

Binghamton-Johnson City  
Joint Sewage Treatment Plant  
Comprehensive Flood Risk Reduction Project

Appendix B  
Consent Orders

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X  
In the Matter of Violations of Article 17 of the New York State  
Environmental Conservation Law and of Title 6 of the Official  
Compilation of Codes, Rules, and Regulations of the State of New  
York, Parts 703 and 750, by

MODIFICATION  
CONSENT  
ORDER

CITY OF BINGHAMTON,  
VILLAGE OF JOHNSON CITY, and  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE  
BOARD

CASE NO.  
R7-20110628-59

Vestal (T)  
Broome County, New York,

Respondents

-----X

1. The New York State Department of Environmental Conservation ("the Department") is responsible for the administration and enforcement of Article 17 of the New York State Environmental Conservation Law ("ECL") and of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("6 NYCRR") Parts 703 and 750, promulgated pursuant thereto.

2. The City of Binghamton ("Respondent Binghamton") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.

3. The Village of Johnson City ("Respondent Johnson City") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.

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4. Respondent Binghamton and Respondent Johnson City jointly own the Binghamton-Johnson City Joint Sewage Treatment Plant (“the Facility”) located on Old Vestal Road in the Town of Vestal, Broome County, New York.

5. The Binghamton-Johnson City Joint Sewage Board (“Respondent Board”) is a joint agency of and for Respondent Binghamton and Respondent Johnson City and is the operator and manager of the Facility. The Department issued SPDES Permit Number NY0024414 to Respondent Board with respect to the Facility (the “SPDES permit.”). Respondent Binghamton and Respondent Johnson City were added as co-permittees to the SPDES permit on March 6, 2008.

6. On January 9, 2012, the Department and the Respondents entered into an administrative consent order under the authority of ECL Article 17, to provide for rebuilding the Facility after a portion of the Facility collapsed in May 2011 and the remainder of the Facility was flooded by the Susquehanna River in September 2011 (“2012 Consent Order”). The 2012 Consent Order was modified by letters of modification issued by the Department’s Region 7 Regional Director on May 13, 2013, and June 10, 2013.

7. In accordance with the 2012 Consent Order as modified, Respondents have undertaken an Interim Operating Strategy to comply with interim effluent limits and have worked toward repairing the Facility and returning it to full operation. For various reasons, the Respondents have withdrawn their proposed design plans and specifications for the Facility’s reconstruction and have asked to undertake alternate technology for such reconstruction.

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8. The Department and the Respondents are entering into this Modification Consent Order to modify the terms of the 2012 Consent Order, as modified, so as to allow the use of an alternate biological aerated filter (BAF) technology while still meeting the current completion due date for restoring the Facility to full operation.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Compliance. Respondents shall comply with the provisions, terms, and conditions set forth in this Modification Order. Respondents' failure to comply with any provision of this Order shall constitute a default and a violation of this Order and, upon such default and violation, the Department's right to pursue all claims and remedies administratively, at law, or in equity shall not be affected by anything contained in this Order.

II. Schedule for Compliance. Respondents shall fully comply with the Schedule for Compliance set forth as Schedule A to this Modification Order.

III. Interim Effluent Limits. Schedule B to this Modification Order sets forth the interim effluent limitations and monitoring requirements currently in effect for the Facility and supersedes Schedule B to the 2012 Consent Order, as modified.

IV. Previous Orders. All provisions, terms, and conditions of the 2012 Consent Order and the letters of modification dated May 13, 2013, and June 10, 2013, shall remain in full force and effect except as expressly modified by this Modification Consent Order.

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V. Effective Date. The effective date of this Order shall be the date it is signed by the Commissioner or the Commissioner's designee.

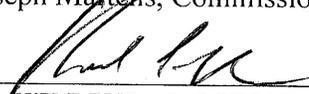
Dated: SYRACUSE, NEW YORK

July 30, 2014

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Joseph Martens, Commissioner

BY



KENNETH P. LYNCH

Regional Director, Region 7

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CONSENT BY RESPONDENT

Respondent **City of Binghamton** hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

CITY OF BINGHAMTON, by:

Signature Richard C. David

Printed Name Richard C. David

Title Mayor

Date 7/25/14

STATE OF NEW YORK )

: ss.:

COUNTY OF Broome )

On the 25<sup>th</sup> day of July in the year 2014, before me, the undersigned, personally appeared Richard C. David, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as Mayor of the **City of Binghamton**, and that by (her)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

[Signature]  
NOTARY PUBLIC

KENNETH J. FRANK  
Notary Public - State of New York  
No. 02FR4807681  
Qualified in Broome County  
Commission Expires April 30, 2018

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BY: .....



CONSENT BY RESPONDENT

Respondent **Binghamton-Johnson City Joint Sewage Board** hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

**BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD, by:**

Signature *Eugene H. Hulbert Sr.*

Printed Name Eugene H. Hulbert Sr.

Title Chairperson

Date 7-10-14

STATE OF NEW YORK )  
COUNTY OF Broome : ss.:

On the 10<sup>th</sup> day of July in the year 2014, before me, the undersigned, personally appeared Eugene Hulbert Sr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as Chairperson of the **Binghamton-Johnson City Joint Sewage Board**, and that by (her)(his) signature on the instrument, the municipal board upon behalf of which the individual acted executed the instrument.

