

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Environmental Quality, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

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www.dec.ny.gov

May 20, 2024

VIA ELECTRONIC MAIL ONLY

angelo.gaudio@albanycountyny.gov

Angelo Gaudio, P.E.
Executive Director
Albany County Water Purification District
1 Canal Road, South
Albany, NY 12204

Re: NOTICE OF VIOLATION: FAILURE TO MINIMIZE ODORS AND NUISANCE CONDITIONS AND PROPERLY MAINTAIN EQUIPMENT
Facility: ACWPD – NORTH PLANT SPDES No: NY0026875

Dear Angelo Gaudio:

In response to multiple odor complaints received by the Department, on April 9, 2024, the Division of Water (DOW) conducted a site visit of the ACWPD North Plant to determine a possible source for sewage odors in the City of Albany and Village of Menands. As a result of the site visit, the Department has identified Albany County Water Purification District (ACWPD) North Wastewater Treatment Plant (WWTP) as a source for sewage odors beyond the proximity of the WWTP. In addition, during the inspection, DOW staff was informed that, over the course of several years, each mechanical mixer within the sludge holding tanks failed. In lieu of permanent repairs, the ACWPD replaced the mechanical mixing equipment with diffusers as a short-term solution, until long-term repairs are installed. As a result, this Notice-of-Violation (NOV) is being sent due to sewage odors noticed beyond the WWTP and not completing proper maintenance.

The facility has been found to be in violation of the following governing regulations, the Codes, Rules, and Regulations of the State of New York (NYCRR):

6 NYCRR Subpart 750-2.8(a)(2): *the permittee shall at all times properly operate and maintain all disposal facilities, which are installed or used by the permittee to achieve compliance with the conditions of the permit.*

6 NYCRR Part 750-2.8(6) *The permittee and operator shall operate the wastewater treatment facility in such a manner as to minimize odors and other nuisance conditions to a degree that is achievable when compared to standard practices for operation of such wastewater treatment facilities.*



To address these violations, please complete the enclosed Certification of Compliance Forms, to be signed by the Principal Executive Officer or Ranking Elected Official, requiring:

- **Within 7 days of the date of this NOV**, provide to DEC a description of the ongoing air quality monitoring program. This program should routinely assess the quality of air throughout the WWTP and identify potential sources for odors. Areas of focus should include the aeration basins, sludge holding tank, and sludge processing/incineration building. The program should include documenting observations and complaints received.
- **Within 14 days of the date of this NOV**, provide to DEC an evaluation of the impact of WWTP processes and their potential for odors. Provide a schedule for implementing strategies and odor control measures to reduce odors at the WWTP.

Failure to comply with the requirements above may result in a recommendation for further enforcement through the Department's Office of General Counsel; however, compliance with the above requirements is not a defense against any future enforcement action initiated by this office.

If you have any questions, please contact me at (518) 357-2377 or Bonnie.Starr@dec.ny.gov.

Sincerely,



Bonnie L. Starr, P.E., ENV SP
Regional Water Engineer, Region 4
NYS DEC - DOW, R4

encl.: Certification of Compliance Forms
Site Visit Inspection Form

ecc: Craig Hurteau – ACWPD
Tyler Masick – ACWPD
John Weidman – NYS DEC, R4 Acting Regional Director
Kevin Frazier – NYS DEC, R4 Acting Assistant Regional Director
Victoria Ruglis – NYS DEC, R4 Regional Attorney
Erin Gallagher – NYS DEC, R4 Enforcement Coordinator
Benjamin Potter – NYS DEC R4 Regional DAR Engineer
Michelle Schwank – NYS DEC, CO Bureau of Water Compliance
Ryan Waldron – NYS DEC, CO Bureau of Water Compliance

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