

# **PRETREATMENT ADDENDUM**

to

## **2018 REGION 2 NPDES PROGRAM AND PERMIT QUALITY REVIEW**

for

### **NEW YORK STATE**

United States Environmental Protection Agency  
Region 2  
290 Broadway  
New York, New York 10007

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## **A. Effectiveness of Publicly Owned Treatment Works (POTW) NPDES Permits with Food Processor Contributions**

The general pretreatment regulations (40 CFR 403) establish responsibilities of federal, state, and local government, industry and the public to implement pretreatment standards to control pollutants from industrial users which may cause pass through or interfere with POTW treatment processes or which may contaminate sewage sludge.

### *Background*

Indirect discharges from food processors can be a significant contributor to noncompliance at recipient POTWs; resulting in increased nutrient discharges (e.g., nitrogen, phosphorus, ammonia) to the nation's waterways. Focusing specifically on the Food Processing Industrial Sector will synchronize National Pollutant Discharge Elimination System (NPDES) Program and Permit Quality Reviews (PQRs) with the Office of Enforcement Compliance and Assurance's National Compliance Initiative, "[Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System \(NPDES\) Permits](#)".

The goals of the PQR are to:

- Identify successful and unique practices with respect to the control of food processor discharges by evaluating whether appropriate controls are included in the receiving POTW's NPDES permit and documented in the associated Fact Sheet or Statement of Basis, and
- Determine if the POTW implements any controls on conventional pollutants (particularly those from food processors) and how those controls are imposed.

An additional goal is to compile information for the purpose of providing permit writers with tools to maintain or improve both POTW and industrial user compliance with respect to conventional pollutants and nutrients.

This PQR reviews the status of the pretreatment program in New York, as well as specific language in New York POTW NPDES permits. With respect to NPDES permits, the PQR focuses on the following regulatory requirements for pretreatment activities and pretreatment programs:

- 40 CFR 122.42(b) (POTW requirements to notify Director of new pollutants or change in discharge);
- 40 CFR 122.44(j) (Pretreatment Programs for POTWs);
- 40 CFR 403.8 (Pretreatment Program Requirements: Development and Implementation by POTW), including the requirement to permit all significant industrial users (SIUs);
- 40 CFR 403.9 (POTW Pretreatment Program and/or Authorization to revise Pretreatment Standards: Submission for Approval);
- 40 CFR 403.12(i) (Annual POTW Reports); and
- 40 CFR 403.18 (Modification of POTW Pretreatment Program).

The New York State Department of Environmental Compliance (NYDEC) issues NPDES permits directly to POTWs in New York. NYDEC does not have the authority to implement the pretreatment program; therefore, EPA Region 2 is the Approval Authority for New York POTWs. EPA Region 2’s implementation role includes identifying appropriate conditions to be incorporated into POTW NPDES permits concerning pretreatment requirements, approving pretreatment programs established by local Control Authorities, and reviewing and approving modification of existing approved program elements, such as sewer use ordinances (SUOs), local effluent limitations, and enforcement response plans (ERPs). Region 2 also reviews POTW annual pretreatment program reports and takes enforcement actions when necessary. POTWs with approved pretreatment programs have the authority to issue industrial user discharge permits to industrial users discharging to the POTW. In addition, or alternatively, many POTWs surcharge the pollutant loading from food processors and other high-strength conventional pollutant dischargers. For industrial users discharging to POTWs without approved POTW pretreatment programs, EPA Region 2 is the Control Authority. The table below provides information on the pretreatment universe in New York.

*Table A1. New York SIUs by Pretreatment Program Status*

POTWs in New York		Industrial Users controlled in Approved POTW Pretreatment Programs		SIUs discharging to POTWs Without Approved Pretreatment Programs (EPA is the Control Authority)	
Total	With Approved Programs	SIUs	CIUs	SIUs	CIUs
222 (Major)	57	1,100	>40	Unknown	Unknown

Data source: EPA Region 2 Pretreatment program webpage (<https://www.epa.gov/npdes-permits/npdes-pretreatment-program-region-2>) accessed on 1/7/2020.