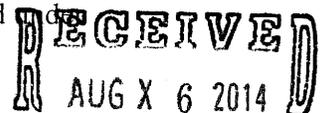
*John Perticone*  
NOTARY PUBLIC  
JOHN L. PERTICONE  
Notary Public, State of New York  
No. 4838062  
Residing in Broome County  
My Commission Expires October 31, ~~2014~~ 2017

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**Schedule A**  
**Schedule for Compliance**

1. **BioStyr Pilot Study:**
  - a. By July 31, 2014, Respondents shall submit for Department review and approval an engineering scope of work for the proposed pilot study to be undertaken to evaluate the viability of BioStyr technology as a component of the reconstructed Facility.
  - b. Such scope of work shall describe the study's goals, methodology, process control parameters, and monitoring parameters and shall identify who will be conducting the study. In addition, the scope of work shall include graphic descriptions and engineering drawings of the structures and equipment to be used for the study. The scope of work shall provide for the study to be conducted from September 1, 2014, to July 1, 2015; for submittal of monthly reports of study results; and for a final report of study results to be submitted by July 28, 2015.
  - c. Upon Department approval of the scope of work, Respondents shall conduct the pilot study as approved.
2. **Engineer:** By August 31, 2014, Respondents shall hire a professional engineer licensed by the State of New York to design and oversee the reconstruction of the Facility.
3. **Interim Emergency Operations Plan:** By September 30, 2014, Respondents shall develop and implement an Interim Emergency Operations Plan to provide for operation of the Facility during emergency events such as the 2011 Flood of Record. Respondents shall update the approved Interim Emergency Operations Plan as component processes are returned to operation, by submitting the proposed modifications for Department review and approval.
4. **Repair of Facility:**
  - a. By October 30, 2014, Respondents shall submit to the Department for review and approval a proposed workplan for returning the Facility to full operation.
  - b. Such proposed workplan shall include a milestone due date for submittal of an engineering report, which engineering report shall evaluate alternate treatment technologies and propose a recommended alternative for reconstruction of the Facility.
    - i. The engineering report shall include milestone due dates for submitting design plans and specifications for each component process, constructing the approved plant design, and restarting operation of each component process.
  - c. The workplan shall also include milestone due dates for interim measures to be taken in connection with the interim operating strategy required under Paragraph 5 of this Schedule for Compliance and for submitting the modeling reports required under Paragraph 6 of this Schedule for Compliance.



- d. The workplan shall provide for completion of Facility construction by April 1, 2017, and for the Facility to meet final permit effluent limits by August 1, 2017.
- e. Upon Department approval, Respondents shall follow the approved workplan and engineering report and shall submit the required documents, complete reconstruction, and restart operation of each component process in accordance with Department approvals.

**5. Interim Operating Strategy:**

- a. By September 30, 2014, Respondents shall submit for Department approval their proposed interim operating strategy for the Facility. The strategy shall outline how the existing plant will operate during both normal flow conditions and wet weather conditions until plant repairs are completed and how each of the Facility's component processes will be phased back into operation.
- b. Upon Department approval, Respondents shall operate the Facility in accordance with the approved strategy.
- c. The Department recognizes that this strategy is a living document. As additional process components are phased into operation, Respondents shall modify the approved strategy to incorporate each additional component by submitting the proposed modification for Department review and approval and operating the Facility in accordance with the approved modification.
- d. Respondents shall continue operating the Facility in accordance with the approved Interim Operating Strategy currently in effect until a new strategy is approved under this paragraph.

**6. Interim Effluent Limits:**

- a. At each phase of Facility repair and as each component process unit becomes operational, Respondents shall model the Facility's effluent for flows during cold weather (December 1 thru April 30) and warm weather (May 1 thru November 30) with the purpose of developing interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron.
- b. In accordance with the approved work plan schedule required under Sub-Paragraph 4.c of this Schedule for Compliance, Respondents shall submit for Department approval a report containing the modeling results, the maximum flow which the Facility is capable of receiving and treating during each interim period, and proposed interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron to take effect during each phase of interim operation and continue in effect until the Facility is able to meet its permit limits.

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- c. Upon approval of each interim modeling report, the interim effluent limits currently in effect under Schedule B of this Order will be modified in accordance with the approved report.
  
- 7. **Flood Mitigation:** Respondents shall implement the Flood Mitigation Workplan dated December 28, 2012, prepared by Griffiths Engineering, as approved on January 7, 2013, and shall complete construction of the flood wall by April 1, 2017.
  
- 8. **Toxicity Testing Requirement:** The toxicity testing requirement scheduled to commence under the SPDES Permit in calendar year 2012 is suspended until the Facility returns to full operation and is able meet its permit limits.

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**Schedule B  
Interim Effluent Limits**

**INTERIM PERMIT LIMITS, LEVELS AND MONITORING**

OUTFALL No.	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Susquehanna River	June 1, 2013	To Be Determined (Footnote 3)

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average			Monitor	mgd	Continuous	Recorder	X		
cBOD <sub>5</sub>	Monthly average	Monitor	mg/l	21,600	lbs/d	Daily	24-hr comp	X	X	1,2
cBOD <sub>5</sub>	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Solids, Suspended	Monthly Average	Monitor	mg/l	11,100	lbs/d	Daily	24-hr comp	X	X	1,2
Solids, Suspended	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, Ammonia (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Total Nitrogen (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, TKN	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	1/week	24-hr comp	X	X	
Settleable Solids	Daily Maximum	Monitor	ml/l			6/ Day	Grab	X	X	
Total Residual Chlorine	Daily Maximum	2.0	mg/l			6/day	Grab		X	
Iron, Total Recoverable	Monthly Average	Monitor	mg/l	1,300	lbs/d	Monthly	24-hr comp		X	2

**FOOTNOTES**

1. Respondents shall report the percent removal of influent values for cBOD<sub>5</sub> & TSS.
2. The effluent limitation applies when plant flow is 35 MGD or less; Monitor only when plant flow is greater than 35 MGD.
3. These current interim limits shall remain in effect until superseding limits can be phased in under Paragraph 6 of the Schedule for Compliance at Schedule A of this Modification Order. Each set of interim limits shall in turn be superseded by the evolving limits allowed by the subsequent phase of repairs to the Facility, until repairs are completed and the Facility is fully operational. This Schedule B shall be modified at each appropriate phase, to reflect the interim limits then in effect.

