

WSMD Wastewater Program Standard Operating Procedure:

Review of Annual CSO Report

Last Updated: January 2023

This SOP is to guide the review of reports submitted in support of efforts to comply with the 2016 CSO Rule and applies to the review of Annual CSO reports and Annual SSO Reports required by individual NPDES Direct Discharge permits, CSO 1272 orders and the 2016 CSO Rule. Analysts are expected to be familiar with the requirements for their facility and to report non-compliance to the CSO Coordinator.

- ❖ Required Resources: 2016 CSO Rule, Current NPDES Permit(s) for facility, current 1272 order for the facility, current CSO/SSO Long-term Control Plan (LTCP) for the facility, Annual CSO or SSO Report.
- ❖ Analyst shall be familiar with the requirements for their facility by reading the cited resource documents. They shall compare the information presented in the annual report with the requirements contained in the permit and the 1272 order. The CSO Rule and the LTCP shall be consulted if clarification is necessary.
- ❖ Report components will vary between facilities but will generally contain a description of activities taken to comply with the Nine Minimum Controls, a description and analysis of the overflow and precipitation events that occurred during the year including a comparison to the previous year, and a description of activities undertaken to comply with the specific requirements set forth in the current 1272 order.
- ❖ Analysts should use their Best Professional Judgment and familiarity with the facility to assess the sufficiency of the compliance with the Nine Minimum Controls. Overflow frequency may be considered in this analysis.
- ❖ Overflow and precipitation data should be spot checked against DEC records and publicly available weather resources. Discrepancies should be discussed with the Permittee and the report should be revised if necessary.
- ❖ Reports on activities required by the 1272 order should be compared to the requirements in the order as well as compared to the project descriptions provided in the LTCP.
- ❖ If a Permittee is not in compliance with the requirements of the CSO Rule, their current NPDES Permit, and their current 1272 order the analyst should inform their supervisor and the CSO Coordinator.
- ❖ If a compliance issue is relatively minor (such as substituting one pipe habilitation project for a similar project), and the permittee appears to be acting in good faith, the analyst may approve and document this change in conjunction with the Watershed Management Division's

Wastewater Program Manager and the CSO Coordinator. A written explanation from the permittee may be required.

- ❖ If a compliance issue is more substantial (failure to construct a project without substituting a similar project, changes in the preferred projects, apparent failure to act in good faith, etc,) the CSO Coordinator and WSMD WW Program manager shall consult with the Director of the WSMD to formulate a response. Potential responses include formally or informally amending the 1272 order and referring the permittee for enforcement. If a permittee wishes to change the preferred project they should provide a written justification, and the likelihood that the suggested project will reduce the magnitude or frequency of CSO overflows shall be considered when determining whether to accept the proposed change.