



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	9511	NAICS Code:	924110	SPDES Number:	NY0300004
Discharge Class (CL):	01	DEC Number:	7-3150-00112/00004		
Toxic Class (TX):	T	Effective Date (EDP):	8/1/2022		
Major-Sub Drainage Basin:	Seneca Oneida - Skaneateles			Expiration Date (ExDP):	7/31/2027
Water Index Number:	Ont 66-12-29-P193	Item No.:	0707 - 0004	Modification Dates (EDPM):	
Compact Area:	IJC				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	City of Syracuse Dept. of Water			Attention:	Rich Abbott
Street:	20 West Genesee Street				
City:	Skaneateles			State:	NY Zip Code: 13152
Email:	rabbott@syrgov.net			Phone:	(315) 263-9254

is authorized to discharge EarthTec (EPA Reg. No. 64962-1) up to 2 times per year from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Skaneateles Lake								
Address / Location:							County:	Onondaga	
City:	Skaneateles					State:	NY	Zip Code:	13152
Facility Location:	Latitude:	42 °	56 '	41 " N	& Longitude:	76 °	25 '	46 " W	
Primary Outfall No.:	*	Latitude:		" N	& Longitude:			" W	
Wastewater Description:	Pesticide Labeled for Aquatic Use		Receiving Water:	Skaneateles Lake	NAICS:	924110	Class:	AA	

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

Regional Director
CO BWP - Permit Coordinator
CO BWC - SCIS
RWE
RPA
Regional Attorney
EPA Region II
NYSDOH / OCDOH

Permit Administrator:	Jonathan Stercho		
Address:	615 Erie Boulevard West, Syracuse New York 13204		
Signature:	Digitally signed by Jonathan Stercho Date: 2022.06.27 09:54:38 -04'00'	Date:	6/27/2022

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DEFINITIONS FOR PERMIT LIMITS, LEVELS AND MONITORING TERMS

TERM	DEFINITION
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by 12.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the Department.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
Treatment areas	Post-treatment	Skaneateles Lake	8/1/2022	7/31/2027

PARAMETER	ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.				
Microcystin	NA	4.0	µg/L	Daily	Grab	1

FOOTNOTES:

1. See *Post-Treatment Requirements*.

SPECIAL CONDITIONS

Pre-treatment Requirements

1. A treatment may occur when necessary for the protection of the drinking water for the service area of the City of Syracuse Department of Water. Within one month of the effective date of this permit, the City shall develop, and submit to DEC, a Pesticide Management Plan, that will include at a minimum:
 - Identification of the indicators that will be used to determine when an EarthTec treatment will be performed
 - Identification of the procedures and analyses that will be performed prior to a decision to apply the pesticide EarthTec for treatment for protection of the water supply
 - Identification of Responsibilities for the application – including the person responsible for the pesticide application, as soon as determined
 - Control Measures - spill response and adverse incident procedures

The Pesticide Management Plan must be submitted to and accepted by the DEC prior to an application of EarthTec being authorized.

Treatment Requirements

1. There shall only be up to two (2) EarthTec applications to the full treatment area in a calendar year. There must be at least 14 days between treatments in any treatment area.
2. All NYSDEC Pesticide Program rules and regulations must be followed.
3. Treatment with EarthTec must be in accordance with the product label instructions and requirements.
4. Treatment must begin closest to the shore and proceed outward in bands to allow fish to move into untreated areas.
5. EarthTec shall be applied at a rate between 0.15 – 0.3 gallons per acre foot (0.030 – 0.060 mg/L Cu²⁺). The application area shall not exceed 570 acres as identified in the proposed application area in Figure 1.
6. Treatment shall immediately cease, and permittee shall notify NYSDEC if there is any visual evidence of biological impacts, including fish kills, during treatment.
7. Prior to EarthTec application, sampling shall be conducted in the proposed treatment area to confirm that the pH is greater than 6.5 and the alkalinity is greater than 50 mg/L. Water temperature shall be a minimum of 16 °C during application. During application for each day(s) of treatment, meter read in-situ sampling shall be conducted in a location within the treatment area that is representative of the treatment area water quality.
8. The treatment may only occur between 8 am - 5 pm.

Post-treatment Requirements

1. The City must collect and analyze a sample for microcystin concentration once within 24 hours following treatment within 100 feet of these beaches/resources: Skaneateles Country Club Bathing Area, Village of Skaneateles bathing area, Village of Skaneateles pier, and NYSDEC boat launch. Sampling must continue daily for 14 days following treatment, unless the microcystin concentration is less than 4 micrograms per liter (µg/L).
2. If the microcystin concentration is greater than or equal to 4 µg/L, the City will notify local and State Health Departments within 24 hours. The City will also notify the beach/resource manager within 24 hours for the purpose of coordinating postings as directed by the local or State Health Departments.

DISCHARGE NOTIFICATION REQUIREMENTS

1. 48 hours prior to an EarthTec application the permittee must notify the following parties of the date and location of an application: NYSDOH; Onondaga County Health Department; NYSDEC; Skaneateles Lake Association; elected officials of the Village of Skaneateles and the Town of Skaneateles; riparian owners and users within the treatment area; and, if the treatment will occur within 100 ft of any of these beaches/resources, the beach/resource manager of Skaneateles Country Club Bathing Area, Village of Skaneateles bathing area, Village of Skaneateles pier, or NYSDEC boat launch. Notification methods may include any of the following: email (Cornell Cooperative Extension & Soil and Water Conservation District of Onondaga County listserv), verbal communications, mailings and door-to-door handouts.
2. 48 hours prior to an EarthTec application, the permittee shall post use notification signs at the beach/pier locations identified in Figure 1 below. At a minimum, the signs shall include the following information:
 - a. City of Syracuse, contact name and contact information, including phone and email address;
 - b. Certified applicator name, business name and contact information
 - c. Date of application;
 - d. Name of pesticide; and
 - e. Use restrictions, including prohibiting bathing and livestock watering for at least 24 hours following a treatment.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