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# New York State Department of Environmental Conservation

## Division of Water, Region 7

615 Erie Boulevard West, Syracuse, New York 13204-2400

Phone: (315) 426-7500 • Fax: (315) 426-7459

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

June 14, 2012

Binghamton Johnson City Joint Sewage Board  
Attn. Mr. Gene Hulbert, Chair  
4480 Old Vestal Road  
Vestal, NY 13850

City of Binghamton  
Attn: Hon. Matthew Ryan, Mayor  
38 Hawley Street  
Binghamton, NY 13901

Village of Johnson City  
Attn: Hon. Greg Deemie, Mayor  
243 Main Street  
Johnson City, NY 13790

**RE: Binghamton Johnson City Joint Sewage Treatment Plant  
Engineering Report Approval**

Dear Chairman Hulbert, Mayor Ryan, and Mayor Deemie:

The Department has reviewed the above referenced engineering report, received by us on May 31, 2012. The report was submitted as required by the Order on Consent No. R7-20110628-59. The Department approves the report.

The approved report discusses several items: necessary repairs to the treatment plant, construction sequencing, additional treatment plant engineering studies, hazard mitigation measures, and briefly, stream sampling work. In addition, the Department has minor comments on the report that can be addressed by a letter addendum. Below is a brief summary of these items:

**Restoration of Biological Aerated Filter (BAF) Complex**

As outlined in Section 7, parts of the plant must be reconstructed. Further, numerous pieces of equipment must be either repaired or replaced. The approved report includes the following recommendations:

- Reconstruction of the C filter cell walls and slabs;
- Reconstruction of various walls for the N filter cells and DN filter cells;

- Reconstruction of the secondary influent pump station walls;
- Reconstruction of the clear well walls;
- Reconstruction of the new chlorine contact tank walls;
- Repair/replacement of flood damaged electrical systems throughout parts of the plant;
- Repair of flood damaged HVAC systems throughout parts of the plant.

### **Construction Sequencing**

The report discusses four possible construction sequencing alternatives. The recommended alternative is to expedite construction while operating the treatment plant in a chemically enhanced primary clarification mode. The Department approves this alternative.

### **Additional Engineering Study**

The report evaluated observed organic and hydraulic loadings on the BAF cells versus the engineering standards. The evaluation showed that under peak loading conditions, the C cells, as previously designed, were overloaded due to greater than expected internal side stream loadings. The report recommends an additional engineering study to determine how to treat these loads. The Department agrees with this proposal.

### **Hazard Mitigation**

The Consent Order required an evaluation of hazard mitigation measures for the plant. The engineering report contains a preliminary evaluation, with the recommendation that the owners construct a flood wall to protect the treatment plant to an elevation approximately 1 foot above the flood of record. The report recommends additional hazard mitigation measures at the Terminal Pump Station including protection of electrical equipment to approximately 1 foot above flood of record and the installation of a back-up generator. The Department strongly agrees with these recommendations.

### **Stream Sampling**

The report noted that the Department requested that stream sampling be conducted for informational purposes. The stream sampling program shall consist of biweekly monitoring for instream dissolved oxygen (D.O.) and temperature at selected locations downstream of the plant during critical low flow conditions that typically occur during July and August until the plant has been returned to full operation in 2017. The Department proposes the following locations:

- Either the Rte. 26 Bridge or the Vestal Ave. Bridge in Endicott
- From a boat at Harold Moore Park, downstream of Murphy's Island
- From a boat approximately ¾ mile downstream of Grippen Park, downstream of Nanticoke Creek.
- Valley View Drive bridge in Apalachin

At each location, the river should be sampled at three locations across the width of the river. D.O. and temperature should be measured approximately mid depth at the two shallower locations. At the deepest location, a D.O. temperature profile should be taken with readings done near the surface, mid-depth and near the bottom of the river. The proposed instream sampling schedule should be submitted to this office by June 29, 2012.

### **Additional Comments**

We note that there were some minor errors in the engineering report that should be formally corrected via a letter addendum. Please submit to the Department the letter addendum by June 29, 2012. The errors we noted are as follows:

- Section 1, Executive Summary and Section 2.1, Introduction Background Information: These sections state that the DN filters were operated after the May wall collapse. This is incorrect. The filters were taken out of service after the May 16 wall collapse.
- Section 4, BAF Related Issues, Section 4.3, Process Mechanical and Control, DN Filter Complex: Paragraph 13 states that the methanol pumping equipment was submerged during the 2011 flood. However, it misidentifies the location as the N filter pipe gallery. The pump system is located in the DN complex. The paragraph also references the Flood Damage Assessment Report in Appendix E. This report is actually located in Appendix F.

### **Consent Order Milestone Dates:**

The order required the May 31, 2012 Engineering Report to contain additional milestone dates. In a letter addendum, the following milestone dates were provided by the City of Binghamton. The Department approves these dates, and they are now an enforceable part of the order:

#### Restoration of the BAF complex:

- November 14, 2013: Respondents shall submit final engineering plans and specification to the Department for review and approval.
- 8 months after DEC approval of the engineering plans and specifications: Respondents shall start construction to restore the BAF complex.
- April 1, 2017: Respondents shall have completed construction to restore the BAF complex.
- August 1, 2017: The plant shall meet final effluent limits

#### Additional Engineering Study/ C Cell Process Evaluation:

January 13, 2014: Respondents shall submit an approvable engineering report to the Department. The report shall contain a schedule for implementation of the report recommendations, including submittal of engineering plans and specifications, start of construction, and completion of construction of recommended alternative.

#### Hazard Mitigation Measures:

September 30, 2012: Respondents shall issue a Notice to Proceed to the selected consultant for the hazard mitigation measures design.

