



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street, Providence, Rhode Island 02908

September 11, 2019

CERTIFIED MAIL

Ms. Kathryn Hinckley
EHS Manager
Stanley Black & Decker
1000 Stanley Drive
New Britain, CT 06053

**RE: Final Permit for Stanley Black & Decker
RIPDES Permit No. RI0022942**

Dear Ms. Hinckley:

Enclosed is the final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit issued for the Stanley Black & Decker site located at One Briggs Drive, East Greenwich, RI 02818. State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the permit.

Also enclosed is information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should Stanley Black & Decker have any questions concerning this permit, feel free to contact Abdulrahman Ragab of the State Permits Staff at (401) 222-4700, extension 7201.

Sincerely,

Joseph B. Haberek, P.E.
Environmental Engineer IV
Office of Water Resources

JBH:ar

Enclosures

Ecc: Craig W. MacPhee, P.E., AECOM
Justin Mosquera, AECOM
Traci Pena, DEM/OWR
Crystal Charbonneau, DEM/OWR
Gary Jablonski, DEM/OWM

RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMIT FOR THIS FACILITY; THEREFORE, NO RESPONSE WAS PREPARED.

HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you must request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Mary Dalton, Clerk
Department of Environmental Management
Office of Administrative Adjudication
235 Promenade Street
3rd Floor, Rm 350
Providence, RI 02908

Any request for a formal hearing must conform to the requirements of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with §1.51 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.51), may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.
Administrator of Surface Water Protection
Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended,

Stanley Black & Decker
1000 Stanley Drive
New Britain, CT 06053

is authorized to discharge from a facility located at

Stanley Black & Decker
One Briggs Drive
East Greenwich, RI 02818

to receiving waters named

Unnamed Tributaries of Fry Brook (Waterbody ID RI0007028R-02)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

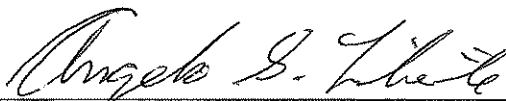
This permit shall become effective on October 1, 2019.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supercedes the permit issued on April 3, 2013.

This permit consists of eight (8) pages in Part I including effluent limitations, monitoring requirements, etc. and ten (10) pages in Part II including General Conditions.

Signed this 13 day of September, 2019.


Angelo S. Liberti, P.E., Administrator of Surface Water Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning on the effective date and lasting until permit expiration, the permittee is authorized to discharge from outfall serial number(s) 001A (discharge to South Stream), 002A (discharge to Fry Farm Pond) and 003A (discharge to North Stream).

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs./day		Concentration - specify units			Measurement <u>Frequency</u>	Sample <u>Type</u>
	Average <u>Monthly</u>	Maximum <u>Daily</u>	Average <u>Monthly</u> *(<u>Minimum</u>)	Average <u>Weekly</u> *(<u>Average</u>)	Maximum <u>Daily</u> *(<u>Maximum</u>)		
Flow	--- GPD					1/Month ¹	Totalizer

- Each Quarterly DMR shall include a flow log which shall include the duration of flow and the time(s) of day when flow commences and ceases. The combined flow from the three outfalls shall not exceed the daily maximum flow of 350 gallons per minute (GPM).

* Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfalls 001A, 002A, and 003A.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the effective date and lasting until permit expiration, the permittee is authorized to discharge from outfall serial number 100A (the discharge from the second air stripping tower). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	<u>Discharge Limitations</u>		<u>Concentration - specify units</u>			<u>Monitoring Requirement</u>	
	Quantity - lbs./day <u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u> *(Minimum)	<u>Average Weekly</u> *(Average)	<u>Maximum Daily</u> *(Maximum)	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow		350 GPM				Continuous ¹	Recorder
Total Suspended Solids (TSS)			--- µg/L		30,000 µg/L	2/Month ²	Grab
1,1,1-Trichloroethane			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
1,1-Dichloroethane			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
1,1-Dichloroethene			3.2 µg/L		3.2 µg/L	2/Month ²	Grab
Trichloroethene			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
Chloroethane			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
Tetrachloroethene			4.2 µg/L		5.0 µg/L	2/Month ²	Grab
1,2-Dichloroethane			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
Trans 1,2-Dichloroethylene			1.0 µg/L		1.0 µg/L	2/Month ²	Grab
Chloroform			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
1,1,2-Trichloroethane			5.0 µg/L		5.0 µg/L	2/Month ²	Grab
Vinyl Chloride			1.9 µg/L		2.0 µg/L	2/Month ²	Grab
1,4 Dioxane			--- µg/L		200.0 µg/L	2/Month ²	Grab

--- Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

- Each quarterly DMR shall include a daily flow log which shall include the rate and duration of flow and the time(s) of day when flow commences and ceases.
- Consecutive sampling events shall be separated by a minimum of ten (10) days.

* Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Discharge from the second air stripping tower – Outfall 100A.

