§ 17-0701. Permit for outlet, point source and for disposal system required.

1. It shall be unlawful for any person, until a written SPDES permit therefor has been granted by the commissioner, or by his designated representative, and unless such permit remains in full force and effect, to:

a. Make or cause to make or use any outlet or point source for the discharge of sewage, industrial waste or other wastes or the effluent therefrom, into the waters of this state, or

b. Construct or operate and use a disposal system for the discharge of sewage, industrial waste, or other wastes or the effluent therefrom, into the waters of the state, or make any change in, addition to or an extension of any existing disposal system or part thereof which would materially alter the volume of, or the method or effect of treating or disposing of the sewage, industrial waste or other wastes, or

c. Increase or alter the content of the wastes discharged through an outlet or point source into the waters of the state by a change in volume or physical, chemical or biological characteristics.

2. Notwithstanding any other provision of this article, for the purposes of this title, the following definitions shall be applicable:

a. "Industrial waste" means any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the state.

b. "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye-stuffs, acids, chemicals, ballast and all other discarded matter not sewage or industrial waste which may cause or might reasonably be expected to cause pollution of the waters of the state.

3. No permit prescribed by subdivision 1 of this section shall be issued by the commissioner or by his designated representative until the requirements of title 8 of this article and the regulations promulgated thereunder have been satisfied.

4. a. A person, corporation, public authority or public benefit corporation hereafter intending to construct a nuclear steam-electric generating facility shall file an environmental feasibility report, in a form prescribed by the commissioner, with the department concurrently with the filing of the preliminary safety analysis report required to be filed with the United States atomic energy commission for a nuclear power plant.

b. No person, corporation, public authority, or public benefit corporation shall construct or operate any new steam-electric generating facility or increase the capacity of any existing steam-electric generating facility without a permit issued in accordance with the provisions of this subdivision allowing thermal discharge from such facility to the waters of the state. A public hearing may be conducted by the department prior to the issuance of any such permit.

5. A SPDES permit shall be issued to the applicant upon such conditions as the commissioner may direct:

a. if the commissioner finds on the basis of the submitted plans or application that the discharge from the outlet or point source or modified disposal system will not be in contravention of the standards, criteria, limitations, rules and regulations adopted or applied by the department; or

b. in case no classification has been made of the receiving waters at said outlet or point source or into which such proposed discharge is to be made, if the commissioner finds that such proposed discharge will not be injurious to public health and public enjoyment thereof, the propagation and protection of fish and wild life, the industrial development of the state and will not contravene standards, criteria,

limitations, rules and regulations adopted or applied pursuant to title 8 hereof.

6. The permit prescribed by subdivision 1 of this section and title 8 hereof shall not be required for the construction and use of a new or modified disposal system, point source or outlet when such disposal system, point source or outlet is designed to discharge or discharges sewage effluent without the admixture of industrial wastes or other wastes to the ground waters of the state when such discharge consists of a flow of less than one thousand gallons per day. Nothing contained in this subdivision shall be construed to permit the making or use of an outlet or point source discharging an effluent to the waters of the state in contravention of any standards adopted by the former Water Pollution Control Board or the former Water Resources Commission and continued by this article or adopted by the department or standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 hereof, or discharging an effluent in such a manner as to expose sewage on the ground surface, impair the quality of waters of the state used for drinking purposes or otherwise create a nuisance or menace to health. A county, city, town or village may adopt and enforce additional local laws, ordinances and regulations or enforce existing local laws, ordinances and regulations relating to discharges of sewage herein referred to, including local laws, ordinances and regulations requiring a permit for disposal systems, point sources or outlets for such discharges, provided that such local laws, ordinances and regulations are not inconsistent with the provisions of this chapter or the sanitary code.

7. The commissioner may delegate to qualified personnel of county and city health departments his duties of review and approval of plans and issuance of permits required in subdivisions 1, 3 and 4 of this section, subject to such conditions as he may establish.

9. In the case of a major steam electric generating facility, as defined in section one hundred forty of the public service law, for the construction or operation of which a certificate is required under article eight of such law, an applicant shall apply for and obtain such

certificate in lieu of filing plans and reports and obtaining a permit under this section. Any reference in this article to a permit under this section shall, in the case of such major steam electric generating facility, be deemed for all purposes to refer to such certificate, provided that nothing herein shall limit the authority of the departments of health and environmental conservation to monitor the environmental and health impacts resulting from the operation of such major steam electric generating facility and to enforce applicable provisions of the public health and environmental conservation laws and the terms and conditions of the certificate governing the environmental and health impacts resulting from such operation.