December 31, 2012: The Respondents shall submit a workplan to the Department containing milestone dates for the following:

- Submittal of the downstream impact study;
- Submittal of the project design to appropriate authorizes including the US Army Corps of Engineers, Federal Emergency Management Agency, and the Town of Vestal;
- Submittal of necessary permit applications, e.g. Article 15, to the Department;
- Start project construction;
- Completion of construction.

Feel free to contact this office should there be any questions.

Sincerely,



Sandra Lizlovs, PE  
Environmental Engineer II

cc: P. Krey, C/ Binghamton  
L. Day, C/ Binghamton  
C. Aingworth, BJCJSTP  
J. Peticone, Esq. Levene, Gouldin, Thompson  
H. Elzoghby, PE, Savin Engineers  
S. Gavin, PE, Savin Engineers  
T. Cheatham, PE, Savin Engineers  
J. Geiger, NYSEFC  
J. Powell, Esq. NYSDEC  
D. Adelugba, NYSDEC  
K. Baker, NYSDEC

# New York State Department of Environmental Conservation

## Division of Water, Region 7

615 Erie Boulevard West, Syracuse, New York 13204-2400

Phone: (315) 426-7500 • Fax: (315) 426-7459

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

January 7, 2013

Binghamton Johnson City Joint Sewage Board  
Attn. Mr. Gene Hulbert, Chair  
4480 Old Vestal Road  
Vestal, NY 13850

City of Binghamton  
Attn: Hon. Matthew Ryan, Mayor  
38 Hawley Street  
Binghamton, NY 13901

Village of Johnson City  
Attn: Hon. Greg Deemie, Mayor  
243 Main Street  
Johnson City, NY 13790

**RE: DEC Order on Consent No. R7-20110628-59  
Binghamton Johnson City Joint STP Flood Mitigation Workplan**

Dear Chairman Hulbert, Mayor Ryan and Mayor Deemie:

As per the Department's Order on Consent, (No. R7-20110628-59), you were required to submit a Flood Mitigation Workplan for the Binghamton Johnson City Joint Sewage Treatment Plant. This workplan, dated December 31, 2012, was received on January 2, 2013. Upon review, the Department approves the workplan as submitted.

The Flood Mitigation Workplan proposes construction of a flood wall to protect the Binghamton Johnson City Joint Sewage Treatment plant to an elevation that is the greater height of either three feet of freeboard over the FEMA base flood elevation (i.e. the 100 year recurrence interval storm) or the 500 year recurrence interval storm flood elevation.

Please note the following schedule dates that are now an enforceable part of this order:

- Submittal of Upstream Impact Study: November 30, 2013
- Submittal of project design: December 31, 2013:
- Completion of construction: April 1, 2017:

The Flood Mitigation Workplan has two additional dates that are dependent on regulatory approvals and the issuance of permits. These milestone dates are acceptable to the Department and are part of this approval:

- Submittal of necessary permit application(s) to the Department : Within 6 months of regulatory approvals
- Start of project construction: Within 6 months of permit issuance(s).

Please contact this office should there be any questions.

Sincerely,



Sandra Lizlovs, PE  
Environmental Engineer II

cc: J. Perticone, Esq.  
P. Krey PE, City of Binghamton  
L. Day, City of Binghamton  
R. Bennett, (V) Johnson City  
H. Elzoghby, PE Savin Engineers  
D. Griffiths, Griffiths Engineering  
C. Aingworth, BJC JSTP  
J. Geiger, NYSEFC  
J. Powell, Esq, NYSDEC Reg. 7  
K. Delaney, NYSDEC Reg. 7  
J. Dlugolenski, NYSDEC Reg. 7  
D. Adelugba, NYSDEC BWP  
K. Baker, NYSDEC BWC



# Department of Engineering

**Mayor, Matthew T. Ryan**

*City Engineer, Philip T. Krey, P.E.*

December 31, 2012

Sandy Lizlovs, PE  
NYSDEC Region 7  
Division of Water  
615 Erie Blvd. W.  
Syracuse, NY 13204

RE: CONSENT ORDER CASE NO. R7-20110628-59  
Flood Mitigation Work Plan

Dear Ms. Lizlovs:

Enclosed is the Flood Mitigation Work Plan related to Consent Order Case No. R7-20110628-59, and includes a narrative describing the anticipated work, along with the respective milestone dates. The enclosed Work Plan constitutes compliance with the June 14<sup>th</sup> addendum to the Work Plan.

The milestones that are contingent on the dates of approval by outside agencies have been identified by proposed duration, rather than specific dates. The execution of the identified work is also contingent on the availability of anticipated funding made available from FEMA.

I trust you will find the Work Plan acceptable as presented. Please contact me at your convenience if you have any questions or comments.

Sincerely,

Philip T. Krey, P.E.  
City Engineer

Enc.

Cc: Eugene Hulbert            BJC Joint Sewer Board  
Hon. Matthew Ryan        City of Binghamton  
Hon. Gregory Deemie      Village of Johnson City  
Jennifer Powell, Esq.     NYSDEC  
John Perticone, Esq.      Levine Gouldin & Thompson, LLP  
Luke Day                    City of Binghamton  
Catherine Aingworth      BJCJSTP  
Hussein Elzoghby, P.E.    Savin Engineers, P.C.



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13 S. Washington Street, Suite 1  
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## BJCJSTP Flood Wall Feasibility Study Project #2012-116

December 28, 2012

### Flood Wall Narrative:

The majority of the flood wall will be a reinforced concrete inverted T-type flood wall. A partial depth steel sheet piling cut-off wall will be installed below the base foundation heel to help control groundwater seepage rates. Some areas of the site will be integrally protected by existing reinforced concrete structures modified as required to withstand the hydraulic forces sustained during a flood event.

Where required openings will be provided in the flood wall to minimize impact on vehicular and pedestrian traffic flow where required during normal operation of the facility. These openings will be protected with automatic passive closing gates and redundant aluminum lagging during a flood event. Storm and sanitary sewers will also be protected with redundant manual closure devices. All groundwater seepage and interior stormwater will be diverted to pumping stations during flood events.

