



Department of  
Environmental  
Conservation

# SPDES Compliance and Enforcement

SFY 2022/2023 ANNUAL REPORT

OCTOBER 31, 2023



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## Table of Contents

Executive Summary .....	4
Regulatory Authority .....	5
Water Quality Management .....	6
SPDES Program Overview .....	8
SPDES Program Permits in Effect.....	9
SPDES Program Monitoring and Compliance .....	12
SPDES Program Enforcement.....	16
Shared Oversight of the SPDES Program .....	18
Appendix A - Definition of Terms .....	21
Appendix B - Sewage Pollution Right to Know Act Summary Report.....	30
Appendix C - Program Oversight Data .....	35
Appendix D - Monitoring and Compliance.....	41
Appendix E – SPDES Enforcement Action Summary .....	45

- This report details activities and accomplishments with corresponding data for the period April 1, 2022, through March 31, 2023 (State Fiscal Year 2022/23 or SFY 2022/23).
- For other recent SPDES Compliance and Enforcement annual reports, visit: [www.dec.ny.gov/chemical/62557.html](http://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](http://www.dec.ny.gov/chemical/290.html)
- For questions or other information, please email: [dowinfo@dec.ny.gov](mailto:dowinfo@dec.ny.gov)

### Cover photos:

The cover photo is of Albany's Beaver Creek Satellite Treatment Facility. The project provides treatment for portions of the City of Albany's CSO. Photo is courtesy of NYSDEC.



## Executive Summary

The Division of Water 's (DOW's) 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) 2022/23 (April 1, 2022, through March 31, 2023). BWC has been producing this annual report for over a decade to inform the public and fulfill notification requirements. The last several versions of the report can be found on the New York State Department of Environmental Conservation's (Department's) 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 formal enforcement actions. 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.

While not a primary focus of the compliance program over the past year, it is noted that emerging contaminants such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4- Dioxane (1,4-D) have garnered more attention and have become a significant pollutant of concern for DOW and the waters of New York. In March 2023, DOW issued several Technical and Operational Guidance Series (TOGS) documents to address some emerging contaminants through water quality guidance values, a permitting strategy for industrial dischargers, and analytical updates. New York continues to work with EPA and other partners to address emerging contaminants.

As in past years, reducing the amount of untreated and undertreated wastewater released to New York's waterways continues to be a priority of the compliance program. This report includes DOW's annual update on the Sewage Pollution Right to Know (SPRTK) Act. To learn more about the SPRTK program and access overflow reporting, please access the Department's SPRTK webpage at: [www.dec.ny.gov/chemical/90315.html](http://www.dec.ny.gov/chemical/90315.html). Our webpages also provides information on combined sewer overflow (CSO) releases and oversight activities at: <https://www.dec.ny.gov/chemical/48595.html>.

During 2023, DOW also continued to provide funding for the Water Quality Improvement Project (WQIP) program. 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>.

Note that this Annual Compliance Report is also compiled for the purpose of meeting the requirement of §17-0303(j) of the Environmental Conservation Law. This report demonstrates New York's commitment to both monitoring and assuring compliance within the state, and further demonstrates New York's commitment to being highly protective of the Waters of New York State.

## 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 2022/23.

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.<sup>1</sup>

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 data<sup>2</sup>. 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

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<sup>1</sup> 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>

<sup>2</sup> [www.dec.ny.gov/chemical/81576.html](http://www.dec.ny.gov/chemical/81576.html) and [www.dec.ny.gov/chemical/92229.html](http://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 life<sup>3</sup>.

- **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

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<sup>3</sup> 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 Act<sup>4</sup> 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.

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

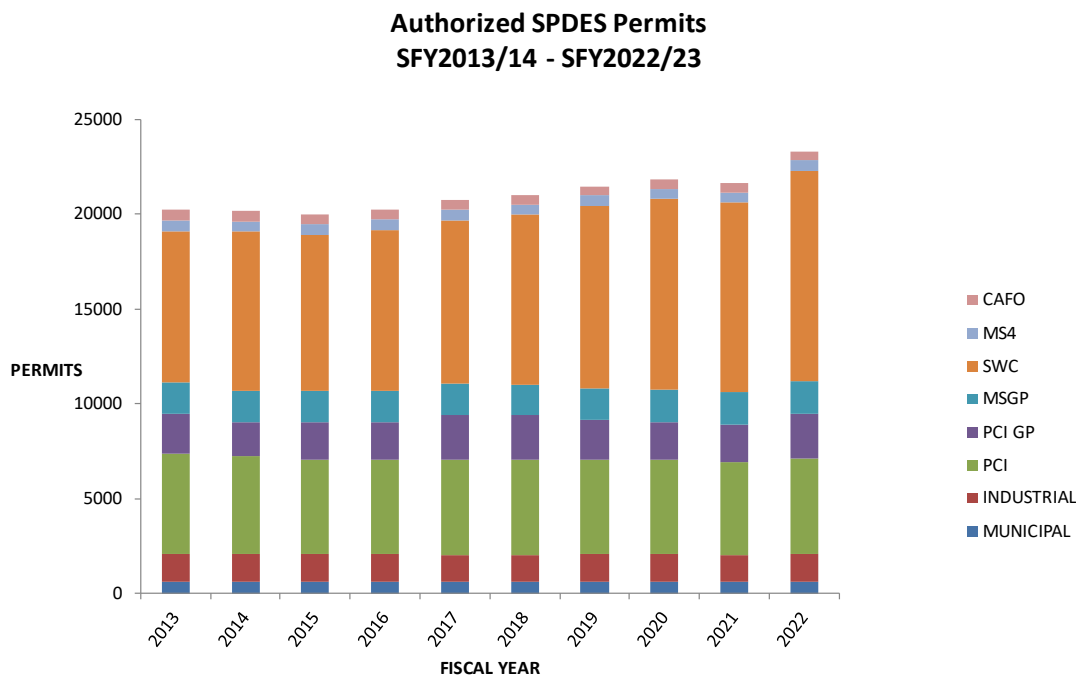


A SPDES permit requires the owner and operator to comply with specific conditions in the operation and reporting of facility performance. For more complex facilities, these typically include limits on physical, chemical and/or biological characteristics of the discharge. Facilities deemed 'significant' 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 of permit non-compliance or overflows.

## SPDES Program Permits in Effect

The number of authorized SPDES permits on March 31, 2023, was 23,725. 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 2022/23, there were 630 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 2022/23, there were 1,473 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 2022/23, there were 4,955 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 2022/23, there were 11,100 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 2022/23, there were 1,714 sites covered under a MSGP permit.

- **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 2022/23, 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 2022/23, sites operating under a CAFO permit totaled 461.

- **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 2022/23 there were 2,371 sites covered under a PCI general permit

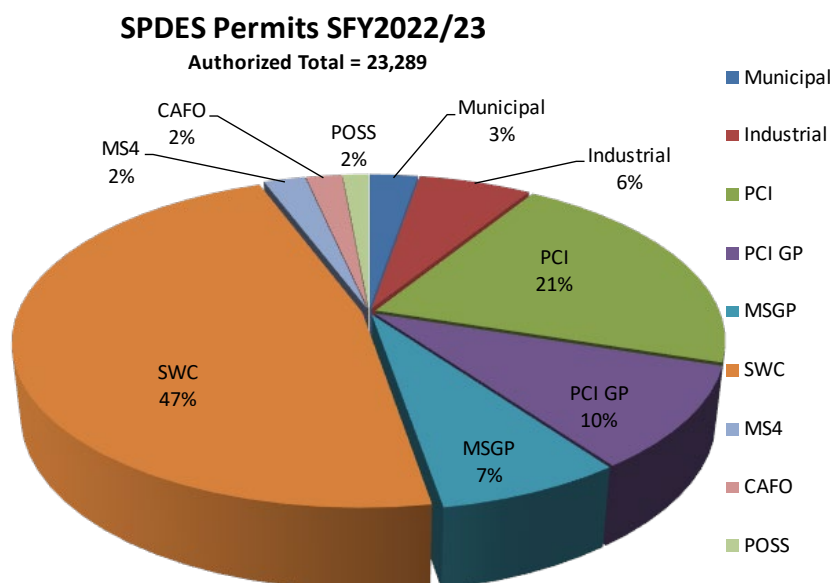
**Other classifications:**

- 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 Part 750-1.22 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.
- The Department also has a general permit for Aquatic Pesticide Applicators.

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, 2023.

**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<sup>5</sup> <sup>6</sup>
- 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)

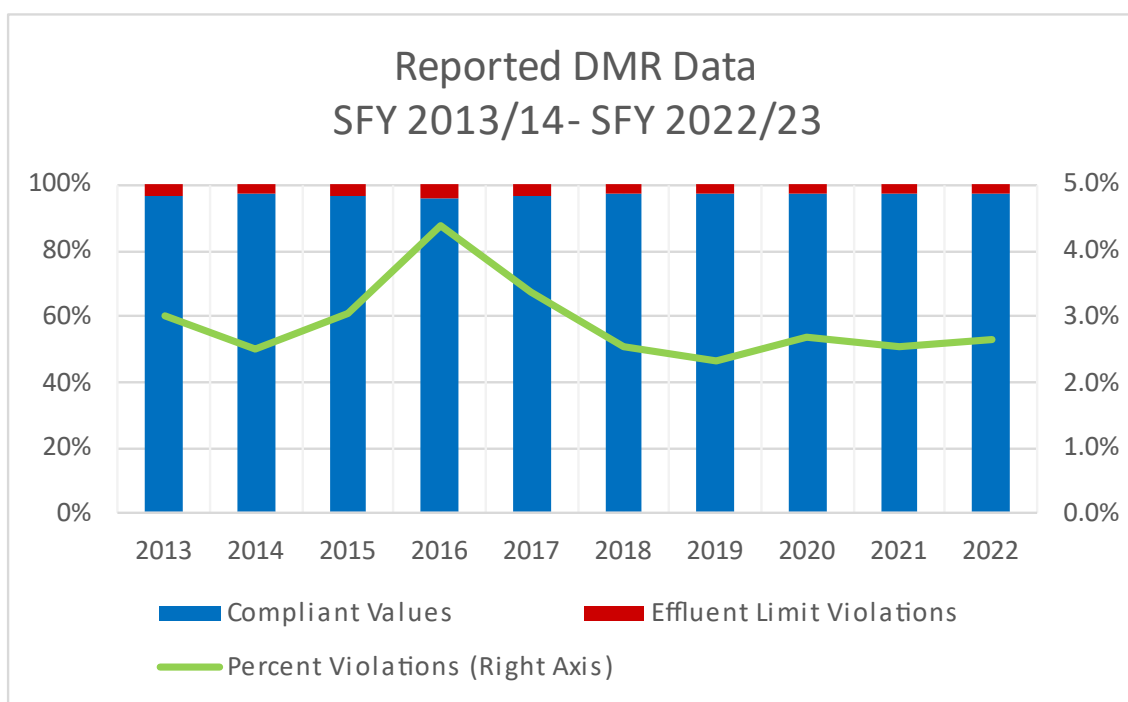
The cornerstone of DEC's oversight program involves receiving DMRs on a recurring basis. SPDES-permitted facilities designated as 'significant' are required to periodically

<sup>5</sup> 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](http://www.wadsworth.org/labcert/elap/elap.html) for details on the NYSDOH laboratory program.

<sup>6</sup> 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 year, the Department receives over 9,800 DMRs from more than 3,200 facilities. For SFY 2022/23 this resulted in more than 515,000 reported data points, which reflects the effluent quality discharged by SPDES permitted entities. As each reported data point could consist of multiple sampling events, the reported data points represent considerably more samples and monitoring instances of discharge. DMR data is also required to be submitted at least semi-annually for most facilities covered under the MSGP program.

Data provided by these DMRs enables the Department 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. The Department uses this data system to detect violations, identify trends, and support compliance and enforcement activities.



**Figure 4**

During SFY 2022/23 over 97% of data reported to the Department 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 website<sup>7</sup>. Figure 4 presents the DMR-reported, including violations of either a permitted effluent limit or failure to submit a valid and complete DMR.

