permits establish stringent performance standards, effluent limitations, and operating conditions designed to protect the state's water resources. Regulations specific to the application for a SPDES permit, and proper operation of a SPDES-permitted facility, can be found in New York Codes, Rules, and Regulations (NYCRR) Part 750. The Part 750 regulations detail important requirements for the proper operation of a SPDES-permitted facility, including timely and complete reporting of:

- Operational issues
- Effluent quality and adherence to permit limits
- Discharge of untreated or partially treated wastewater

When conducting inspections at SPDES-permitted facilities, the Part 750 regulations guide inspectors on which processes of operations to focus upon. When occurrences of non-compliance are identified, these are addressed through both informal and formal enforcement action. Refer to the "SPDES Enforcement" section for details of DEC's water enforcement actions, and Appendix E for a full list of actions for SFY 2019/20.

For more serious non-compliance issues, DEC's DOW staff may coordinate enforcement actions with or through the Office of General Counsel (OGC) and/or the Division of Law Enforcement (DLE).

Water Quality Management

Under Section 303(d) of the federal Clean Water Act, states are required every two years to identify waters within their respective boundaries where current pollution control technologies alone cannot meet established water quality standard for that waterbody. States must submit a list of waters impaired by pollutants, in addition to any that may soon become impaired, to the USEPA for approval.

For waters found on the Section 303(d) list, the state must determine the pollutant(s) that are impairing the waterbody and develop a pollutant reduction plan, or total maximum daily load (TMDL). One recent example of a TMDL is that for the Chesapeake Bay, which identified nutrients and sediment as the primary reasons for impairment of this waterbody.¹

Placing waterbodies on the 303(d) list enhances opportunities for funding, scientific research, remedial actions, and public and political attention. It also holds identified polluters to account with deadlines for cleanup and restoration and prompts enactment of new laws and regulations.

Figure 1 illustrates the interaction of components for a water management cycle. This cycle is the basis for DOW's implementation of policies, helping to prioritize resources necessary to protect waters of the state.

This cycle consists of five basic activities, each dependent upon one another:

- **Monitoring**

DEC gathers information on the health of the state's waters from various monitoring efforts to examine important characteristics such as pH, dissolved oxygen, temperature, and numerous chemical and biological components in key locations. Additional data is acquired through aquatic organism sampling, since the type and concentration of these organisms assist in determining the health of a waterbody. DEC staff generally perform much of the sampling necessary to acquire these data, although citizens, having DEC training and approval, also collect samples and provide data². Collectively, these monitoring data become part of DEC's Waterbody Inventory.

- **Assessment**

A key element of assessment includes assigning a "best use" for a waterbody, such as swimming, fishing, or source of drinking water. Water quality standards establish criteria for defining the maximum level of pollutants allowable for a waterbody to still meet its best-use designation. DEC maintains a Priority Waterbodies List (PWL) of

¹ New York state is a party to the Chesapeake Bay TMDL, developed with USEPA and other states within the Bay's watershed. For details, go to: <https://www.epa.gov/chesapeake-bay-tmdl>

² www.dec.ny.gov/chemical/81576.html and www.dec.ny.gov/chemical/92229.html

the waters that do not meet standards or are unable to support their designated best uses, and a CWA Section 303d list of those non-supporting waters that require the development of a TMDL.

DEC Water Management Cycle



Figure 1

- **Planning and Management**
Waters listed on the PWL have impairments attributable to different sources of pollution, such as operational upsets at sewage treatment plants; urban runoff during storm events; or contaminated stormwater from industrial, farming, or construction activities. DEC uses the PWL to manage water resources and plan staff assignments by developing a water quality management plan. A recent example is the plan that applies to waters flowing into the Chesapeake Bay from one of the tributaries originating in New York state. This plan, in part, seeks to limit the amount of the nutrients phosphorus and nitrogen from entering the Chesapeake Bay. Excessive nutrients encourage undesirable plant growth and reduces oxygen available to aquatic life³.
- **Implementation and Permitting**
Monitoring, assessment, and management planning all contribute to implementation of the SPDES permit program. SPDES permits issued for discharges to waters of the state contain performance standards (i.e., numerical limits) that protect water

³ Additional information on TMDLs, including plans for specific waterbodies in New York state, can be found at: <http://www.dec.ny.gov/chemical/23835.html>

quality. They also may include schedules of activities that require the permittee to upgrade or install new treatment technology by a specific date to improve performance and achieve permit compliance. In addition, DEC works cooperatively with local governments and organizations to encourage control of non-point sources of pollution, such as runoff from commercial, industrial, or agriculture activities.

- **Compliance and Enforcement**

Compliance assurance and enforcement includes the evaluation of discharge monitoring reports that permittees submit as a condition of their SPDES permit. Facility inspections and other reports, such as monthly operating reports, also determine compliance status. Upon identifying a minor violation of a SPDES permit, DEC may initiate an informal enforcement action by sending a warning letter or a Notice of Violation (NOV) to prompt a return to compliance. When informal actions fail to achieve a return to compliance, or if conditions warrant, formal enforcement action is sought. Formal enforcement actions are a more compelling method to achieve compliance and may include a monetary penalty. These actions include Orders on Consent, Notices of Enforcement Hearing and Complaint, Cease and Desist Directives, Commissioner's Orders, or tickets issued by an Environmental Conservation Officer (ECO).

SPDES Program Overview

The federal Water Pollution Control Act, also known as the Clean Water Act⁴ authorized development of the National Pollutant Discharge Elimination System (NPDES) to regulate discharges to surface waters of the United States. The USEPA authorizes New York state's SPDES permit program to regulate discharge activities covered by the federal program, with additional protection for groundwater resources through the SPDES program.

Implementation of the SPDES program occurs through the issuance of wastewater discharge permits, which establish stringent standards and operating conditions designed to protect the state's waters. Currently there are two types of SPDES permits: individual and general.

- An **individual** SPDES permit applies to a single facility, in one location, possessing unique discharge characteristics, among other factors.
- A **general** SPDES permit applies to a category of dischargers with similar operations or pollutants. A general permit requires that each permit issued contains similar effluent limits, operating conditions, and the same or similar monitoring. Facilities qualifying for a general SPDES permit are likely to have less significant impact on the environment when in compliance with permit provisions than a facility issued an individual SPDES permit.

⁴<http://www.epa.gov/laws-regulations/summary-clean-water-act>

A SPDES permit requires the owner and operator to comply with specific conditions in the operation and reporting of facility performance. For more complex facilities, these typically include limits on physical, chemical and/or biological characteristics of the discharge. Facilities deemed 'significant' must submit discharge monitoring reports (DMRs) for DEC review. The facility may also be required to submit various additional reports for DEC review and approval. For smaller facilities, including those discharging to groundwater, the permit may specify that any required data and information be kept at the facility site for review by DEC during an inspection or submitted annually.

In addition to specific conditions found in the permit document itself, a SPDES permit also references 'general conditions' required by 6 NYCRR Part 750-2. Part 750 details requirements that each SPDES permittee must comply with. Examples include inspection access for DEC staff, records retention, proper operation and maintenance of equipment, and notifying DEC (via NY-Alert) of permit non-compliance or overflows.

SPDES Program Permits in Effect

The number of authorized SPDES permits on March 31, 2021 was 22,292, an increase of 359 from the previous year. Figure 2 presents the recent history of authorized SPDES permits at the end of each state fiscal year. See Appendix C for more detail of authorized permits.

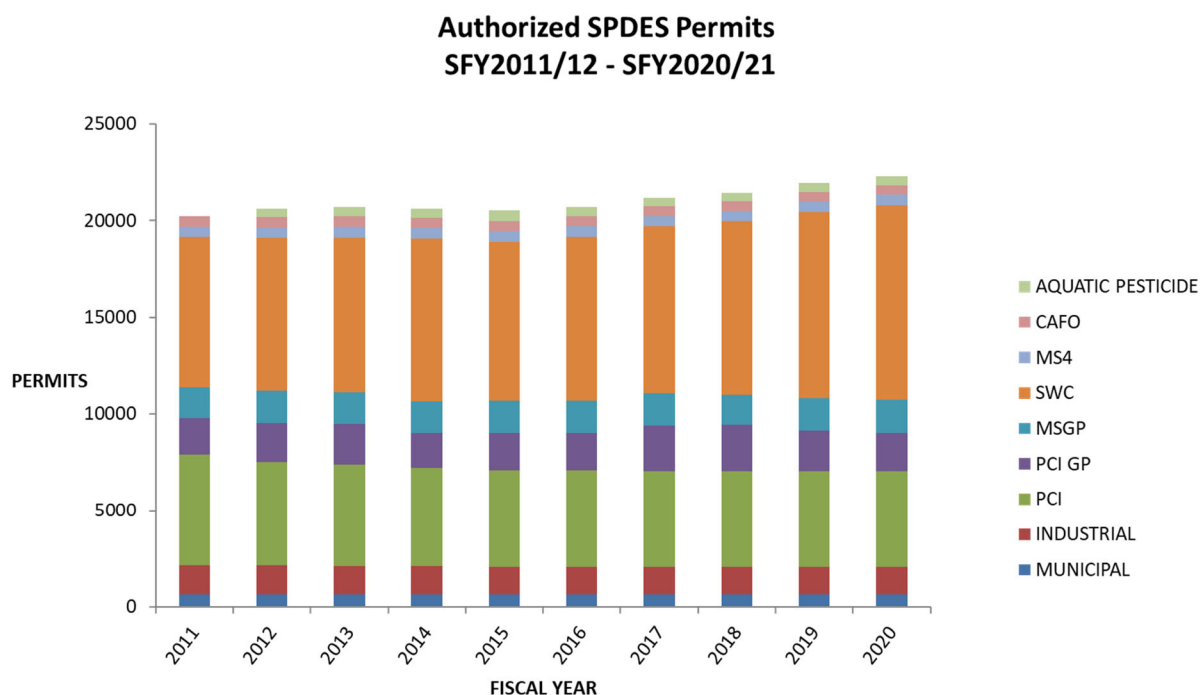


Figure 2

SPDES Individual Permits

DEC authorizes individual SPDES permits for three discharge categories:

- **Municipal**

A municipal discharge includes those from a publicly owned treatment works (POTW), as defined by Section 201 of the CWA. A POTW is classified by USEPA as either major or minor, based on the facility's design flow, population served, or potential for significant water quality impacts.

- In SFY 2019/20, there were 631 SPDES permitted POTWs

- **Industrial**

Industrial discharges are those resulting from industrial, manufacturing, trade or business processes. Industrial treatment facilities are classified as major, minor, or non-significant, based on characteristics of the wastewater, complexity of treatment processes, and the facility's design flow.

- In SFY 2020/21, there were 1,431 SPDES permitted industrial facilities

- **Private, Commercial, or Institutional**

Private, commercial, or institutional (PCI) facilities discharge domestic sewage with no addition of an industrial waste flow. PCI discharges generally refer to wastewater from a single facility or building complex under single ownership and may or may not be under public ownership. Examples include restaurants, schools, apartment complexes, mobile home parks, and campgrounds. PCI facilities discharging less than 30,000 gallons per day of treated sanitary waste to groundwater may not require an individual SPDES permit and instead may obtain coverage under the PCI general permit. PCI facilities requiring individual SPDES permits are classified as either significant minor or non-significant based on waste stream flow characteristics.

- In SFY 2020/21, there were 4,973 SPDES permitted PCI facilities

SPDES General Permits

DEC also issues general permits covering the following categories of dischargers:

- **Stormwater Discharges from Construction Activities (SWC)**

The SWC general permit covers stormwater discharges resulting from construction activities involving soil disturbances of one or more acres. The owner/operator must obtain coverage under this general permit prior to beginning construction activity.

- In SFY 2020/21, there were 10,044 sites covered under a SWC permit

- **Multi-Sector General Permit (MSGP)**

The MSGP general permit covers stormwater discharges associated with 31 different categories of industrial activities. Examples of activities designated under this permit include asphalt manufacturing, vehicle dismantling, scrap metal recycling, sand quarries, and sawmills.

- In SFY 2020/21, there were 1,742 sites covered under a MSGP
- **Municipal Separate Storm Sewer System (MS4)**
The MS4 general permit covers separate storm sewer systems that discharge to surface waters of the state and carry stormwater and runoff from a city, town, village, or other designated entity that is not part of a combined sewage system.
 - In SFY 2020/21, there were 544 sites with a MS4 permit
- **Concentrated Animal Feeding Operation (CAFO)**
The CAFO general permit covers discharges that originate from facilities where animals are raised and kept in confined situations and that meet threshold animal population criteria.
 - In SFY 2020/21, sites operating under a CAFO permit totaled 485

(Note: During SFY 2019/20, DEC completed the transition to permit all CAFO sites under authority of the state ECL, including those sites that were permitted under the federal CWA. Coverage under the ECL is more protective of the environment and public health by not permitting a discharge of process wastewater from production.)
- **Private, Commercial, and Institutional (PCI-GP)**
The PCI-GP general permit is issued for a discharge to groundwater of 1,000 to 30,000 gallons per day of treated sanitary waste from on-site treatment works serving a PCI facility.
 - In SFY 2020/21, there were 1,974 sites covered under a PCI general permit
- **Aquatic Pesticide Applicator (PA)**
The PA general permit is required for point source discharges resulting from any application of a pesticide labeled for aquatic use directly to, in, or over a surface water of New York state.
 - In SFY 2020/21, there were 468 permitted aquatic pesticide applicators

Other classifications:

- The USEPA issues the vessel general permit in New York state. This permit regulates incidental discharges from the normal operation of commercial vessels and implements Section 402 of the Clean Water Act.
- In 2019 DEC created a new discharge class to enable registration of publicly owned sewer systems (POSS). Registration of these systems is a requirement of the Sewage Pollution Right-to-Know Act and necessary for effective public reporting of sewage releases. While POSS are not issued SPDES permits, DEC monitors these systems and provides a summary of activities in the appendices.