The flood wall will be designed in accordance with United States Army Corps of Engineers (USACE) *EM 1110-2-2502 Retaining and Flood Walls* and other applicable engineering and design guidelines from USACE. The parameters used in the design will be based on findings and recommendations from results obtained by hydraulic analysis of the Susquehanna River performed by Woidt Engineering and geotechnical engineering considerations provided by Haley & Aldrich. The sliding and overturning stability analysis for the typical T-type flood wall sections will be verified by a USACE computer based analysis program called CTWALL (X0153) and was developed in accordance with *EM 1110-2-2502*. The reinforced concrete requirements will be based on *ACI 350-06 Code Requirements for Environmental Engineering Concrete Structures*.

The flood wall will be designed per FEMA requirements to the greater height of either three (3) feet of freeboard over the FEMA base flood (100-year recurrence interval storm) or the 500-year recurrence interval storm flood elevation. The flood wall will be designed to avoid impacts to the 100-year floodway and avoid any increases in water surface elevations or hazardous increases in channel velocities along the study reach of the Susquehanna River. If necessary, on-site flood plain mitigation measures will be implemented to avoid any increase in water surface elevations from the construction of the flood wall.

The flood wall will be designed and reviewed by New York State Licensed and Registered Professional Engineers and is subject to review and approval by Officials at City of Binghamton, Village of Johnson City, Town of Vestal, New York State Emergency Management Office (SEMO), Federal Emergency Management Agency (FEMA), New York State Department of Environmental Conservation (NYSDEC), and United States Army Corps of Engineers (USACE).

Project Milestone Dates:

The Project is contingent upon FEMA funding and may be impacted significantly by potential design layout changes, FEMA, USACE and NYSDEC reviews and follow-up recommendations. The following dates are estimated milestones pending final approvals and land acquisitions, if required:

1. Submittal of the Upstream Impact Study: 11-30-2013
2. Submittal of the Project Design to appropriate authorities: 12-31-2013
3. Submittal of necessary permit applications, e.g. Article 15, to the Department: Within six months of Regulatory Approvals.
4. Start of Project Construction: Within six months of Permit Approvals.
5. Completion of Project Construction: Within twenty four months of Start of Project Construction, but not before 4-01-2017.



LEVENE GOULDIN & THOMPSON, LLP  
ATTORNEYS AT LAW

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- Sharon L. Dyer
- Paul R. Hoffmann
- Howard M. Rittberg
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- Caroline A. Vadala \*\*
- Albert B. Kukol \*\*
- Kathryn Grane Madigan
- Jeffrey A. Loew
- Gary W. Farneti
- Robert G. Bullis
- Dorian D. Ames \*\*
- Sam P. Monachino
- Margaret J. Fowler \*\*
- Michael E. Osburn \*
- Cynthia Ann K. Manchester \*\*
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- Jamye L. Lindsey
- Carrie A. Wenban
- Maria E. Lisi-Murray \*\*
- Sandra E. Malkin \*\*

January 10, 2012

George Kolba, Chair, BJCJSB  
Binghamton-Johnson City Joint  
Sewage Treatment Facility  
4480 Old Vestal Road  
Vestal, NY 13850

George Kolba  
26 Ackley Avenue  
Johnson City, NY 13790

Jeffrey Jacobs, Esq.  
Coughlin & Gerhart, LLP  
PO Box 2039  
Binghamton, NY 13902-2039

Catherine Aingworth  
Binghamton-Johnson City Joint  
Sewage Treatment Facility  
4480 Old Vestal Road  
Vestal, NY 13850



Re: DEC Consent Order

Dear Gentlemen and Cathy:

Enclosed is a copy of the fully executed Consent Order in this matter.

Very truly yours,

LEVENE GOULDIN & THOMPSON, LLP

*John Perticone*  
By: John L. Perticone

JLP/cl  
Encl.



BY: \_\_\_\_\_

Associates

- Holly L. Avery
- Lauren A. Kiley
- Terrance M. McGuinness
- Daniel R. Norton
- Karen J. McMullen
- Lana D. DeLos Santos \*\*
- Jeffrey M. Monaco
- Sarah E. Nuffer ††

Of Counsel

- John H. Hartman
- Richard N. Matties †
- John P. Rittinger
- John R. Normile, Jr.
- Sanford P. Tannenhaus
- Donald M. Flanagan
- Bruno Colapietro \*
- John F. Artman \*\*
- Alan M. Zalbowitz \*\*

Special Counsel, Retired

- Lawrence J. Schorr

† also admitted in FL  
†† also admitted in NJ  
\*\* also admitted in PA  
\* also admitted in MA

71 State Street  
Binghamton, NY 13901

131 Front Street  
Deposit, NY 13754

2912 US Route 11  
Whitney Point, NY 13862

Main Office: 450 Plaza Drive • Vestal, NY 13850 • Phone: 607.763.9200  
Mailing Address: P.O. Box F-1706 • Binghamton, NY 13902-0106 • Fax: 607.763.9211

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X  
In the Matter of Violations of Article 17 of the New York State  
Environmental Conservation Law and of Title 6 of the Official  
Compilation of Codes, Rules, and Regulations of the State of New  
York, Parts 703 and 750, by

CONSENT  
ORDER

CITY OF BINGHAMTON,  
VILLAGE OF JOHNSON CITY, and  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE  
BOARD

CASE NO.  
R7-20110628-59

Vestal (T)  
Broome County, New York,

Respondents

-----X  
1. The New York State Department of Environmental Conservation ("the  
Department") is responsible for the administration and enforcement of Article 17 of the New  
York State Environmental Conservation Law ("ECL") and of Title 6 of the Official Compilation  
of Codes, Rules, and Regulations of the State of New York ("6 NYCRR") Parts 703 and 750,  
promulgated pursuant thereto.