### Inspections

The Department maintains a field presence through nine regional and five sub-regional offices, with additional support from staff at its Albany headquarters. Each year, the Department considers previous results and implements a SPDES oversight and



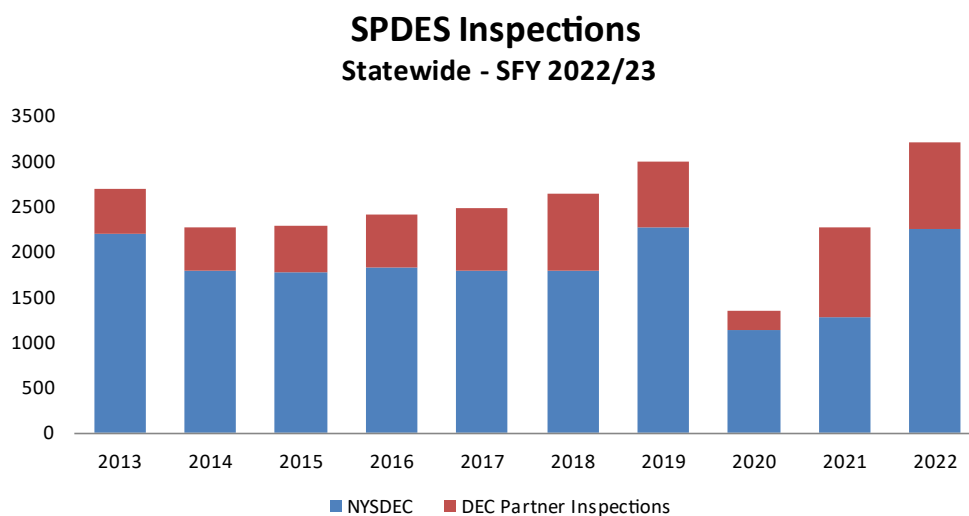
inspection work plan that reflects current priorities, availability of staff and resources, and goals established with USEPA.

With staff and resource limitations, the Department utilizes a risk-based strategy. This approach targets unpermitted sites and SPDES-permitted facilities deemed to pose a potential elevated 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 the Department and its partners since 2011<sup>8</sup>. Refer to Appendices C and D for additional inspection activity details.



**Figure 5**

<sup>7</sup> <https://echo.epa.gov/>

<sup>8</sup> 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 the Department's SPDES compliance efforts. The Department investigates these complaints to determine any impact upon the environment or public health. If staff determine there is a violation, the Department 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 Training<sup>9</sup>**

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 the Department-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 the Department-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 2,600 individuals currently possess the Department-issued certificates to serve as wastewater treatment plant operators in New York state.

### **SFY 2022/23 Wastewater Operator Certification Program Summary**

<b>Activity</b>	<b>Number</b>
Applications approved to take the operator certification exam	252
Operators passing the certification exam	162
Operators failing one or more certification exams	245
Applications approved for renewal of an operator certificate	296
Certificates suspended or revoked	0

### **Figure 6**

During SFY 2022/23, 252 operators applied for certification, down from 315 from the prior year. Renewals however increased from 286 to 296. A positive trend noted for a third consecutive year was the rise in the overall exam passing rate. One reason for this may be due to the Department involving members of the operator Governance Council to select exam questions relevant to New York facilities rather than continued use of a standardized exam used

<sup>9</sup> 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.

over much of the country that reflected some treatment related issues less common to New York. This change will ensure operators are tested on instructional material presented during the required pre-certification training and curriculum for New York.

Exacerbating the national decline in workforce trends in New York are the considerable numbers of POTWs of all size completing or continuing process upgrades. The POTW rating system the Department 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, the Department expects web-based training to continue providing available 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](http://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
  - <https://www.nywea.org/sitepages/operator-certification/information/default.aspx>
- NYSDEC – Wastewater Treatment Plant Operation
  - [www.dec.ny.gov/chemical/8464.html](http://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 the Department 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, the Department 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 the Department 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 the Department. 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 the Department and agreed to by the SPDES permit holder, or responsible party if the discharge is unpermitted. The Department 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

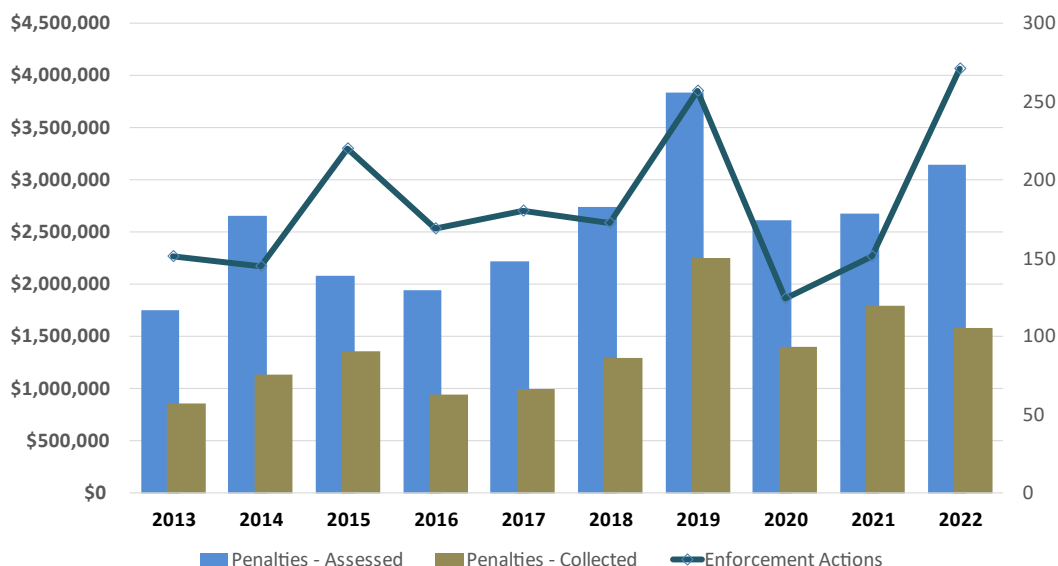
impose remedial actions.

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)<sup>10</sup>

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 2022/23 is found in Appendix E.<sup>11</sup>

### ***Enforcement Actions SFY 2022/23***



**Figure 7**

<sup>10</sup> 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 Department policy regarding an EBP, visit [www.dec.ny.gov/regulations/64596.html](http://www.dec.ny.gov/regulations/64596.html)

<sup>11</sup> The lack of penalty shown in the table in Appendix E may reflect a simple order modification. The lack of a penalty also may mean that the enforcement action was ascribed to several facilities (even of a different discharge class) but only assigned to one facility.

## **Shared Oversight of the SPDES Program The Department's Relationship with USEPA**

In 1975, the Department 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 implementation of the SPDES program, New York's equivalent to the federal NPDES program. While comparable, the Department's regulations provide additional protection for groundwater resources.

Today, USEPA and the Department 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/ NYSDEC Enforcement Agreement. This agreement outlines the Department's responsibilities to maintain compliance of facilities permitted under the SPDES program. The Department'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 the Department's SPDES program, primarily through the state review framework process<sup>12 13</sup>. 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 the Department 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 the Department.

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<sup>12</sup> 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.

<sup>13</sup> 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.



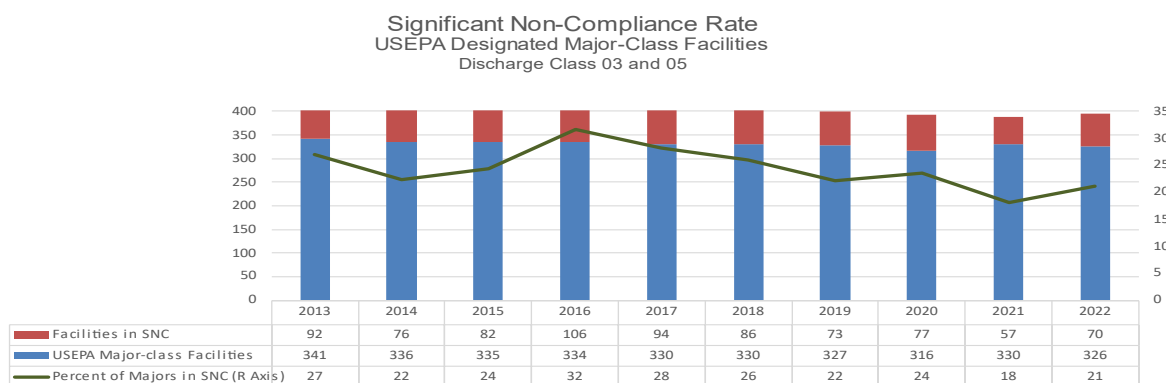
With priority given to major-class dischargers, USEPA and the Department apply criteria to identify those facilities with SNC violations. Examples of SNC violations include:

- 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
- 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 the Department provides details on the cause, frequency, and severity of violations. The Department 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 the Department.

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 2022/23, the SNC rate for these 326 major-class facilities in New York State was 21% (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 the Department as high priority.

For this plan, the Department provides information that is necessary for USEPA to prioritize and select facilities to inspect. Depending on the Department's 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, the Department 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 the Department 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.

### **USEPA National Enforcement and Compliance Initiative (NECI) for Significant Noncompliance (SNC)**

In addition to the Department's standard interaction with USEPA and the Shared Inspection Workplan, the Department has been participating in the USEPA NECI for SNC since 2017. Under this program, USEPA established a nationwide goal to achieve a 50% reduction in SNC rates over a five-year period. The goal of this initiative was to cut the national baseline SNC rate of 20.3% in half, to 10.1%, by the end of 2022, while assuring that the worst SNC violators were timely and appropriately addressed. Under this initiative, USEPA and states exceeded the NECI goal and achieved over a 50% nationwide reduction in SNC with extensive improvement in the completeness and accuracy of compliance data.

The Department started this program in 2017 with an SNC rate of 14.8%, well below the national average of 20.3%. Although the time period extends beyond the end date of the Annual Compliance Report (ACR), this constitutes a recent update measuring status of SNC reduction to meet the program goal. As of July 2023, the Department had achieved a 43% reduction in our SNC rate to 8.4% and has remained below the national average of 9.0%.

Due to the level of success achieved during the last SNC NECI, USEPA determined that this initiative will be returned to the "core" enforcement program for the FY 2024-2027 NECI. The Department will collaborate with USEPA to prioritize facilities for enforcement and compliance efforts in order to further SNC reduction and assure continued improvement with protection of water quality.

# **Appendix A**

## **Definition of Terms**

**Agricultural Environment Management (AEM) certified planner** – Agricultural Environmental Management (AEM) Certified Planner means an individual certified by the American Society of Agronomy as a Certified Crop Advisor (CCA), that has completed the five module NRCS training process, attended the four day CNMP development training course, successfully completed a three plan performance-based CNMP review and been deemed qualified by the Commissioner of the New York State Department of Agriculture and Markets, in consultation with the State Soil and Water Conservation Committee and the NRCS State Conservationist, to develop and review CNMPs for CAFOs in New York State. The AEM certified planner must be listed in the New York State AEM certified planner Directory. This directory is designed to assist farm businesses with the selection of planners. The directory provides for a county-by-county listing showing where the planner is willing to provide services and their associated capacities related to the development of CNMPs. In the back of the directory a complete listing of all certified individuals has been alphabetically organized. Consult the following web site: <https://agriculture.ny.gov/soil-and-water/agricultural-environmental-management> for the AEM certified planner directory. In addition, to maintain certification, the AEM certified planner must remain a CCA by meeting continuing education requirements and successfully complete regular quality assurance reviews and recertification granted by the Commissioner of the New York State Department of Agriculture and Markets, in consultation with the State Soil and Water Conservation Committee and the NRCS State Conservationist

**Animal Feeding Operation (AFO)** – means a lot or facility (other than an aquatic animal production facility) where 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, and the lot or facility does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they physically adjoin each other, or if they use a common area or system for the disposal of wastes.

**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)** – means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, overflows or leaks, sludge or waste disposal, or drainage from raw material storage.

**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)** – means a plan, done in accordance with all applicable Natural Resources Conservation Service - Conservation Practice Standards that includes structural practices, management activities, and land management practices for an AFO associated with crop or livestock production that collectively ensures that the purpose of crop or livestock production and preservation of natural resources are compatible. Implementation of a CNMP is implementation of Best Available Technology Economically Achievable (BAT). The system of practices detailed in the facility's CNMP must address, but is not limited to the transfer, handling, storage and treatment of manure, litter, process wastewater generated from the production areas, food processing waste, and digestate as well as, precipitation on open structures, storage capacities based on the site specific nutrient management plan, details of storage designs and certifications of practices based on NRCS standards and operation and maintenance requirements. In addition, the site-specific nutrient management plan for application of manure, litter, food processing waste, digestate, and process wastewater shall be compliant with NRCS NY 590 to include compliant application methods, rates and timing based on manure and soil analyses, field specific risk assessments for nutrient and sediment transport potential, sheet, rill, and gully erosion control and application setbacks.

