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Control of Pollution Discharges in Monroe County*

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Summary

60 industries and businesses in Monroe County are receiving or have received water discharge permits and 49 have dedicated themselves to clean up their discharges. Some have, in all probability, already started.

This bulletin presents an overall picture of the first stages of water pollution control in Monroe County under the Federal Water Pollution Control Act of 1972, by listing the 91 industries and municipalities that applied for or received federal discharge permits by May 1975. The permits are being issued under the National Pollutant Discharge Elimination System (NPDES) to sewage treatment plants and to commercial dischargers that do not discharge into larger municipal or industrial sewer systems.

The permit system carries out the purpose of the Federal Water Pollution Control Act Amendments of 1972 by regulating discharges to preserve the rated quality of streams, rivers, and lakes.

11 of the 91 permits have been challenged by the applicants. This is done by requesting an Adjudicatory Hearing. Three of the requests are described. Some ask for changes because of special local conditions in the industrial process. Others are class actions challenging the strict standards for pollution control being imposed by the Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation. Most of the adjudicatory hearings have not yet been held. Local defenders of the FWPCA may be interested in speaking at the hearings. This bulletin encourages the newspapers to feature each coming hearing in local news and to present the issues to their readers in advance of the hearing.

Regulation of Waste Discharges Into Water

A. Classification of Water

Before 1972 streams in the United States were classified according to best use by State agencies and sometimes the "best use" was to serve as a sewer for wastes from municipal sewage treatment plants or industry. The 1972 Amendments to the Federal Water Pollution Control Act changed the policy of the U. S. towards its streams. The Act committed the country to zero pollution of its waters by 1985. Zero pollution does not mean zero discharge. Water is self cleansing if it is not overloaded. The intent of the law is merely to bring the discharges of pollution down low enough so that the water in a watershed can absorb them and cleanse itself. The Act gave a federal agency, the EPA, the final say on the classification of public waters.

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In New York State the Department of Health was originally responsible for water classification. The Department studied the water and how it was being used (drinking, bathing, disposal, etc.), then they proposed a standard for each body of water and held public hearings on the proposed standard. Final standards were adopted after considering the statements made at the hearings. Now the Department of Environmental Conservation is in charge of stream classification. The DEC has been upgrading the classification of streams, so that they are rated at least as clean by State rules as would be required by the federal agency. Many are rated even cleaner than the federal agencies require. Most are rated "B" or "C". The one exception concerns streams that dry up during the summer. The DEC would rate them "D", to show that they are not suitable year-round for fish. The EPA would rate them according to their full-flow uses. Streams that are occasionally suitable for fishing and other recreational uses could then be rated "B". Such controversies will be settled by agreements between the EPA and the DEC. The DEC is in the process of taking over the administration of the NPDES Program in New York State.

B. Permit to Discharge Wastes Into Water

Each industry or municipality that discharges directly into a body of water was required to apply for a permit. The permit applications had to include specific and detailed information on the amount and nature of the proposed waste water discharge. The permit sets specific effluent limitations that must be met either immediately or on a compliance schedule basis. If a permit contains a compliance schedule, each step can be enforced without waiting for final compliance, and clear limits are put on discharges while the polluter is moving toward compliance. In a few instances, agreement has not been reached and the permittees have requested an adjudicatory hearing to resolve differences. Differences may be solved at prehearing conferences in which case the actual hearings are never held.

In this area only 1 permit was denied outright and that was to a proposed expansion of the Nuclear Fuel Services reprocessing plant at West Valley, N.Y. That plant is temporarily shut down, though it is still discharging some stored radioactive wastes under its old permit.

Permits to Monroe County Municipalities and Industries

Monroe County is part of EPA Region II which includes New York, New Jersey, Puerto Rico and the Virgin Islands. Over 4000 permit applications have been processed and in recent months they have been computerized. Before the computer print-outs were available anyone who wanted to review draft permits was put on a mailing list and received an unsorted mailing of all the permit applications in Region II. RCSI was on this mailing list and the Environmental Resource Center in Geneseo sorted and indexed the permits. Before the permits were computerized and made available from EPA Regional Offices, the Environmental Resource Center distributed permit information and county lists throughout the State. Permits and computer listings are now on file at the EPA office in Hutchison Hall at the University of Rochester.

The list of Monroe County permit applicants included in this bulletin has been taken from the EPA's computer lists, the Environmental Management Council's list, and the Environmental Resource Center's list. None of the lists are complete and none of them are arranged by receiving body of water. In order to calculate whether the permit system is working to clean the streams (i.e., whether the discharges into a stream are being limited to the cleansing ability of that stream) it is necessary to know about all of the dischargers emptying into each body of water. This bulletin lists the permit applications in Monroe County alphabetically for each receiving body of water.