3. The pH of the effluent shall not be less than 6.5 standard units nor greater than 9.0 standard units at any time unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
4. The discharge shall not cause visible discoloration of the receiving waters.
5. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
6. The permittee shall analyze its influent to the treatment system and final effluent at outfall 100A once during the permit's final year (last 4 quarters before permit expiration) for the EPA Priority Pollutants as listed in 40 CFR 122, Appendix D, Tables II and III. The effluent sample shall be collected during the same twenty-four (24) hour period as the influent sample. The results of these analyses shall be submitted to the Rhode Island Department of Environmental Management (DEM) along with the reapplication documents. All sampling and analysis shall be done in accordance with EPA Regulations, including 40 CFR 136; grab and composite samples shall be taken as appropriate.
7. The permittee shall operate and maintain the groundwater treatment system in accordance with the requirements of the Office of Waste Management. Mechanical failure or breakthrough of the treatment system (exceedance of any permit limits) shall be immediately reported to the Office of Water Resources and the Office of Waste Management. At a minimum, the notification shall include a summary of total flow, operation and maintenance activities, and any laboratory results. Written documentation of the immediate notification, required above, shall be submitted to the Offices of Water Resources and Waste Management within five (5) days.
8. All groundwater from the interceptor subdrain shall be treated using the groundwater treatment system; which contains three (3) microstraining filters in parallel, followed by two (2) twenty-five (25) foot high packed air stripper towers in series (see Flow Schematic in **Attachment A**). The system shall not be modified without written approval from the Office of Water Resources and the Office of Waste Management.
9. The permittee must monitor flow and submit a flow log with the quarterly DMRs required under Part I.C. The flow log shall include the rate and duration of flow including the time(s) of day when flow commences and ceases. At a minimum the flow must be reported each time a sample is collected.
10. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (2) One hundred micrograms per liter (100 µg/L);
 - (3) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitro-phenol; and one milligram per liter (1 mg/L) for antimony;
 - (4) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (5) Any other notification level established by the Director in accordance with 40 CFR 122.44(f) and Rhode Island Regulations.
 - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 µg/L);
- (2) One milligram per liter (1 mg/L) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. s122.21(g)(7); or
- (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.

- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.

10. This permit serves as the State's Water Quality Certificate for the discharges described herein.

B. DETECTION LIMITS

All analyses of parameters under this permit must comply with the *National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting* rule. Only sufficiently sensitive test methods may be used for analyses of parameters under this permit. The permittee shall assure that all testing required by this permit, is performed in conformance with methods listed in 40 CFR 136. In accordance with 40 CFR 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the Rhode Island Pollutant Discharge Elimination System (RIPDES) program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

If after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be submitted along with the monitoring report. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent or sludge as outlined in 40 CFR 136, Appendix B.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

1. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;
2. results reported as less than the MDL shall be included as zeros in accordance with the DEM's DMR Instructions, provided that all appropriate EPA approved methods were followed.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", or zero. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

LIST OF TOXIC POLLUTANTS

The following list of toxic pollutants has been designated pursuant to Section 307(a)(1) of the Clean Water Act. The Method Detection Limits (MDLs) represent the required Rhode Island MDLs.

Volatiles - EPA Method 624.1		MDL µg/L (ppb)	Pesticides - EPA Method 608.3		MDL µg/L (ppb)
1V	acrolein	10.0	18P	PCB-1242	0.289
2V	acrylonitrile	5.0	19P	PCB-1254	0.298
3V	benzene	1.0	20P	PCB-1221	0.723
5V	bromoform	1.0	21P	PCB-1232	0.387
6V	carbon tetrachloride	1.0	22P	PCB-1248	0.283
7V	chlorobenzene	1.0	23P	PCB-1260	0.222
8V	chlorodibromomethane	1.0	24P	PCB-1016	0.494
9V	chloroethane	1.0	25P	toxaphene	1.670
10V	2-chloroethylvinyl ether	5.0			
11V	chloroform	1.0	Base/Neutral - EPA Method 625.1		MDL µg/L (ppb)
12V	dichlorobromomethane	1.0	1B	acenaphthene *	1.0
14V	1,1-dichloroethane	1.0	2B	acenaphthylene *	1.0
15V	1,2-dichloroethane	1.0	3B	anthracene *	1.0
16V	1,1-dichloroethylene	1.0	4B	benzidine	4.0
17V	1,2-dichloropropane	1.0	5B	benzo(a)anthracene *	2.0
18V	1,3-dichloropropylene	1.0	6B	benzo(a)pyrene *	2.0
19V	ethylbenzene	1.0	7B	3,4-benzofluoranthene *	1.0
20V	methyl bromide	1.0	8B	benzo(ghi)perylene *	2.0
21V	methyl chloride	1.0	9B	benzo(k)fluoranthene *	2.0
22V	methylene chloride	1.0	10B	bis(2-chloroethoxy)methane	2.0
23V	1,1,2,2-tetrachloroethane	1.0	11B	bis(2-chloroethyl)ether	1.0
24V	tetrachloroethylene	1.0	12B	bis(2-chloroisopropyl)ether	1.0
25V	toluene	1.0	13B	bis(2-ethylhexyl)phthalate	1.0
26V	1,2-trans-dichloroethylene	1.0	14B	4-bromophenyl phenyl ether	1.0
27V	1,1,1-trichloroethane	1.0	15B	butylbenzyl phthalate	1.0
28V	1,1,2-trichloroethane	1.0	16B	2-chloronaphthalene	1.0
29V	trichloroethylene	1.0	17B	4-chlorophenyl phenyl ether	1.0
31V	vinyl chloride	1.0	18B	chrysene *	1.0
Acids - EPA Method 625.1		MDL µg/L (ppb)	19B	dibenzo (a,h)anthracene *	2.0
1A	2-chlorophenol	1.0	20B	1,2-dichlorobenzene	1.0
2A	2,4-dichlorophenol	1.0	21B	1,3-dichlorobenzene	1.0
3A	2,4-dimethylphenol	1.0	22B	1,4-dichlorobenzene	1.0
4A	4,6-dinitro-o-cresol	1.0	23B	3,3' -dichlorobenzidine	2.0
5A	2,4-dinitrophenol	2.0	24B	diethyl phthalate	1.0
6A	2-nitrophenol	1.0	25B	dimethyl phthalate	1.0
7A	4-nitrophenol	1.0	26B	di-n-butyl phthalate	1.0
8A	p-chloro-m-cresol	2.0	27B	2,4-dinitrotoluene	2.0
9A	pentachlorophenol	1.0	28B	2,6-dinitrotoluene	2.0
10A	phenol	1.0	29B	di-n-octyl phthalate	1.0
11A	2,4,6-trichlorophenol	1.0	30B	1,2-diphenylhydrazine (as azobenzene)	1.0
Pesticides - EPA Method 608.3		MDL µg/L (ppb)	31B	fluoranthene *	1.0
1P	aldrin	0.058	32B	fluorene *	1.0
2P	alpha-BHC	0.058	33B	hexachlorobenzene	1.0
3P	beta-BHC	0.043	34B	hexachlorobutadiene	1.0
4P	gamma-BHC	0.048	35B	hexachlorocyclopentadiene	2.0
5P	delta-BHC	0.034	36B	hexachloroethane	1.0
6P	chlordane	0.211	37B	indeno(1,2,3-cd)pyrene *	2.0
7P	4,4'-DDT	0.251	38B	isophorone	1.0
8P	4,4'-DDE	0.049	39B	naphthalene *	1.0
9P	4,4'-DDD	0.139	40B	nitrobenzene	1.0
10P	dieldrin	0.082	41B	N-nitrosodimethylamine	1.0
11P	alpha-endosulfan	0.031	42B	N-nitrosodi-n-propylamine	1.0
12P	beta-endosulfan	0.036	43B	N-nitrosodiphenylamine	1.0
13P	endosulfan sulfate	0.109	44B	phenanthrene *	1.0
14P	endrin	0.050	45B	pyrene *	1.0
15P	endrin aldehyde	0.062	46B	1,2,4-trichlorobenzene	1.0
16P	heptachlor	0.029			
17P	heptachlor epoxide	0.040			