For more information regarding the SPDES permitting program, visit

<http://www.dec.ny.gov/permits/6054.html>

Figure 3 shows the distribution of authorized permits in effect on March 31, 2021.

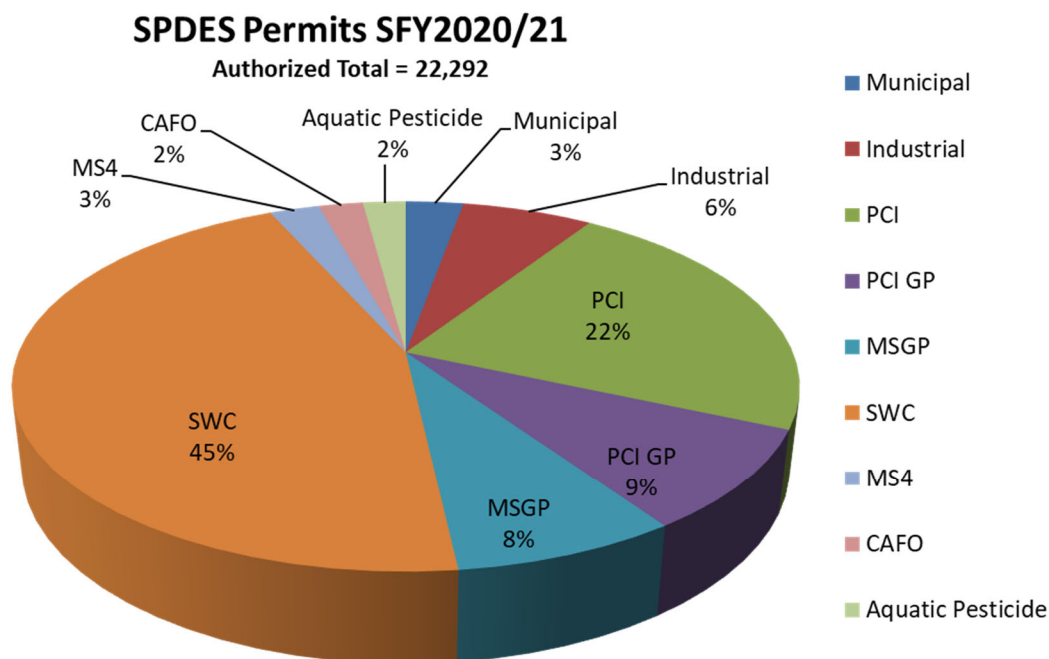


Figure 3

SPDES Program Monitoring and Compliance

DEC monitors SPDES-permitted facilities through various activities, including:

- Analyzing periodic discharge monitoring reports (DMR) from permitted facilities^{5 6}
- Conducting periodic facility inspections
- Responding to citizen complaints
- Managing the wastewater treatment plant operator certification program
- Analyzing facility specific reports (i.e., monthly operating data, and those required as a condition of the SPDES permit or an Order on Consent)

Discharge Monitoring Reports (DMRs)

The cornerstone of DEC's oversight program involves receiving DMRs on a recurring basis. SPDES-permitted facilities designated as 'significant' are required to periodically

^{5 6} NYCRR Part 750 requires that samples collected at SPDES-permitted facilities and reported to DEC be analyzed at a state-approved laboratory. Visit www.wadsworth.org/labcert/elap/elap.html for details on this program.

⁶ Many SPDES-permitted facilities are required to submit periodic effluent quality data reports. Generally, larger, and more complex facilities report monthly, with many others required to report annually. All permittees are to maintain records and monitoring data for periodic DEC review.

submit analytical data that are representative of the discharge from that facility. Each month DEC receives over 1,600 DMRs. For SFY 2020/21 this resulted in 548,436 reported data points, which reflects the effluent quality discharged by SPDES-permitted entities. DMR data is also required to be submitted semi-annually for facilities covered under the MSGP program.

Data provided by these DMRs enable DEC to determine the compliance status of a facility by comparing actual effluent sample results to SPDES permit limits. For several years permittees have been required to submit these data electronically, which is stored in the Integrated Compliance Information System (ICIS) that is owned and maintained by USEPA. DEC uses this data system to detect violations, identify trends, and support compliance and enforcement activities.

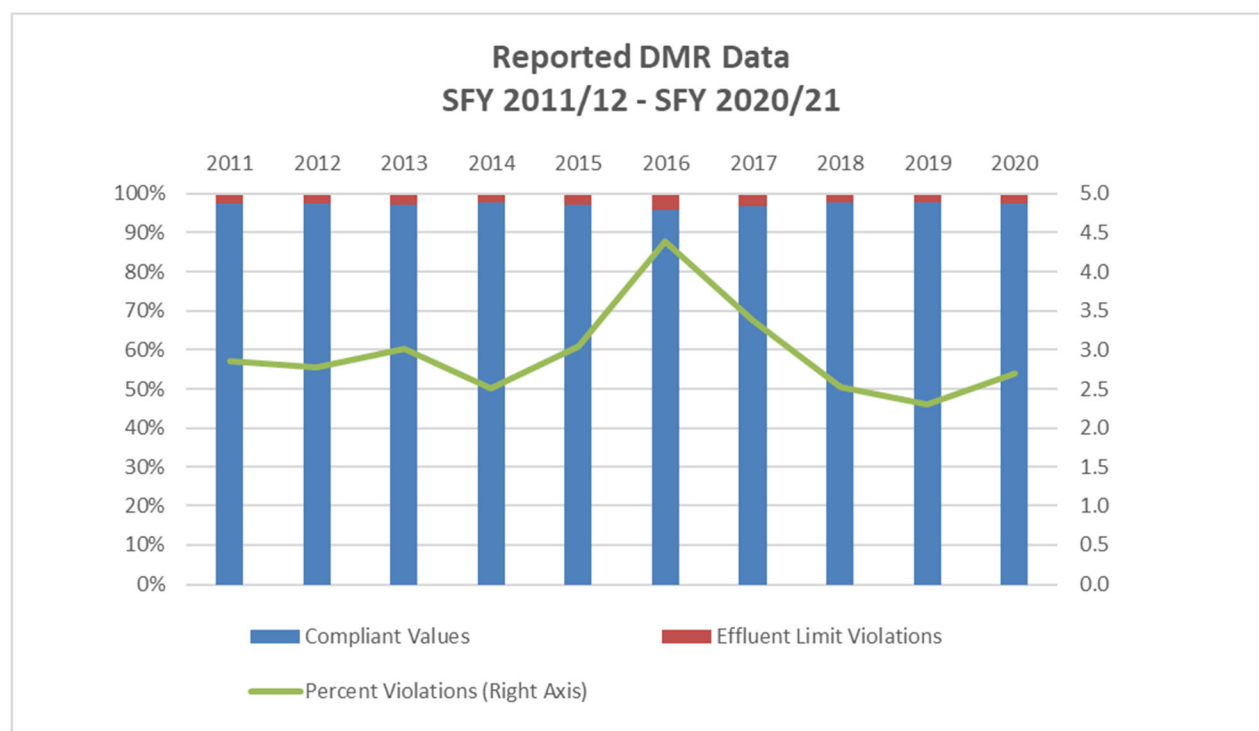


Figure 4

During SFY 2020/21 over 97% of data reported to DEC was compliant with the respective permit limit values. Data from DMR reporting for SPDES-permitted facilities are available to the public through USEPA’s ECHO website⁷. Figure 4 presents the DMR-reported, including violations of either a permitted effluent limit or failure to submit a valid and complete DMR.

Inspections

DEC maintains a field presence through nine regional and five sub-regional offices, with additional support from staff at its Albany headquarters. Each year, DEC develops and

⁷ <https://echo.epa.gov/>

implements a SPDES oversight and inspection work plan that reflects current priorities, availability of staff and resources, and goals established with USEPA.

Determining DEC's field presence is a neutral surveillance policy. Except for complaint response and critical situations, facility inspections occurred on a pre-determined basis, such as conducting an annual comprehensive inspection at each USEPA major-class SPDES permitted facility.

With staff and resource limitations, DEC utilizes a risk-based strategy. This approach targets unpermitted sites and SPDES-permitted facilities deemed to pose an elevated potential threat to the environment or public health. Determining factors include:

- Current or past wastewater treatment system performance
- Adherence to established effluent permit limits, deadlines, and commitments
- Date of last inspection

Given the diversity of SPDES-permitted facilities, managers in regional offices can further refine oversight activities to reflect local factors, such as ecologically sensitive waterbodies or a predominance of certain permitted activities.

Figure 5 presents SPDES permit inspection activities by DEC and its partners since 2011⁸. Refer to Appendices C and D for additional inspection activity details.

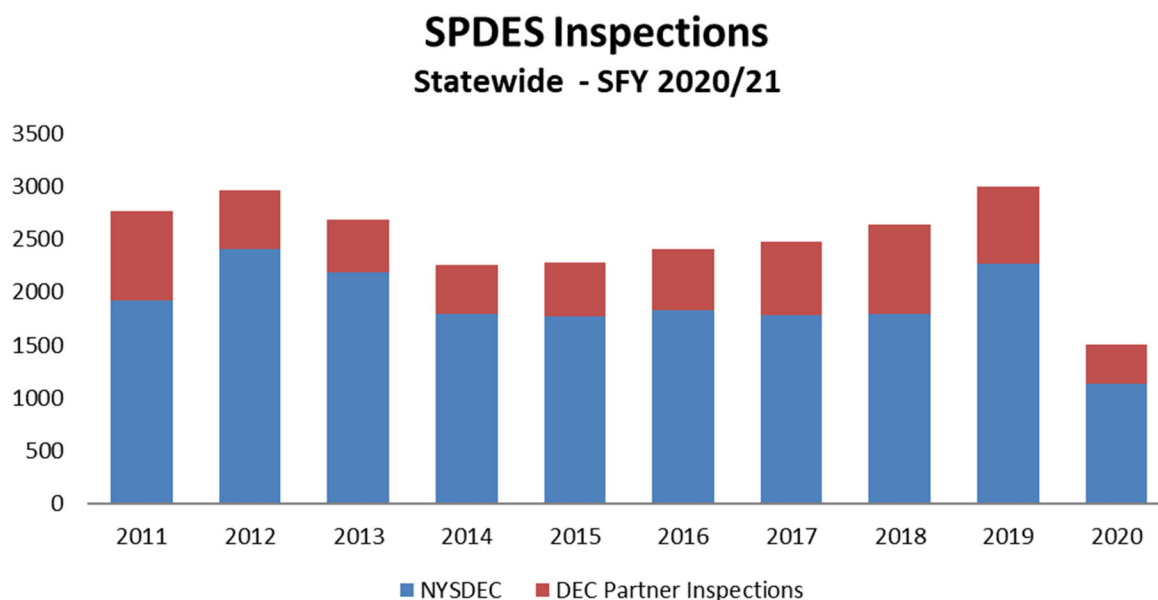


Figure 5

⁸ DEC partners include county departments of health, soil, and water conservation districts, and previously, the Interstate Environmental Commission (SFY 2012/13 and earlier).

Citizen Complaints

Inquiries and complaints by citizens assist DEC's SPDES compliance efforts. DEC investigates these complaints to determine any impact upon the environment or public health. If staff determine there is a violation, DEC seeks corrective action to minimize negative impacts and, if necessary, pursues enforcement through the Office of General Counsel or Division of Law Enforcement.

Wastewater Operator Certification and Training⁹

Competent and credentialed operators serve as frontline defenders of public health in their own communities. Since 1937, New York State has required certification of municipal wastewater treatment plant operators. Part 650 of Title 6 of NYCRR details requirements of the wastewater operator certification program. Prior to receiving this certificate, an individual must complete DEC-approved training, possess hands-on operational experience at a treatment facility, and pass a certification exam.

Each operator certificate is valid for a five-year period. During this period the operator must complete DEC-approved training that is necessary to renew the certificate. Training events typically focus on safety, operation & maintenance of mechanical equipment, and optimizing the treatment process. Over 3,000 individuals currently possess DEC-issued certificates to serve as wastewater treatment plant operators in New York state.

SFY 2020/21 Wastewater Operator Certification Program Summary

Activity	Number
Applications approved to take the operator certification exam	260
Operators passing the certification exam	168
Operators failing one or more certification exams	147
Applications approved for renewal of an operator certificate	346
Certificates suspended or revoked	1

Figure 6

Reflecting a national trend, during SFY 2020/21 there were fewer operators applying for certification, including both initial applicants and those expanding upon existing certification. A positive trend noted for a second consecutive year was the rise in the overall exam passing rate. One reason for this may be due to DEC involving members of the operator Governance Council to select exam questions rather than continued

⁹ Beginning September 1, 2011, DEC transferred administration of operator certification and certificate renewal applications to the New York Water Environment Association (NYWEA). NYWEA now processes all applications while DEC approves qualifications. DEC continues to review all applications for training events utilized by certified operators to Part 650 renewal requirements.

use of a standardized exam. This change will ensure operators are tested on instructional material presented during the required pre-certification training.

Exacerbating the national workforce trends in New York are the considerable numbers of POTWs of all size completing or continuing process upgrades. The POTW rating system DEC utilizes assigns points for each treatment process, unit, or permit requirement. With recent upgrades, numerous POTWs score higher, requiring a corresponding increase in the minimum level of certification for both the chief and assistant operator.