Industries that empty into municipal sewer systems are not required to obtain a federal permit. However, in order to meet federal regulations, each municipality enforces its own rules and regulations controlling industrial discharges to the sewers. Since 1972, Pure Waters has enforced a very strict sewer use law in its districts. Towns that are not part of the Pure Waters program as well as those that are can receive state grants in aid for sewer operation and maintenance. The State will pay up to 33% of the cost if the town has an acceptable sewer ordinance. According to the Health Department, the ordinances in Monroe County are quite strict.

As of May 30, 1975, 91 permit applications have been processed in Monroe County; 60 to industries, the rest to municipalities. 11 of the industries have requested adjudicatory hearings - 5 of them are oil companies. Thus 49 industries in the County that empty their wastes directly into our waterways have dedicated themselves to cleaning up, and some have, in all probability, already started. Industries that bought anti-pollution equipment early have a slight advantage because costs have gone up. However, if the law is changed and others who manufacture the same product do not have to install such specialized equipment the early purchasers will be at a disadvantage with their competitors. This penalizes those who obeyed the law.

Requests for Relaxing the Standards on Oil Spills

Cities Service in Rochester empties its wastes into the Genesee River. It is one of the oil companies that has applied for an adjudicatory hearing. Some of the issues raised are:

1. whether an effluent limitation of 1 mg/liter on oil and grease is unrealistic, too stringent and not in keeping with the requirement for the use of best practicable technology;
2. same for an effluent limitation of 10 mg/liter average and 15 mg/liter maximum on oil and grease;
3. whether the monitoring requirements are unclear and excessive;
4. whether effluent limitations with "never to be exceeded" maximum values are too harsh and should instead allow relief for non-compliance during malfunction of equipment, a spill or start up or shut down operations;
5. whether spill-type discharges should be excluded from the permit.

Request for Relaxing the Standards for Power Plants

Twenty-one points are discussed in the RG & E request for an adjudicatory hearing. Some are quite technical, for example the one dealing with operation of a hydro-vector system, others are clearly important in designing workable rules for the enforcement of the federal laws.

Point No. 2 wants a condition deleted or modified to "preclude occurrence of violations due to inaccurate or non-representative samples submitted with the permittee's permit application upon which samples effluent limitations are based". In other words it seems that RG & E is saying that the samples it described when applying for the permit were not representative, but were too clean (?) or too cool (?), so the standards based on these samples were too strict.

Point No. 12a, whether stream criteria limitations should be deleted or modified because they were applied as a result of EPA's improper partial approval of New York State "Criteria Governing Thermal Discharges". This is a disagreement on how much heat can be put into a stream without doing harm to the fish.

Point No. 12c, whether EPA was required to perform a cost-benefit analysis prior to imposition of stream thermal criteria (as listed in the permit). This concerns the loss of electric power that goes with cutting down on temperature of discharges and the price of equipment required to do it.

Point No. 17, whether Region II EPA exceeded its legal authority in imposing certain biological monitoring requirements. This concerns the responsibility for checking ecological damage: how much monitoring should be done and should it be done by government agencies rather than by the company?

Many objections refer to the fact that the water is dirty when taken in, and the user should not be expected to put it out any cleaner. RG & E does not want to be responsible for dirt from outside sources - which makes sense.

Requests of Eastman Kodak

Kodak has raised ten issues. Seven of the ten concern effluent limitation, two concern monitoring reports. Number 4, for example, asks whether the measurements of daily average and daily maximum concentrations for cadmium should be deleted from requirements. Number 8 asks whether the compliance date of July 1, 1977 for the achievement of total oxygen demand limitation should be extended.

Discussion

This bulletin describes the administrative step of translating the general purposes of the law into practical rules that will be enforced by the executive agencies of government.

In passing the Water Pollution Control Act of 1972, Congress specifically called for citizen participation in the Act's major programs. The EPA, the DEC, and our local agencies are now required to provide for public participation in the "development, revision and enforcement of regulations, standards, plans and programs". The permits issued in Monroe County are public documents and are available to everyone. The EPA and DEC are required to help citizens interpret the technical language of the permits. They prepare fact sheets on all dischargers, specifically for public use. The public also has access to the monitoring and compliance reports that dischargers must file with EPA or DEC. Citizens can use these reports to measure progress toward cleaner water. The public also has the right to challenge in court EPA's decision to issue or deny a permit, to file suit against anyone violating a permit condition, and to file suit against the EPA itself if it fails to carry out any action required by the 1972 law.