**Concentrated Animal Feeding Operation (CAFO)** – means an Animal Feeding Operation (AFO) that meets the criteria of either a Large or Medium CAFO or is designated as a Small CAFO by the Department. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals of an operation. CAFOs are defined as follows:

**Large Concentrated Animal Feeding Operation (Large CAFO)** means an Animal Feeding Operation (AFO) that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry;
- b. 1,000 veal calves;
- c. 1,000 cattle, other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 2,500 swine, each weighing 55 pounds or more;
- e. 10,000 swine, each weighing less than 55 pounds;
- f. 500 horses;
- g. 10,000 sheep or lambs;
- h. 55,000 turkeys;
- i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling



system

- j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
- l. 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
- m. 5,000 ducks (if the AFO uses a liquid manure handling system).

**Medium Concentrated Animal Feeding Operation (Medium CAFO)** means an Animal Feeding Operation (AFO) that stables or confines as many as or more than the numbers of animals in any of the following categories:

- a. 200 to 699 mature dairy cows, whether milked or dry, except that an AFO that stables or confines 200-299 mature dairy cows, whether milked or dry, that does not cause a discharge, would not be considered a Medium CAFO;
- b. 300 to 999 veal calves;
- c. 300 to 999 cattle, other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 750 to 2,499 swine, each weighing 55 pounds or more;
- e. 3,000 to 9,999 swine each weighing less than 55 pounds;
- f. 150 to 499 horses;
- g. 3,000 to 9,999 sheep or lambs;
- h. 16,500 to 54,999 turkeys;
- i. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
- j. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- k. 25,000 to 81,999 laying hens, if the AFO uses other than liquid manure handling systems;
- l. 10,000 to 29,999 ducks ( if the AFO uses other than a liquid manure handling system); or
- m. 1,500 to 4,999 ducks, (if the AFO uses a liquid manure handling system).

**Small Concentrated Animal Feeding Operation (Small CAFO)** means an Animal Feeding Operation (AFO) that is designated by the Department as a CAFO or requests CAFO SPDES permit coverage and is not a Medium or Large CAFO. The Department, in determining whether to designate Small CAFOs, would consider the following factors:

1. the size of the AFO and the amount of wastes reaching waters of the State;
2. the location of the AFO relative to waters of the State;
3. the means of conveyance of animal wastes and process waste waters into waters of the State;
4. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes, manure and process waste waters into waters of the State; and
5. other relevant factors.

Small CAFOs must meet all of the Medium CAFO regulatory requirements of this General Permit. New Small CAFOs have two years to meet these requirements

from the date of submission of the NOI.

**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)** – means a report submitted by the owner or operator to the Department summarizing the effluent monitoring results obtained by the owner or operator over periods of time as specified in the SPDES permit.

**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** – means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

**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.

**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.

**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 of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System (NPDES)** - means the national system for the issuance of wastewater and stormwater permits under the Federal Water

**Pollution Control Act (Clean Water Act).Non-Significant Facility** – A facility that NYSDEC determines poses a minimal waterquality 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 noncompliance (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 like 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)** - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the State.

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

**Stormwater Pollution Prevention Plan (SWPPP)** – A facility specific plan for stormwater discharges associated with the industrial activity and areas of no exposure occurring at the facility. The SWPPP is intended to document the selection, design and installation of stormwater control measures to meet the permit's requirements. The SWPPP is a living document and must be kept up-to-date throughout permit coverage as changes and updates occur.

**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 NOV's 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 2022/23 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 Department 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

The Department requires that the New York Alert (NY-Alert) system be used for SPRTK notification reports. All reports, upon submittal, are sent to the Department 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://dec.ny.gov/chemical/90315.html>

The SPRTK Act also requires the Department to publish an annual summary of the reports submitted by the municipalities. This report summarizes the information on reports submitted from April 1, 2022 through March 31, 2023 (state fiscal year 2022/23, or SFY2022/23).

## **Status Update**

At the end of SFY 2022/23, 971 facilities, with over 1,500 notifiers, have registered with DEC to use the NY-Alert system. Included in this count are 631 POTWs and 340 POSSs. This brings the total registered facilities to 99% of POTWs and 88% of all potential POSSs identified by the Department. The Department 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**

The Department continues to work to automate and improve the process of storing the NY-Alert notifications in the Department's 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, the Department 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 the Department through NY-Alert. Data provided in these reports are the best estimates at the time the notifiers for the municipality created the alerts. Additionally, the Department

requires daily updates and termination notifications for non-CSO (Combined Sewer Overflows) discharges which creates multiple records for a single event. 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 2022/23, the Department received over 6,300 NY-Alert overflow reports. This reflects both initial reports for each sewage discharge and any updates to these events. 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 3,600 unique overflow events, originating from 222 different POTWs/POSSs. Approximately 3,400 of the discharges had the potential to, or did, reach a waterbody. The Department 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 2022/23 is 6 billion gallons outside of New York City (NYC). This volume estimate summarizes the 95% 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 5% 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. The Department 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](http://www.dec.ny.gov/chemical/48595.html)

The State's largest CSO community, New York City (NYC), discharged approximately 15.3 billion gallons. This NYC-specific data was obtained from the New York City Department of Environmental Protection (NYCDEP) CSO model, as detailed in their 2022 CSO BMP Annual Report. That report estimated 41 CSO discharge events 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 since 2015 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	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Enforcement Actions	17	16	30	28	38	34	24	20	20	21
Enf. Penalties - Assessed	\$145,040	\$124,100	\$180,187	\$633,900	\$461,875	\$914,347	\$409,080	\$208,811	\$250,544	\$517,811
Enf. Penalties - Collected	\$85,040	\$71,350	\$125,187	\$239,950	\$319,175	\$418,442	\$246,096	\$100,091	\$157,669	\$227,264
EBP Amount	\$250,000	\$55,000	\$22,000	\$242,250	\$350,000	\$120,228	\$0	\$0	\$0	\$0

01 Individual - Industrial Significant Minor	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities (R Axis)	580	573	571	567	560	555	560	554	552	582
Facilities Inspected	248	264	227	251	288	232	197	123	151	143
Unsatisfactory	5	12	9	16	22	30	22	8	13	25
Marginal	29	29	21	18	35	44	32	17	22	20
Satisfactory	238	259	238	246	265	199	177	97	126	132
Not Rated	10	9	5	0	14	4	4	5	5	4
Total Inspections	282	309	273	280	336	277	235	127	166	181
No. in SNC for Year	120	127	157	142	140	93	93	87	113	108
DEC Enforcement Actions	13	8	20	15	18	21	12	7	9	10
Enf. Penalties - Assessed	\$124,350	\$104,250	\$405,603	\$101,137	\$285,750	\$240,835	\$273,287	\$106,846	\$225,310	\$229,220
Enf. Penalties - Collected	\$69,625	\$28,250	\$306,569	\$75,353	\$122,350	\$137,640	\$97,675	\$63,145	\$120,244	\$120,730
EBP Amount	\$0	\$0	\$0	\$0	\$60,000	\$9,000	\$0	\$0	\$0	\$499,000

02 Individual - PCI Non-Significant Minor	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	5008	4846	4708	4700	4701	4691	4653	4651	4654	4654
Facilities Inspected	154	67	81	80	72	50	54	33	70	61
Unsatisfactory	36	12	11	17	28	10	22	17	12	25
Marginal	38	18	29	26	24	16	8	3	14	13
Satisfactory	93	48	49	41	31	23	29	19	47	23
Not Rated	3	2	5	5	7	9	7	2	11	12
Total Inspections	170	80	94	89	90	58	66	41	84	73
DEC Enforcement Actions	7	3	9	3	24	16	10	2	8	4
Enf. Penalties - Assessed	\$54,113	\$96,000	\$72,550	\$102,175	\$210,830	\$286,475	\$325,190	\$78,017	\$354,973	\$20,000
Enf. Penalties - Collected	\$13,863	\$22,000	\$22,050	\$22,625	\$89,930	\$58,500	\$273,190	\$16,003	\$68,160	\$12,100
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

03 Individual - Industrial USEPA Major	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	109	107	106	105	104	103	100	102	104	103
Facilities Inspected	76	85	68	74	72	55	58	45	53	52
Unsatisfactory	4	5	1	2	3	8	1	0	4	3
Marginal	6	6	2	12	3	5	8	3	3	6
Satisfactory	88	97	88	84	83	74	72	44	49	47
Not Rated	3	3	1	3	5	1	3	0	1	4
Total Inspections	101	111	92	101	94	88	84	47	57	60
No. in SNC for Year	20	14	22	18	18	18	16	12	12	13
DEC Enforcement Actions	2	4	4	5	2	8	6	3	0	0
Enf. Penalties - Assessed	\$76,000	\$121,000	\$186,321	\$127,125	\$57,000	\$5,420	\$426,480	\$402,900	\$0	\$0
Enf. Penalties - Collected	\$66,000	\$106,000	\$107,237	\$110,625	\$26,000	\$5,420	\$211,780	\$165,000	\$0	\$0
EBP Amount	\$0	\$25,000	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0

04 Individual - Industrial Non-Significant Minor	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	782	771	746	772	752	755	776	775	742	788
Facilities Inspected	150	70	60	69	79	130	110	81	49	45
Unsatisfactory	19	11	24	20	30	77	68	56	16	44
Marginal	28	11	8	11	7	12	11	10	6	8
Satisfactory	49	37	28	34	21	22	23	14	19	10
Not Rated	66	19	4	6	27	25	16	2	6	12
Total Inspections	162	78	64	71	85	136	118	82	47	74
DEC Enforcement Actions	1	3	7	1	4	16	11	7	0	3
Enf. Penalties - Assessed	\$4,000	\$12,250	\$38,700	\$22,080	\$14,500	\$180,000	\$202,800	\$122,295	\$0	\$136,500
Enf. Penalties - Collected	\$2,000	\$12,250	\$22,450	\$10,000	\$14,500	\$71,250	\$98,750	\$62,517	\$0	\$31,500
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

## Appendix C: SPDES Oversight Data

05 Individual - Municipal USEPA Major	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	232	229	229	229	226	227	227	214	226	223
Facilities Inspected	205	198	205	206	181	180	173	171	168	173
Unsatisfactory	18	27	24	24	25	23	19	12	25	35
Marginal	50	50	57	52	73	133	57	31	38	63
Satisfactory	279	268	255	238	213	206	191	165	210	196
Not Rated	68	39	48	77	33	55	21	6	6	4
Total Inspections	415	384	384	391	344	417	288	214	279	298
No. in SNC for Year	56	68	84	76	68	55	61	45	58	54
DEC Enforcement Actions	11	19	24	18	17	5	22	20	13	63
Enf. Penalties - Assessed	\$290,900	\$1,796,420	\$478,469	\$437,460	\$658,860	\$294,250	\$620,219	\$706,730	\$1,080,000	\$177,074
Enf. Penalties - Collected	\$183,800	\$643,600	\$383,395	\$253,000	\$194,280	\$128,350	\$250,890	\$307,630	\$960,000	\$92,074
EBP Amount	\$41,000	\$72,500	\$459,000	\$800,000	\$35,000	\$0	\$34,500	\$227,000	\$0	\$0

07 Individual - Municipal Significant Minor	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	406	407	409	404	407	406	408	417	406	407
Facilities Inspected	331	299	302	307	288	282	289	219	269	268
Unsatisfactory	23	28	34	36	40	35	36	20	37	49
Marginal	95	109	79	59	57	96	91	21	91	86
Satisfactory	299	268	271	294	291	275	256	183	265	278
Not Rated	16	3	5	5	7	8	6	2	6	4
Total Inspections	433	408	389	394	395	414	389	226	399	417
No. in SNC for Year	96	93	126	95	106	77	68	74	96	92
DEC Enforcement Actions	14	12	12	7	1	12	14	11	8	10
Enf. Penalties - Assessed	\$156,750	\$42,950	\$100,650	\$145,680	\$144,150	\$88,256	\$156,100	\$259,989	\$120,680	\$167,650
Enf. Penalties - Collected	\$41,150	\$11,750	\$31,000	\$31,300	\$26,750	\$43,256	\$43,700	\$87,115	\$16,155	\$26,400
EBP Amount	\$0	\$0	\$0	\$0	\$10,000	\$0	\$0	\$2,920	\$0	\$10,000