This PQR was limited to review of the following materials for Albany County Sewer District:

- NPDES permit (No. NY0026875),
- “Albany County Water Purification District Local Law F, 2008” (obtained online),
- Albany Co. Sewer District Renewal Application (dated December 9, 2009), and
- One food processing industrial user permit.

The PQR was limited to review of the following materials for Gloversville-Johnstown Joint Wastewater Treatment Facility (WTF):

- NPDES permit (No. NY0026042) and fact sheet,
- City of Gloversville “Sewer Use Chapter 236, Oct. 2012” (provided by the City),
- Two food processing industrial user permits and permit applications,
- 2013 Gloversville-Johnstown Joint Sewer Board Pretreatment Program pretreatment audit report, and
- The July-December 2017, January-June 2018, and July-December 2018 semi-annual pretreatment program reports.

Region 2 selected the permits, listed in the table below, for POTWs that receive process wastewater from food processing facilities. The documentation used and the basis for the selection of these POTWs is not known. Both POTWs whose permits were reviewed have approved pretreatment programs; the PQR reviewers did not review permits for POTWs without pretreatment programs (“nonapproved”).

The two approved POTW pretreatment programs have different pollutants controlled via local limits. The Albany County Sewer District SUO did not identify local limits for, nor did it surcharge, conventional pollutants. The Gloversville-Johnstown Joint WTF SUO has a local limit for oil and grease (O&G) and surcharges for total suspended solids (TSS), Biochemical Oxygen Demand (BOD<sub>5</sub>), and Total Kjeldahl Nitrogen (TKN).

*Table A2. NPDES Permits Selected for the Pretreatment Topic Area*

Permittee	Permit No.	Approved Pretreatment Program?	Design Flow Average (MGD)	No. of SIUs	No. of Food Processors	Controls on Conventional Pollutants or Nutrients in SUO?
<a href="#">Albany County Sewer District</a>	NY0026875 (North Plant)	Yes	35 <sup>1</sup>	Unknown <sup>2</sup>	Unknown <sup>2</sup>	BOD <sub>5</sub> and TSS surcharge
<a href="#">Gloversville-Johnstown Joint WTF</a>	NY0026042	Yes	13.8 <sup>3</sup>	14 <sup>4</sup>	2 <sup>4</sup>	O&G Local Limit; TSS, BOD <sub>5</sub> , and TKN surcharge

<sup>1</sup> Based on information included in the Albany County Water Purification District 2018 Annual Report.

<sup>2</sup> Information not provided for review.

<sup>3</sup> Based on information provided in the NPDES permit NY0026042 fact sheet, dated November 3, 2016.

<sup>4</sup> Based on information provided in the POTW’s Semi-Annual Pretreatment Report for the period July 1 – December 31, 2018.

Three food processing industrial user permits were also reviewed as part of the PQR, as identified in the table below.

*Table A3. Summary of SIU Discharge Permit Conditions*

Facility Name	Permit Number	Receiving POTW	Type of Food Processor	Classification by POTW	Average Process Wastewater Discharge (gallons per day [gpd])	Monitored Pollutants
Bimbo Bakeries USA	25 (issued January 31, 2019)	Albany County	Bakery	SIU	112,500 (daily flow limit) <sup>1</sup>	Flow, pH, BOD <sub>5</sub> , Total solids, TSS, and O&G
Euphrates Inc.	231 (effective)	Gloversville-Johnstown	Cheese manufacturing	SIU	67,884 (maximum daily flow volume) <sup>1</sup>	Flow, pH, BOD <sub>5</sub> , TSS, TKN, O&G, temperature, copper,