The DEC is probably going to take over the permit program shortly. RCSI hopes that they will process water monitoring information along with permit information by the receiving body of water. Then it will be possible to calculate the expected results and to compare the theoretical with the actual cleanliness of the streams. At that point it may be necessary to tighten some restrictions and possibly to relax others. It will also be possible to pinpoint good sites for industrial expansion. DEC can only do an adequate job if they have enough personnel.

The requests for adjudicatory hearings covered two kinds of complaints. The first is the request of a local industry for a special rule to cover a special condition not necessarily encountered by the same industry located elsewhere. RG & E's request that it be allowed to release water no dirtier than it took in is such a request, and each one must be considered individually. Local conservation groups would make good witnesses in these decisions.

In sharp contrast to the individual requests are the class action requests - such as the oil company requests that spills be exempted from the law. These are objections to the general level of cleanliness imposed by EPA rules, and if upheld will weaken the purpose of the Water Pollution Control Amendments. This is a point where defenders of the law might wish to speak, however it is hard for them to understand the problems which are often technical. It would help if explanations of the problems that are to be aired at the hearings were featured in the local newspapers shortly in advance of each hearing.

Receiving Water Applicant City, Town or Village No. of outlets Permit number Compliance required Adjudicatory hearing requested Approximate discharge, MGD^a

Allen's Creek

Allen's Creek STP^b

Nagle Co. Div. of Sybron
Schlegel Mfg. Co.
Singer Graflex
Xerox Corp.

Rochester
Rochester
Henrietta
Pittsford
Rochester

5.6

Allen's Creek tributary

H. Baughman Transit Mix
Barge Canal

Henrietta

American Oil Co.

Atlantic Richfield Co.
BP Oil

Rochester
Rochester
Rochester

Brighton No. 5 STP^b

Chevron Oil
Comstock Greenwood
Dolomite Products

Rochester
Gates
Perinton

0.629

EXXON Corp.

General Electric
Great Atlantic & Pacific
Gulf Oil Co.

Rochester
Rochester
Brockport
Brockport

0.49
2.45

Hess Oil

Jefferson Heights STP
Monroe Forgings

Rochester
Rochester

0.537

Pfaudler Co. Div. of Sybron

Standard Oil of Indiana
Sun Oil Co.

Pittsford
Rochester
Rochester
Rochester

yes
yes

Sun Oil of Pa.

Texaco

Town of Henrietta STP

Rochester

3.46

United Refining Co.

Village of Pittsford

Pittsford

0.314

Black Creek

Bausch & Lomb Frame Center
Town & Country Mobile Home
Village of Churchville STP

Chili
Churchville
Churchville

3-31-79

0.025

Brockport Creek

Owens Illinois

Brockport

11-30-79

Receiving Water Applicant	City, Town or Village	No. of outlets	Permit number	Compliance required	Adjudicatory hearing requested	Approximate discharge, MGD ^a
<u>Genesee River</u>						
Bausch & Lomb	Rochester	5	NY0000817			
Cities Service Oil Co.	Rochester		NY0024279	6-17-79	yes	
Gates-Chili-Ogden STP ^b (PWD) ^c	Rochester	6	NY0028045	6-30-77		15.0
Eastman Kodak(Kings Landing)	Rochester		NY0001643	1-31-80	yes	26.0
RG & E (Beebee)	Rochester	3	NY0000612	3-30-80	yes	95.64
RG & E (East Station)	Rochester	5	NY0000604	4-30-80		5.38
Scottsville NYS Thruway Auth.	Henrietta		NY0027405	12-31-79		0.03
State School at Industry	Rush					0.025
Town of Irondequoit N.W.STP	Irondequoit		NY0029998	6-30-77		1.08
University of Rochester						
(wash water)	Rochester		NY0002291	2-28-75		0.0079
Univ. of Roch.(cooling water)	Rochester	5	NY0002836	10-31-79		8.74
<u>Honeoye Creek</u>						
Village of Honeoye Falls STP	Honeoye Falls		NY0025259			0.381
<u>Honeoye Creek tributary</u>						
Lion Div. SouthCo	Honeoye		NY0002313	2-27-79		
<u>Irondequoit Bay</u>						
Irondequoit S.E. STP	Irondequoit		NY0030015	6-30-77		0.56
Town of Penfield No. 3 STP	Penfield		NY0022608	6-30-77		0.597
Village of Webster STP, BayVista	Webster		NY0026794	12-31-79		0.055
<u>Irondequoit Creek</u>						
Brighton No. 2 STP-Rich's Dugway	Rochester	5	NY0026361	6-30-77		1.45
Cottage Hotel	Mendon					
Dolomite Products-Whalen Rd.	Penfield		NY0003166	9-30-79		1.6
Dolomite Products-Penfield Rd.	Penfield		NY0003174			2.86
Filtros Plant Electro. Ref.	East Rochester		NY0025402			
Kentucky Fried Chicken	Perinton					
Russo Sand & Gravel	Mendon					
Russo Sand & Gravel	Pittsford					
Wm. Stappenbeck Rendering	Penfield		NY0001180	1-1-77		0.563
Town of Penfield STP #1	Penfield		NY0022560	6-30-77		0.69
Town of Perinton-Crystal Springs	STP Perinton		NY0021628	6-30-77		0.888
Village of East Rochester STP	East Rochester		NY0025500	6-30-77		0.015
Village of Fairport WTP ^d	Fairport		NY0029815			
<u>Lake Ontario</u>						
County of Monroe-Northwest						
Quadrant Plant (PWD) ^c	Hilton		NY0028231	6-30-77		7.74