09 Individual - PCI Significant Minor	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Permitted Facilities	286	288	300	305	307	312	319	322	305	331
Facilities Inspected	217	213	161	212	217	212	217	73	215	215
Unsatisfactory	7	12	88	56	60	79	129	4	212	272
Marginal	248	218	217	178	257	329	312	10	280	235
Satisfactory	186	195	270	166	230	308	213	43	328	329
Not Rated	6	4	0	138	70	32	6	221	9	1
Total Inspections	447	429	575	538	617	748	660	278	829	837
No. in SNC for Year	97	97	123	72	73	67	65	77	84	78
DEC Enforcement Actions	4	7	17	14	7	10	11	3	14	8
Partner Enforcement Actions	6	17	12	25	9	7	12	3	0	0
Enforcement Actions	10	24	29	39	16	17	23	6	14	8
Enf. Penalties - Assessed	\$277,750	\$19,000	\$108,750	\$76,550	\$62,250	\$50,750	\$137,095	\$30,766	\$35,160	\$228,862
Enf. Penalties - Collected	\$71,750	\$18,000	\$70,750	\$64,550	\$33,750	\$30,750	\$113,095	\$12,516	\$9,160	\$48,789
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

11 General - Construction Stormwater	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	8007	8393	8207	8467	8601	8969	9605	10044	9949	11100
Sites. Inspected	219	167	141	165	186	155	153	147	120	120
Unsatisfactory	40	55	42	36	50	67	39	29	41	35
Marginal	133	69	61	67	55	43	60	43	41	30
Satisfactory	172	105	107	116	139	100	101	110	73	61
Not Rated	23	13	11	19	20	27	16	12	9	15
Total Inspections	368	242	221	238	264	237	216	194	164	141
DEC Enforcement Actions	15	9	7	6	4	13	13	9	3	13
Enf. Penalties - Assessed	\$199,000	\$148,000	\$106,200	\$74,700	\$84,000	\$211,650	\$590,840	\$417,650	\$35,800	\$629,550
Enf. Penalties - Collected	\$140,000	\$89,000	\$80,000	\$37,700	\$46,000	\$183,530	\$444,900	\$408,300	\$32,000	\$379,750
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0

## Appendix C: SPDES Oversight Data

12 General - Industrial Stormwater	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	1613	1657	1690	1695	1694	1542	1712	1742	1745	1714
Sites Inspected	33	50	43	47	36	41	38	21	17	17
Unsatisfactory	10	9	13	13	19	13	11	2	3	3
Marginal	10	9	10	13	8	15	10	7	7	7
Satisfactory	10	29	20	22	11	16	15	15	8	8
Not Rated	3	4	0	3	1	5	6	0	1	1
Total Inspections	33	51	43	51	39	49	42	24	19	19
DEC Enforcement Actions	43	39	26	31	29	9	88	25	53	122
Enf. Penalties - Assessed	\$200,750	\$70,575	\$92,450	\$103,223	\$44,500	\$87,750	\$314,303	\$111,020	\$194,903	\$949,755
Enf. Penalties - Collected	\$117,750	\$65,575	\$86,250	\$63,350	\$44,500	\$54,500	\$277,414	\$72,520	\$164,894	\$589,956
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250,000

14 General - CWA CAFO Large	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	161	170	179	192	5	5	0	0	0	
No. Inspected	42	46	43	61	43	6	1		1	
Unsatisfactory	2	2	3	8	7	1	1		1	
Marginal	8	11	16	16	7	3	0			
Satisfactory	32	30	24	37	29	3	0			
Not Rated	4	9	4	10	9	1	0			
Total Inspections	46	52	47	71	52	8	1		1	
DEC Enforcement Actions	3	3	4	3	7	7	3			0
Enf. Penalties - Assessed	\$6,000	\$64,000	\$20,000	\$31,200	\$41,000	\$122,785	\$6,000			0
Enf. Penalties - Collected	\$1,750	\$44,000	\$9,000	\$12,800	\$14,000	\$41,180	\$6,000			0
EBP Amount		\$0	\$0	\$0	\$0	\$0	\$0			0

15 General - CWA CAFO Medium	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	81	74	72	56	17	16	0	0	0	0
No. Inspected	22	23	29	44	35	8	9			1
Unsatisfactory	2	5	2	8	1	8	2			1
Marginal	6	3	14	4	5	1	3			
Satisfactory	14	11	15	31	28	0	3			
Not Rated	2	6	1	5	1	2	1			
Total Inspections	24	25	32	48	35	11	9			1
DEC Enforcement Actions	8	2	12	3	6	5	9			0
Enf. Penalties - Assessed	\$106,200	\$23,625	\$72,750	\$15,750	\$48,000	\$19,200	\$90,653		\$1,000	\$6,900
Enf. Penalties - Collected	\$20,950	\$12,000	\$31,450	\$4,750	\$13,000	\$14,700	\$42,600		\$1,000	\$6,900
EBP Amount	\$0	\$0	\$0	\$8,000	\$0	\$0	\$4,000		\$0	\$0

16 General - MS4 Stormwater	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	559	560	544	543	544	544	543	544	552	544
No. Inspected	48	36	20	17	28	26	18	14	9	10
Unsatisfactory	6	8	4	0	4	7	0	1	3	1
Marginal	28	8	6	8	11	7	4	2	3	2
Satisfactory	14	14	10	9	14	10	7	4	5	5
Not Rated	2	9	0	0	0	3	8	7	2	2
Total Inspections	50	39	20	17	29	27	19	14	13	10
DEC Enforcement Actions	0	1	5	2	2	5	2	2	2	0
Enf. Penalties - Assessed	\$0	\$10,000	\$18,500	\$25,100	\$19,800	\$63,000	\$63,000	\$62,500	\$0	\$0
Enf. Penalties - Collected	\$0	\$2,000	\$14,500	\$4,000	\$19,800	\$52,500	\$37,125	\$62,500	\$0	\$0
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

17 General - PCI Discharge to Groundwater	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	2092	1787	1934	1924	2338	2389	2081	1974	2002	2371
No. Inspected	44	0	1	2	6	3	0	5	1	1
Unsatisfactory	0	0	2	0	1	0	0	2	1	0
Marginal	10	0	0	1	6	0	0	0	0	0
Satisfactory	33	0	1	0	0	2	0	1	0	0
Not Rated	0	0	1	1	0	1	2	2	0	1
Total Inspections	43	0	4	2	7	3	2	5	1	1
DEC Enforcement Actions	0	1	0	0	1	2	1	0	1	0
Enf. Penalties - Assessed	\$0	\$3,500	\$0	\$0	\$10,500	\$157,753	\$22,500	\$0	\$2,500	\$0
Enf. Penalties - Collected	\$0	\$500	\$0	\$0	\$7,500	\$52,000	\$8,500	\$0	\$2,500	\$0
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

# Appendix C: SPDES Oversight Data

18 General - ECL CAFO Large	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	21	23	24	24	232	230	238	237	242	255
No. Inspected	1	2	2	2	20	77	66	45	62	63
Unsatisfactory	0	0	0	0	0	12	8	5	5	8
Marginal	0	0	1	0	0	13	15	3	14	5
Satisfactory	2	2	1	2	19	59	38	41	43	51
Not Rated	0	0	0	2	1	9	10	1	9	7
Total Inspections	2	2	2	4	20	93	71	50	71	71
DEC Enforcement Actions	0	0	1	0	1	0	5	2	11	10
Enf. Penalties - Assessed	\$0	\$0	\$5,000	\$0	\$10,000	\$0	\$35,850	\$3,000	\$267,000	\$54,800
Enf. Penalties - Collected	\$0	\$0	\$2,500	\$0	\$5,000	\$0	\$14,300	\$3,000	\$200,750	\$28,350
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

19 General - ECL CAFO Medium	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Permits Authorized	271	258	257	234	245	244	251	248	234	206
No. Inspected	58	53	85	71	69	69	60	48	58	59
Unsatisfactory	5	2	16	6	3	3	9	7	2	3
Marginal	13	12	24	17	11	17	9	4	11	5
Satisfactory	43	36	48	45	57	44	41	43	44	50
Not Rated	3	4	1	4	2	6	13	1	3	2
Total Inspections	64	54	89	72	73	70	72	55	60	60
DEC Enforcement Actions	7	1	30	8	9	2	13	9	7	7
Enf. Penalties - Assessed	\$114,500	\$16,000	\$191,250	\$44,250	\$56,250	\$13,900	\$124,300	\$39,800	\$26,500	\$29,226
Enf. Penalties - Collected	\$43,000	\$6,000	\$65,250	\$14,000	\$18,500	\$4,900	\$66,500	\$19,500	\$14,500	\$15,156
EBP Amount	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

21 Publicly Owned Sewer Systems	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Registered Systems					273	283	284	318	324	340
No. Inspected							3	1	1	1
Unsatisfactory							0	0	0	0
Marginal							1	0	0	0
Satisfactory							1	0	1	0
Not Rated							1	1	0	1
Total Inspections							3	1	1	1
DEC Enforcement Actions					1	0	1	1	2	0
Enf. Penalties - Assessed					\$4,050	\$0	\$40,000	\$63,500	\$80,000	\$0
Enf. Penalties - Collected					\$4,050	\$0	\$15,000	\$15,000	\$50,000	\$0
EBP Amount					\$0	\$0	\$0	\$0	\$0	\$0

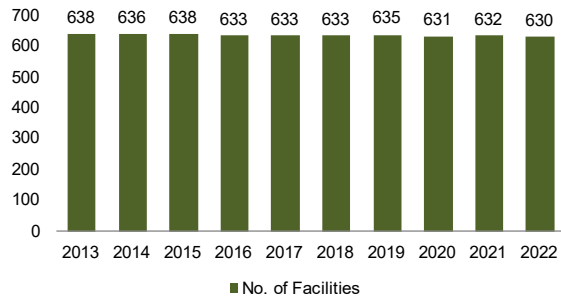
Statewide Summary	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total Permitted Facilities	20692	20618	20504	20714	21161	21426	21933	22292	22190	23725
Number of Facilities Inspected	1848	1573	1468	1608	1620	1526	1443	1025	1243	1218
Unsatisfactory	177	188	273	242	293	373	367	163	375	503
Marginal	702	553	545	482	559	734	620	154	530	478
Satisfactory	1552	1399	1425	1365	1431	1341	1166	779	1217	1185
Not Rated	209	124	86	278	197	188	119	261	68	67
Total Inspections	2640	2264	2329	2367	2480	2636	2272	1357	2190	2233
Total DEC Inspections	2189	1798	1767	1828	1787	1789	2275	1128	1285	2234
Total Partner Inspections	501	466	510	584	693	847	726	227	975	958
No. in SNC for Year (R Axis)	389	399	512	403	405	310	303	295	363	345
Enforcement Actions	151	145	220	169	180	172	257	124	151	271
Penalties - Assessed	\$1,755,353	\$2,651,670	\$2,077,380	\$1,940,330	\$2,213,315	\$2,736,371	\$3,837,697	\$2,613,824	\$2,674,370	\$3,147,348
Penalties - Collected	\$856,678	\$1,132,275	\$1,357,588	\$944,003	\$999,085	\$1,296,918	\$2,247,515	\$1,394,837	\$1,797,032	\$1,578,969
Env. Benefit Project Amount	\$291,000	\$152,500	\$541,000	\$1,050,250	\$455,000	\$129,228	\$352,803	\$279,920	\$0	\$759,000



# **Appendix D**

## **SPDES Oversight Activities**

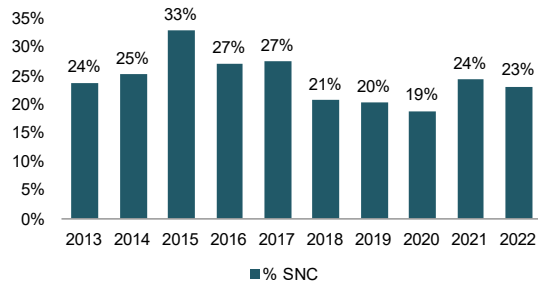
**Municipal Wastewater Treatment Facilities**