Facility Name	Permit Number	Receiving POTW	Type of Food Processor	Classification by POTW	Average Process Wastewater Discharge (gallons per day [gpd])	Monitored Pollutants
	January 1, 2019)					mercury, naphthalene, aldrin, BHC (isomers), total chlorinated phenols, benzene, chloroform, 1,1,2,2-tetrachloroethane, toluene, and phenols (4AAP) <sup>2</sup>
Fage USA Dairy Industry, Inc.	233 (effective January 1, 2019)	Gloversville-Johnstown Joint WTF	Yogurt manufacturing	SIU	1,009,946 (maximum daily flow volume) <sup>1</sup>	Flow, pH, TSS, BOD <sub>5</sub> , TKN, O&G, temperature, copper, mercury, naphthalene, aldrin, BHC (isomers), total chlorinated phenols, benzene, chloroform, 1,2,2,2-tetrachloroethane, toluene, and phenols (4AAP) <sup>2</sup>

<sup>1</sup> Based on information included in the industrial user’s permit.

<sup>2</sup> Gloversville-Johnstown Joint WTF monitors in lieu of requiring its SIUs to perform self-monitoring. However, the SIU permit does not specify the frequency of sampling.

Table A4. Comparison of NPDES Permit and IU Discharge Permit Conditions

Industrial User or Receiving POTW	Pollutant Monitoring Frequency and Limit									
	Total P (frequency, limit)		Total N (frequency, limit)		BOD (frequency, limit)		TSS (frequency, limit)		O&G (frequency, limit)	
Bimbo Bakeries (lbs/day)	N/A	N/A	N/A	N/A	Monthly <sup>1</sup>	3,750 (MA) <sup>2</sup> , 5,500 (DM) <sup>3</sup>	Monthly <sup>1</sup>	1,250 (MA), 2,800 (DM)	Monthly <sup>1</sup>	Monitor only
Euphrates (max pounds monthly)	N/A	N/A	Unknown <sup>4</sup>	2,757 (≤30 days), 3,181 (31 days) (TKN) <sup>5</sup>	Unknown <sup>4</sup>	60,823 (≤30 days), 70,180 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	13,510 (≤30 days), 15,512 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	150 mg/L (max. 24-hour limit)
Fage (max pounds monthly)	N/A	N/A	Unknown <sup>4</sup>	30,461 (≤30 days), 35,147 (31 days)	Unknown <sup>4</sup>	542,896 (≤30 days), 626,418 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	169,786 (≤30 days), 194,939 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	150 mg/L (max. 24-hour limit)

Industrial User or Receiving POTW	Pollutant Monitoring Frequency and Limit									
	Total P (frequency, limit)		Total N (frequency, limit)		BOD (frequency, limit)		TSS (frequency, limit)		O&G (frequency, limit)	
				days) (TKN) <sup>5</sup>						24-hour limit)
Albany County Sewer District	N/A	N/A	1/day	15.4 mg/L MA (June 1-Oct. 31) (TKN)	1/day	4000 lbs/day MA; 6300 lbs/day WA <sup>6</sup> ; 25 mg/L MA; 40 mg/L WA (CBOD <sub>5</sub> ) <sup>7</sup>	1/day	4800 lbs/day MA; 7100 lbs/day WA; 30 mg/L MA; 45 mg/L WA	N/A	N/A
Gloversville-Johnstown Joint WTF	N/A	N/A	1/day	Monitor only (TKN)	1/day	2100 lbs/day MA; 3300 lbs/day WA; 25 mg/L MA; 40 mg/L WA (CBOD <sub>5</sub> )	1/day	2500 lbs/day MA; 3800 lbs/day WA; 30 mg/L MA; 45 mg/L WA	N/A	N/A
			5/wk	1.5 mg/L and 130 lbs/day MA (June 1-Aug. 31) and 1.7 mg/L and 140 lbs/day MA (Sept. 1-Nov. 30) (Ammonia)						

<sup>1</sup>Permit requires monthly monitoring and specifies “three 24-hour composite samples on consecutive full production days”.

<sup>2</sup>Monthly average

<sup>3</sup>Daily maximum

<sup>4</sup>Unknown. The POTW monitors in lieu of requiring its SIUs to perform self-monitoring. In addition, the permits do not state the required monitoring frequency.