Receiving Water Applicant City, Town or Village No. of outlets No. of Permits Compliance required Adjudicatory hearing requested Approximate discharge, MGD^a

<u>Lake Ontario, continued</u>						
<u>County of Monroe-Van Lare (PWD)^c</u>						
and overflows	Rochester	66	NY0028339	1-31-80		74.5
Town of Irondequoit N.E. STP ^b	Irondequoit		NY0030007	6-30-77		1.68
Village of Brockport WTP ^d	Hamlin		NY0025631			0.10
Village of Hilton WTP	Hilton		NY0025305			0.02
Village of Webster STP	Webster		NY0026794	12-31-79		2.0
Webster Central STP, Phillips Rd.	Webster		NY0021610			0.80
Webster Plastics	Webster		NY0002861	4-26-79		
<u>Little Black Creek</u>						
Church.-Chili Ctl. Schools	Churchville		NY0020699	6-28-79		0.017
<u>Little Black Creek tributary</u>						
Eastman Kodak - Elm Grove	Gates		NY0000027			0.175
<u>Mill Creek</u>						
Xerox Corp.	Webster	4	NY0003131			
<u>Northrup Creek → Lake Ontario</u>						
Village of Spencerport STP	Spencerport		NY0020656	1-31-80		0.27
<u>Oatka Creek</u>						
Village of Scottsville	Scottsville		NY0020133	4-30-79		0.591
<u>Red Creek</u>						
Dolomite Products	Rochester		NY0003174	9-30-79		
<u>Round Pond</u>						
City of Rochester WTP	Greece		NY0003247			0.53
Eastman Kodak WTP	Greece	2	NY0001473			1.0
Monroe County Water Authority						
Shoremont Plant	Rochester		NY0021148			1.6
<u>Salmon Creek</u>						
Concrete Materials	Sweden		NY0003158	6-28-79		
<u>Storm Sewer Barge Canal</u>						
GE Syracuse	Rochester	2	NY0002101	9-30-79		
<u>Storm Sewer Brockport</u>						
GE Food Prep.-cooling water	Sweden	2	NY0002208	12-31-79	yes	
<u>Slater Creek</u>						
RG & E (Russell)	Greece		NY0000612	3-30-80	yes	158.05
<u>Spring Creek</u>						
General Crushed Stone Co.	Mendon		NY0002992	6-7-79		

<u>Receiving Water Applicant</u>	<u>City, Town or Village</u>	<u>No. of outlets</u>	<u>Permit number</u>	<u>Compliance required</u>	<u>Adjudicatory hearing requested</u>	<u>Approximate discharge, MGD^a</u>
<u>Thomas Creek</u>						
American Can Co.	Fairport		NY000701			0.051
Plymouth Rock Provision Co.	Perinton		NY0002453			
Town of Perinton STP	Perinton	2	NY0021636	6-30-77		0.224
Village of Fairport STP	Fairport		NY0029815	6-30-77		1.5
<u>Unnamed tributary</u>						
Hilton Packing & Storage	Hilton		NY0000752			
<u>Other</u>						
JH Rae Oil Co. ^e						
Duffy Mott Co. ^f	Hamlin		NY0033863			

Note:

The figure in the last column gives an estimate of the amount of water used, but is not concerned with the cleanliness of that water.

- a* MGD = million gallons per day
- b* STP = sewage treatment plant
- c* FWD = Pure Waters District
- d* WTP = water treatment plant
- e* Information received after bulletin was prepared. RCSI has not confirmed receiving body of water.
- f* Now discharging through Monroe County Pure Waters Sewer System.
- g* One outlet, unless otherwise stated.