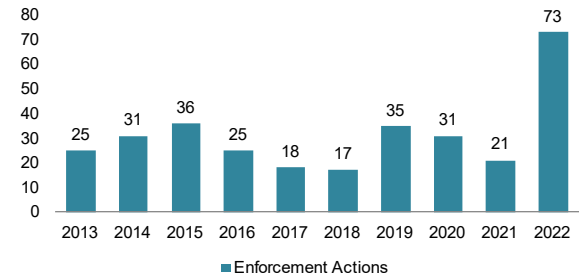
**Municipal Wastewater Treatment Facility Inspections**



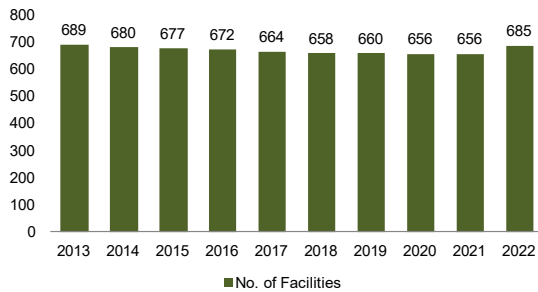
**% of Municipal Wastewater Treatment Facilities in SNC**



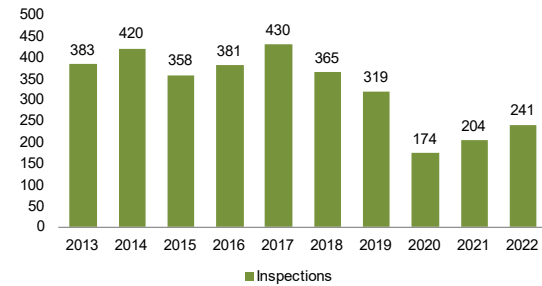
**Municipal Wastewater Treatment Facility Enforcement Actions**



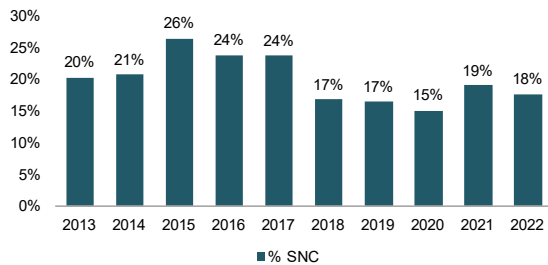
**Significant Industrial Facilities**



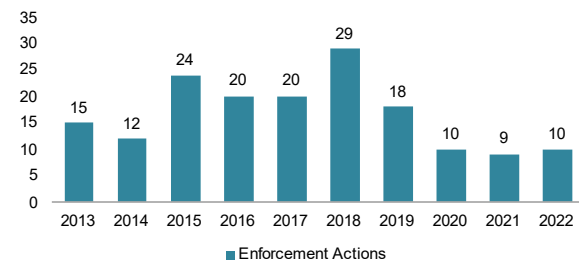
**Significant Industrial Facility Inspections**

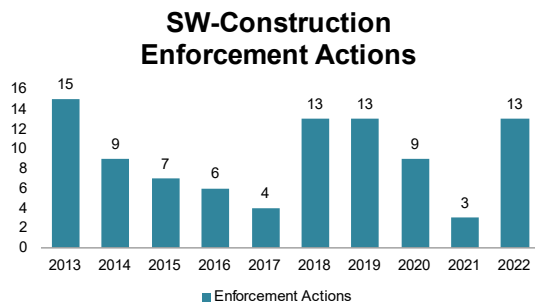
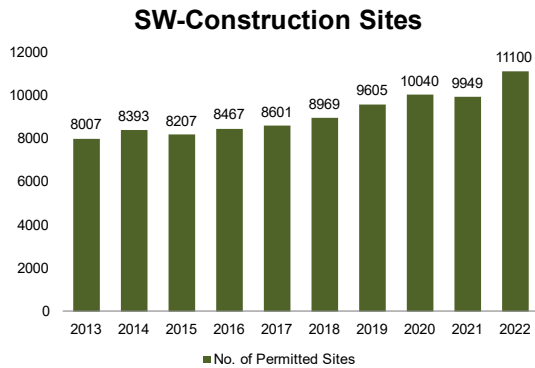
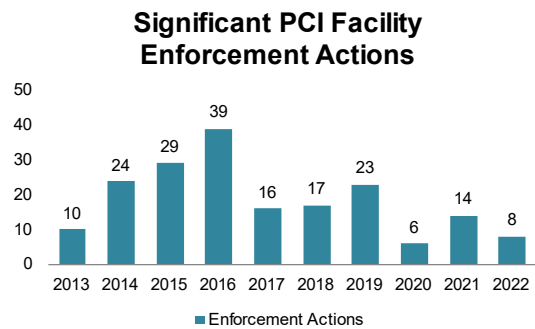
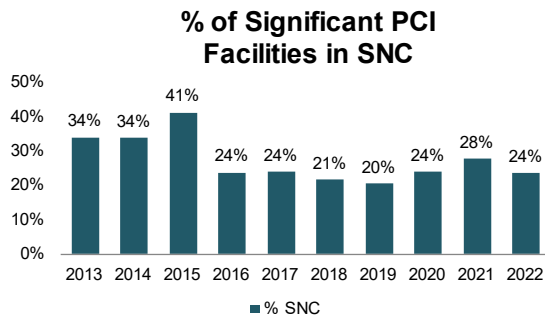
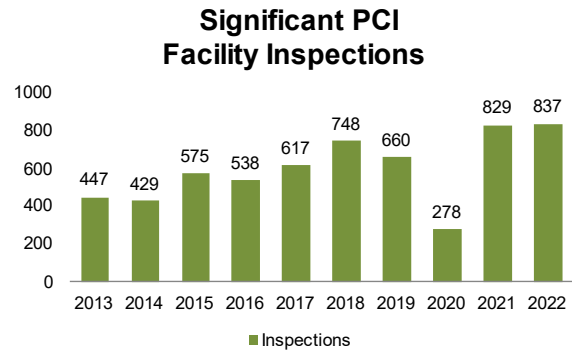
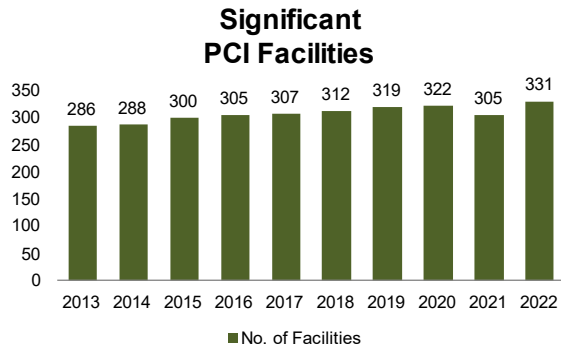


**% of Significant Industrial Facilities in SNC**



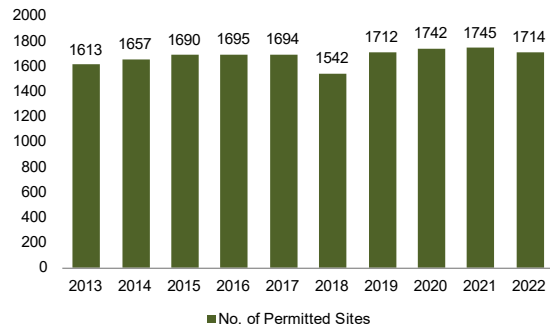
**Significant Industrial Facility Enforcement Actions**



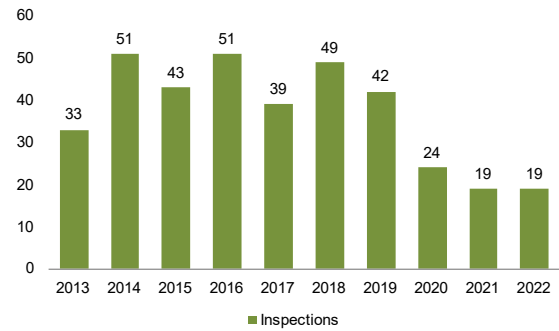


## Appendix D: SPDES Oversight Activities

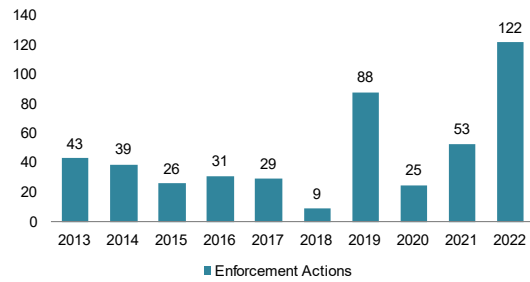
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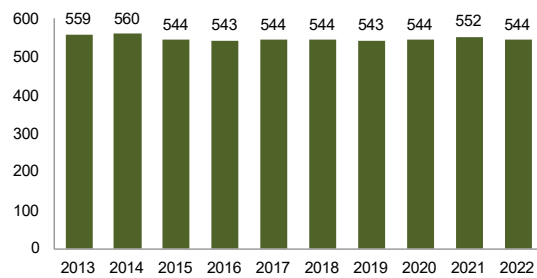
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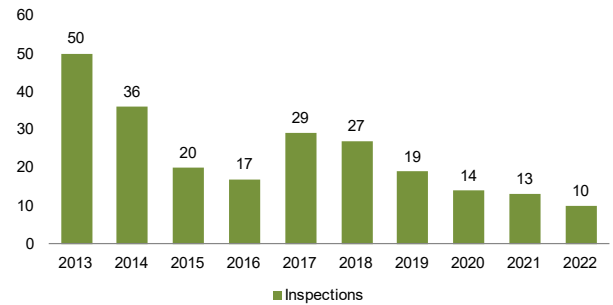
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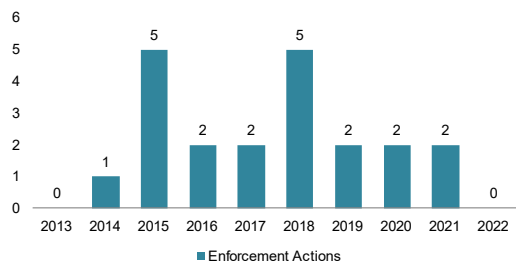
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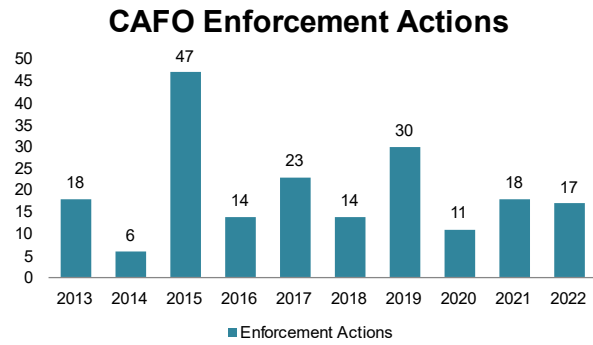
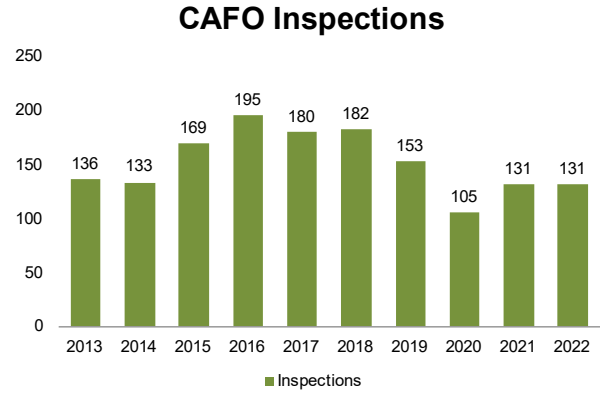
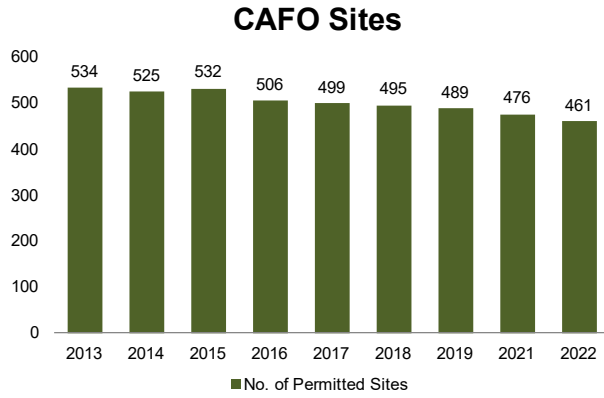