Separately, operators seeking to renew their existing certification rose. With impacts from COVID-19 still evolving, DEC expects web-based training to continue providing a valuable option in the absence of in-person events.

For more information on the core competencies required of a wastewater treatment operator, visit the Association of Boards of Certification website at:
www.abccert.org/testing_services/need_to_know_criteria.asp

More information on the operator certification program is available at:

- NYWEA – Wastewater Treatment Plant Operator Certification Program
 - <http://nywea.org/OpCert/>
- NYSDEC – Wastewater Treatment Plant Operation
 - www.dec.ny.gov/chemical/8464.html

SPDES Program Enforcement

Upon discovery of a SPDES or water quality violation, the primary goals of DEC are to end the violation, restore compliance, and achieve measures to prevent recurrence of conditions that led to the violation. While DEC can pursue criminal and/or civil action, depending upon the violation, most formal enforcement actions taken are civil, primarily through use of a negotiated Order on Consent.

Using a graduated approach in most situations, DEC staff will first use informal strategies to restore compliance. These strategies include issuing a notice of violation (NOV), holding a compliance conference with permitted facility representatives, or requesting specific actions be taken to cease the non-compliance. Should informal actions by DEC prove unsuccessful, or if there is a public health threat or risk of environmental damage, formal enforcement is available to satisfactorily resolve the violation and restore compliance.

Various formal enforcement options are available to DEC. The most common options are the Order on Consent and environmental conservation officer (ECO) issued tickets. An Order on Consent is a legally binding document issued by DEC and agreed to by the SPDES permit holder, or responsible party if the discharge is unpermitted. DEC routinely uses Orders on Consent to restore compliance and enhance future

compliance. An ECO-issued ticket may require payment of a penalty by the legally responsible party and may impose remedial actions.

Common requirements of an Order on Consent include:

- Payable penalty and suspended and/or stipulated penalties
- Compliance schedule for corrective action
- Progress reporting and/or meetings
- Environmental Benefit Project (EBP)¹⁰

Figure 7 presents a 10-year summary of formal enforcement actions (ECO tickets, Orders on Consent, and Consent Decrees), along with assessed and collected penalty amounts. Corresponding data is found in Appendix C, and a full list of SPDES-related formal enforcement actions for SFY 2020/21 is found in Appendix E.

Enforcement Actions SFY 2010/11 through SFY 2019/20

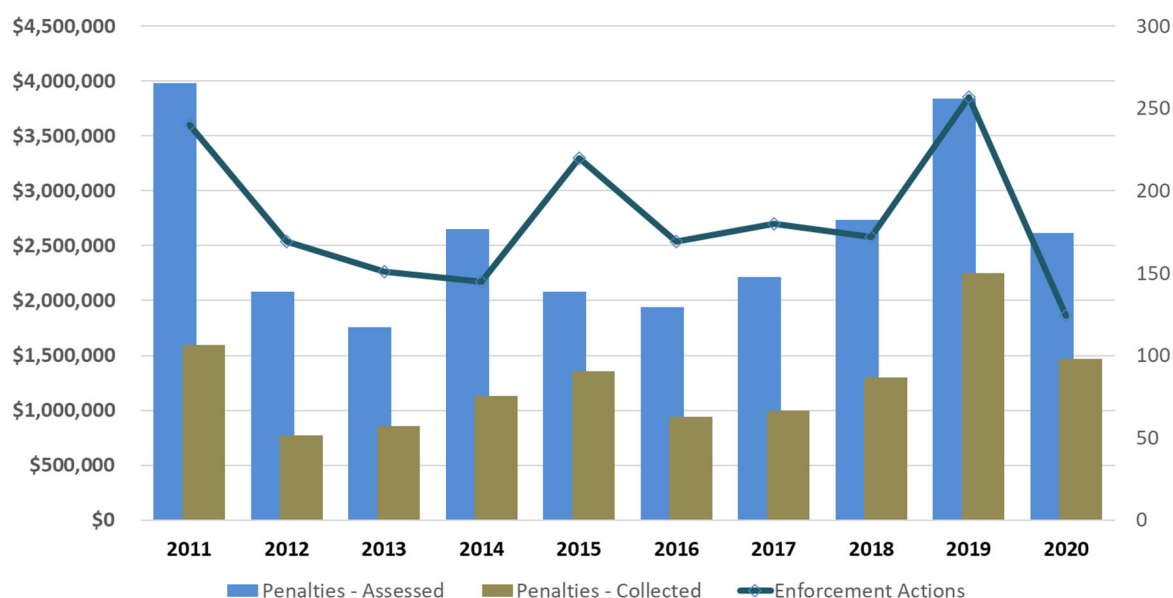


Figure 7

Shared Oversight of the SPDES Program DEC's Relationship with USEPA

In 1975 DEC was authorized by USEPA to manage water pollution control requirements of the 1972 CWA in New York state. A primary component of this authorization is

¹⁰ An EBP is an action that a respondent agrees to undertake in partial settlement of a wider enforcement action. Generally, an EBP must improve, restore, protect, and/or reduce risks to public health and/or the environment. For the DEC policy regarding an EBP, visit www.dec.ny.gov/regulations/64596.html

implementation of the SPDES program, New York's equivalent to the federal NPDES program. While comparable, DEC regulations provide additional protection for groundwater resources.

Today, USEPA and DEC continue their cooperative relationship by establishing priority watershed activities, implementing annually revised work plans, and seeking community-based solutions. An important part of this relationship is the 1987 USEPA/DEC Enforcement Agreement. This agreement outlines DEC's responsibilities to maintain compliance of facilities permitted under the SPDES program. DEC's responsibilities include:

- Monitoring permit compliance
- Identifying facilities meeting significant non-compliance (SNC) criteria
- Identifying facilities requiring enforcement action to restore compliance
- Timely and appropriate enforcement in response to SNC and priority violations
- Maintaining and sharing compliance data and information with USEPA

This agreement also establishes procedures for USEPA oversight and review of DEC's SPDES program, primarily through the state review framework process^{11 12}. The SNC program, a key element of DEC's oversight activities, requires quarterly meetings with USEPA where causes of significant non-compliance at major-class SPDES permitted facilities are discussed and actions to restore compliance are identified. Persistent violation of a SPDES permit requires an enforcement action that assesses a financial penalty and/or the installation of new or replacement equipment or treatment systems.

A primary feature of the enforcement agreement is for USEPA and DEC to collectively seek to restore compliance at major-class facilities. Those identified as minor-class facilities or operating under a general permit are overseen primarily by DEC, with USEPA available to initiate action after consultation with DEC.

With priority given to major-class dischargers, USEPA and DEC apply criteria to identify those facilities with SNC violations. Examples of SNC violations include:

- DMR data exceeding a USEPA-defined threshold
- A facility's failure to provide a specific document or report required as a condition of a legally binding discharge permit, Order on Consent, or other enforcement action

¹¹ Although New York has an authorized program, USEPA reserves authority for oversight and enforcement actions under the CWA. Separately, USEPA has retained and not delegated both the pretreatment and biosolids programs in New York.

¹² The State Review Framework (SRF) assesses USEPA and state enforcement of the CWA, the Clean Air Act (CAA), and Resource Conservation and Recovery Act (RCRA). Designed by USEPA and the Environmental Council of the States, USEPA works in partnership with each state to create a periodic SRF report. SRF reports allow USEPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the nation.

- Completion of a major upgrade or meeting final effluent limits past an established deadline
- A discharge that threatens public health or the environment

Facilities meeting these criteria become the focus of quarterly meetings where DEC provides details on the cause, frequency, and severity of violations. DEC is then responsible to seek a return to compliance or, if violations continue, to pursue enforcement. Common enforcement actions include issuing a NOV, or executing an Order on Consent with DEC.

The rate of SNC represents those USEPA designated and major-class permittees that met the SNC criteria *at least once* during a given period. For SFY 2020/21, the SNC rate for these 316 major-class facilities in New York State was 18% (see Figure 10). The facilities on this list change from quarter to quarter, as some return to compliance while others join the list.

Rate of Significant Non-Compliance (SNC) for major-class SPDES permittees

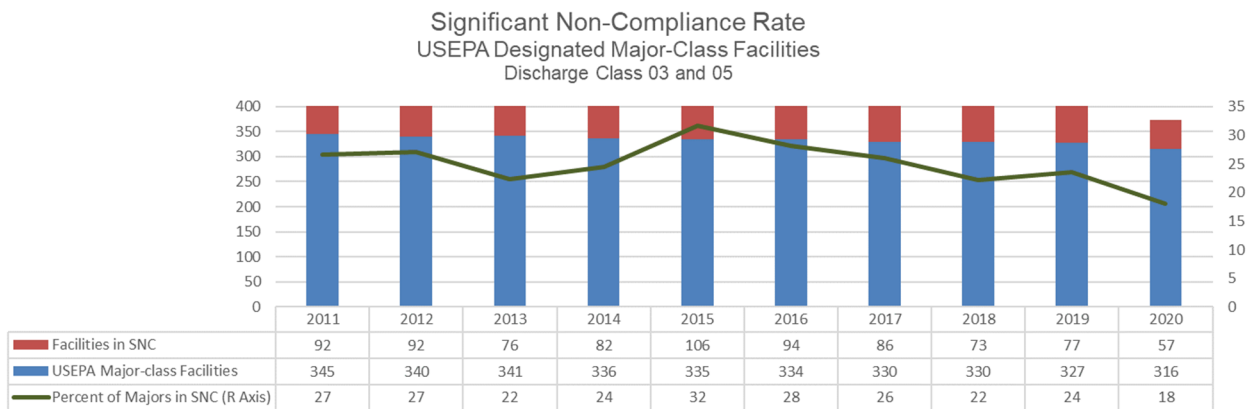


Figure 10

USEPA/DEC Work Sharing Agreement for Clean Water Act Inspections and Enforcement

To facilitate compliance monitoring across core programs of the Clean Water Act, USEPA and DEC annually develop an inspection work plan to identify USEPA inspections in New York State that address program priorities while recognizing available resources. The goal of this plan is to maximize the environmental benefit of the USEPA inspection program at facilities identified by USEPA and DEC as high priority.

For this plan, DEC provides information that is necessary for USEPA to prioritize and select facilities to inspect. Depending on DEC requests and national priorities, USEPA will conduct inspections at facilities where they may or may not have program primacy. This plan also establishes protocol for the coordination of each inspection and any

ensuing compliance and/or enforcement actions and identifies which agency will assume a lead role should an enforcement action be necessary.

Under this work planning approach, DEC can provide input into inspections for programs that USEPA administers, such as pretreatment and biosolids, while sharing resources to enable USEPA to focus on areas that DEC may devote fewer inspection resources to. This teamwork approach allows for an exchange of experience and institutional knowledge, while ensuring a consistent approach to an inspection regardless of which agency is participating or providing a leadership role.

Appendix A

Definition of Terms

Agricultural Environment Management (AEM) certified planner – A professional who provides services to CAFO-regulated farms in New York State, including development of a comprehensive nutrient management plan (CNMP).

Animal Feeding Operation (AFO) – A lot or facility (other than an aquatic animal production facility) where the following conditions exist:

- Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.
- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

AFOs are agricultural operations where animals are kept and raised in a confined situation. In this space the animals may feed, generate manure and urine, and produce eggs, milk, or other desirable outputs. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

Annual Compliance Report – Applicable to CAFO permitted sites, this report captures general information, type and number of confined animals, manure and wastewater production and transfer data, and other details relevant to the environmental management of the site.

Annual Certification Report – Applicable to MSGP permitted sites, this report is the primary mechanism for reporting compliance with permit conditions to the Department. Details the form captures include SWPPP implementation status and completion of compliance or benchmark monitoring.

Best Management Practices (BMP) – BMP consist of various technical or managerial strategies that intend to address a specific problem or guide an activity while being efficient and cost effective.

CAFO Permit – A SPDES permit that covers all applicable CAFOs statewide with generic requirements for wastewater discharges, including surface water and groundwater. A CNMP, required for all CAFO permitted sites, details site-specific requirements for each CAFO and becomes an enforceable condition of this permit.

Clean Water Act (CWA) – The primary federal law governing water pollution control. Passed in 1972, this act relies upon the Federal Water Pollution Control Act amendments of 1972 for much of its authority.

Combined Sewer Overflow (CSO) – A discharge of untreated wastewater from a combined sewer system at a point before the headworks of a publicly owned treatment works (POTW). CSOs generally occur during wet weather (rainfall or snowmelt) and combine a mixture of stormwater runoff and untreated sewage.

Compliance Schedule – A schedule of remedial measures included in a permit or legally enforceable action, with a sequence of interim requirements (e.g., actions, operations, or milestone events) leading to compliance with the CWA and regulations.

Comprehensive Nutrient Management Plan (CNMP) – A conservation plan, unique to animal feeding operations, designed to evaluate all aspects of farm production and offer conservation practices that help achieve production and natural resource conservation goals. The New York State Soil and Water Conservation Committee, with guidance from other partner agencies, established a comprehensive certification process to ensure certified planners from both the public and private sectors are available and qualified to meet the high standards for CNMP development and implementation.

Concentrated Animal Feeding Operation (CAFO) – An animal feeding operation (AFO) further defined as a large or medium CAFO meeting either one of the following conditions:

- Pollutants are discharged into waters of the United States through a human-made ditch, flushing system, or other similar human-made device.
- Pollutants originating outside of and passing over, across, or through the facility or that otherwise come into direct contact with the animals confined in the operation are discharged directly into waters of the United States.

Construction Stormwater Permit – Stormwater Discharges from Construction Activity General Permit (GP-0-10-001), issued pursuant to Article 17, Title 7, 8 and Article 70 of the Environmental Conservation Law, authorizes stormwater discharges from eligible construction activities under the terms and conditions of the permit.