<sup>5</sup>The permit does not include an effluent limitation for this parameter. However, the permit does include a surcharge threshold, listed here.

<sup>6</sup>Weekly average

<sup>7</sup>Carbonaceous Biochemical Oxygen Demand

*Program Strengths*

Both NPDES permits reviewed contain secondary treatment standards, in accordance with 40 CFR 133.02. The Albany County Sewer District NPDES permit contains effluent limitations and monitoring requirements (once per day) for TKN, and effluent monitoring requirements for CBOD<sub>5</sub> and TSS of once per day. The Gloversville-Johnstown Joint WTF NPDES permit contains effluent limitations and monitoring requirements for TKN (once per day) and ammonia (once per week), and effluent monitoring requirements for CBOD<sub>5</sub> (once per day) and TSS (three times per day).

The 2013 pretreatment audit report for Gloversville-Johnstown found that the permits for two dairy processing facilities, Fage and Euphrates, did not include Gloversville-Johnstown's instantaneous maximum local limit of 150 mg/L for oil and grease. The audit report included a requirement for the POTW to include the local limit for oil and grease in the permits for all industrial users, including Euphrates and Fage. In the POTW's response to the audit report, submitted to EPA Region 2 on June 18, 2013, the POTW stated that the local limit for oil and grease had been included in the Euphrates and Fage permits. The Fage and Euphrates permits reviewed as part of this PQR, both with effective dates of January 1, 2019, contained the 150 mg/L limit for oil and grease.

Both POTW permits reviewed contained requirements for the POTW to implement a pretreatment program, specified the approval and/or most recent modification date of the approved pretreatment program, and required submittal of an annual pretreatment report.

### *Areas for Improvement*

All POTW NPDES permits must contain the complete requirements for notification and impact assessment of significant changes in industrial flow or character in accordance with 40 CFR 122.42(b). The Albany County Sewer District permit lacked the requirement, and the permit issued to Gloversville-Johnstown did not define a timeframe for submittal of the notice. It is recommended that the condition be amended to define the timeframe for "adequate" notice under 40 CFR 122.42(b), to the state NPDES authority. In addition, it would also be appropriate to include the EPA pretreatment authority in this notification as EPA is the Approval Authority for POTW pretreatment programs in the state.

All POTW NPDES permits issued to POTWs with approved pretreatment programs need to contain a requirement to provide a written technical evaluation of the need to revise local limits following POTW NPDES permit issuance or reissuance, per 40 CFR 122.44(j)(2)(ii). Neither permit reviewed contained this requirement, indicating that standard pretreatment program implementation permit conditions need to be reviewed and revised accordingly.

The NPDES permit fact sheet for Gloversville-Johnstown WTF does not specify approval and/or modification dates for the POTW's approved pretreatment program, nor does it specifically state the reason for requiring program development and implementation. In addition, the NPDES permit fact sheet for Gloversville-Johnstown WTF does not identify whether the POTW accepts hauled waste, nor does it identify and characterize contributing industrial dischargers, except for the information provided regarding Euphrates and Fage. In addition, the fact sheet does not identify that Euphrates and Fage are SIUs as the Gloversville-Johnstown July 1, 2018-December 31, 2018, semi-annual pretreatment report indicates.

It is recommended that permit writers work with EPA Region 2 in order to include in the POTW NPDES permit fact sheets: the rationale for pretreatment program development and implementation, dates of pretreatment program approval and modifications, rationale for WWTP monitoring and sampling frequency requirements, POTW organic capacity, and SIU characterization (including hauled waste contributions). Including language regarding the control of industrial discharges documents the permit writer's evaluation of whether the

industrial loading exceeds what the POTW can safely accept and treat and if revisions to the permit are needed. This information will also document the industrial baseline when determining notifications necessary regarding 40 CFR 122.42(b) (types of discharges that were known at the time of permit issuance).

### Action Items

#### Essential

- The permit writer must ensure that all POTW NPDES permits include the requirements at 40 CFR 122.42(b).
- The permit writer must ensure that POTW permits include the requirement at 40 CFR 122.44(j)(2)(ii).