2. The City of Binghamton ("Respondent Binghamton") is a municipal corporation  
organized and existing under the laws of the State of New York and is located in Broome  
County, New York.

3. The Village of Johnson City ("Respondent Johnson City") is a municipal  
corporation organized and existing under the laws of the State of New York and is located in  
Broome County, New York.

4. Respondent Binghamton and Respondent Johnson City jointly own the Binghamton-Johnson City Joint Sewage Treatment Plant ("the Facility") located on Old Vestal Road in the Town of Vestal, Broome County, New York.
5. ECL 17-0501 makes it unlawful, directly or indirectly, to throw, drain, run, or otherwise discharge into the waters of the State organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the Department pursuant to ECL 17-0301.
6. 6 NYCRR 703.2 provides that no suspended, colloidal, or settleable solids may be discharged into a Class C surface water from sewage, industrial wastes, or other wastes that will cause deposition or impair the waters for their best usages.
7. ECL 17-0803 and 6 NYCRR 750-1.4(a) make it unlawful to discharge pollutants or other wastes from a point source to waters of the State without a State Pollutant Discharge Elimination System ("SPDES") permit to do so or in a manner other than as prescribed by such permit.
8. The Binghamton-Johnson City Joint Sewage Board ("Respondent Board") is a joint agency of and for Respondent Binghamton and Respondent Johnson City and is the operator and manager of the Facility. The Department issued SPDES Permit Number NY0024414 to Respondent Board with respect to the Facility (the "SPDES permit."). Respondent Binghamton and Respondent Johnson City were added as co-permittees to the SPDES permit on March 6, 2008.
9. Respondent Johnson City has been issued SPDES Permit Number NY0023981 governing combined sewer overflows in the Village's sewer collection system. Respondent

Binghamton has been issued SPDES Permit Number NY0024406 governing combined sewer overflows in the City's sewer collection system. These two permits, in conjunction with the Binghamton-Johnson City SPDES permit, require that the Facility must be capable of receiving and treating a minimum of 60 million gallons per day ("MGD") through the plant headworks and that Respondents' collection systems must be capable of delivering a minimum of 60 MGD to the Facility.

10. On May 16, 2011, the west tank wall of the Facility's carbonaceous treatment ("C") cells 2, 3, and 4 collapsed, discharging approximately 580,000 gallons of partially treated wastewater to Fuller Hollow Creek, a Class C tributary of the Susquehanna River, and to the Susquehanna River itself, a Class A surface water. Such discharge was not authorized by SPDES Permit # NY0024414 and resulted in a violation of water quality standards for settleable solids in Fuller Hollow Creek. The collapse of the C-Cell complex has required plant operations staff to temporarily disable the Facility's denitrification system and reduced the plant's treatment capacity, resulting in the plant's violation of the SPDES permit's effluent limits in May through August, 2011.

11. On September 7 and 8, 2011, the Susquehanna River flooded, causing significant damage to the Facility. From September 2011 through the present, because of the flood damage the Facility has been forced either to bypass completely or to provide only primary treatment plus disinfection, and is unable to meet its permit effluent limits.

12. ECL 71-1929.1 provides for a civil penalty of up to \$37,500 per day for each violation of titles 1 through 11 and 19 of ECL Article 17 or the rules, regulations, orders, or

determinations of the Commissioner promulgated thereto or the terms of any permit issued thereunder.

13. Respondents affirmatively waive the right to a hearing on this matter as provided by law, consent to the issuing and entering of this Order without further notice, and agree to be bound by the provisions, terms, and conditions contained herein.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Compliance. Respondents shall comply with the provisions, terms, and conditions set forth in this Order. Respondents' failure to comply with any provision of this Order shall constitute a default and a violation of this Order and, upon such default and violation, the Department's right to pursue all claims and remedies administratively, at law, or in equity shall not be affected by anything contained in this Order.

II. Schedule for Compliance. Respondents shall fully comply with the Schedule for Compliance set forth as Schedule A to this Order.

III. Interim Effluent Limits.

a. Immediately upon the effective date of this Order, and for so long as Respondents comply with the provisions of this Order, the interim effluent limitations and monitoring requirements set forth at Schedule B to this Order shall be in effect until the effluent limitations specified in the SPDES permit are achieved in accordance with the implementation schedule for the Facility repairs required under Schedule A hereto.

b. During the effective term of this Order, the Facility's 60-MGD minimum flow requirement is modified as set forth in Footnote 2 of the Interim Effluent Limits at Schedule B to

this Order. In addition, the minimum flow requirement contained at Paragraph 4 of the Best Management Practices section of SPDES Permit Numbers NY0023981 and NY0024406 are hereby modified accordingly for the effective term of this Order.

IV. Civil Penalties.

a. Suspended Penalty. Respondents are hereby assessed a civil penalty in the amount of fifty thousand dollars (\$50,000.00), payment of which is suspended as a penalty to guaranty compliance and which shall become payable in the event that Respondent fails to comply with the provisions, terms, and conditions of this Order. The penalty to guaranty compliance under this paragraph shall become due and payable within fifteen calendar days after Respondents receive written notice from the Department that Respondents are or were in violation of this Order.

b. Stipulated Penalties.

(1) Violations of Interim Effluent Limits. If the interim effluent limits in place for the Facility are not met while this Order is in effect, Respondents shall pay a stipulated penalty of \$2,500 per parameter in violation for each violation of a 30-day arithmetic mean. Such payment shall be due within fifteen days after the due date for the monthly discharge monitoring report for each month in which an effluent limit is exceeded.