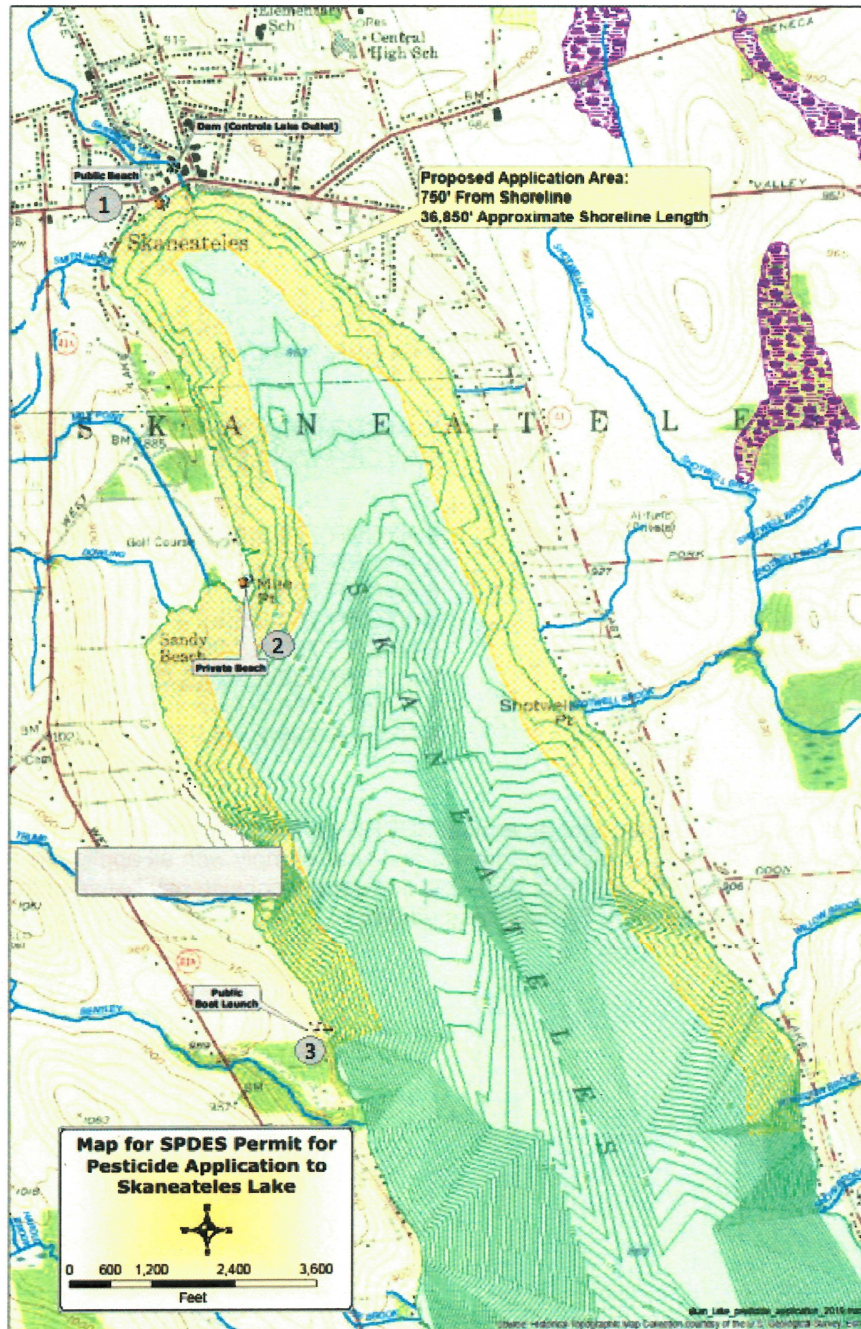


Figure 1. Treatment area and monitoring locations. The noted monitoring locations are the: 1) Village of Skaneateles Bathing Area and Skaneateles Pier; 2) Skaneateles Country Club Bathing Area; and 3) NYSDEC boat launch.

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through F as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|---|-----------------------------------|
| 1. Reporting requirements for non-POTWs | 6 NYCRR 750-2.5, 2.6, 2.7, & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. SPDES Permit Program Fee
- The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.
- B. **Annual SPDES Monitoring Reports:** An annual report shall be submitted to the Department by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the Department's website. The permittee shall submit a summary report of the data collected prior to, during, and after the EarthTec treatments.

Hard copy submission of the Annual Report shall be submitted to the Bureau of Water Permits and the Regional Water Engineer at the address below:

Department of Environmental Conservation
Regional Water Engineer, Region 7
615 Erie Boulevard West, Syracuse, New York, 13204-2400 Phone: (315)426-7500

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233

- C. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.
- D. **Schedule of Additional Submittals:**
The permittee shall submit the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

Outfall(s)	SCHEDULE OF ADDITIONAL SUBMITTALS - Required Action	Due Date
	PESTICIDE MANAGEMENT PLAN The permittee shall develop and submit a pesticide management plan as required in the <i>Special Conditions</i> of this permit. The pesticide management plan must be submitted to and accepted by the Department prior to an application of EarthTec being authorized.	9/1/2022

Unless noted otherwise, the above actions are one-time requirements. The permittee shall submit the results of the above actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the above submittal(s), unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

- E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- F. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- G. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.