### MS4 Inspections



### MS4 Enforcement Actions





**Appendix E**

**SPDES Enforcement Action  
Summary**

# 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
BABYLON RIDING CENTER, INC	01	Unpermitted	NYU100050	\$13,020	\$37,595	NY-R120180906183	5/11/2022		
PREMIERE HAND CAR WASH INC	01	Unpermitted	NYU100051	\$5,000	\$10,000	NY-R120220624134	7/18/2022		
SKY LAND TEMPERING GLASS CORP	02	Unpermitted	NYU009568	\$8,775	\$12,897	NY-R220221215281	3/3/2023		
NYCEDC 10 SOUTH STREET PROPERTY	02	Unpermitted	NYU201911	\$9,000	\$9,000	NY-R220191101370	4/25/2022		
LINS Q&Z LAUNDROMAT INC	02	Unpermitted	NYU201912	\$3,000	\$11,500	NY-R220211115212	9/12/2022		
CITARELLA OPERATING LLC	02	Unpermitted	NYU201913	\$15,000	\$15,000	NY-R220220804168	12/15/2022		
GOWANUS DOUGLAS STREET LLC	02	Unpermitted	NYU201914	\$12,225	\$12,225	NY-R220221223286	3/22/2023		
DRAGON SPRINGS BUDDHIST, INC	03	Unpermitted	NYR10F576	\$24,000	\$50,000	NY-R32018033059	5/4/2022		
ROUTE 299 MOTEL	03	Unpermitted	NYU300390	\$5,000	\$22,050	NY-R32020020549	5/19/2022		
STEVEN BRITTON UNPERMITTED	05	Unpermitted	NYU500617	\$500	\$500	NY-LER522009083	6/23/2022		
ALPHA DRILLING AND BLASTING	05	Unpermitted	NYU500621	\$2,500	\$12,500	NY-LER522013846A	1/17/2023		
UPSTONE MATERIALS INC. - UNPERMITTED	05	Unpermitted	NYU500622	\$1,044	\$1,044	NY-LER522008073	6/21/2022		
THREE MILE BAY MARINA	06	Unpermitted	NYU600208	\$5,500	\$15,000	NY-R62021010701	9/2/2022		
RICCELLI FULTON SITE	07	Unpermitted	NYU700581			NY-R72011081066	11/29/2022		
EDINGER FARM	07	Unpermitted	NYU700584	\$2,000	\$7,000	NY-R72022040622	5/4/2022		
UNPERMITTED DISCHARGE	07	Unpermitted	NYU700585	\$1,000	\$1,000	NY-R72022072044	9/29/2022		
HANSHAW VILLAGE MOBILE HOME PARK	07	Unpermitted	NYU710691	\$200	\$1,000	NY-R72022063036	9/1/2022		
CENTRAL NEW YORK RACEWAY PARK, INC.	07	Unpermitted	NYU710692	\$100,000	\$240,000	NY-R72017100461	8/29/2022		
MAYER BROS APPLE PRODUCTS INC	09	Unpermitted	NYU900485	\$4,500	\$4,500	NY-R92022041226	6/27/2022		
TANGLEWOOD OF ALLEGANY LLC	09	Unpermitted	NYU900486	\$5,000	\$5,000	NY-R22022080269	8/31/2022		
ZOLADZ CONSTRUCTION COMPANY	09	Unpermitted	NYU900490	\$10,000	\$50,000	NY-R92022120691	3/6/2023		
<b>Unpermitted Discharge</b>				<b>\$227,264</b>	<b>\$517,811</b>			<b>\$0</b>	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
EAGER BEAVER CARWASH	01	01	NY0227251	\$30,000	\$111,290	NY-R120181231273	4/25/2022		
KINGS PARK LAUNDROMAT	01	01	NY0266388	\$2,000	\$10,000	NY-R120220519115	8/15/2022		
FJM OF HOLBROOK	01	01	NY0266892	\$14,000	\$24,000	NY-R12020040695	1/24/2023		
WORLD TRADE CENTER	02	01	NY0006033	\$42,500	\$42,500	NY-R220181129429	6/3/2022	\$499,000.00	
S.O.S. FUEL COMPANY	03	01	NY0260347	\$3,480	\$3,480	NY-CO32021121058	3/6/2023		
DEB-EL FOODS	03	01	NY0272779	\$16,000	\$16,000	NY-R320201229147	8/26/2022		
INTERNATIONAL WIRE GROUP	06	01	NY0001490	\$2,750	\$2,750	NY-R6202201101	6/3/2022		
OMEGA WIRE INC	06	01	NY0121860	\$6,250	\$6,250	NY-R62021110532	6/3/2022		
7-ELEVEN STORE #35115	08	01	NY0227706	\$1,250	\$1,250	NY-CO82021121095	6/13/2022		
MOOG INC	09	01	NY0090191	\$2,500	\$11,700	NY-R92022091376	1/5/2023		
<b>Discharge Class 01 - Industrial Significant Minor</b>				<b>\$120,730</b>	<b>\$229,220</b>			<b>\$499,000</b>	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
BLACK BEAR INN	03	02	NY0077101	\$5,500	\$11,000	NY-R32020060878	1/9/2023		
LITTLE CAT LODGE	04	02	NY0069426	\$600	\$3,000	NY-R42022021724	4/20/2022		
ASSOCIATION ISLAND	06	02	NY0257583			NY-R62022020308	7/19/2022		
FOREST GREEN MANOR	07	02	NY0284122	\$6,000	\$6,000	NY-R72022031817	8/22/2022		
<b>Discharge Class 02 - PCI Non-Significant Minor</b>				<b>\$12,100</b>	<b>\$20,000</b>			<b>\$0</b>	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
LAUNDRY PALACE CI	01	04	NY0211591	\$26,000	\$119,000	NY-R12022012725	7/26/2022		
LAUNDRY CENTER LI	01	04	NY0266744	\$5,000	\$15,000	NY-R120220715160	1/17/2023		
YOUNGS CONVENIENCE STORE	07	04	NY0284076	\$500	\$2,500	NY-R72022092367	11/1/2022		
<b>Discharge Class 04 - Non-Significant Industrial</b>				<b>\$31,500</b>	<b>\$136,500</b>			<b>\$0</b>	

## Appendix E: SPDES Enforcement Actions

Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	Environmental Benefit Project (EBP) Description
NYCDEP - OAKWOOD BEACH WPCP	01	05	NY0020567	\$10,000	\$10,000	NY-CO120151020142	7/14/2023	
FREEVILLE (V) WWTP	01	05	NY0026450			NY-CO120170626244	2/24/2023	
NYCDEP - CONEY ISLAND WRRF; NYCDEP - HUNT'S POINT WRRF; NYCDEP - 26TH WARD WPCP; NYCDEP - ROCKAWAY WRRF; NYCDEP - TALLMAN ISLAND WPCP; NYCDEP - NORTH RIVER WPCP; NAPANOCH SEWER IMP AREA; DOVER GREENS LLC; MIDPOINT PK SD WWTP-ROYAL RDG;	02	05	NY0026158; NY0026182; NY0026191; NY0026212; NY0026221; NY0026247; NY0029718; NY0032158; NY0035367; NY0061131			NY-N00002802	6/29/2023	
NYCDEP - HUNT'S POINT WRRF; MELVILLE MALL STP	02	05	NY0026158; NY0026247			NY-CO220150727439	4/17/2023	
NYCDEP - HUNT'S POINT WRRF; NYCDEP - 26TH WARD WPCP; NYCDEP - ROCKAWAY WRRF; NYCDEP - TALLMAN ISLAND WPCP; NYCDEP - NORTH RIVER WPCP; NEWBURGH (C) WWTP; LITTLE CAT LODGE; BLACK BEAR INN; MOOG INC	02	05	NY0026158; NY0026182; NY0026191; NY0026212; NY0026221; NY0026247			NY-N00002802	6/29/2023	
NYCDEP - CONEY ISLAND WRRF; NYCDEP - HUNT'S POINT WRRF; NYCDEP - ROCKAWAY WRRF; NYCDEP - NORTH RIVER WPCP; OCSD #1 HARRIMAN STP	02	05	NY0026107; NY0026166; NY0026174; NY0026191; NY0026212; NY0026239			NY-R220120604312	6/30/2022	
ENDICOTT (V) WPCP	02	05	NY0026239	\$21,750	\$21,750	NY-R22021020416	12/5/2022	
NYCDEP - 26TH WARD WPCP	02	05	NY0026191	\$7,975	\$7,975	NY-R22021050682	6/16/2022	
SLEEPY HOLLOW SD	02	05	NY0026247	\$9,062	\$9,062	NY-R220210826151	6/16/2022	
NYCDEP - HUNT'S POINT WRRF	02	05	NY0026166	\$7,975	\$7,975	NY-R220210928167	9/9/2022	
HEUVELTON (V) WPCP	02	05	NY0026239	\$9,062	\$9,062	NY-R220211019193	9/27/2022	
BAY PARK STP	02	05	NY0026239	\$7,250	\$7,250	NY-R22022042689	2/17/2023	
PARISH (V) WWTP	03	05	NY0026310			NY-R32011010717	3/31/2023	
OMEGA WIRE INC	03	05	NY0027901	\$15,000	\$30,000	NY-R320180619124	9/14/2022	
NYCDEP - CONEY ISLAND WRRF	07	05	NY0024414	\$1,000	\$49,000	NY-R72022061733	10/12/2022	
OVERFLOW RETENTION FACILITY	07	05	NY0027669	\$3,000	\$25,000	NY-R72022081857	3/3/2023	
NYCDEP - CONEY ISLAND WRRF	08	05	NY0025704			NY-R82022082452	2/28/2023	
<b>Discharge Class 05: Municipal EPA Major</b>				<b>\$92,074</b>	<b>\$177,074</b>			