Demonstration Approach – One of two (2) permissible strategies for CSO communities to consider when evaluating CSO control options. Under this approach, the CSO community would develop and implement a long-term control plan that meets applicable water quality standards.

Discharge Monitoring Report (DMR) – A self-monitoring report that permitted facilities submit to NYSDEC, typically monthly, which detail facility effluent data. The SPDES permit details which data are to be reported, specifying sample location, frequency, and collection method.

Drainage Basin – The land area from which all precipitation runs off into streams, rivers, lakes, and reservoirs.

ECHO – Enforcement and Compliance History Online. ECHO is the USEPA-owned website that provides details of the compliance and enforcement history of facilities permitted under the Clean Water Act.

ECL – Environmental Conservation Law. The body of law that established NYSDEC and authorizes its programs, often abbreviated as ECL. The full text of New York's ECL is found on the New York State Legislative Information System.

ECO – Environmental Conservation Officer. ECOs are members of the NYSDEC Division of Law Enforcement and enforce New York State's Environmental Conservation Law.

Enforcement Action – Specific to this report, an enforcement action includes those voluntary and legally enforceable documents that bind DEC and another person or legal entity (i.e. respondent) to resolve alleged violations of laws or regulations administered by DEC. Enforcement actions detailed in this report includes both Orders on Consent and Uniform Tickets, as defined in this appendix. An enforcement action may be executed by DEC or a designated partner.

Environmental Benefit Project (EBP) - A project that an administrative respondent or judicial defendant ("respondent") agrees to undertake as part of the settlement of an enforcement matter. NYSDEC may suspend the obligation to pay a portion of a penalty where a respondent agrees to undertake an EBP. Generally, an EBP must improve, restore, protect, or reduce risks to public health or the environment beyond that achieved by a respondent's full compliance with applicable laws and regulations. Examples of EBPs include those that do the following:

- Conserve, improve, and/or protect the state's natural resources and environment
- Prevent, control or reduce water, land and air pollution
- Enhance the health, safety and welfare of the people of the state
- Enhance the overall economic and social well being of the people of the state
- Achieve significantly early compliance with environmental laws and regulations or go significantly beyond minimum compliance in performance commitments
- Promote compliance with environmental requirements by providing practical and effective education to the public, regulated persons, stakeholders, and others as to the improvement, restoration, protection, or reduction of risks to public health, the environment, or natural resources

Gray Infrastructure – Most commonly refers to conventional infrastructure: pipes, tanks, sewage collection systems, and drinking water systems. While not always grey in color, these infrastructure assets typically provide underlying support to a modern and economically developed society.

Green Infrastructure – Represents an approach to wet weather management that is cost effective, sustainable, and environmentally friendly. This approach commonly involves the use of permeable pavement, rain barrels, or "green" roofs. Often these devices intend to divert stormwater runoff from a sanitary sewer, where it can cause an overflow and result in a public health or environmental situation.

Infiltration – Refers to seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, or manhole walls.

Infiltration and Inflow (“I & I”) – this is the total quantity of water from both infiltration and inflow.

Inflow – This water enters a sewer system from roof leaders, foundation drains, storm sewers, leaky manhole covers, and numerous other sources.

Industrial Discharge Permit – This permit applies to facilities that conduct industrial activities but are not municipal or private, commercial, and institutional (PCI) class facilities.

Large CAFO – An AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- 700 mature dairy cows, whether milked or dry
- 1,000 veal calves
- 1,000 cattle, other than mature dairy cows or veal calves. Cattle include, but are not limited to, heifers, steers, bulls and cow/calf pairs
- 2,500 swine, each weighing 55 pounds or more
- 10,000 swine, each weighing less than 55 pounds
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys
- 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system
- 82,000 laying hens, if the AFO uses other than a liquid manure handling system
- 30,000 ducks, if the AFO uses other than a liquid manure handling system
- 5,000 ducks, if the AFO uses a liquid manure handling system

Long Term Control Plan (LTCP) – A LTCP is a phased approach for control of combined sewer overflows that requires the permittee to develop and submit an approvable plan that will ultimately result in compliance with New York state water quality standards and Clean Water Act requirements.

Major Industrial Facility – An industrial facility with a discharge that is relatively large in volume, has “toxicity potential” as defined by the *USEPA NPDES Permit Writers’ Manual* and meets certain rating criteria developed by USEPA, in conjunction with NYSDEC.

Major Municipal Facility – A publicly owned treatment facility that treats wastewater flows of 1.0 million gallons per day (MGD) or greater and has an USEPA or state-approved industrial pre-treatment program. This may also include publicly owned

treatment facilities with a design flow of 0.5 to 1.0 million gallons per day that USEPA or NYSDEC designate as being a major-class facility.

Medium CAFO – An AFO that stables or confines animals falling within any of the following ranges:

- 200 to 699 mature dairy cows, whether milked or dry
- 300 to 999 veal calves
- 300 to 999 cattle, other than mature dairy cows or veal calves. Cattle include, but are not limited to, heifers, steers, bulls and cow/calf pairs
- 750 to 2,499 swine, each weighing 55 pounds or more
- 3,000 to 9,999 swine, each weighing less than 55 pounds
- 150 to 499 horses
- 3,000 to 9,999 sheep or lambs
- 16,500 to 54,999 turkeys
- 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system
- 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system
- 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system
- 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system
- 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system

Minor Industrial Facility – An industrial facility that is neither a major industrial facility nor a non-significant facility.

Minor Municipal Facility – A POTW that is neither a major municipal facility nor a non-significant facility.

MS4 Permit – This general permit, issued pursuant to Article 17, Title 7, 8 and Article 70 of the Environmental Conservation Law, authorizes operators of an MS4 in New York State to discharge to waters of the United States in accordance with the conditions and requirements set forth in the permit.

Multi-Sector General Permit (MSGP) – This permit covers facilities with stormwater discharges to waters of the state from a point source that conducts industrial activities within 40 CFR Part 122.26(b)(14)(i) through (ix) and (xi), as well as other miscellaneous industrial activities designated by NYSDEC on an individual basis.

Municipal Discharge Permit – This permit applies to publicly owned wastewater treatment plants discharging municipal sewage. Municipal sewage is wastewater composed of residential sewage, with or without the admixture of industrial wastewater.

Municipal Separate Storm Sewer System (MS4) – A conveyance, or system that is:

- Owned or operated by a state, county, or other public body created by state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes
- Designed or used for collecting or conveying stormwater
- Not a combined sewer
- Not part of a publicly owned treatment works

National Pollutant Discharge Elimination System (NPDES) – The federal Clean Water Act authorized development of NPDES to regulate all discharges to surface waters of the United States (NPDES does not cover discharges to ground water). Under New York State Environmental Conservation Law, NYSDEC administers the state's program for meeting the requirements of NPDES (see "SPDES" below).

Non-Significant Facility – A facility that NYSDEC determines poses a minimal water quality risk and possesses a SPDES permit that does not contain limitations for the discharge of priority pollutants or other toxic constituents.

Notice of Violation (NOV) – A written notification of non-compliance from NYSDEC. This should be the minimum department response to all significant non compliance (SNC) and is often the last informal enforcement activity prior to commencement of formal enforcement.

Order on Consent – A legally binding agreement negotiated by NYSDEC and a SPDES permittee, which addresses specific violations and includes provisions for a payable penalty. An Order on Consent may also include suspended and/or stipulated penalties, interim effluent limitations, and a compliance schedule for corrective action.

Presumption Approach – One of two (2) permissible strategies for CSO communities to consider when evaluating CSO control options. Under this approach, certain performance criteria (i.e. 4-6 untreated overflow events or 85 percent by volume capture) would be presumed to provide an adequate level of control to attain water quality standards.

Priority Pollutants – Chemical pollutants that USEPA regulates and for which it has published analytical test methods.

Private, Commercial, and Institutional (PCI) Permit – This class of permit regulates the discharge of wastewater from a facility meeting the criteria of a PCI facility.

Publicly Owned Sewer System (POSS) – A municipal sewage collection system owned by one or more municipalities. Generally, this includes interceptors, force mains, and pump stations, while excluding lateral piping that serves to connect the wider system to an individual residence, or commercial or industrial properties.

Publicly Owned Treatment Works (POTW) – A municipal wastewater treatment facility owned by a state or municipality.

Sanitary Sewer Overflow (SSO) – The occasional, unintentional discharge of raw sewage from municipal sanitary sewers. These discharges can occur at sewage pump stations or manholes, or in home basements.

Secondary Treatment – The technology-based requirement for direct discharging by a POTW. Secondary treatment consists of a combination of physical and biological processes typical for the treatment of pollutants in sewage.

Sewage Pollution Right to Know Act – This is a New York state law that went into effect May 1, 2013. This law requires the reporting of untreated or partially treated sewage discharges, also known as bypasses, from publicly owned treatment works (POTWs). The law imposes new reporting requirements for publicly owned sewer systems (POSSs) and combined sewer overflows (CSOs). The first phase of the SPRTKA provides a system for collecting reports of these discharges. The second phase, currently under development, will provide regulations to require POTWs and POSSs to directly notify the public of discharges of untreated or partially treated sewage.

Short-form Order on Consent – This is a formal enforcement document that is similar to the longer version of an order on consent. A short-form order on consent is appropriate in cases of non-compliance when:

- Remedial action is not necessary or complete
- Only minor compliance activity is required
- It is approved by NYSDEC's regional attorney and relevant program supervisors
- The assessed penalty amount is \$10,000 or less

Significant Non Compliance (SNC) – The compliance status of a significant-class facility that has at least one unresolved, significant, non-compliance occurrence during the report period. Examples of such an occurrence include submitting a permit or compliance schedule milestone after the deadline, failure to submit a discharge monitoring report, or effluent discharge violations that exceed the threshold outlined in the NYSDEC/USEPA enforcement agreement.

State Pollutant Discharge Elimination System (SPDES) – The state program that administers the federally delegated program (see “NPDES” above) for the regulation of wastewater discharges to surface waters. In addition, state law regulates discharges to groundwater, which are not part of the federal delegation. The minimum threshold for a SPDES permit for groundwater discharges is 1,000 gallons per day for sanitary wastewater, while discharges including any industrial wastewater have no minimum threshold. The New York State Department of Health regulates discharges of less than 1,000 gallons per day, consisting of only sanitary wastewater.

Stormwater Construction (SWC) Permit – This permit covers all applicable stormwater discharges relating to eligible construction activities.

Stormwater Pollution Prevention Plan (SWPPP) – This document, based on sound engineering practices, details erosion and sediment controls during construction and post-construction stormwater control practices.

Total Maximum Daily Load (TMDL) – A calculation of the maximum amount of a pollutant or multiple pollutants that a waterbody can receive and still meet water quality standards.

Total Suspended Solids (TSS) – Listed as a conventional pollutant in the Clean Water Act of 1972, TSS is a measurement of solids that are visible and/or in suspension of a water sample. SPDES permits extensively require this analysis as an effective means to measure the quality of water discharged.

Uniform Ticket (UT-50) – A ticket issued by an ECO that initiates formal judicial proceedings of a civil, rather than criminal, nature. Conversely, ECO NOVs are administrative tickets issued and resolved by ECOs with assistance from DOW staff.

Unpermitted Discharge – A discharge not authorized by, or in violation of, a SPDES permit.

Vegetated Treatment Area (VTA) – A component of an agricultural waste management system consisting of a strip or area of herbaceous vegetation for the treatment of contaminated

Water Quality Based Effluent Limit (WQBEL) – This value is determined by selecting the most stringent of the effluent limits calculated using all applicable water quality criteria (e.g. aquatic life, human health, and wildlife) for a specific point source to a specific receiving water for a given pollutant

Wet Weather Operating Plan – A document used by wastewater collection and/or treatment staff to provide guidance on operational changes to make during wet weather conditions. These changes allow for the highest degree of treatment when flows exceed design standards.

Appendix B

Sewage Pollution Right to Know Summary Report



N.Y.S. PERMITTED DISCHARGE POINT
(wet weather discharge)
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: () - ### - ####

Sewage Pollution Right to Know

SFY 2020/21 Annual Summary

Bureau of Water Compliance

Appendix B

Examples of the signs required by 6 NYCRR Part 750-1.12 for permitted wastewater

Introduction

The Sewage Pollution Right to Know (SPRTK) Act requires the reporting of sewage releases from Publicly Owned Treatment Works (POTWs) and Publicly Owned Sewer Systems (POSSs). The SPRTK Act enhances the reporting requirements of sewage discharges from those found in 6 NYCRR Part 750. Since November 2016, when fully implemented, SPRTK requires discharges to be reported immediately, but no later than two hours after discovery of a discharge. The POTW or POSS must then notify both the NYSDEC and the state or local Department of Health (DOH) office with the following information:

- Volume of discharge
- Discovery date and time of discharge
- Expected duration of discharge
- Location of discharge
- Reason for the discharge
- Steps taken to contain discharge

DEC requires that the New York Alert (NY-Alert) system be used for SPRTK notification reports. All reports, upon submittal, are sent to DEC and DOH staff. Others can receive these reports by updating their NY-Alert account personal preferences. SPRTK reports are available at <https://alert.ny.gov/> for approximately 18 months after notification. Historical sewage discharge data is at: <https://www.dec.ny.gov/chemical/101187.html>

The SPRTK Act also requires DEC to publish an annual summary of the reports submitted by the municipalities. This report summarizes the information on reports submitted from April 1, 2020 through March 31, 2021 (state fiscal year 2020/21, or SFY 2020/21).

