§ 17-0809. Effluent limitations.

1. SPDES permits issued pursuant hereto shall contain applicable effluent limitations as required by the Act and as may be promulgated by the department.

2. Notwithstanding any other provision of this article, any point source the construction of which is commenced after the date of enactment of the Act and which is so constructed as to meet all applicable standards of performance shall not be subject to any more stringent standard of performance during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1986, whichever period ends first.

3. Notwithstanding any other provision of this article, when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the commissioner determines, through regulation, that an exception is warranted as provided in section 303(d) and 402(o) of the Federal Water Pollution Control Act (33 U.S.C. sections 1313(d) and 1342(o)) as amended by the Water Quality Act of 1987; provided, however, no such exceptions may be determined to be warranted in special groundwater protection areas designated pursuant to article fifty-five of this chapter or in Nassau or Suffolk counties where such discharges will impact marine waters within ten years or less. In such areas, the best available technology, that is economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs, shall be applied with special emphasis on reducing nitrogen pollution.