(2) Violations of Milestone Due Dates. If Respondents fail to comply with any of the milestone due dates contained in the Schedule for Compliance at Schedule A to this Order or with any of the milestone due dates established under approved schedules submitted under the Schedule for Compliance, Respondents shall be in violation of this Order and shall be liable for a stipulated penalty for each day that each such failure continues, in the amounts set forth:

<u>Period of Non-Compliance</u>	<u>Penalty per Day</u>
First through 30 <sup>th</sup> day	\$100
31 <sup>st</sup> through 60 <sup>th</sup> day	\$500
61 <sup>st</sup> day and thereafter	\$1,000

Stipulated penalties for violations of milestone due dates shall begin to accrue on the missed due date of each such milestone and shall continue to accrue until Respondents complete the required activity.

c. Penalties under this Order, when payable, shall be paid to the Department at its Region 7 Headquarters, 615 Erie Boulevard West, Syracuse, New York 13204, to the attention of the Office of General Counsel.

d. Failure to pay any penalty in accordance with this paragraph shall constitute a violation of this Order and may result in the assessment of additional penalties.

V. Inspections. Respondents shall at all times allow any duly designated employee, consultant, contractor, or agent of the Department or of any other State agency to immediately enter the Facility or areas in the vicinity of the Facility which may be under the control of Respondents for purposes of inspecting and to ensure Respondents' compliance with this Order, with any permit, registration, license, or certificate heretofore or hereafter issued for the Facility, and with applicable laws and regulations.

VI. Indemnification. Respondents shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless from all claims resulting from the acts or omissions of Respondents or their agents in compliance or attempted compliance with the provisions of this Order.

VII. Reservation of Rights. The Department hereby reserves all its legal, administrative, and equitable rights arising at common law or as granted to it pursuant to statute or regulation, including, but not limited to, any summary abatement powers the Commissioner may have pursuant to ECL §71-0301.

VIII. Modifications. No change in this Order shall be made or become effective except as specifically set forth by a further written order of the Department, being made either upon written application to the Department by Respondents setting forth the grounds for the relief sought; upon the Department's own findings after an opportunity for Respondents to be heard; or pursuant to the summary abatement powers of the Department.

IX. Regulatory Fees. Nothing contained in this Order shall be construed as preventing the Department from collecting regulatory fees, where applicable.

X. Binding Effect. The provisions, terms, and conditions of this Order shall bind Respondents, Respondents' agents, servants, employees, successors, and assigns, and all persons, firms, and corporations acting under or for Respondents.

XI. Force Majeure. Respondents shall not be in default of compliance with this Order if they cannot comply with the terms of this Order because of an act of God or other such condition, as to which, conduct on the part of Respondents or their consultants, contractors, or other agents was not a cause; provided, however, that Respondents immediately notify the Department in writing when they obtain knowledge of any such condition and request and receive an appropriate extension or modification of the provisions hereof.

XII. Approval of Plans. "Approvable" within the context of this order shall mean capable of being approved by the Department with only minimal revision. Minimal revision

shall mean revised and resubmitted to the Department within fifteen days after notification by the Department of revisions that are necessary.

XIII. Entire Order. The provisions hereof shall constitute the complete and entire Order by the Department concerning Respondents and these violations. No terms, conditions, understandings, or agreements purporting to modify or vary the terms of this Order shall be binding unless approved in writing by the Commissioner or the Department's Region 7 Regional Director. Nothing contained in this Order shall affect Respondents' responsibilities under any other Order with the Department.

XIV. Affected Resources. The Department reserves the right to bring any future action, administratively, at law, or in equity, against Respondents or Respondents' directors, officers, employees, servants, agents, successors, or assigns, regarding areas or resources which have been or may be adversely affected as a result of Respondents' violations described in this Order.

XV. Effective Date. The effective date of this Order shall be the date it is signed by the Commissioner or the Commissioner's designee.

Dated: SYRACUSE, NEW YORK

January 9, 2012

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
Joe Martens, Commissioner

BY



KENNETH P. LYNCH  
Regional Director, Region 7

CONSENT BY RESPONDENTS

Respondents hereby consent to the issuing and entering of this Order without further notice, waive the right to notice and hearing herein, and agree to be bound by the provisions, terms, and conditions contained herein.

CITY OF BINGHAMTON  
BY Matthew T. Ryan  
PRINT NAME MATTHEW T. RYAN  
TITLE MAYOR  
DATE 1/3/12

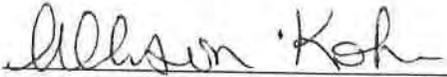
VILLAGE OF JOHNSON CITY  
BY Dennis F. Hanrahan  
PRINT NAME Dennis F. Hanrahan  
TITLE MAYOR  
DATE 12-20-11

BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

BY George Kolba Jr  
PRINT NAME George Kolba Jr  
TITLE Chair  
DATE 12-29-11

STATE OF NEW YORK )  
 : ss.:  
COUNTY OF Broome )

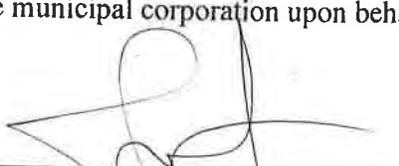
On the 3 day of January in the year 2011, before me, the undersigned, personally appeared Matthew T. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as Mayor of the **City of Binghamton**, and that by (her)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

  
NOTARY PUBLIC

ALLISON C. KOHN  
Notary Public - State of New York  
No. 02KO6246712  
Qualified in Broome County  
Commission Expires August 15, 20 15

STATE OF NEW YORK )  
 : ss.:  
/ COUNTY OF Broome )

On the 20 day of December in the year 2011, before me, the undersigned, personally appeared Dennis F. Hannon, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(~~she~~) executed the same in (~~her~~)(his) capacity as Mayor of the **Village of Johnson City**, and that by (~~her~~)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

  
NOTARY PUBLIC

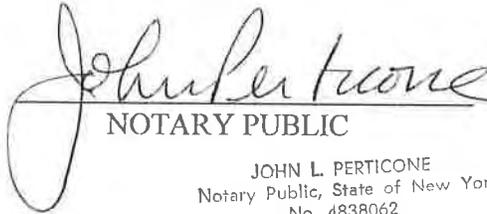
-10-

JEFFREY M. JACOBS  
Notary Public, State of New York  
No. 02JA6091664  
Qualified in Broome County  
Commission Expires April 28, 20 14

STATE OF NEW YORK )

COUNTY OF Broome ) : ss.:

On the 29<sup>th</sup> day of December in the year 2011, before me, the undersigned, personally appeared George Kolba Jr, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as Chairman of the **Binghamton-Johnson City Joint Sewage Board**, and that by (her)(his) signature on the instrument, the municipal board upon behalf of which the individual acted executed the instrument.