Status Update

At the end of SFY 2020/21, 937 facilities, with over 1300 notifiers, have registered with DEC to use the NY-Alert system. Included in this count are 631 POTWs and 318 POSSs. This brings the total registered facilities to 99% of POTWs and 85% of all potential POSSs identified by DEC. DEC continues to work to ensure that all POTWs and POSSs become registered to use NY-Alert and have sufficient notifiers to meet SPRTK requirements.

Future Work

DEC continues to work to automate and improve the process of storing the NY-Alert notifications in a DEC database. Once the database is available, a web-based search engine will be created for the public to access the alerts using certain criteria. As updates and fixes are applied to NY-Alert, DEC will inform notifiers and the public about the changes and upgrades.

Summary of NY-Alert Reports

This summary is based on the reports received by DEC through NY-Alert. Data provided in these reports are the best estimates at the time the notifiers for the

municipality created the alerts. Additionally, DEC requires daily updates and termination notifications for ongoing discharges which creates multiple records for a single event, except for permitted Combined Sewer Overflows (CSO). Reports that did not meet the statutory requirement to report, i.e., those determined to be privately owned systems or SPDES permit effluent limit violations, were removed from this report.

While SPRTK requires a report of the volume discharged, it is important to note that this volume is often estimated as overflows do not always occur at a location with flow monitoring. An event may not be discovered immediately which will require an estimate of when the event started and ended and for the flow at the time of the event.

Variations in rainfall amounts and intensity for each rain event impact the volume of discharge, particularly at CSOs and for some sanitary sewer overflows (SSOs) caused by infiltration and inflow to a system or loss of power to a pump station during a significant storm. With many discharge points lacking flow monitoring, it is difficult to establish exact overflow volumes or compare discharge data, volume, or number of events, from year to year due to variations in precipitation.

During 2020/21, about 4850 NY-Alert reports were received by DEC. This reflects both initial reports for each sewage discharge and any updates to these events. There was a decrease in number of reports issued possibly caused by pandemic factors, the drought conditions experienced in parts of the state, or other variables. With the capabilities of the NY-Alert system, there have been extra reports submitted as many CSO dischargers enter alerts in anticipation of storm event discharges. Many of these anticipated discharge notifications may not result in a discharge. A closer review of these reports reveals that there were about 3070 unique overflow events, originating from 210 different POTWs. Approximately 2640 of the discharges had the potential to, or did, reach a waterbody. DEC will continue to work with POTWs and POSSs for proper reporting, to reduce overflow events, and to examine circumstances of overflow events.

The estimated volume of discharge from SFY 2020/21 is 3 billion gallons outside of New York City (NYC). This volume estimate summarizes the 96% of reports that included: a volume (estimated or actual), data to calculate the volume from the duration and the rate of discharge; or included the volume from the final report of a multi-day discharge. The remaining 4% of reports either entered zero for the volume/rate, entered the end time of the discharge incorrectly causing a negative volume, or had other errors with the data and were not included in the calculation. Data entry issues were reviewed, and corrections were made to the data when discrepancies were noted. DEC has instructed notifiers to provide the best estimate of volume that can be provided when reporting in the required two-hour timeframe. Notifiers are not required to enter in actual volumes or often may not be able to accurately establish this volume so the estimated volume discharged may be over or under reported.

For CSO communities, calculating an actual volume per event is difficult since most outfalls are not metered. While some municipalities do utilize metering of some or all overflows, most communities use site-specific methodologies to estimate overflow events and volumes that best work for their system. Some communities do have CSO computer models for their systems. However, these are not run at the time of each wet weather event to estimate the quantity of CSO volume, as this is costly and time-consuming. Instead, overflow events are verified in real-time by visual inspection, then modeled overflow volumes are provided in the community's CSO Best Management Practices (BMP) Annual Report. For more information on the CSO program, visit: www.dec.ny.gov/chemical/48595.html

The State's largest CSO community, New York City, discharged approximately 14.6 billion gallons. This NYC-specific data was obtained from the NYC Department of Environmental Protection (NYCDEP) CSO model, as detailed in their 2020 CSO BMP Annual Report. That report estimated 31 days where CSO discharges were initially occurring in NYC. NYCDEP staff provide preemptive notifications, approximately 125 each year, in anticipation of a potential discharge based on forecasted wet weather events and refer the reader to a NYC Waterbody Advisory page for more information.

As noted for CSO events, it is also difficult to estimate the volume of an SSO discharge from, for example, an overflowing manhole or a broken pipe. Considering the possibility of undiscovered discharges and known errors in reporting, it is likely that the estimated volume from NY-Alert reporting is somewhat lower than the actual discharge volume that enters the state's waters.

The primary cause of untreated sewage discharges across the state remains rain, and snow melt during winter months. Rainfall and the ensuing runoff often result in infiltration and inflow (I&I) to the sanitary sewer lines. High levels of I&I increase the flow to collection systems and treatment plants which cannot always transport or treat all the water coming in, leading to manhole surcharges and treatment plant bypasses. These types of overflow events are preventable and correctable by removing stormwater, roof, and sump drains, separating combined sewers, sealing defective manholes, and replacing or rehabilitating broken sewer pipes.

Public Notification for CSOs to the Great Lakes

SPRTEK and NY-Alert are also the primary method for New York State permittees to comply with the USEPA's Great Lakes Basin Combined Sewer Overflow Public Notification Rule. New York State's Great Lakes municipalities have been reporting their CSO and SSO discharges through NY-Alert for the last 3 years to meet public and health department notification requirements under this EPA rule. In addition, Great Lakes CSO permittees in New York are required by their SPDES permit to have outfall signage, submit a CSO annual report, and have a public participation plan.

Appendix C

SPDES Oversight Data

Appendix C: SPDES Oversight Data

Unpermitted	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Enforcement Actions	39	35	17	16	30	28	38	34	24	20
Enf. Penalties - Assessed	\$294,575	\$329,050	\$145,040	\$124,100	\$180,187	\$633,900	\$461,875	\$914,347	\$409,080	\$208,811
Enf. Penalties - Collected	\$147,275	\$115,050	\$85,040	\$71,350	\$125,187	\$239,950	\$319,175	\$418,442	\$246,096	\$100,091
EBP Amount	\$102,500	\$0	\$250,000	\$55,000	\$22,000	\$242,250	\$350,000	\$120,228	\$0	\$0

01 Individual - Industrial Significant Minor	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	594	586	580	573	571	567	560	555	560	554
Facilities Inspected	252	232	248	264	227	251	288	232	197	123
Unsatisfactory	9	17	5	12	9	16	22	30	22	8
Marginal	32	52	29	29	21	18	35	44	32	17
Satisfactory	218	323	238	259	238	246	265	199	177	97
Not Rated	36	24	10	9	5	0	14	4	4	5
Total Inspections	295	416	282	309	273	280	336	277	235	127
No. in SNC for Year	132	105	120	127	157	142	140	93	93	87
DEC Enforcement Actions	15	11	13	8	20	15	18	21	12	7
Enf. Penalties - Assessed	\$683,500	\$127,750	\$124,350	\$104,250	\$405,603	\$101,137	\$285,750	\$240,835	\$273,287	\$106,846
Enf. Penalties - Collected	\$197,500	\$72,750	\$69,625	\$28,250	\$306,569	\$75,353	\$122,350	\$137,640	\$97,675	\$63,145
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$60,000	\$9,000	\$0	\$0

02 Individual - PCI Non-Significant Minor	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	5463	5105	5008	4846	4708	4700	4701	4691	4653	4651
Facilities Inspected	128	109	154	67	81	80	72	50	54	33
Unsatisfactory	52	43	36	12	11	17	28	10	22	17
Marginal	31	29	38	18	29	26	24	16	8	3
Satisfactory	84	74	93	48	49	41	31	23	29	19
Not Rated	7	5	3	2	5	5	7	9	7	2
Total Inspections	174	151	170	80	94	89	90	58	66	41
DEC Enforcement Actions	6	7	7	3	9	3	24	16	10	2
Enf. Penalties - Assessed	\$174,575	\$76,875	\$54,113	\$96,000	\$72,550	\$102,175	\$210,830	\$286,475	\$325,190	\$78,017
Enf. Penalties - Collected	\$42,250	\$15,575	\$13,863	\$22,000	\$22,050	\$22,625	\$89,930	\$58,500	\$273,190	\$16,003
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

03 Individual - Industrial USEPA Major	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	112	110	109	107	106	105	104	103	100	102
Facilities Inspected	69	69	76	85	68	74	72	55	58	45
Unsatisfactory	3	1	4	5	1	2	3	8	1	0
Marginal	11	13	6	6	2	12	3	5	8	3
Satisfactory	77	163	88	97	88	84	83	74	72	44
Not Rated	5	9	3	3	1	3	5	1	3	0
Total Inspections	96	186	101	111	92	101	94	88	84	47
No. in SNC for Year	11	14	20	14	22	18	18	18	16	12
DEC Enforcement Actions	7	5	2	4	4	5	2	8	6	3
Enf. Penalties - Assessed	\$103,750	\$35,625	\$76,000	\$121,000	\$186,321	\$127,125	\$57,000	\$5,420	\$426,480	\$402,900
Enf. Penalties - Collected	\$103,750	\$31,125	\$66,000	\$106,000	\$107,237	\$110,625	\$26,000	\$5,420	\$211,780	\$165,000
EBP Amount	\$0	\$0	\$0	\$25,000	\$60,000	\$0	\$0	\$0	\$0	\$0

04 Individual - Industrial Non-Significant Minor	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	810	800	782	771	746	772	752	755	776	775
Facilities Inspected	76	80	150	70	60	69	79	130	110	81
Unsatisfactory	13	12	19	11	24	20	30	77	68	56
Marginal	17	13	28	11	8	11	7	12	11	10
Satisfactory	39	59	49	37	28	34	21	22	23	14
Not Rated	14	38	66	19	4	6	27	25	16	2
Total Inspections	83	122	162	78	64	71	85	136	118	82
DEC Enforcement Actions	4	0	1	3	7	1	4	16	11	7
Enf. Penalties - Assessed	\$16,500	\$0	\$4,000	\$12,250	\$38,700	\$22,080	\$14,500	\$180,000	\$202,800	\$122,295
Enf. Penalties - Collected	\$4,000	\$0	\$2,000	\$12,250	\$22,450	\$10,000	\$14,500	\$71,250	\$98,750	\$62,517
EBP Amount	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Appendix C: SPDES Oversight Data

05 Individual - Municipal USEPA Major	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	233	230	232	229	229	229	226	227	227	214
Facilities Inspected	201	190	205	198	205	206	181	180	173	171
Unsatisfactory	16	15	18	27	24	24	25	23	19	12
Marginal	57	51	50	50	57	52	73	133	57	31
Satisfactory	321	313	279	268	255	238	213	206	191	165
Not Rated	89	110	68	39	48	77	33	55	21	6
Total Inspections	483	489	415	384	384	391	344	417	288	214
No. in SNC for Year	81	78	56	68	84	76	68	55	61	45
DEC Enforcement Actions	26	21	11	19	24	18	17	5	22	20
Enf. Penalties - Assessed	\$1,984,500	\$846,350	\$290,900	\$1,796,420	\$478,469	\$437,460	\$658,860	\$294,250	\$620,219	\$706,730
Enf. Penalties - Collected	\$704,800	\$235,600	\$183,800	\$643,600	\$383,395	\$253,000	\$194,280	\$128,350	\$250,890	\$307,630
EBP Amount	\$702,500	\$304,000	\$41,000	\$72,500	\$459,000	\$800,000	\$35,000	\$0	\$34,500	\$227,000

07 Individual - Municipal Significant Minor	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	411	408	406	407	409	404	407	406	408	417
Facilities Inspected	289	259	331	299	302	307	288	282	289	219
Unsatisfactory	64	26	23	28	34	36	40	35	36	20
Marginal	93	98	95	109	79	59	57	96	91	21
Satisfactory	258	253	299	268	271	294	291	275	256	183
Not Rated	14	12	16	3	5	5	7	8	6	2
Total Inspections	429	389	433	408	389	394	395	414	389	226
No. in SNC for Year	90	86	96	93	126	95	106	77	68	74
DEC Enforcement Actions	10	23	14	12	12	7	1	12	14	11
Enf. Penalties - Assessed	\$33,400	\$268,800	\$156,750	\$42,950	\$100,650	\$145,680	\$144,150	\$88,256	\$156,100	\$259,989
Enf. Penalties - Collected	\$10,750	\$84,115	\$41,150	\$11,750	\$31,000	\$31,300	\$26,750	\$43,256	\$43,700	\$87,115
EBP Amount	\$0	\$28,000	\$0	\$0	\$0	\$0	\$10,000	\$0	\$0	\$2,920

09 Individual - PCI Significant Minor	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Permitted Facilities	277	282	286	288	300	305	307	312	319	322
Facilities Inspected	197	209	217	213	161	212	217	212	217	73
Unsatisfactory	91	83	7	12	88	56	60	79	129	4
Marginal	212	157	248	218	217	178	257	329	312	10
Satisfactory	195	233	186	195	270	166	230	308	213	43
Not Rated	1	9	6	4	0	138	70	32	6	221
Total Inspections	499	482	447	429	575	538	617	748	660	278
No. in SNC for Year	119	92	97	97	123	72	73	67	65	77
DEC Enforcement Actions	9	4	4	7	17	14	7	10	11	3
Partner Enforcement Actions	1	0	6	17	12	25	9	7	12	3
Enforcement Actions	10	4	10	24	29	39	16	17	23	6
Enf. Penalties - Assessed	\$131,000	\$11,800	\$277,750	\$19,000	\$108,750	\$76,550	\$62,250	\$50,750	\$137,095	\$30,766
Enf. Penalties - Collected	\$14,500	\$11,800	\$71,750	\$18,000	\$70,750	\$64,550	\$33,750	\$30,750	\$113,095	\$12,516
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