OTHER TOXIC POLLUTANTS

	MDL µg/L (ppb)
Total Suspended Solids (TSS)	2,000.0
Antimony, Total	0.5
Arsenic, Total	0.1
Aluminum, Total	20.0
Beryllium, Total	0.2
Cadmium, Total	0.1
Chromium, Total	1.0
Chromium, Hexavalent****	1.0
Copper, Total	0.2
Iron, Total	20.0
Lead, Total	0.2
Mercury, Total	0.2
Nickel, Total	0.2
Selenium, Total	1.0
Silver, Total	0.2
Thallium, Total	1.0
Zinc, Total	2.0
Asbestos	**
Cyanide, Total	5.0
Phenols, Total***	2.0
TCDD	**
Phosphorous, Total	0.1
MTBE (Methyl Tert Butyl Ether)	1.0

* Polynuclear Aromatic Hydrocarbons

** No Rhode Island Department of Environmental Management (DEM) MDL

*** Not a priority pollutant as designated in the 1997 Water Quality Regulations (Table 5)

NOTE:

The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

C. MONITORING AND REPORTING

1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in Federal Regulations (40 CFR Part 136). Special attention should be put towards following the sampling techniques, preservation, and holding times listed in Table II of 40 CFR Part 136.

2. Submittal of DMRs Using NetDMR

Monitoring results obtained during the previous three (3) months shall be summarized and reported to DEM in discharge monitoring reports (DMRs) submitted electronically using the NetDMR reporting tool (<https://netdmr.epa.gov>). When the permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to DEM.

Testing shall be reported as follows:

<u>Quarter Testing to be Performed</u>	<u>Report Due No Later Than</u>	<u>Results Submitted with DMR for</u>
January 1 – March 31	April 15	March
April 1 – June 30	July 15	June
July 1 – September 30	October 15	September
October 1 - December 31	January 15	December

3. Submittal of Reports as NetDMR Attachments

Unless otherwise specified in this permit, the permittee must submit electronic copies of documents in NetDMR that are directly related to the DMR. These include the following:

- DMR Cover Letters
- Below Detection Limit summary tables
- Flow Logs required under Part I.A.9

All other reports should be submitted to DEM as a hard copy via regular US mail (see Part I.C.4 below).

4. Submittal of Requests and Reports to DEM

The following requests, reports, and information described in this permit shall be submitted as hard copy to the DEM.

- A. Transfer of Permit notice
- B. Request for changes in sampling location
- C. Request for reduction in testing frequency
- D. Written notifications required under Part II
- E. Notice of unauthorized discharges
- F. Priority Pollutants Scan results per Part I.A.6

These reports, information, and requests shall be submitted to DEM by hard copy mail to the following address:

Rhode Island Department of Environmental Management
RIPDES Program
235 Promenade Street
Providence, RI 02908

5. Verbal Reports and Verbal Notifications

Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to the DEM. This includes verbal reports and notifications required under Part II.(I)(5) General Requirements. Verbal reports and verbal notifications shall be made to DEM at (401) 222-4700 or (401) 222-3070 at night.

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908-5767

STATEMENT OF BASIS

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PERMIT TO
DISCHARGE TO WATERS OF THE STATE

RIPDES PERMIT NO. **RI0022942**

NAME AND ADDRESS OF APPLICANT:

Stanley Black & Decker
1000 Stanley Drive
New Britain, CT 06053

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Stanley Black & Decker
One Briggs Drive
East Greenwich, RI 02818

RECEIVING WATER: **Unnamed Tributaries of Fry Brook** (Waterbody ID RI0007028R-02)

CLASSIFICATION: **B**

I. Proposed Action, Type of Facility, and Discharge Location

The above named applicant has applied to the Rhode Island Department of Environmental Management for re-issuance of RIPDES Permit No. RI0022942 to discharge into the designated receiving water. The discharge is from a groundwater pump and treat remediation system that was installed to remediate contaminated groundwater at the former disposal site at Stanley-Bostitch, Inc that was contaminated with volatile organic compounds (VOC's).