  
NOTARY PUBLIC

JOHN L. PERTICONE  
Notary Public, State of New York  
No. 4838062  
Residing in Broome County  
My Commission Expires October 31, 2013

**Schedule A**  
**Schedule for Compliance**

- 1. Repair of Facility:**
  - a. By December 15, 2011, Respondents shall submit to the Department for review and approval a proposed workplan for returning the Facility to full operation, including repair of the existing Facility's C-cell complex, N-cell complex, DN-cell complex, and all other damaged component processes.
  - b. Such proposed workplan shall include milestone dates for submittal of an engineering report and milestone dates for interim measures to be taken in connection with the interim operating strategy required under Paragraph 2, below. Such report shall include milestone dates for design plans and specifications for each component process, as well as proposed milestone dates for constructing the approved design, restarting operation of each component process, and submitting the modeling reports required under Paragraph 3 of this Schedule for Compliance. In addition, the report shall identify potential hazard mitigation measures to be considered as part of the Facility repair, along with a cost-benefit analysis for each, and recommendations for such measures to be incorporated into the Facility repairs. Availability of state and federal funding will be taken into account in the cost-benefit analysis. Any hazard mitigation measures recommended following the evaluation of costs, benefits, and funding shall be incorporated into Facility design plans and specifications in accordance with Department approvals.
  - c. Upon Department approval, Respondents shall follow the approved schedule and submit the required documents, complete reconstruction, and restart operation of each component process in accordance with Department approvals.
  
- 2. Interim Operating Strategy:**
  - a. By December 15, 2011, Respondents shall submit for Department approval their proposed interim operating strategy for the Facility. The strategy shall outline how the existing plant will operate during both normal flow conditions and wet weather conditions until plant repairs are completed and how each of the Facility's component processes will be phased back into operation.
  - b. Upon Department approval, Respondents shall operate the Facility in accordance with the approved strategy.
  - c. The Department recognizes that this strategy is a living document; as additional process components are phased into operation, Respondents shall modify the approved strategy by submitting the proposed modification for Department review and approval.
  
- 3. Interim Effluent Limits:**
  - a. At each phase of Facility repair and as each component process unit becomes operational, Respondents shall model the Facility's effluent for flows during cold weather (December 1 thru April 30) and warm weather (May 1 thru November 30) with the purpose of

- developing interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, and TKN.
- b. In accordance with the approved work plan schedule required under Sub-Paragraph 1.b of this Schedule for Compliance, Respondents shall submit for Department approval a report containing the modeling results, the maximum flow which the Facility is capable of receiving and treating during each interim period, and proposed interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, and TKN to take effect during each phase of interim operation and continue in effect until the Facility is able to meet its permit limits.
  - c. Upon approval of each interim modeling report, the interim effluent limits currently in effect under Schedule B of this Order will be modified in accordance with the approved report.
4. **Toxicity Testing Requirement:** The toxicity testing requirement scheduled to commence under the SPDES Permit in calendar year 2012 is suspended until the Facility returns to full operation and is able meet its permit limits.
  5. **Interim Emergency Operations Plan:** The Facility is considered a critical facility, operation of which must be continued to the extent practicable. Therefore, by February 1, 2012, Respondents shall develop and implement an Interim Emergency Operations Plan to provide for operation of the Facility during emergency events such as the 2011 Flood of Record. Respondents shall update the approved Interim Emergency Operations Plan as component processes are returned to operation, by submitting the proposed modifications for Department review and approval.

**Schedule B  
Interim Effluent Limits**

**INTERIM PERMIT LIMITS, LEVELS AND MONITORING**

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Upon Effective Date of Order	Susquehanna River	Effective Date of Order	To Be Determined <sup>3</sup>

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average			Monitor	mgd	Continuous	Recorder	X		2
cBOD <sub>5</sub>	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	1
cBOD <sub>5</sub>	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Solids, Suspended	Monthly Average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	1
Solids, Suspended	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, Ammonia (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Total Nitrogen (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, TKN	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	1/Week	24-hr comp	X	X	
Settleable Solids	Daily Maximum	Monitor	ml/l			6/day	Grab	X	X	
Total Residual Chlorine	Daily Maximum	2.0	mg/l			6/day	Grab		X	

**FOOTNOTES:**

(1) Respondent shall report the percent removal of influent values for cBOD and TSS.

(2) During wet weather, the Binghamton-Johnson City Joint treatment plant shall be capable of receiving and treating a minimum of 26 MGD through the plant headworks, the primary clarifiers, nitrogen filters, and disinfection. The treatment plant shall receive a minimum of 20 MGD from the City of Binghamton sewage collection system and a minimum of 6 MGD from the Village of Johnson City sewage collection system. The remainder of the flow shall be discharged via the permitted Combined Sewer Overflows.

(3) These current interim limits shall remain in effect until superseding limits can be phased in under Paragraph 3 of the Schedule for Compliance at Schedule A of this Order. Each set of interim limits shall in turn be superseded by the increasing limits allowed by the subsequent phase of repairs to the Facility, until repairs are completed and the Facility is fully operational. This Schedule B shall be modified at each appropriate phase, to reflect the interim limits then in effect.

All other effluent limits, action levels, monitoring requirements and compliance schedule items in SPDES Permit No. NY 002 4414 shall apply.