# 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
TIVOLI (V) WWTP	03	07	NY0022098	\$500	\$39,150	NY-R320201019115	11/8/2022		
NAPANOCH SEWER IMP AREA	03	07	NY0029718			NY-R32017042582	5/31/2022		
MIDPOINT PK SD WWTP-ROYAL RDG.	03	07	NY0035637	\$6,000	\$25,000	NY-R32021042124	11/8/2022		
CROWN POINT SD#1 WWTF	05	07	NY0239844	\$4,000	\$20,000	NY-R5201307152082M	5/24/2022		
HEUVELTON (V) WPCP	06	07	NY0027146			NY-R62019062017	2/7/2023		
SLEEPY HOLLOW SD	07	07	NY0029238	\$2,400	\$12,000	NY-R72022052630	6/27/2022		
PARISH (V) WWTP	07	07	NY0107654	\$3,000	\$18,000	NY-R7202201254	5/3/2022		
FREEVILLE (V) WWTP	07	07	NY0110493	\$6,000	\$31,000	NY-R72022032518	6/14/2022		
VILLAGE OF NAPLES WWTP	08	07	NY0272060	\$1,500	\$15,000	NY-R82022050626	2/3/2023	\$10,000.00	Assessing, targeting, and controlling Hemlock Woody Adelgid
OVERFLOW RETENTION FACILITY	09	07	NY0110698	\$3,000	\$7,500	NY-CO92019063040	1/24/2023		
<b>Discharge Class 07 - Municipal Significant Minor</b>				<b>\$26,400</b>	<b>\$167,650</b>			<b>\$10,000</b>	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
MELVILLE MALL STP	01	09	NY0068080			NY-STP2022009	6/29/2022		
BIRCHWOOD @ SPRING LAKE	01	09	NY0196762			NY-STP202201	8/18/2022		
GURWIN JEWISH GERIATRIC CTR	01	09	NY0197777	\$350	\$350	NY-CO120220725174	12/1/2022		
STRATHMORE ON THE GREEN	01	09	NY0253065			NY-STP2022010	12/12/2022		
DOVER GREENS LLC	03	09	NY0032158	\$10,000	\$50,000	NY-R320201019114	6/16/2022		
PRIDE MANOR PARK MHP	07	09	NY0155331	\$5,000	\$25,000	NY-R72021122248	5/13/2022		
SHADY MAPLE MOBILE HOME PARK	07	09	NY0213624	\$3,420	\$3,420	NY-CO72019020107	7/14/2022		
HUNTER HIGHLANDS WWTP	04	09	NY0061131	\$30,019	\$150,092	NY-R42022022825	11/9/2022		
<b>Discharge Class 09 - PCI Significant Minor</b>				<b>\$48,789</b>	<b>\$228,862</b>			<b>\$0</b>	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
THOR 280 RICHARDS STREET, LLC	02	11	NYR11F828	\$14,500	\$14,500	NY-R220220804167	2/17/2023		
BRONX POINT OWNER, LLC	02	11	NYR11H751	\$10,000	\$10,000	NY-R220220719157	2/8/2023		
GREENPOINT LANDING LOT 6 LLC	02	11	NYU201915	\$48,750	\$48,750	NY-R220221114247	2/8/2023		
DRAGON SPRINGS BUDDHIST, INC	03	11	NYR10F576	\$24,000	\$50,000	NY-R32018033059	5/4/2022		
STRATFORD FARMS SUBDIVISION	03	11	NYR10G572	\$6,000	\$16,150	NY-R32022062782	1/18/2023		
SMITH FARM	03	11	NYR10T509	\$58,000	\$79,300	NY-R3202001086	3/22/2023		
LAKEVIEW ESTATES	03	11	NYR11C976	\$19,000	\$85,000	NY-R32021120255	10/19/2022		
VALLEY FIELDS GOLF COURSE	03	11	NYU300391	\$10,000	\$18,650	NY-R32020020548	5/18/2022		
GREENS AT CHESTER LLC	03	11	NYU300395	\$14,000	\$14,000	NY-R32021080335	1/9/2023		
CLOVEWOOD PROJECT	03	11	NYU300396	\$150,000	\$228,008	NY-R320221108124	3/10/2023		
CAMELOT ASSOCIATES DEVELOPMENT, LLC	05	11	NYU500620	\$5,000	\$5,000	NY-LER522018843	1/12/2023		
JP ANIMAL ADVENTURE, LLC	07	11	NYU700586	\$500	\$2,250	NY-R72022081858	9/21/2022		
OAKFIELD HOSPITALITY LLC	08	11	NYR11D202	\$20,000	\$57,942	NY-R82022051025	9/19/2022		
<b>Discharge Class 11- Construction Stormwater</b>				<b>\$379,750</b>	<b>\$629,550</b>			<b>\$0</b>	

# 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
ARROW SCRAP CORP	01	12	NYR00F543	\$650	\$650	NY-CO120220711147	12/1/2022		
ARROW SCRAP CORP.	01	12	NYR00F576	\$650	\$650	NY-CO120220711148	12/1/2022		
ARROW SCRAP CORP.	01	12	NYR00F576	\$1,160	\$1,160	NY-CO12022020136	7/29/2022		
ARROW SCRAP CORP.	01	12	NYR00F576	\$1,160	\$1,160	NY-CO12022020137	7/29/2022		
DELMARINE INC	01	12	NYR00E357	\$12,700	\$12,700	NY-CO12020011517	6/2/2022		
EAST HAMPTON POINT MARINA	01	12	NYR00F024	\$1,300	\$1,300	NY-CO120220711146	12/19/2022		
INTERNATIONAL TRANSPORTATION AND EQUIPMENT EXPORTS, L	01	12	NYR00F658	\$1,300	\$1,300	NY-CO120221129247	1/19/2023		
KEHL'S FAMILY BOATING CENTER	01	12	NYR00E374	\$750	\$750	NY-CO12022020130	4/14/2022		
KNUTSON'S YACHT HAVEN MARINA INC	01	12	NYR00E837	\$2,300	\$2,300	NY-CO12020011521	5/19/2022		
MAGELLAN AEROSPACE BOHEMIA	01	12	NYR00F019	\$2,320	\$2,320	NY-CO12022020134	4/26/2022		
MANHASSET BAY SHIPYARD, INC	01	12	NYR00E978	\$1,300	\$1,300	NY-CO120220711144	12/15/2022		
MONTAUK MARINE BASIN	01	12	NYR00E875	\$1,160	\$1,160	NY-CO12022020132	4/4/2022		
SENIX MARINE LLC	01	12	NYR00F628	\$950	\$950	NY-CO120220711149	9/15/2022		
SERVICE SCRAP METAL INC	01	12	NYR00E104	\$1,300	\$1,300	NY-CO120220711141	9/14/2022		
VIC'S MARINA EAST INC.	01	12	NYR00E882	\$250	\$250	NY-CO12022020133	4/26/2022		
WHALENECK MARINA POWERSPORTS	01	12	NYR00G357	\$2,320	\$2,320	NY-CO12022020139	4/4/2022		
WILLIS MARINE CENTER INC	01	12	NYR00E841	\$950	\$950	NY-CO120220711143	1/4/2023		
COGENT WASTE SOLUTIONS, LLC	02	12	NYR00G433	\$750	\$750	NY-CO22022020127	5/19/2022		
CROPSEY SCRAP IRON AND METAL CORP.	02	12	NYR00F326	\$1,950	\$1,950	NY-CO220221129257	3/13/2023		
FLUSHING POINT MARINA	02	12	NYR00G518	\$1,300	\$1,300	NY-CO220221129263	1/19/2023		
FLUSHING POINT MARINA	02	12	NYR00G518	\$3,480	\$3,480	NY-R2201041650	4/25/2022		
J. J. AUTO WRECKERS INC	02	12	NYR00E034	\$1,140	\$1,140	NY-CO220201120259	9/21/2022		
LSM AUTO PARTS & RECYCLING INC	02	12	NYR00F410	\$4,640	\$4,640	NY-CO22022020123	12/1/2022		
LSM AUTO PARTS & RECYCLING INC	02	12	NYR00F410	\$11,400	\$11,400	NY-CO220190904286	4/26/2022		
MAGELLAN AEROSPACE NY CORONA	02	12	NYR00F018	\$2,320	\$2,320	NY-CO22022020120	4/26/2022		
MENDON TRUCK LEASING AND RENTAL	02	12	NYR00E263	\$2,320	\$2,320	NY-CO22022020119	5/26/2022		
NY STONE CENTER INC	02	12	NYR00G021	\$1,300	\$1,300	NY-CO220220711138	9/8/2022		
RICHMOND READY MIX	02	12	NYR00G301	\$1,300	\$1,300	NY-CO220221129259	1/19/2023		
SAM USED AUTO PARTS CORP.	02	12	NYR00G015	\$600	\$600	NY-CO22022020124	4/4/2022		
STELTER MARINE SALES	02	12	NYR00B070	\$1,160	\$1,160	NY-CO22022020117	5/9/2022		
TIME MARBLE & GRANITE	02	12	NYR00G217	\$1,300	\$1,300	NY-CO220220711139	11/28/2022		
AALCO AUTO PARTS	03	12	NYR00E163	\$950	\$950	NY-CO32022071187	10/20/2022		
ARCTIC GLACIER - MAMARONECK	03	12	NYR00G082	\$1,300	\$1,300	NY-CO32022071199	9/21/2022		
ARCTIC GLACIER - NEWBURGH	03	12	NYR00G068	\$1,300	\$1,300	NY-CO32022071198	9/21/2022		
BREWSTER AUTO SALVAGE INC	03	12	NYR00B235	\$950	\$950	NY-CO320221129138	2/15/2023		
BROOKFIELD RESOURCE MAN - MONTROSE SITE	03	12	NYR00F193	\$4,640	\$4,640	NY-CO32022020134	8/29/2022		
BROOKFIELD RESOURCE MAN - MONTROSE SITE	03	12	NYR00F193	\$15,020	\$15,020	NY-CO32020011530	7/27/2022		
C&S WHOLESALE GROCERS INC	03	12	NYR00F039	\$1,300	\$1,300	NY-CO320221129145	1/11/2023		
CHESTNUT RIDGE TRANSPORTATION INC	03	12	NYR00B376	\$2,320	\$2,320	NY-CO32022020120	5/19/2022		
CHESTNUT RIDGE TRANSPORTATION INC	03	12	NYR00E078	\$2,320	\$2,320	NY-CO32022020127	5/19/2022		
CHESTNUT RIDGE TRANSPORTATION INC	03	12	NYR00E311	\$2,320	\$2,320	NY-CO32022020129	5/19/2022		
COCHETON MILLS, INC.	03	12	NYR00B252	\$1,160	\$1,160	NY-CO32022020119	11/1/2022		
GRAPHITE METALLIZING CORPORATION	03	12	NYR00D298	\$1,300	\$1,300	NY-CO320221129139	2/15/2023		
J & J LOG AND LUMBER CORP	03	12	NYR00C613	\$500	\$500	NY-CO32022020124	5/26/2022		
J & J LOG AND LUMBER CORP	03	12	NYR00C613	\$1,300	\$1,300	NY-CO32022071186	9/21/2022		
J & J LOG AND LUMBER CORP	03	12	NYR00C613	\$6,000	\$6,000	NY-CO320190904188	5/19/2022		
JEFF'S YACHT HAVEN	03	12	NYR00F179	\$2,320	\$2,320	NY-CO32022020133	4/26/2022		
LHV PRECAST	03	12	NYR00G306	\$2,320	\$2,320	NY-CO32022020138	7/29/2022		
MCNEILLY WOOD PRODUCTS, INC.	03	12	NYR00F069	\$2,600	\$2,600	NY-CO320221129146	1/19/2023		
MIDDLETOWN CARTING, LLC C&D PROC & TRANS	03	12	NYR00F419	\$12,900	\$12,900	NY-CO32022020136	2/28/2023		
NATIONAL FREIGHT, INC	03	12	NYR00E202	\$1,300	\$1,300	NY-CO32022071188	2/15/2023		
ORANGE COUNTY IRONWORKS	03	12	NYR00G277	\$1,300	\$1,300	NY-CO320220711101	9/21/2022		
PAVESTONE LLC	03	12	NYR00F452	\$1,300	\$1,300	NY-CO32022071195	10/25/2022		
PIRATE CANOE CLUB	03	12	NYR00F879	\$950	\$950	NY-CO32022071197	9/21/2022		
PIRATE CANOE CLUB	03	12	NYR00F879	\$1,300	\$1,300	NY-CO320221129152	1/4/2023		
POLYCHRON MARINA CO INC	03	12	NYR00B069	\$4,640	\$4,640	NY-CO32022020117	12/8/2022		
PRESIDENT CONTAINER GROUP II, LLC MIDDLETOWN	03	12	NYR00G335	\$1,300	\$1,300	NY-CO320221129154	1/19/2023		
PRESIDENT CONTAINER GROUP II, LLC MIDDLETOWN	03	12	NYR00G335	\$2,320	\$2,320	NY-CO32022020141	7/29/2022		
TAPPAN ZEE MARINA	03	12	NYR00F451	\$650	\$650	NY-CO32022071194	10/20/2022		
TITAN CONCRETE, INC.	03	12	NYR00G329	\$13,920	\$13,920	NY-CO32022020140	12/20/2022		
TWO BAYVIEW ROAD	03	12	NYR00G237	\$1,300	\$1,300	NY-CO320220711100	9/14/2022		
UPS - LIBERTY	03	12	NYR00C058	\$1,160	\$1,160	NY-CO32022020123	5/26/2022		
WEST KINGSTON RECYCLING CORP	03	12	NYR00F097	\$2,600	\$2,600	NY-CO320221129149	3/27/2023		
WEST KINGSTON RECYCLING CORP	03	12	NYR00F097	\$5,200	\$5,200	NY-CO320220711-90	3/6/2023		
WILLOW POINT MARINA	03	12	NYR00F306	\$2,320	\$2,320	NY-CO32022020135	5/26/2022		
WRIGHT ISLAND MARINA INC	03	12	NYR00F059	\$1,300	\$1,300	NY-CO32022071189	12/21/2022		