The Facility

Stanley Black & Decker, formerly Stanley-Bostitch, Inc. has been remediating a former disposal site at its East Greenwich Plant. The remedial activity was mandated by DEM after a site investigation revealed that surface water samples from Fry Brook and its tributaries were contaminated with VOC's. The source of the contamination was traced to the former disposal site at Stanley-Bostitch, Inc. A consent agreement between DEM and Stanley-Bostitch, Inc. required that remedial action be taken to contain the groundwater and to prevent further migration of pollutants via groundwater to tributaries of Fry Brook. The permit was originally issued on April 29, 1994 and was reissued on November 20, 2001, May 31, 2007, and April 3, 2013. This current permit expired on June 30, 2018. However, since a complete reapplication was submitted to DEM on May 18, 2018, the existing permit remains in effect in accordance with State's regulations for the Rhode Island Pollutant Discharge Elimination System (250-RICR-150-10-1) Part 1.13. On June 13, 2019 the DEM RIPDES program conducted a compliance evaluation inspection in conjunction with permit reissuance.

Treatment System Description

A groundwater interceptor trench was constructed along the eastern edge of the site to capture contaminated groundwater. The groundwater is then pumped to a treatment system which consists of an equalization tank that includes aeration (providing iron and manganese oxidation and solids

mixing), three (3) microstraining filters in parallel, followed by two (2) twenty-five (25) foot high, packed air stripping towers in series. A process flow diagram of the groundwater treatment system is included in **Attachment A**.

The flow from the treatment system is distributed among three (3) outfalls. Outfall 100A is an internal wastestream located at the composite sampler, following final treatment and prior to distributing the flow to Outfalls 001A, 002A, and 003A. Outfalls 001A, 002A, and 003A discharge to South Stream, Fry Pond, and North Stream respectively. Outfalls 001A and 003A discharge the majority of the flow while outfall 002A discharges a minor portion of the total flow. The total discharge, prior to distribution to the three (3) outfalls, shall not exceed a daily maximum flow rate of 350 gallons per minute (GPM), which was established using the maximum treatment system design flow.

Receiving Water

The receiving water for outfalls 001A, 002A, and 003A are tributaries of Fry Brook. Outfalls 001A, and 003A discharge to South Stream and North Stream respectively. The South Stream and North Stream are unnamed tributaries to Fry Brook, Waterbody ID RI0007028R-02. Outfall 002A discharges to Fry Pond, an unnamed Pond with no waterbody ID number. According to the State's Water Quality Regulations (250-RICR-150-05-1) Part 1.9.E.3, "all freshwaters hydrologically connected by surface waters and upstream of Class B, SB, C or SC waters shall be Class B unless otherwise identified in § 1.25 of this Part." Therefore, because Fry Brook is classified as a Class B surface water body, the tributaries to Fry Brook are also Class B surface waters. These waters are designated for fish and wildlife habitat and primary and secondary contact recreational activities. They shall be suitable for compatible industrial processes and cooling, hydropower, aquacultural uses, navigation, and irrigation and other agricultural uses. These waters shall have good aesthetic value. This Waterbody ID (RI0007028R-02) is listed as not supporting primary and secondary contact recreation due to Fecal Coliform impairment in DEM's 2016 Impaired Waters Report. Since the proposed discharge does not contain any domestic wastewater or animal waste, there is no potential for this discharge to contain Fecal Coliform and limits are not required in this permit.

II. Permit Limitations and Conditions

The effluent limitations, monitoring requirements, and any implementation schedule (if required) may be found in the draft permit. Historical average effluent concentrations may be found in **Attachment B**.

III. Permit Basis and Explanation of Effluent Limitation Derivation

Permit Development

The requirements set forth in this permit are from the State's Water Quality Regulations (250-RICR-150-05-1) and the State's regulations for the Rhode Island Pollutant Discharge Elimination System (250-RICR-150-10-1), both filed pursuant to RIGL Chapter 46-12, as amended. DEM's primary authority over the permit comes from EPA's delegation of the program in September 1984 under the Federal Clean Water Act (CWA).

Development of RIPDES permit limitations is a multi-step process consisting of the following steps: identifying applicable technology-based limits; calculating allowable water-quality based discharge levels based on instream criteria, background data and available dilution; establishing Best Professional Judgement (BPJ) limits in accordance with Section 402 of the CWA; and assigning the most stringent as the final discharge limitations. Effluent limitations in the permit are placed on pollutants of concern (POCs) that were found to be present in samples taken during the groundwater investigation and other pollutants. A comparison table between Water Quality-based limits for the POCs, limits from the previous issuance of this permit, and the RIPDES 2019 RGP Category E - Sites Containing Volatile Organic Compounds and Other Contaminants Discharging to Non-Class AA receiving waters can be found in **Attachment D**.

The pollutants that were found present during the groundwater investigation include:

- 1,1,1 Trichloroethane
- 1,1 Dichloroethane
- 1,1 Dichloroethene
- Trichloroethene
- Chloroethane
- Tetrachloroethane
- 1,2 Dichloroethane
- Trans 1,2-Dichloroethylene
- Chloroform
- 1,1,2 Trichloroethane
- Vinyl Chloride

This issuance of the permit also included effluent limitations for two (2) additional POCs:

- Total Suspended Solids (TSS)
- 1,4 Dioxane

This issuance of the permit also included revised effluent limitations for one (1) POC:

- 1,1-Dichloroethene

The majority of the limited parameters included in this issuance of the permit are unchanged from the parameters included in the previous permit issued in 2013. The twice per month monitoring frequency has been maintained in the permit in order to ensure the continued effectiveness of the treatment system. The effluent limitations and/or monitor-only requirements included in this permit are listed in Table 1 below. Effluent limits which are new or have been revised from the previous permit are **Bolded**.

