



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Ms. Kimberly Merchant
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 E Avon-Lima Road
Avon, New York 14414

**Re: Draft SPDES Permit for the Science & Technology Advanced Manufacturing Park
Wastewater Treatment Plant (NY0227706)**

Dear Ms. Merchant:

On August 4, 2021 the New York State Department of Environmental Conservation provided notice of the draft State Pollutant Discharge Elimination System (SPDES) permit (SPDES No. NY0227706) for the Science & Technology Advanced Manufacturing Park (STAMP) Wastewater Treatment Plant (WWTP) in Alabama, New York. The facility is classified as a major permit and discharges to Oak Orchard Creek. The Environmental Protection Agency has reviewed the draft permit and provides the following input for your consideration. While the public comment period closed on September 3, 2021, the EPA, in its oversight role of a delegated Clean Water Act program, is providing these comments to ensure the final permit meets all NPDES permit regulations and is protective of all water quality standards.

1. The proposed facility would have effluent limits of 0.5 mg/L and 4.2 lb/day for Total Phosphorous. Oak Orchard Creek, is on the New York State 303(d) list for phosphorous due to agriculture. The narrative standard for nutrients "None in amounts that result in the growths of algae, weeds and slimes that will impair the waters for their best usages" is the basis for the current impairment listing.

While these limits are more stringent than what the Great Lakes Water Quality Agreement would require for a tributary to Lake Ontario to which Oak Orchard Creek discharges, the fact sheet does not describe how these limits are protective of water quality standards in the immediate receiving water.

2. The proposed discharge is upstream of Glenwood Lake, where a numeric guidance value of 20 ug/L would be the applicable standard for Total Phosphorous for lakes and ponds. The fact sheet does not demonstrate how the concentration based on mass loading limits for Total Phosphorous are protective of the 20 ug/L guidance value for Total Phosphorous, which is treated as a numeric interpretation of the narrative nutrient criterion in New York State lakes, reservoirs, and ponds.
3. While the current draft permit proposed a discharge of almost 1 million gallons per day (MGD), the facility description mentions the design flow will be up to 6 MGD to accommodate future tenants of the STAMP facility. This facility discharges within the Great

Lakes Basin, and Oak Orchard Creek is a tributary of Lake Ontario. Should any future expansions of the wastewater discharge result in additional loading of bioaccumulative contaminants of concern, such as mercury, dioxin, or polychlorinated biphenyls, such additional loading would require an antidegradation review due to the proposed lowering of water quality.

4. This draft permit includes an end of pipe limit of 0.7 ng/L for mercury. This is appropriate, as the facility is a proposed new Great Lakes discharger as described above, where limits for bccs, for new dischargers in particular, must be set at standards end of pipe, with no mixing, as required by the Great Lakes Water Quality Agreement regulations. In addition to mercury, facilities within the Great Lakes basin must be regulated for discharges of other bccs, such as dioxin and polychlorinated biphenyls. There is no reasonable potential analysis included for either dioxin or PCBs. There is a reference to a PCB minimization program, but there does not appear to be specific requirements or limitations.

We appreciate the opportunity to review the permit for the STAMP WWTP and look forward to working with NYSDEC in addressing our comments. Should you have any questions on our comments, please contact Ms. Karen O'Brien at (212) 637-3717.

Sincerely yours,

Joshua Kogan, P.E., Acting Chief
NPDES Section