#### Recommended

- Revise POTW permit standard conditions to specify the timeframe for adequate notice, regarding the change in quality or quantity in effluent discharge to the POTW, for the notification requirements of 40 CFR 122.42(b), including notification to EPA Region 2 as pretreatment program approval authority.
- Permit writers should work with EPA Region 2 in order to document the program approval or modification dates and the rationale for requiring pretreatment program development and implementation in NPDES permit fact sheets to ensure and document that up-to-date program information has been incorporated.
- Permit writers should consider including POTW organic capacity and identifying and characterizing contributing industrial discharges, including SIUs and hauled waste, in the NPDES permit fact sheet.
- Permit writers should consider identifying the rationale for WWTP monitoring and sampling frequency requirements in the NPDES permit fact sheets.

*[In July 2024, NYDEC informed EPA Region 2 that it began incorporating 40 CFR 122.42(b) and 40 CFR 122.44(j)(2)(ii), verbatim, into draft POTW permits.]*

## B. Comments for EPA Region 2 as Pretreatment Program Authority

The following comments and action items are focused to EPA Region 2 as the Pretreatment Program Authority for New York. These comments are separate from the rest of the PQR, which focused on the state of New York as the permitting authority for the NPDES program (excluding pretreatment).

Information about the industrial user control mechanisms reviewed as part of the PQR are included herein as EPA Region 2 is the Pretreatment Authority for New York. NYDEC issues NPDES permits directly to POTWs, but does not have the authority to implement the pretreatment program. EPA Region 2 is the Approval Authority for New York POTWs, and for

industrial users discharging to POTWs without approved POTW pretreatment programs, EPA Region 2 is the Control Authority.

EPA Region 2’s implementation role includes identifying appropriate conditions to be incorporated into POTW NPDES permits concerning pretreatment requirements, approving pretreatment programs established by local Control Authorities, and reviewing and approving modification of existing approved program elements, such as SUOs, local effluent limitations, and ERPs. Region 2 also reviews POTW annual pretreatment program reports and takes enforcement actions when necessary. POTWs with approved pretreatment programs have the authority to issue industrial user discharge permits to industrial users discharging to the POTW. In addition, or alternatively, many POTWs surcharge the pollutant loading from food processors and other high-strength conventional pollutant dischargers. For industrial users discharging to POTWs without approved POTW pretreatment programs, EPA Region 2 is the Control Authority.

The table below provides information on the pretreatment universe in New York.

*Table B1. New York SIUs by Pretreatment Program Status*

POTWs in New York		Industrial Users controlled in Approved POTW Pretreatment Programs		SIUs discharging to POTWs Without Approved Pretreatment Programs (EPA is the Control Authority)	
Total	With Approved Programs	SIUs	CIUs	SIUs	CIUs
222 (Major)	57	1,100	>40	unknown	Unknown

Data source: EPA Region 2 Pretreatment program webpage (<https://www.epa.gov/npdes-permits/npdes-pretreatment-program-region-2>) accessed on 1/7/2020.

Instructions for the PQR included that both POTWs with approved pretreatment programs and POTWs without approved pretreatment programs were to be reviewed. Region 2 selected the permits, listed in the table below, for POTWs that receive process wastewater from food processing facilities. The documentation used and the basis for the selection of these POTWs is not known. Both POTWs whose permits were reviewed have approved pretreatment programs; the PQR reviewers did not receive permits for POTWs without pretreatment programs (“nonapproved”). In order to fulfill its role as the Pretreatment Approval and Control Authority, Region 2 needs to ensure that all POTW NPDES permits contain appropriate pretreatment program conditions and that all industrial users to POTWs are appropriately identified for necessary controls.