Parameter	Effluent Limitation	
	Monthly Average	Daily Maximum
Total Suspended Solids (TSS)	--- µg/L	30,000 µg/L
1,1,1-Trichloroethane	5.0 µg/L	5.0 µg/L
1,1-Dichloroethane	5.0 µg/L	5.0 µg/L
1,1-Dichloroethene	3.2 µg/L	3.2 µg/L
Trichloroethene	5.0 µg/L	5.0 µg/L
Chloroethane	5.0 µg/L	5.0 µg/L
Tetrachloroethene	4.2 µg/L	5.0 µg/L
1,2-Dichloroethane	5.0 µg/L	5.0 µg/L
Trans 1,2-Dichloroethylene	1.0 µg/L	1.0 µg/L
Chloroform	5.0 µg/L	5.0 µg/L
1,1,2-Trichloroethane	5.0 µg/L	5.0 µg/L
Vinyl Chloride	1.9 µg/L	2 µg/L
1,4 Dioxane	--- µg/L	200.0 µg/L

Table 1

After reviewing the historical treatment performance of the groundwater treatment system, the selected groundwater remediation system has demonstrated its ability to remove each of the pollutants of concern to a concentration at or below the Method Detection Limit (MDL). A summary of Discharge Monitoring Report (DMR) data for the period March 2013 thru December 2018 can be found in **Attachment B** of this permit.

Streamflow and Dilution Factor (DF) Determinations

The RI Water Quality Regulations (250-RICR-150-10) Part 1.26 describes the flows used to

determine compliance with the aquatic life criteria, specifying that the design flow to be utilized for aquatic life criteria shall not be exceeded at or above the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years (7Q10). It also specifies that the stream design flow to be used to implement both carcinogen and noncarcinogen human health criteria is the Harmonic Mean flow.

Since the effluent discharges from outfalls 001A, 002A, and 003A discharge to areas where there is little to no measurable dilution, and there is no current background or dilution data available for the point of discharge, a dilution factor of one (1) was used in the determination of water quality-based discharge limits.

Water Quality Based Permit Limitations

Water quality criteria are comprised of numeric and narrative criteria. Numeric criteria are scientifically derived ambient concentrations developed by EPA or States for various pollutants of concern to protect human health and aquatic life. Narrative criteria are statements that describe the desired water quality goal.

Aquatic life criteria have been established to ensure the protection and propagation of aquatic life while human health criteria represent the pollutant levels that would not result in a significant risk to public health from ingestion of aquatic organisms. The more stringent of the two criteria was then used in establishing allowable effluent limitations. The allowable effluent limitations were established based on the Non-Class AA freshwater acute and chronic aquatic life criteria and human health criteria specified in § 1.26(J) of the RI Water Quality Regulations, using 80% allocation when no background data was available and 90% allocation when background data is available. Since there is no background data available, the allowable water quality-based discharge levels are set equal to 80% of the water quality criteria for Non-Class AA waters as listed in § 1.26(J) of the RI Water Quality Regulations. Water quality-based limitations were calculated as follows:

Background concentration unknown

$$\text{Limit} = (DF) * (\text{Criteria}) * (80\%)$$

In accordance with 40 CFR 122.44(d)(1)(iii), water quality based effluent limitations are only required for those pollutants in the discharge that have the reasonable potential to cause or contribute to the exceedance of instream criteria. In order to evaluate the need for permit limits, the allowable monthly average (chronic) and allowable maximum daily (acute) discharge concentrations are compared to the monthly average and maximum daily Discharge Monitoring Report (DMR) data or other monitoring data.

The permit includes water quality-based discharge limits for the following POC:

- Tetrachloroethene (Monthly Average)
- Vinyl Chloride (Monthly Average)

Tetrachloroethene

The DEM calculated a water quality-based monthly average and daily maximum discharge limit of 4.2 µg/L 192 µg/L for Tetrachloroethene respectively. However, the previous issuance of this permit included a daily maximum discharge limit for Tetrachloroethene of 5.0 µg/L. The daily maximum limit of 5.0 µg/L was developed using BPJ as authorized by § 402(a)(1) of the CWA. This BPJ limit was carried over from the previous issuance of this permit. As a result, the permit includes a water quality-based monthly average permit limit of 4.2 µg/L and a BPJ-based daily maximum limit of 5.0 µg/L.

Vinyl Chloride

The DEM calculated a water quality-based monthly average discharge limit for Vinyl Chloride of 1.9 µg/L (Note: there is no acute criteria). However, the DEM included in the previous issuance of this permit a daily maximum limit for Vinyl Chloride discharge limit of 2.0 µg/L to ensure that there will be no adverse impacts to downstream drinking water resource. As a result, the permit includes a Vinyl

Chloride daily maximum limit of 2.0 µg/L. This limitation is consistent with the Rhode Island Department of Health MCL specified for Vinyl Chloride. These limits ensure that there will not be any adverse impacts to drinking water sources as a result of the permitted discharge.

A table presenting the allowable water quality-based limits is presented in **Attachment C**.

Technology Based Limits

A technology-based limit is a numeric limit, which is determined by examining the capability of a treatment process to reduce or eliminate pollutants. The DEM is required to consider technology and water quality requirements when developing permit effluent limitations. Technology based treatment requirements represent the minimum level of control that must be imposed under Section 402 and 301(b) of the Act (see 40 CFR 125 Subpart A) to meet Best Practicable Control Technology Currently Available (BPT), Best Conventional Control Technology (BCT) for conventional pollutants, and Best Available Technology Economically Achievable (BAT) for toxic pollutants. In the absence of technology-based guidelines, DEM is authorized to use BPJ to establish effluent limitations, in accordance with Section 402(a)(1) of the CWA. Since EPA has not established technology based treatment standards for this discharge, the Department was authorized to use BPJ.

Total Suspended Solids (TSS)

The DEM added this BPJ limit to this issuance of the permit to be consistent with the RIPDES 2019 RGP. The daily maximum discharge limit for TSS is 30,000 µg/L while the monthly average limit is "monitor only." This limit was developed using BPJ as authorized by § 402(a)(1) of the CWA. Based on a review of the remediation system historical performance data, DEM expect the facility to be able to meet this limit without any upgrades to the current system.