# Appendix E: SPDES Enforcement Actions

ARDENT MILLS LLC	04	12	NYR00D756	\$2,320	\$2,320	NY-CO42022020114	4/26/2022		
ARDENT MILLS LLC	04	12	NYR00D756	\$2,600	\$2,600	NY-CO420221129132	1/11/2023		
BANCROFT ENTERPRISE	04	12	NYR00F585	\$1,300	\$1,300	NY-CO420221129134	1/19/2023		
BILL'S AUTO AND COMMERCIAL TOWING INC	04	12	NYR00B837	\$4,640	\$4,640	NY-CO42022020110	12/8/2022		
COLONIE BLOCK MANUFACTURING	04	12	NYR00G376	\$4,640	\$4,640	NY-CO42022020122	2/15/2023		
GOLD BOND BUILDING PRODUCTS RENSSELAER PLANT	04	12	NYR00D516	\$1,300	\$1,300	NY-CO420220711105	10/20/2022		
POWER PALLET INC	04	12	NYR00F182	\$750	\$750	NY-CO42022020117	4/26/2022		
RIVER ROAD C & D FACILITY	04	12	NYR00G462	\$1,300	\$1,300	NY-CO420220711108	9/8/2022		
ROUTE 7 USED AUTO PARTS	04	12	NYR00B154	\$3,000	\$3,000	NY-CO420201120112	7/29/2022		
SAVINO BLUESTONE QUARRY	04	12	NYR00G279	\$1,160	\$1,160	NY-CO42022020120	8/29/2022		
TEAL'S EXPRESS INC	04	12	NYR00D125	\$250	\$250	NY-CO42022020113	4/4/2022		
WASTEQUIP MANUFACTURING COMPANY LLC	04	12	NYR00F123	\$4,640	\$4,640	NY-CO42022020115	12/5/2022		
ZABEL'S AUTO REPAIR	04	12	NYR00C400	\$1,160	\$1,160	NY-CO42022020112	8/29/2022		
DEYO QUARRY	05	12	NYR00E148	\$2,600	\$2,600	NY-CO52022071142	1/19/2023		
DEYO QUARRY	05	12	NYR00E148	\$4,640	\$4,640	NY-CO5202202018	8/29/2022		
GET GREEN AUTO PARTS INC	05	12	NYR00G111	\$1,140	\$1,140	NY-CO52020112081	5/16/2022		
GET GREEN AUTO PARTS INC	05	12	NYR00G111	\$1,500	\$1,500	NY-CO52022020110	7/29/2022		
HELM SALVAGE AND TRACKING	05	12	NYU500619	\$5,856	\$29,280	NY-LER521025514	2/8/2023		
LOGISTICS ONE TRANSPORT, INC.	05	12	NYR00D800	\$3,480	\$3,480	NY-CO5202202017	7/29/2022		
METRO METALS RECYCLING, LLC	05	12	NYU500618	\$18,000	\$36,600	NY-R5202208232374	10/4/2022		
SMITHS AUTO EXCHANGE INC	05	12	NYR00C638	\$20,000	\$57,775	NY-R5202012182339	4/28/2022		
2200 BLEEKER STREET	06	12	NYR00F463	\$4,640	\$4,640	NY-CO62022020110	8/2/2022		
NORTHERN MARINE INC	06	12	NYR00A494	\$2,600	\$2,600	NY-CO62022071129	3/27/2023		
STOUT'S READY MIX LTD.	06	12	NYR00F161	\$950	\$950	NY-CO62022071130	9/21/2022		
TEAL'S EXPRESS INC	06	12	NYR00A847	\$250	\$250	NY-CO6202202017	4/4/2022		
TEAL'S EXPRESS INC	06	12	NYR00B410	\$2,320	\$2,320	NY-CO6202202018	4/26/2022		
ALNYE TRUCK TERMINAL, VEHICLE STORAGE & MAINTENANCE	07	12	NYR00G303	\$2,320	\$2,320	NY-CO72022020114	6/15/2022		
ECONOMY PAVING CO INC	07	12	NYR00G047	\$2,320	\$2,320	NY-CO72022020113	7/29/2022		
MENARDS GARAGE LLC	07	12	NYR00D777	\$950	\$950	NY-CO72022071139	9/8/2022		
ONONDAGA COACH CORPORATION	07	12	NYR00D514	\$4,640	\$4,640	NY-CO7202202019	9/9/2022		
TEAL'S EXPRESS INC	07	12	NYR00B928	\$250	\$250	NY-CO7202202016	4/4/2022		
WILKINSON SALVAGE LLC	07	12	NYR00D600	\$1,160	\$1,160	NY-CO72022020110	5/5/2022		
XPO LOGISTICS FREIGHT INC - XSY	07	12	NYR00D673	\$2,870	\$2,870	NY-CO72020112058	11/28/2022		
BENNY'S SALVAGE YARD	08	12	NYR00D331	\$2,600	\$2,600	NY-CO82022071142	2/16/2023		
CROSSETT INC	08	12	NYR00B315	\$1,300	\$1,300	NY-CO82022071139	9/21/2022		
DANISCO USA, INC.	08	12	NYR00G539	\$1,300	\$1,300	NY-CO82022071147	9/21/2022		
LIVONIA AVON AND LAKEVILLE RAILROAD	08	12	NYR00C106	\$950	\$950	NY-CO82022071141	9/21/2022		
MULTI METAL RECYCLING	08	12	NYR00F344	\$950	\$950	NY-CO82022071145	10/20/2022		
ONTARIO COUNTY LANDFILL	08	12	NYR00C382	\$220,000	\$500,000	NY-R-8-20180507144	10/13/2022	\$250,000.00	
SOUTHERN TIER AUTO RECYCLING	08	12	NYR00C076	\$4,640	\$4,640	NY-CO8202202018	12/19/2022		
TRIDENT MARINE	08	12	NYR00F068	\$1,160	\$1,160	NY-CO82022020113	7/29/2022		
TROUPS CREEK AUTO PARTS CORP	08	12	NYR00E199	\$1,140	\$1,140	NY-CO820201120131	11/29/2022		
TROUPS CREEK AUTO PARTS CORP	08	12	NYR00E199	\$1,300	\$1,300	NY-CO82022112973	2/15/2023		
TROUPS CREEK AUTO PARTS CORP	08	12	NYR00E199	\$2,320	\$2,320	NY-CO82022020112	6/15/2022		
TROUTS AUTO RECYCLING	08	12	NYR00E157	\$1,300	\$1,300	NY-CO82022071144	12/19/2022		
CROSSETT, INC.	09	12	NYR00B314	\$1,300	\$1,300	NY-CO92022071160	9/21/2022		
CROSSETT, INC.	09	12	NYR00F079	\$1,300	\$1,300	NY-CO92022071164	9/21/2022		
GREATBATCH MEDICAL	09	12	NYR00F645	\$1,160	\$1,160	NY-CO92022020116	4/11/2022		
MIDLAND ASPHALT MATERIALS, INC.	09	12	NYR00F774	\$1,160	\$1,160	NY-CO92022020117	5/5/2022		
RAUH AGGREGATE MINE	09	12	NYR00G272	\$1,160	\$1,160	NY-CO92022020118	7/29/2022		
TEAL'S EXPRESS INC	09	12	NYR00B984	\$250	\$250	NY-CO92022020114	4/4/2022		
UNIFRAX I LLC - TONAWANDA MFG FACILITY	09	12	NYR00C159	\$2,600	\$2,600	NY-CO92022071162	11/28/2022		
UNIFRAX I LLC SANBORN	09	12	NYR00D434	\$2,600	\$2,600	NY-CO92022071163	11/28/2022		
WARD TRUCKING (BUF-020)	09	12	NYR00A734	\$1,300	\$1,300	NY-CO92022112989	1/19/2023		
XPO LOGISTICS FREIGHT INC - XBY	02		NYR00C341						
XPO LOGISTICS FREIGHT INC - XIY	01		NYR00D160						
XPO LOGISTICS FREIGHT INC - XSY	07		NYR00D673						
XPO LOGISTICS FREIGHT INC - XBH	07	12	NYR00D391	\$11,700	\$11,700	NY-CO120221129250	2/15/2023		
XPO LOGISTICS FREIGHT INC - XNW	03		NYR00B774						
XPO LOGISTICS FREIGHT INC - XRC	08		NYR00D266						
XPO LOGISTICS FREIGHT INC - XEM	03		NYR00D065						
XPO LOGISTICS FREIGHT INC - XBY	02		NYR00C341						
XPO LOGISTICS FREIGHT INC - XIY	01		NYR00D160						
XPO LOGISTICS FREIGHT INC - XSY	07		NYR00D673						
XPO LOGISTICS FREIGHT INC - XBH	07	12	NYR00D391	\$41,760	\$41,760	NY-CO22022020118	9/2/2022		
XPO LOGISTICS FREIGHT INC - XNW	03		NYR00B774						
XPO LOGISTICS FREIGHT INC - XRC	08		NYR00D266						
XPO LOGISTICS FREIGHT INC - XEM	03		NYR00D065						
Unpermitted Discharge				\$589,956	\$949,755			\$250,000	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
BIRCH CREEK FARM LLC	06	14	NYA00E431			NY-R62018020105	12/27/2022		
Discharge Class 14 - CWA CAFO Large				\$0	\$0			\$0	

# 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
DEEP ROOTS HOLSTEINS	05	15	NYA00E501	\$2,500	\$2,500	NY-CO52017061966	3/27/2023		
MONICA FARMS	05	15	NYA00E504	\$3,400	\$3,400	NY-CO52017053056	6/21/2022		
CORSCADDEN FAMILY FARM	06	15	NYA00E514	\$1,000	\$1,000	NY-R62022110933	1/12/2023		
Discharge Class 15 - CWA CAFO Medium				\$6,900	\$6,900			\$0	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
TUSCARORA DAIRY	07	18	NYA00E013	\$1,500	\$3,000	NY-R72022060131	8/9/2022		
VANS RIDGE FARM	07	18	NYA00E042	\$1,900	\$1,900	NY-R72022081755	9/16/2022		
VANS RIDGE FARM	07	18	NYA00E042			NY-R72021120140	2/6/2023		
ELMER RICHARDS & SONS	07	18	NYA00E309	\$2,500	\$5,000	NY-R72022110872	11/30/2022		
CONQUEST CATTLE FEEDERS	07	18	NYA00E310	\$1,000	\$2,250	NY-R72022122083	12/21/2022		
PREBLE HILL FARM, LLC	07	18	NYA00E396	\$3,000	\$8,500	NY-R72022040621	5/18/2022		
HOURLIGAN FAMILY DAIRY, LLC	07	18	NYA00E413	\$7,000	\$17,000	NY-R72022062734	8/4/2022		
LINCOLN DAIRY, LLC	07	18	NYA00E419	\$650	\$1,350	NY-R72022081753	9/6/2022		
RED MAPLES DAIRY, LLC	09	18	NYA00E015	\$6,800	\$6,800	NY-R92022060635	8/17/2022		
PALMER DAIRY FARMS, LLC	09	18	NYA00E358	\$4,000	\$9,000	NY-R92021030123	6/6/2022		
Discharge Class 18 - ECL CAFO Medium				\$28,350	\$54,800			\$0	
Facility Name	DEC Region	Discharge Class	SPDES ID	Penalty Collected	Penalty Assessed	Enforcement Action Identifier	Date	EBP Amount	Environmental Benefit Project (EBP) Description
RUSTY CREEK FARM	05	19	NYA00E109	\$1,000	\$9,570	NY-R5202203182372	8/22/2022		
FULLERTON FARMS	05	19	NYA00E486	\$4,000	\$4,000	NY-CO52019100375	12/1/2022		
KENNEL FARMS	06	19	NYA00E034	\$1,000	\$1,000	NY-R62022072821	12/19/2022		
PASTURELAND DAIRY	07	19	NYA00E423	\$3,656	\$3,656	NY-CO72017072651	1/10/2023		
ERNEST GATES & SONS, LLC	08	19	NYA00E400	\$3,500	\$5,000	NY-R82022120276	1/25/2023		
VAN LIESHOUT FARM	08	19	NYA00E494	\$1,000	\$5,000	NY-R82022090761	2/28/2023		
RELANCE DAIRY, LLC - PETERSON	09	19	NYA00E247	\$1,000	\$1,000	NY-R9201601224	2/3/2023		
Discharge Class 19 - ECL CAFO Large				\$15,156	\$29,226			\$0	
				Penalty Collected	Penalty Assessed			EBP Amount	
Statewide Total				\$1,902,729	\$3,471,108			\$759,000	