Table B2. NPDES Permits Selected for the Pretreatment Topic Area

Permittee	Permit No.	Approved Pretreatment Program?	Design Flow Average (MGD)	No. of SIUs	No. of Food Processors	Controls on Conventional Pollutants or Nutrients in SUO?
<a href="#">Albany County Sewer District</a>	NY0026875 (North Plant)	Yes	35 <sup>1</sup>	Unknown <sup>2</sup>	Unknown <sup>2</sup>	BOD <sub>5</sub> and TSS surcharge
<a href="#">Gloversville-Johnstown Joint WTF</a>	NY0026042	Yes	13.8 <sup>3</sup>	14 <sup>4</sup>	2 <sup>4</sup>	O&G Local Limit; TSS, BOD <sub>5</sub> , and TKN surcharge

<sup>1</sup> Based on information included in the Albany County Water Purification District 2018 Annual Report.

<sup>2</sup> Information not provided for review.

<sup>3</sup> Based on information provided in the NPDES permit NY0026042 fact sheet, dated November 3, 2016.

<sup>4</sup> Based on information provided in the POTW’s Semi-Annual Pretreatment Report for the period July 1 – December 31, 2018.

Three food processing industrial user permits were also reviewed as part of the PQR, as identified in the table below.

Table B3. Summary of SIU Discharge Permit Conditions

Facility Name	Permit Number	Receiving POTW	Type of Food Processor	Classification by POTW	Average Process Wastewater Discharge (gallons per day [gpd])	Monitored Pollutants
Bimbo Bakeries USA	25 (issued January 31, 2019)	Albany County	Bakery	SIU	112,500 (daily flow limit) <sup>1</sup>	Flow, pH, BOD <sub>5</sub> , Total solids, TSS, and O&G
Euphrates Inc.	231 (effective January 1, 2019)	Gloversville-Johnstown	Cheese manufacturing	SIU	67,884 (maximum daily flow volume) <sup>1</sup>	Flow, pH, BOD <sub>5</sub> , TSS, TKN, O&G, temperature, copper, mercury, naphthalene, aldrin, BHC (isomers), total chlorinated phenols, benzene, chloroform, 1,1,2,2-tetrachloroethane, toluene, and phenols (4AAP) <sup>2</sup>
Fage USA Dairy Industry, Inc.	233 (effective January 1, 2019)	Gloversville-Johnstown Joint WTF	Yogurt manufacturing	SIU	1,009,946 (maximum daily flow volume) <sup>1</sup>	Flow, pH, TSS, BOD <sub>5</sub> , TKN, O&G, temperature, copper, mercury, naphthalene, aldrin, BHC (isomers), total chlorinated phenols, benzene,

Facility Name	Permit Number	Receiving POTW	Type of Food Processor	Classification by POTW	Average Process Wastewater Discharge (gallons per day [gpd])	Monitored Pollutants
						chloroform, 1,2,2,2-tetrachloroethane, toluene, and phenols (4AAP) <sup>2</sup>

<sup>1</sup> Based on information included in the industrial user’s permit.

<sup>2</sup> Gloversville-Johnstown Joint WTF monitors in lieu of requiring its SIUs to perform self-monitoring. However, the SIU permit does not specify the frequency of sampling.