11 General - Construction Stormwater	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	7763	7911	8007	8393	8207	8467	8601	8969	9605	10044
Sites. Inspected	230	248	219	167	141	165	186	155	153	147
Unsatisfactory	53	54	40	55	42	36	50	67	39	29
Marginal	144	180	133	69	61	67	55	43	60	43
Satisfactory	107	135	172	105	107	116	139	100	101	110
Not Rated	17	13	23	13	11	19	20	27	16	12
Total Inspections	321	382	368	242	221	238	264	237	216	194
DEC Enforcement Actions	18	16	15	9	7	6	4	13	13	9
Enf. Penalties - Assessed	\$332,500	\$191,700	\$199,000	\$148,000	\$106,200	\$74,700	\$84,000	\$211,650	\$590,840	\$417,650
Enf. Penalties - Collected	\$192,250	\$105,400	\$140,000	\$89,000	\$80,000	\$37,700	\$46,000	\$183,530	\$444,900	\$408,300
EBP Amount	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50,000

Appendix C: SPDES Oversight Data

12 General - Industrial Stormwater	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	1580	1647	1613	1657	1690	1695	1694	1542	1712	1742
Sites Inspected	36	67	33	50	43	47	36	41	38	21
Unsatisfactory	7	30	10	9	13	13	19	13	11	2
Marginal	18	28	10	9	10	13	8	15	10	7
Satisfactory	12	35	10	29	20	22	11	16	15	15
Not Rated	2	4	3	4	0	3	1	5	6	0
Total Inspections	39	97	33	51	43	51	39	49	42	24
DEC Enforcement Actions	85	38	43	39	26	31	29	9	88	25
Enf. Penalties - Assessed	\$214,650	\$118,250	\$200,750	\$70,575	\$92,450	\$103,223	\$44,500	\$87,750	\$314,303	\$111,020
Enf. Penalties - Collected	\$114,650	\$66,750	\$117,750	\$65,575	\$86,250	\$63,350	\$44,500	\$54,500	\$277,414	\$72,520
EBP Amount	\$2,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

14 General - CWA CAFO Large	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	147	151	161	170	179	192	5	5	0	
No. Inspected	26	46	42	46	43	61	43	6	1	
Unsatisfactory	4	6	2	2	3	8	7	1	1	
Marginal	6	14	8	11	16	16	7	3	0	
Satisfactory	15	27	32	30	24	37	29	3	0	
Not Rated	3	8	4	9	4	10	9	1	0	
Total Inspections	28	55	46	52	47	71	52	8	1	
DEC Enforcement Actions	5	2	3	3	4	3	7	7	3	
Enf. Penalties - Assessed	\$25,500	\$25,250	\$6,000	\$64,000	\$20,000	\$31,200	\$41,000	\$122,785	\$6,000	
Enf. Penalties - Collected	\$11,000	\$17,000	\$1,750	\$44,000	\$9,000	\$12,800	\$14,000	\$41,180	\$6,000	
EBP Amount	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	

15 General - CWA CAFO Medium	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	109	109	81	74	72	56	17	16	0	
No. Inspected	32	43	22	23	29	44	35	8	9	
Unsatisfactory	4	3	2	5	2	8	1	8	2	
Marginal	12	13	6	3	14	4	5	1	3	
Satisfactory	19	30	14	11	15	31	28	0	3	
Not Rated	3	2	2	6	1	5	1	2	1	
Total Inspections	38	48	24	25	32	48	35	11	9	
DEC Enforcement Actions	5	1	8	2	12	3	6	5	9	
Enf. Penalties - Assessed	\$17,500	\$3,000	\$106,200	\$23,625	\$72,750	\$15,750	\$48,000	\$19,200	\$90,653	
Enf. Penalties - Collected	\$16,500	\$3,000	\$20,950	\$12,000	\$31,450	\$4,750	\$13,000	\$14,700	\$42,600	
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$8,000	\$0	\$0	\$4,000	

16 General - MS4 Stormwater	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	513	524	559	560	544	543	544	544	543	544
No. Inspected	46	70	48	36	20	17	28	26	18	14
Unsatisfactory	7	5	6	8	4	0	4	7	0	1
Marginal	11	30	28	8	6	8	11	7	4	2
Satisfactory	24	38	14	14	10	9	14	10	7	4
Not Rated	5	3	2	9	0	0	0	3	8	7
Total Inspections	47	76	50	39	20	17	29	27	19	14
DEC Enforcement Actions	5	2	0	1	5	2	2	5	2	2
Enf. Penalties - Assessed	\$50,500	\$53,900	\$0	\$10,000	\$18,500	\$25,100	\$19,800	\$63,000	\$63,000	\$62,500
Enf. Penalties - Collected	\$32,500	\$22,000	\$0	\$2,000	\$14,500	\$4,000	\$19,800	\$52,500	\$37,125	\$62,500
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

17 General - PCI Discharge to Groundwater	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	1907	2016	2092	1787	1934	1924	2338	2389	2081	1974
No. Inspected	1	2	44	0	1	2	6	3	0	5
Unsatisfactory	0	0	0	0	2	0	1	0	0	2
Marginal	0	0	10	0	0	1	6	0	0	0
Satisfactory	1	2	33	0	1	0	0	2	0	1
Not Rated	0	0	0	0	1	1	0	1	2	2
Total Inspections	1	2	43	0	4	2	7	3	2	5
DEC Enforcement Actions	0	0	0	1	0	0	1	2	1	0
Enf. Penalties - Assessed	\$0	\$0	\$0	\$3,500	\$0	\$0	\$10,500	\$157,753	\$22,500	\$0
Enf. Penalties - Collected	\$0	\$0	\$0	\$500	\$0	\$0	\$7,500	\$52,000	\$8,500	\$0
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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18 General - ECL CAFO Large	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	11	18	21	23	24	24	232	230	238	237
No. Inspected	2	3	1	2	2	2	20	77	66	45
Unsatisfactory	0	0	0	0	0	0	0	12	8	5
Marginal	0	0	0	0	1	0	0	13	15	3
Satisfactory	2	3	2	2	1	2	19	59	38	41
Not Rated	0	0	0	0	0	2	1	9	10	1
Total Inspections	2	3	2	2	2	4	20	93	71	50
DEC Enforcement Actions	1	1	0	0	1	0	1	0	5	2
Enf. Penalties - Assessed	\$3,000	\$0	\$0	\$0	\$5,000	\$0	\$10,000	\$0	\$35,850	\$3,000
Enf. Penalties - Collected	\$1,500	\$0	\$0	\$0	\$2,500	\$0	\$5,000	\$0	\$14,300	\$3,000
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

19 General - ECL CAFO Medium	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized	297	284	271	258	257	234	245	244	251	248
No. Inspected	39	60	58	53	85	71	69	69	60	48
Unsatisfactory	7	1	5	2	16	6	3	3	9	7
Marginal	21	14	13	12	24	17	11	17	9	4
Satisfactory	14	44	43	36	48	45	57	44	41	43
Not Rated	3	6	3	4	1	4	2	6	13	1
Total Inspections	45	65	64	54	89	72	73	70	72	55
DEC Enforcement Actions	4	3	7	1	30	8	9	2	13	9
Enf. Penalties - Assessed	\$42,150	\$7,000	\$114,500	\$16,000	\$191,250	\$44,250	\$56,250	\$13,900	\$124,300	\$39,800
Enf. Penalties - Collected	\$16,250	\$4,000	\$43,000	\$6,000	\$65,250	\$14,000	\$18,500	\$4,900	\$66,500	\$19,500
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

20 General - Aquatic Pesticide	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Permits Authorized		410	484	475	528	497	428	438	460	468
No. Inspected		0	0	0	0	0	0	0	0	0
Unsatisfactory		0	0	0	0	0	0	0	0	0
Marginal		0	0	0	0	0	0	0	0	0
Satisfactory		0	0	0	0	0	0	0	0	0
Not Rated		0	0	0	0	0	0	0	0	0
Total Inspections		0	0	0	0	0	0	0	0	0
DEC Enforcement Actions		0	0	0	0	0	0	0	0	0
Enf. Penalties - Assessed		\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0
Enf. Penalties - Collected		\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0
EBP Amount		\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0

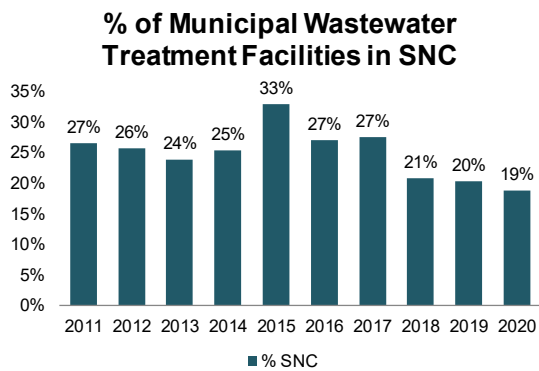
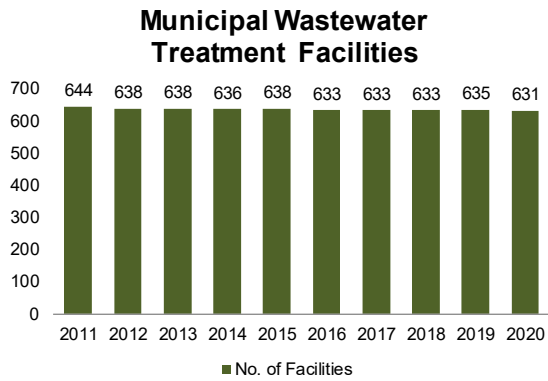
21 Publicly Owned Sewer Systems	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Registered Systems							273	283	284	318
No. Inspected									3	1
Unsatisfactory									0	0
Marginal									1	0
Satisfactory									1	0
Not Rated									1	1
Total Inspections									3	1
DEC Enforcement Actions							1	0	1	1
Enf. Penalties - Assessed							\$4,050	\$0	\$40,000	\$63,500
Enf. Penalties - Collected							\$4,050	\$0	\$15,000	\$15,000
EBP Amount							\$0	\$0	\$0	\$0

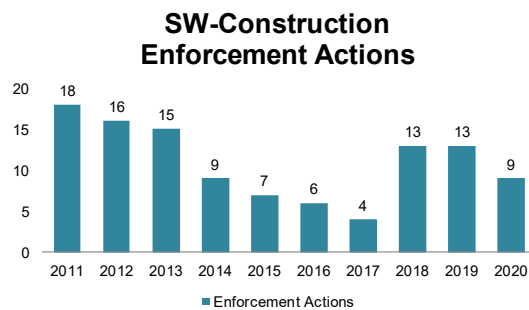
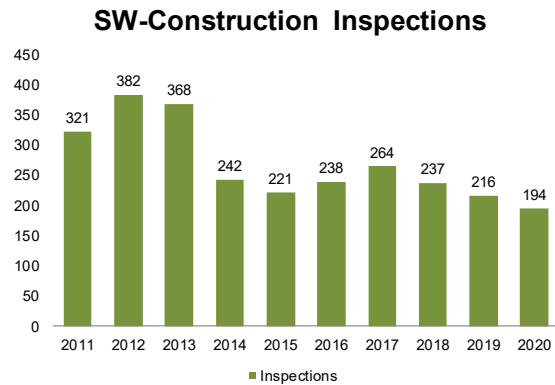
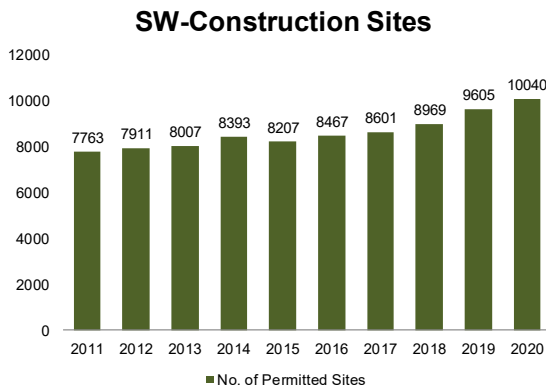
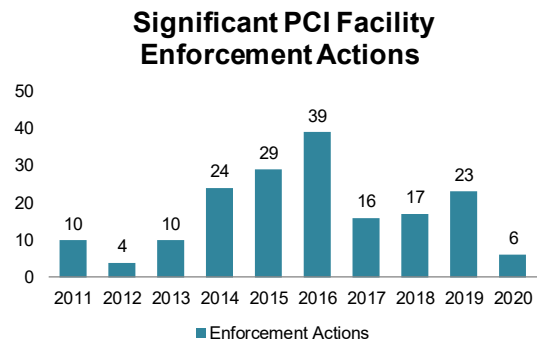
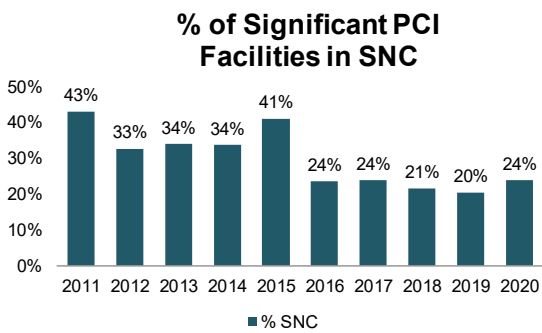
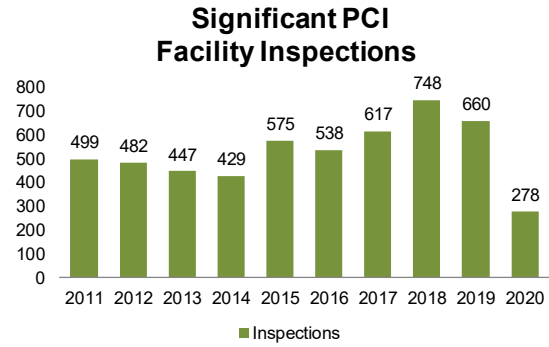
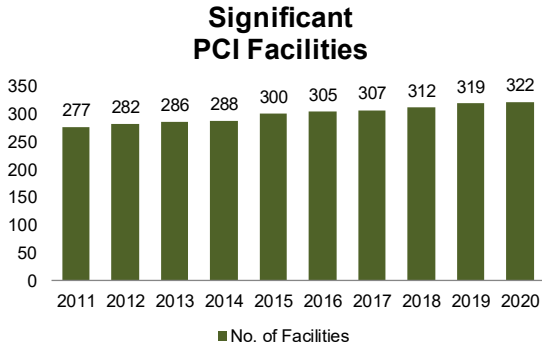
Appendix C: SPDES Oversight Data