1,1,1-Trichloroethane
1,1-Dichloroethane
Trichloroethylene

Chloroethane
1,2 Dichloroethane
Chloroform

1,1,2 Trichloroethane

This BPJ limit was carried over from the previous issuance of this permit. The effluent limitation for these pollutants in the previous issuance of the permit was set equal to five (5) times the MDL. Since the MDL was 1.0 µg/L, the limit was calculated as 5×1.0 µg/L and the corresponding BPJ limits was 5.0 µg/L. This limit was developed using BPJ as authorized by § 402(a)(1) of the CWA. The limits are consistent with similar permits issued by the DEM RIPDES program for systems designed to treat volatile organic compounds and the 2019 RIPDES Remediation General Permit (RGP).

1,1-Dichloroethene

The effluent limitation for 1,1-Dichloroethene in the previous issuance of the permit was set equal to five (5) times the MDL. Since the MDL for 1,1-Dichloroethene was 1.0 µg/L, the limit was calculated as 5×1.0 µg/L and the corresponding BPJ limits was 5.0 µg/L. However, 1,1-Dichloroethene effluent limit for similar sites under the RIPDES 2019 RGP Category E - Sites Containing Volatile Organic Compounds and Other Contaminants Discharging to Non-Class AA receiving waters is 3.2 µg/L. Therefore, the monthly average and daily maximum limit in this permit was revised to 3.2 µg/L to be consistent with the RGP. Based on a review of the remediation system historical performance data, DEM expect the facility to be able to meet this limit without any upgrades to the current system.

Trans -1,2-Dichloroethylene

This BPJ limit was carried over from the previous issuance of this permit. The effluent limitations for Trans -1,2-Dichloroethylene in this permit is a daily maximum of 1.0 µg/L and a monthly average of 1.0 µg/L using BPJ as authorized by § 402(a)(1) of the CWA.

1,4 Dioxane

The DEM added this BPJ limit to this issuance of the permit to be consistent with the RIPDES 2019 RGP Category E - Sites Containing Volatile Organic Compounds and Other Contaminants Discharging to Non-Class AA receiving waters. The daily maximum discharge limit for 1,4 Dioxane is 200.0 µg/L while the monthly average limit is "monitor only." The permittee already samples the influent groundwater and treated effluent for 1,4 Dioxane even though previous issuances of this permit did not include discharge limits for 1,4 Dioxane. Based on a review of the remediation system historical performance data, DEM expect the facility to be able to meet this limit without any upgrades to the current system.

Whole Effluent Toxicity (WET) Testing

WET testing is the aggregate toxic effect of an effluent measured directly by an aquatic toxicity test. Under §§ 402(a)(2) and 308(a) of the CWA, States are authorized to require toxicity testing. The RI Water Quality regulations § 1.10(D)(1) under Chemical Constituents have narrative requirements that prohibits the discharge of pollutants in concentration or combinations that could be harmful to humans or fish and wildlife for the most sensitive and governing water class use.

40 CFR 122.44(d)(1)(ii) requires states to use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing, and where appropriate, the dilution of the effluent in the receiving water when conducting reasonable potential analysis. Permits are required to contain WET limitations when a discharge causes or has a reasonable potential to cause or contribute to an excursion above the State's narrative criterion for toxicity under 40 CFR 122.44(d)(1)(v).

After review of treatment system and compliance history records, it was determined that chemical-specific limits should be sufficient to attain and maintain the applicable Rhode Island Water Quality Standards. Therefore, WET limits were not included in this permit.

Priority Pollutants Scan (PPS)

The requirement to conduct a Priority Pollutants scan on the effluent and influent in the final year of the permit and submit the results to the DEM with the reapplication was added to the permit requirements to ensure discharge meets the State's Water Quality Standards for a wide variety of pollutants not monitored on a regular basis using BPJ as authorized by § 402(a)(1) of the CWA.

Antibacksliding/Antidegradation

The Antibacksliding Provision of the Clean Water Act (found at Section 402(o) and repeated at 40 CFR 122.44(l)) prohibits reissuing a permit containing less stringent effluent limits than the comparable limits from the previous permit. Section 303(d)(4) of the Clean Water Act addresses water quality based antibacksliding in terms of water quality-based limits. Since none of the permit limits are less stringent than in the previous permit, antibacksliding regulations are being met. Additionally, the draft permit is being reissued with limitations as stringent or more stringent than those in the existing permit with no change to the outfall location or increase in flow. Therefore, as there will be no increase in loadings or flow to the receiving waterbody, no additional antidegradation review is necessary.

The requirements set forth in this permit are from the State's Water Quality Regulations and the State's Regulations for the Rhode Island Pollutant Discharge Elimination System, both filed pursuant to RIGL Chapter 46-12, as amended. DEM's primary authority over the permit comes from EPA's delegation of the program in September 1984 under the Federal Clean Water Act (CWA).

The effluent monitoring requirements have been specified in accordance with RIPDES regulations as well as 40 CFR 122.41(j), 122.44(l), and 122.48 to yield data representative of the discharge.

The Office has determined that all permit limitations are consistent with the Rhode Island Antidegradation Policy.

The remaining general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consisting primarily of management requirements common to all permits.

IV. Comment Period, Hearing Requests, and Procedures for Final Decisions

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to the Rhode Island Department of Environmental Management. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Director finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.


Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of the final permit decision any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for formal hearings must satisfy the requirements of Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

V. DEM Contact

Additional information concerning the permit may be obtained between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding holidays from:

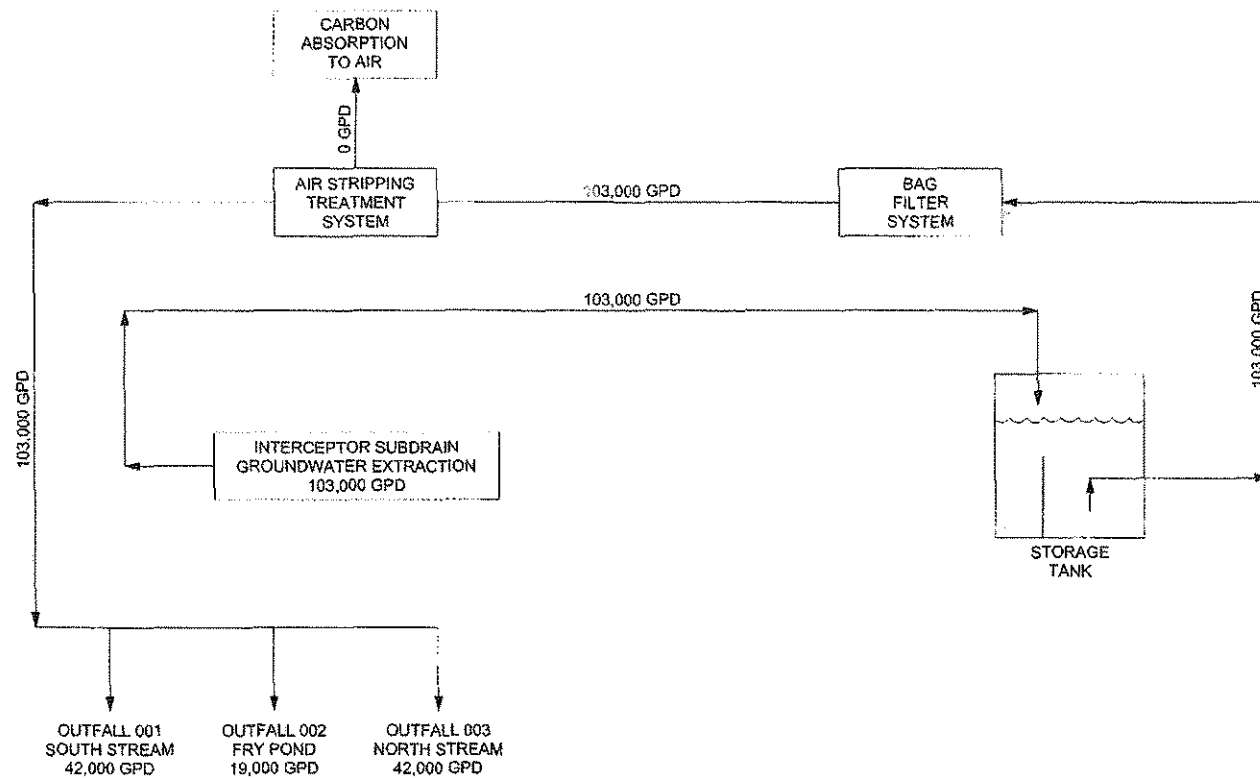
Abdulrahman Ragab
Sanitary Engineer
RIPDES Program
Department of Environmental Management
235 Promenade Street
Providence, Rhode Island, 02908
Telephone: (401) 222-4700, ext. 7201
Email: Abed.Ragab@dem.ri.gov

7/22/19
Date


Joseph B. Haberek, P.E.
Supervising Sanitary Engineer
RIPDES Permitting Section
Office of Water Resources
Department of Environmental Management

ATTACHMENT A – Flow Schematic

200 P:\East Greenwich\Project\040527\040527.dwg (04/18) Stanley Black & Decker, Inc.



AECOM

LEGEND

→ FLOW PATH
 GPD GALLONS PER DAY
 (AVERAGE FLOW)

STANLEY BLACK & DECKER TEN BRIGGS DRIVE EAST GREENWICH, RI			PROCESS FLOW DIAGRAM
DATE: 04/18	DRAWN: K.P.B.	JOB NO: 60530261	

FIGURE 1

ATTACHMENT B**AVERAGE EFFLUENT CHARACTERISTICS OF SELECTED POLLUTANTS AT POINT OF DISCHARGE:**

DESCRIPTION OF DISCHARGE: Final Discharge of Treated Groundwater
DISCHARGE: 001A

PARAMETER	AVERAGE
Monthly Average Flow (GPM)	29.31 ¹

DESCRIPTION OF DISCHARGE: Final Discharge of Treated Groundwater
DISCHARGE: 002A

PARAMETER	AVERAGE
Monthly Average Flow (GPM)	7.61 ¹

DESCRIPTION OF DISCHARGE: Final Discharge of Treated Groundwater
DISCHARGE: 003A

PARAMETER	AVERAGE
Monthly Average Flow (GPM)	50.44 ¹

DESCRIPTION OF DISCHARGE: Internal Outfall – Discharge from Remediation System
DISCHARGE: 100A

PARAMETER	AVERAGE
Daily Maximum Flow (GPM)	257.5 ¹
1,2 Dichloroethane (µg/L)	0.0 ¹
Chloroform (µg/L)	0.0 ¹
Chloroethane (µg/L)	0.0 ¹
Tetrachloroethylene (µg/L)	0.0 ¹
1,1 Dichloroethane (µg/L)	0.0 ¹
1,1 Dichloroethylene (µg/L)	0.0 ¹
1,1,1 Trichloroethane (µg/L)	0.025 ¹

1,1,2 Trichloroethane (µg/L)	0.0 ¹
1,2-Trans-Dichloroethylene (µg/L)	0.0 ¹
Vinyl Chloride (µg/L)	0.0 ¹
Trichloroethylene (µg/L)	0.0 ¹

¹ Data represents the mean of the monthly average DMR data for the period: March 2013 thru December 2018.