Table B4. Comparison of NPDES Permit and IU Discharge Permit Conditions

Industrial User or Receiving POTW	Pollutant Monitoring Frequency and Limit									
	Total P (frequency, limit)		Total N (frequency, limit)		BOD (frequency, limit)		TSS (frequency, limit)		O&G (frequency, limit)	
Bimbo Bakeries (lbs/day)	N/A	N/A	N/A	N/A	Monthly <sup>1</sup>	3,750 (MA) <sup>2</sup> , 5,500 (DM) <sup>3</sup>	Monthly <sup>1</sup>	1,250 (MA), 2,800 (DM)	Monthly <sup>1</sup>	Monitor only
Euphrates (max pounds monthly)	N/A	N/A	Unknown <sup>4</sup>	2,757 (≤30 days), 3,181 (31 days) (TKN) <sup>5</sup>	Unknown <sup>4</sup>	60,823 (≤30 days), 70,180 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	13,510 (≤30 days), 15,512 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	150 mg/L (max. 24-hour limit)
Fage (max pounds monthly)	N/A	N/A	Unknown <sup>4</sup>	30,461 (≤30 days), 35,147 (31 days) (TKN) <sup>5</sup>	Unknown <sup>4</sup>	542,896 (≤30 days), 626,418 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	169,786 (≤30 days), 194,939 (31 days) <sup>5</sup>	Unknown <sup>4</sup>	150 mg/L (max. 24-hour limit)
Albany County Sewer District	N/A	N/A	1/day	15.4 mg/L MA (June 1-Oct. 31) (TKN)	1/day	4000 lbs/day MA; 6300 lbs/day WA <sup>6</sup> ; 25 mg/L MA; 40 mg/L WA (CBOD <sub>5</sub> ) <sup>7</sup>	1/day	4800 lbs/day MA; 7100 lbs/day WA; 30 mg/L MA; 45 mg/L WA	N/A	N/A
Gloversville-Johnstown Joint WTF	N/A	N/A	1/day	Monitor only (TKN)	1/day	2100 lbs/day MA; 3300 lbs/day WA; 25 mg/L MA; 40 mg/L WA (CBOD <sub>5</sub> )	1/day	2500 lbs/day MA; 3800 lbs/day WA; 30 mg/L MA;	N/A	N/A
			5/wk	1.5 mg/L and 130 lbs/day MA (June 1-Aug. 31)						

Industrial User or Receiving POTW	Pollutant Monitoring Frequency and Limit									
	Total P (frequency, limit)		Total N (frequency, limit)		BOD (frequency, limit)		TSS (frequency, limit)		O&G (frequency, limit)	
				and 1.7 mg/L and 140 lbs/day MA (Sept. 1-Nov. 30) (Ammonia)				45 mg/L WA		

<sup>1</sup>Permit requires monthly monitoring and specifies “three 24-hour composite samples on consecutive full production days”.

<sup>2</sup>Monthly average

<sup>3</sup>Daily maximum

<sup>4</sup>Unknown. The POTW monitors in lieu of requiring its SIUs to perform self-monitoring. In addition, the permits do not state the required monitoring frequency.

<sup>5</sup>The permit does not include an effluent limitation for this parameter. However, the permit does include a surcharge threshold, listed here.

<sup>6</sup>Weekly average

<sup>7</sup>Carbonaceous Biochemical Oxygen Demand

*Areas for Improvement*

It is unknown why no POTW NPDES permits without approved pretreatment programs were submitted for review. It is noted in the New York State PQR that POTW NPDES permits with approved pretreatment programs were missing standard conditions for all POTWs, specifically the Albany County Sewer District permit, which lacked the requirements for notification and impact assessment of significant changes in industrial flow or character in accordance with 40 CFR 122.42(b). Therefore, it is recommended that Region 2 review its procedures for ensuring that required conditions for POTWs are included in all POTW NPDES permits. When this requirement is amended to the POTW boilerplate conditions, it is recommended that the notification include the Region so that appropriate controls on the industrial user may be determined and required appropriately.

The NPDES permit fact sheet for Gloversville-Johnstown WTF does not specify approval and/or modification dates for the POTW’s approved pretreatment program, nor does it specifically state the reason for requiring program development and implementation. In addition, the NPDES permit fact sheet for Gloversville-Johnstown WTF does not identify whether the POTW accepts hauled waste, nor does it identify and characterize contributing industrial dischargers, except for the information provided regarding Euphrates and Fage. In addition, the fact sheet does not identify that Euphrates and Fage are SIUs as the Gloversville-Johnstown July 1, 2018-December 31, 2018, semi-annual pretreatment report indicates.

It is recommended that EPA Region 2 work with NYDEC to document the reasons for pretreatment program development and implementation in NPDES POTW permit fact sheets. Example information could include: the rationale for pretreatment program development and implementation, dates of pretreatment program approval and modifications, rationale for

WWTP monitoring and sampling frequency requirements, POTW organic capacity, and SIU characterization (including hauled waste contributions). Including language regarding the control of industrial discharges documents the permit writer's evaluation of whether the industrial loading exceeds what the POTW can safely accept and treat and if revisions to the permit are needed. This information will also document the industrial baseline when determining notifications necessary regarding 40 CFR 122.42(b) (types of discharges that were known at the time of permit issuance).