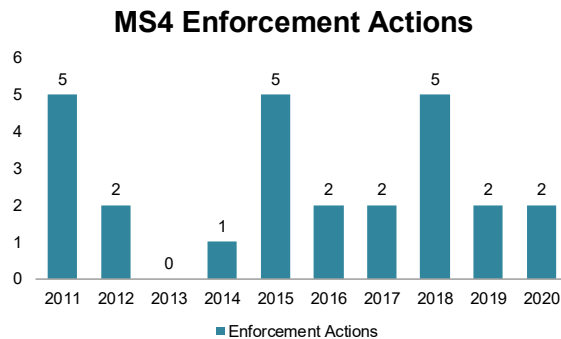
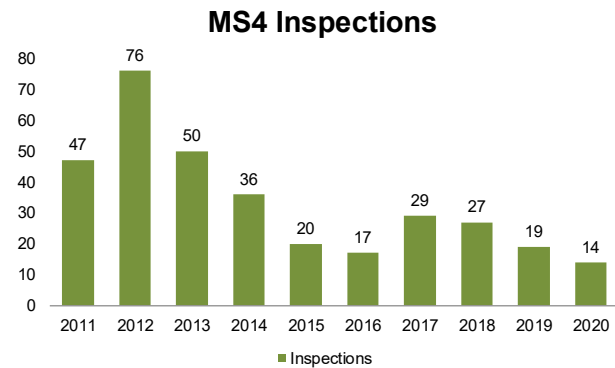
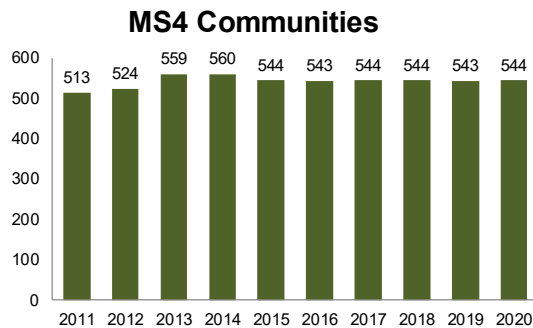
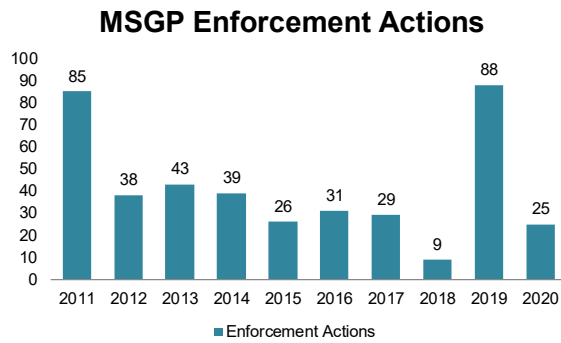
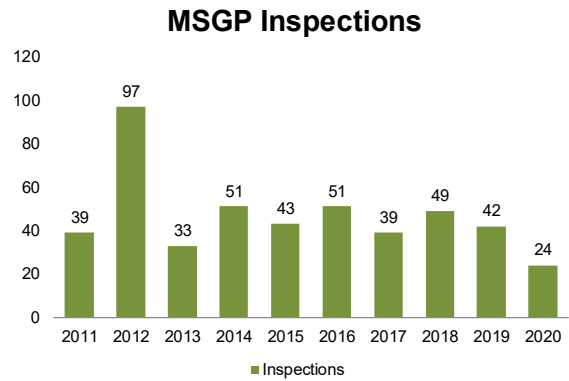
Statewide Summary	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total Permitted Facilities	20227	20591	20692	20618	20504	20714	21161	21426	21933	22292
Number of Facilities Inspected	1624	1687	1848	1573	1468	1608	1620	1526	1443	1025
Unsatisfactory	330	296	177	188	273	242	293	373	367	163
Marginal	665	692	702	553	545	482	559	734	620	154
Satisfactory	1386	1732	1552	1399	1425	1365	1431	1341	1166	779
Not Rated	199	243	209	124	86	278	197	188	119	261
Total Inspections	2580	2963	2640	2264	2329	2367	2480	2636	2272	1357
Total DEC Inspections	1927	2413	2189	1798	1767	1828	1787	1789	2275	1128
Total Partner Inspections	844	552	501	466	510	584	693	847	726	227
No. in SNC for Year	433	375	389	399	512	403	405	310	303	295
Enforcement Actions	240	169	151	145	220	169	180	172	257	124
Enf. Penalties - Assessed	\$3,976,600	\$2,083,550	\$1,755,353	\$2,651,670	\$2,077,380	\$1,940,330	\$2,213,315	\$2,736,371	\$3,837,697	\$2,613,824
Enf. Penalties - Collected	\$1,594,975	\$772,365	\$856,678	\$1,132,275	\$1,357,588	\$944,003	\$999,085	\$1,296,918	\$2,247,515	\$1,394,837
Env. Benefit Project Amount	\$857,500	\$332,000	\$291,000	\$152,500	\$541,000	\$1,050,250	\$455,000	\$129,228	\$352,803	\$279,920

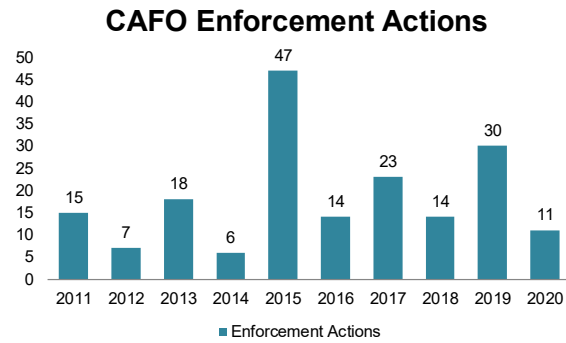
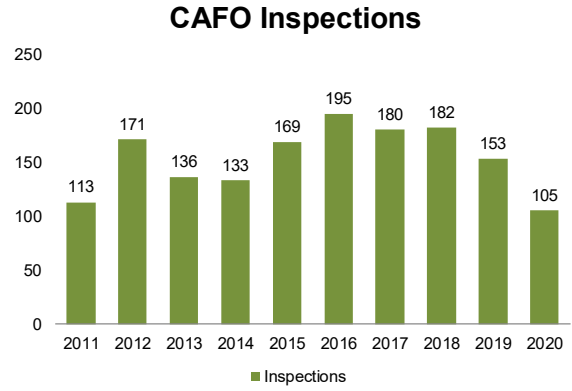
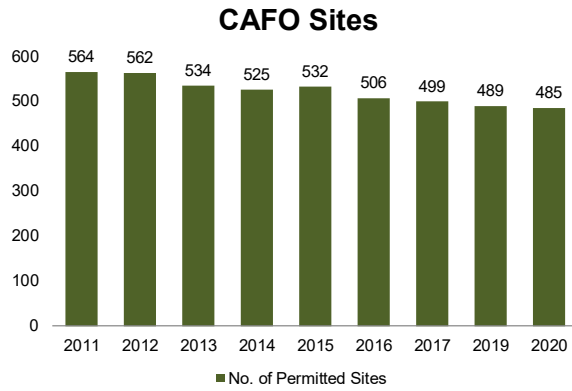
Appendix D

SPDES Oversight Activities









Appendix E

SPDES Enforcement Actions

Appendix E: SPDES Enforcement Actions

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
SOME GUY'S CAR WASH	01		NYU100047	\$2,000	\$10,000	NY-R12020021348	9/22/2020		
SEAVIEW SENIOR LIVING HDFC	02		NYU200957	\$11,000	\$11,000	NY-R229299313125	9/18/2020		
CHERRY HILL TOWNHOUSES	03		NYU300389	\$30,000	\$30,000	NY-R320190808154	2/1/2021		
COLBORN PROPERTY	04		NYU400166	\$1,250	\$1,250	NY-R4202101122	2/11/2021		
CAPITAL REGION BOCES - SCHOHARIE SITE	04		NYU400165	\$500	\$500	NY-R42020100594	2/26/2021		
THE FOREST FARMERS, LLC - BRADLEY POND RD	05		NYU500604	\$15,000	\$15,000	NY-LER518006729	4/30/2020		
RENE POIRIER - RANCH SIDE PARK CAMPGROUND	05		NYU500603	\$6,500	\$25,000	NY-LER519016362	5/27/2020		
ALLEN P CURTIS PROPERTY	05		NYU500340	\$2,500	\$2,500	NY-LER520010058	9/16/2020		
REALE CONSTRUCTION CORPORATION, INC	05		NYU500341	\$1,136	\$1,136	NY-LER520050037	9/23/2020		
ROBERT SAHEIM JR - CORNELL ROAD PROPERTY	05		NYU500605	\$2,500	\$2,500	NY-LER517027127	2/2/2021		
GREGORY DONAHUE PROPERTY	05		NYU500606	\$500	\$500	NY-LER520015893	2/9/2021		
GARY L. NATALI PROPERTY	06		NYU600197	\$300	\$300	NY-R62020021107	4/15/2020		
GILBERT BISHOP	06			\$1,000	\$1,000	NY-R62020032713	4/21/2020		
CARNEGIE BAY MARINA	06		NYU600198	\$1,305	\$6,525	NY-R62020082125	2/19/2021		
JOHN BURGEN PROPERTY	07		NYU710688	\$6,100	\$9,100	NY-R72020052629	8/20/2020		
TIDD FARM	07		NYU700580			NY-R7201803128	8/20/2020		
STEVEN K KITZMAN	08		NYU800055	\$1,000	\$1,000	NY-LER820011539	6/8/2020		
LEGACY WOODLAND SERVICES LLC	08		NYU800056	\$2,500	\$7,500	NY-R82020042039	6/15/2020		
LEHIGH PARK PHASE II, LLC - LEHIGH STATION PROPERTY	08		NYU800058	\$5,000	\$5,000	NY-R82020081097	10/22/2020		
DIMES ENERGY GP, INC.	09		NYU900309	\$10,000	\$79,000	NY-R920200729139	8/11/2020		
Unpermitted Discharge				\$100,091	\$208,811				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
ROBO AUTOMATIC CAR WASH	01	01	NY0227200	\$2,394	\$11,970	NY-R12020020439	7/7/2020		
MILLER PLACE STAR WASH & FAST LUBE CENTER	01	01	NY0266469	\$2,800	\$13,680	NY-R12020022755	7/16/2020		
STREBEL'S LAUNDRY, INC	01	01	NY0086029	\$500	\$2,500	NY-R12021030331	3/9/2021		
DEPOT LAUNDROMAT OF BAY SHORE	01	01	NY0266868	\$5,000	\$10,000	NY-R12020032471	3/11/2021		
NYCDEP CATSKILL/DELAWARE WTP	03	01	NY0275051	\$48,390	\$48,390	NY-R32016082960	9/8/2020		
COXSACKIE (V) WTP	04	01	NY0268267	\$4,061	\$20,306	NY-R42020040246	6/16/2020		
JOHN P BUCKLEY WATER FILTRATION PLANT	04	01	NY0205401			NY-R420181010186	6/18/2020		
Discharge Class 01: Industrial Significant Minor				\$63,145	\$106,846				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
CHAZY ORCHARDS PROPERTY	05	02	NY0230511	\$15,503	\$77,517	NY-R5201907102310	8/4/2020		
FREWSBURG CENTRAL SCHOOL	09	02	NY0126004	\$500	\$500	NY-2019052946	5/8/2020		
Discharge Class 02: PCI Non-Significant Minor				\$16,003	\$78,017				

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Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
FINCH PAPER, LLC	05	03	NY0005525	\$120,000	\$357,900	NY-R5201801162274	4/1/2020		
FINCH PAPER, LLC	05	03	NY0005525	\$35,000	\$35,000	NY-CO52019103079	5/18/2020		
RED-ROCHESTER LLC @ EASTMAN BUSINESS PARK	08	03	NY0001643	\$10,000	\$10,000	NY-R82020072793	9/17/2020		
Discharge Class 03: Industrial USEPA Major				\$165,000	\$402,900				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
MIDDLE ISLAND LAUNDROMAT	01	04	NY0227081	\$1,000	\$5,000	NY-R12020011516	7/10/2020		
GABRIELLA LAUNDROMAT	01	04	NY0266361	\$5,000	\$15,000	NY-R120190724192	9/16/2020		
SHIRLEY LAUNDROMAT	01	04	NY0266647	\$1,700	\$5,000	NY-R12020020435	11/19/2020		
BAYPORT LAUNDROMAT	01	04	NY0209589	\$9,400	\$23,513	NY-R120201007162	11/30/2020		
STATES PLAZA SUPER LAUNDROMAT	01	04	NY0222267	\$5,000	\$10,000	NY-R12020032476	3/11/2021		
BOP 2401 3RD AVENUE, LLC - BRONX	02	04	NY0276952	\$20,417	\$20,417	NY-R22020010911	6/29/2020		
FORT MILLER HYDRO	05	04	NY0266230	\$20,000	\$43,365	NY-R5202005042318	10/1/2020		
Discharge Class 04: Industrial Non-Significant Minor				\$62,517	\$122,295				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
BAY PARK STP	01	05	NY0026450	\$50,000	\$50,000	NY-CO120170626244	1/12/2021		
NYCDEP - CONEY ISLAND WRRF	02	05	NY0026182	\$5,000	\$75,000	NY-R220190807251	6/25/2020	\$70,000	Support the National Fish and Wildlife Foundation
NYCDEP - RED HOOK WPCP NYCDEP - WARD'S ISLAND WPCP	02	05	NY0027073 NY0026131	\$8,000	\$65,000	NY-R22019021248	7/28/2020	\$67,000	Support the Trust for Public Land to design and install green infrastructure at the PS 180M playground
NYCDEP - NORTH RIVER WPCP	02	05	NY0026247	\$10,000	\$116,320	NY-R220190410147	9/29/2020	\$90,000	Support the installation of green infrastructure through GrowNYC projects
NYCDEP - OWLS HEAD WPCP	02	05	NY0026166			NY-R220200402130	9/29/2020		
NYCDEP - JAMAICA WPCP	02	05	NY0026115	\$50,000	\$50,000	NY-R22020021394	1/26/2021		
NYCDEP - PORT RICHMOND WPCF	02	05	NY0026107	\$11,000	\$11,000	NY-R220200701165	3/9/2021		
NYCDEP - TALLMAN ISLAND WPCP	02	05	NY0026239	\$7,250	\$7,250	NY-R220200612157	3/9/2021		
NYCDEP - BOWERY BAY WPCP	02	05	NY0026158	\$100,000	\$150,000	NY-CO220150727439	10/6/2020		
SUFFERN (V) STP	03	05	NY0022748			NY-R32011020236	8/13/2020		
SIDNEY (V) STP	04	05	NY0029271	\$1,120	\$5,600	NY-R42020040247	5/18/2020		
MONTGOMERY CO SD#1 STP	04	05	NY0107565			NY-R420160627122	11/18/2020		
COOPERSTOWN (V) WWTP	04	05	NY0023591			NY-R42020011249	1/25/2021		
AMSTERDAM (C) WWTP	04	05	NY0020290			NY-R42019052231	9/28/2020		
SCHENECTADY (C) STP	04	05	NY0020516			NY-R420121218117	9/8/2020		
HERKIMER (V) WWTP	06	05	NY0020486	\$1,160	\$1,160	NY-CO6202101299	3/15/2021		
MEADOWBROOK-LIMESTONE WWTP	07	05	NY0027723	\$50,000	\$100,000	NY-R72018040210	4/1/2020		
METROPOLITAN SYRACUSE WWTP	07	05	NY0027081	\$1,000	\$10,000	NY-R7202103046	3/16/2021		
SPRINGVILLE (V) WWTP	09	05	NY0021474	\$8,300	\$41,400	NY-R92020041528	11/16/2020		
FRANKLINVILLE (V) WWTF	09	05	NY0028991	\$4,800	\$24,000	NY-R920201105153	12/29/2020		
Discharge Class 05: Municipal USEPA Major				\$307,630	\$706,730			\$227,000	

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Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
SAG HARBOR (V) WWTP	01	07	NY0028908	\$0	\$14,820	NY-R120190529131	11/6/2020	\$2,920	Support the USGS-NYWSC Long Island Groundwater Study
JEFFERSONVILLE (V) WWTP	03	07	NY0109029	\$1,160	\$1,160	NY-CO3202101298	3/29/2021		
DUANESBURG SD#1 STP	04	07	NY0261271			NY-R420160822143	8/10/2020		
COLUMBIA COUNTY COMMERCE CTR WATER AND SEWER	04	07	NY0240401	\$350	\$1,740	NY-R42016010805	10/5/2020		
WATERTOWN (T) SD#1	06	07	NY0099091	\$3,750	\$18,750	NY-R52019031507	7/10/2020		
HERMON (V) WWTP	06	07	NY0257532	\$4,350	\$21,750	NY-R62020040215	7/29/2020		
LYONS FALLS (V) WWTF	06	07	NY0257737	\$5,793	\$28,968	NY-R62019050614	7/29/2020		
HAMMOND (V) STP	06	07	NY0033561	\$1,000	\$12,800	NY-R62012032126	7/10/2020		
PORT LEYDEN (V) STP	06	07	NY0030341	\$9,722	\$48,611	NY-R62019080623	8/31/2020		
RIPLEY (T) WPCF	09	07	NY0025381	\$12,600	\$63,000	NY-R920200804141	12/21/2020		
MAHOPAC (V) STP	3W	07	NY0026590	\$48,390	\$48,390	NY-R32016082960	9/8/2020		
Discharge Class 07: Municipal Significant Minor				\$87,115	\$259,989			\$2,920	

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
CLARION HOTEL	01	09	NY0080705	\$2,000	\$2,000	NY-ETP1906	7/28/2020		
MEDFORD MULTICARE CENTER	01	09	NY0253383	\$2,000	\$2,000	NY-ETP2005	8/24/2020		
MANOR RUN - SILVER PONDS	01	09	NY0210269			NY-UPG2020002	2/8/2021		
US IRS - BROOKHAVEN SERVICE CENTER STP	01	09	NY0079413	\$5,766	\$10,766	NY-R12020030661	2/23/2021		
GILBOA CONESVILLE CSD	04	09	NY0282391	\$1,750	\$5,000	NY-R42020051860	7/22/2020		
ESSEX COUNTY FISH HATCHERY	05	09	NY0256544	\$1,000	\$11,000	NY-R5201708142258	4/20/2020		
Discharge Class 09: PCI Significant Minor				\$12,516	\$30,766				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
CITY OF GLEN COVE - GARVIES POINT AREA RECONSTRUCT	01	11	NYR11B683	\$15,000	\$15,000	NY-R120190711173 NY-R12020012729	6/15/2020		
JAMES H VERNON SCHOOL	01	11	NYR11H756	\$250	\$1,000	NY-R1202101135	2/23/2021		
55-15 GRAND AVENUE PROPERTY, LLC - MASPETH	02	11	NYR11F198	\$10,150	\$10,150	NY-R220200923207	11/17/2020		
CORPORATE COMMONS THREE - 1441 SOUTH AVENUE STATEN ISLAND SITE	02	11	NYR11C990	\$2,850	\$2,850	NY-R220200828197	11/24/2020		
SUNRISE SENIOR LIVING	02	11	NYR11E510	\$5,800	\$5,800	NY-R220200915203	1/26/2021		
BOP 101 LINCOLN AVENUE, LLC AND TRITON CONSTRUCTION CORP.	02	11	NYR11E809	\$7,250	\$7,250	NY-R220201015226	1/7/2021		
RACHVES ESTATES LLC	03	11	NYR11D056	\$13,000	\$21,600	NY-R320191119263	6/12/2020		
LEGOLAND NEW YORK LLC	03	11	NYR11D087	\$346,000	\$346,000	NY-R320190805147	3/26/2021	\$50,000	To be determined
MILLSTONE DEVELOPMENT GENESEO 1, LLC	08	11	NYU800059	\$8,000	\$8,000	NY-R820201028125	3/23/2021		
Discharge Class 11: Construction Stormwater				\$408,300	\$417,650			\$50,000	

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Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
CROWS NEST MARINA	01	12	NYR00E421	\$750	\$750	NY-CO12020011518	9/24/2020		
MASTRO CONCRETE INC	02	12	NYR00D875	\$1,140	\$1,140	NY-CO22020011539	5/7/2020		
PRINCESS BAY BOATMEN'S ASSOCIATION	02	12	NYR00F709	\$250	\$250	NY-CO22020011549	6/18/2020		
CITY ISLAND YACHT SALES & MARINE, INC	02	12	NYR00F767	\$1,140	\$1,140	NY-CO22020011578	9/24/2020		
GOTHAM READY MX - BROOKLYN	02	12	NYR00G435	\$5,000	\$5,000	NY-R220200717178	12/22/2020		
S&T AUTOMOTIVE & SALVAGE CORP	02	12	NYR00F488	\$1,140	\$1,140	NY-CO220201120264	2/9/2021		
VALLO TRANSPORTATION LTD	02	12	NYR00F876	\$500	\$500	NY-CO220201120265	2/22/2021		
USPS QUEENS PROCESSING & DISTRIBUTION	02	12	NYR00G120	\$1,400	\$1,400	NY-CO220201120269	3/15/2021		
WESTCHESTER AMBULETTE SERVICES, INC.	03	12	NYR00G380	\$3,800	\$3,800	NY-R32020022056	6/30/2020		
PEEKSKILL YACHT CLUB	03	12	NYR00F200	\$2,280	\$2,280	NY-CO320190904191	7/7/2020		
TAPPAN ZEE MARINA	03	12	NYR00F451	\$1,500	\$1,500	NY-CO320190904193	8/6/2020		
C & H SALVAGE CORP	03	12	NYR00B098	\$750	\$750	NY-CO320200115-42	9/18/2020		
RONDOUT YACHT BASIN	03	12	NYR00F157	\$1,140	\$1,140	NY-CO32020011531	9/24/2020		
OSSINING BOAT AND CANOE CLUB	03	12	NYR00F850	\$750	\$750	NY-CO32020011523	10/13/2020		
YONKERS YACHT CLUB	03	12	NYR00E918	\$1,140	\$1,140	NY-CO32020011533	10/20/2020		
TOWN OF NISKAYUNA	04	12	NYR00F704	\$1,140	\$1,140	NY-CO42020011516	5/27/2020		
MCADAM PLANT - CHATEAUGAY	05	12	NYR00D497	\$4,000	\$5,000	NY-LER520000767	4/9/2020		
AZZIL GRANITE MATERIALS - WHITEHALL QUARRY	05	12	NYR00F784	\$37,500	\$75,000	NY-R5201910112313	4/20/2020		
LAKE AUTO PARTS	05	12	NYR00C455	\$750	\$750	NY-CO52020011512	9/10/2020		
PECKHAM MATERIALS - CHESTERTOWN PLANT	05	12	NYR00B422	\$1,140	\$1,140	NY-CO52020112078	12/18/2020		
2200 BLEEKER STREET PROPERTIES, LLC - FRANKFORT	06	12	NYR00F463	\$1,140	\$1,140	NY-CO6202001154	9/24/2020		
NORFOLK SOUTHERN RAILWAY - GANG MILLS YARD	08	12	NYR00C660	\$1,140	\$1,140	NY-CO82020011515	9/24/2020		
FIRST STUDENT INC - CHEEKTOWAGA	09	12	NYR00D118	\$1,140	\$1,140	NY-CO9202001159	9/18/2020		
FIRST STUDENT INC - EAST AURORA	09	12	NYR00D115	\$1,140	\$1,140	NY-CO92020011510	9/18/2020		
CRANESVILLE BLOCK CO. - HAMBURG	09	12	NYR00G298	\$750	\$750	NY-CO920201120161	2/9/2021		
Discharge Class 12: Industrial Stormwater				\$72,520	\$111,020				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
VILLAGE OF NORTHPORT	01	16	NYR20A303	\$62,500	\$62,500	NY-220CV890	4/27/2020		
MOUNT VERNON MS4 STORM SEWERS	03	16	NYR20A383			NY-18CV05845CS	6/22/2021		
Discharge Class 16: MS4 Stormwater				\$62,500	\$62,500				

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Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
NEW HOPE VIEW FARM	07	18	NYA00E266	\$3,000	\$3,000	NY-R72020022023	2/12/2021		
WALKER FARMS LLC	05	18 14	NYA00E502 NYA000146			NY-CO52017060567	1/7/2021		
Discharge Class 18: ECL CAFO Large				\$3,000	\$3,000				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
THREE L FARM	05	19	NYA00E091	\$1,000	\$5,000	NY-R5202007082328	8/5/2020		
FULLERTON FARMS	05	19	NYAE01570			NY-CO52019100375	12/23/2020		
STARGO DAIRY FARM	05	19	NYA00E483			NY-CO52018080852	2/8/2021		
LAWRENCE DOODY & SONS FARM	07	19	NYA00E463	\$6,000	\$19,700	NY-R7202101261	3/16/2021		
G.C. ACRES	09	19	NYAE00627	\$1,000	\$1,000	NY-CO920170801112	4/14/2020		
SOUTHERN TIER ORGANICS AND BRENDAN O'GORMAN	09	19	NYA00E241	\$9,000	\$11,600	NY-R920200824144	11/24/2020		
CDS TILLAPPAUGH FARM	04	19 15	NYA00E275 NYA000564			NY-CO420170609216	12/30/2020		
DEEP ROOTS HOLSTEINS	05	19 15	NYA00E501 NYA00C007	\$2,500	\$2,500	NY-CO52017061966	2/22/2021		
HI-VUE ACRES	06	19 15	NYA00E288 NYA000352			NY-CO62017051934	3/5/2021		
Discharge Class 19: ECL CAFO Medium				\$19,500	\$39,800				

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
NEWBURGH (T) CROSSROADS SD	03	21	NYS300057	\$15,000	\$63,500	NY-R32017042581	11/2/2020		
Discharge Class NA: Publicly Owned Sewer System				\$15,000	\$63,500				

				Penalty Collected	Penalty Assessed			EBP Amount	
Statewide Total				\$1,394,837	\$2,613,824			\$279,920	