Neither Gloversville-Johnstown nor Albany County have adopted local limits for BOD, TSS, phosphorus, nitrogen, or ammonia, which are considered to be national pollutants of concern as identified in the EPA 2004 [Local Limits Development Guidance](#). Documentation indicates that Gloversville-Johnstown has experienced issues with conventional pollutants in recent years. The Gloversville-Johnstown July-December 2017 semi-annual report indicates that the POTW experienced a violation of its settleable solids NPDES permit limit due to a 24-hour delay of Fage's annual shutdown. In addition, as noted above, the Gloversville WWTF reported a discharge of 730 mg/L for oil and grease in May 2010. It is recommended that permit writers take into account POTW history and compliance problems, WWTP capacity, and presence of food processing industrial discharges to the POTW when considering the need for POTWs to develop pretreatment programs and when reviewing local limits submissions. It is especially important that POTWs receiving introductions of conventional pollutants from industrial users determine maximum allowable industrial loading (MAIL) limits for conventional pollutants instead of only assessing surcharges in order to protect the POTW processes from overloading.

The food processing industrial user permits reviewed contained deficiencies regarding compliance with 40 CFR Part 403. The Approval Authority should identify permit deficiencies during pretreatment compliance inspections or audits. The Bimbo Bakeries permit, issued by Albany County, contained the following deficiencies (which were documented in a recent Pretreatment Program Audit and will be addressed separately):

- Did not identify the current discharge and sample locations [40 CFR 403.8(f)(1)(iii)(B)];
- Contained incomplete records retention requirements [40 CFR 403.12(o)];
- Did not require flow-proportional composite samples [40 CFR 403.12(g)(3)];
- Did not require the industrial user to submit all self-monitoring results [40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.12(g)(6)];
- Contained incomplete requirements for resampling after a violation detected during self-monitoring [40 CFR 403.12(g)(2)];
- Did not include penalty amounts [40 CFR 403.8(f)(1)(iii)(B)(5)];
- Did not contain bypass notification requirements [40 CFR 403.8(f)(1)(iii)(B)(4) and 403.17]; and
- Did not include a requirement for the industrial user to notify the District of changes that affect the facility's potential for a slug discharge [40 CFR 403.8(f)(2)(vi)].

The Euphrates and Fage permits, issued by Gloversville-Johnstown, contained the following deficiencies:

- Did not require flow-proportional composite samples [40 CFR 403.12(g)(3)]; and
- Did not include an adequate requirement for notification of significant change [403.12(j)].

#### *Action Items*

##### Essential

- EPA Region 2 needs to review its procedures to ensure that industrial users are identified and appropriately controlled where POTWs are not already required to implement pretreatment programs. (Standard conditions were missing from POTW NPDES permits that would assist this effort.)
- EPA Region 2 needs to ensure that NYDEC permit writers include all required conditions for POTWs in all POTW NPDES permits, specifically requirements at 40 CFR 122.42(b).
- EPA Region 2 needs to ensure that NYDEC permit writers include all required conditions for POTWs with approved pretreatment programs, specifically the requirement at 40 CFR 122.44(j)(2)(ii) for local limits review and reevaluation following NPDES Permit issuance/reissuance.
- EPA Region 2 as Pretreatment approval authority needs to identify industrial user control mechanism deficiencies during pretreatment compliance inspections or audits.

##### Recommended

- EPA Region 2 should work with NYDEC permit writers to include rationale for requiring pretreatment program development and implementation in NPDES permit fact sheets to ensure and document that up-to-date program information has been incorporated.
- EPA Region 2 should work with NYDEC permit writers to consider including POTW organic capacity and identifying and characterizing contributing industrial discharges, including SIUs and hauled waste, in the NPDES permit fact sheet, particularly when the POTW receives conventional pollutant contributions from industrial users.