ATTACHMENT C – Water Quality Calculations

Attachment C
Water Quality Based Effluent Limits - Freshwater

CALCULATION OF WATER QUALITY BASED NON-CLASS AA FRESHWATER DISCHARGE LIMITS
FACILITY SPECIFIC DATA INPUT SHEET

NOTE: LIMITS BASED ON RI WATER QUALITY CRITERIA DATED JULY 2006

FACILITY NAME: Stanley Black & Decker
 RIPDES PERMIT #: RI0022942

	DISSOLVED BACKGROUND DATA (ug/L)	ACUTE METAL TRANSLATOR	CHRONIC METAL TRANSLATOR
ALUMINUM	NA	NA	NA
ARSENIC	NA	1	1
CADMIUM	NA	1.002000673	0.967000673
CHROMIUM III	NA	0.316	0.86
CHROMIUM VI	NA	0.982	0.962
COPPER	NA	0.96	0.96
LEAD	NA	0.993001166	0.993001166
MERCURY	NA	0.85	0.85
NICKEL	NA	0.998	0.997
SELENIUM	NA	NA	NA
SILVER	NA	0.85	NA
ZINC	NA	0.978	0.986
AMMONIA (as N)	NA		

USE NA WHEN NO DATA IS AVAILABLE

NOTE 1: METAL TRANSLATORS FROM RI WATER
 QUALITY REGS.

pH =	7.5 S.U.
HARDNESS =	25.0 (mg/L as CaCO3)

FLOW DATA	
DESIGN FLOW =	0.504 MGD
=	0.780 CFS
7Q10 FLOW =	CFS
7Q10 (JUNE-OCT) =	CFS
7Q10 (NOV-MAY) =	CFS
30Q5 FLOW =	CFS
HARMONIC FLOW =	CFS

DILUTION FACTORS	
ACUTE =	1.000
CHRONIC =	1.000
(MAY-OCT) =	1.000
(NOV-APR) =	1.000
30Q5 FLOW =	1.000
HARMONIC FLOW =	1.000
VOCs =	1.000

Attachment C

Water Quality Based Effluent Limits - Freshwater

CALCULATION OF WATER QUALITY BASED NON-CLASS AA FRESHWATER DISCHARGE LIMITS

FACILITY NAME: Stanley Black & Decker

RIPDES PERMIT #: RI0022942

CHEMICAL NAME	CAS#	DAILY MAX LIMIT (ug/L)	MONTHLY AVE LIMIT (ug/L)
PRIORITY POLLUTANTS			
TOXIC METALS AND CYANIDE			
ANTIMONY	7440360	360.00	8.00
ARSENIC, TOTAL	7440382	272.00	1.12
ASBESTOS	1332214	No Criteria	0.00000
BERYLLIUM	7440417	6.00	0.14
CADMIUM, TOTAL	7440439	0.42	0.07752
CHROMIUM III, TOTAL	16065831	463.46	22.15
CHROMIUM VI, TOTAL	18540299	13.03	9.15
COPPER, TOTAL	7440508	3.03	2.28
CYANIDE	57125	17.60	4.16
LEAD, TOTAL	7439921	11.18	0.44
MERCURY, TOTAL	7439976	1.32	0.14
NICKEL, TOTAL	7440020	116.17	12.92
SELENIUM, TOTAL	7782492	16.00	4.00
SILVER, TOTAL	7440224	0.30	No Criteria
THALLIUM	7440280	36.80	0.38
ZINC, TOTAL	7440666	29.61	29.61
VOLATILE ORGANIC COMPOUNDS			
ACROLEIN	107028	2.32	0.04800
ACRYLONITRILE	107131	302.40	2.00
BENZENE	71432	212.00	4.72
BROMOFORM	75252	1172.00	26.40
CARBON TETRACHLORIDE	56235	1092.00	12.80
CHLOROBENZENE	108907	636.00	14.40
CHLORODIBROMOMETHANE	124481	No Criteria	104.00
CHLOROFORM	67663	1156.00	25.60
DICHLOROBROMOMETHANE	75274	No Criteria	136.00
1,2DICHLOROETHANE	107062	4720.00	104.80
1,1DICHLOROETHYLENE	75354	464.00	10.40
1,2DICHLOROPROPANE	78875	2100.00	46.40
1,3DICHLOROPROPYLENE	542756	No Criteria	16.80
ETHYLBENZENE	100414	1280.00	28.80
BROMOMETHANE (methyl bromide)	74839	No Criteria	1200.00
CHLOROMETHANE (methyl chloride)	74873	No Criteria	0.00000
METHYLENE CHLORIDE	75092	7720.00	171.20
1,1,2,2TETRACHLOROETHANE	79345	372.80	8.00
FLUORENE	86737	No Criteria	4240.00
HEXACHLOROBENZENE	118741	No Criteria	0.00232

CHEMICAL NAME	CAS#	DAILY MAX LIMIT (ug/L)	MONTHLY AVE LIMIT (ug/L)
TETRACHLOROETHYLENE	127184	192.00	4.24
TOLUENE	108883	508.00	11.20
1,2TRANS-DICHLOROETHYLENE	156605	No Criteria	8000.00
1,1,1TRICHLOROETHANE	71556	No Criteria	0.00000
1,1,2TRICHLOROETHANE	79005	720.00	16.00
TRICHLOROETHYLENE	79016	1560.00	34.40
VINYL CHLORIDE	75014	No Criteria	1.92
ACID ORGANIC COMPOUNDS			
2CHLOROPHENOL	95578	103.20	2.32
2,4DICHLOROPHENOL	120832	80.80	1.76
2,4DIMETHYLPHENOL	105679	84.80	1.92
4,6DINITRO-2METHYL PHENOL	534521	No Criteria	224.00
2,4DINITROPHENOL	51285	24.80	0.55
4NITROPHENOL	88755	No Criteria	0.00000
PENTACHLOROPHENOL	87865	0.05	0.03572
PHENOL	108952	200.80	4.48000
2,4,6TRICHLOROPHENOL	108953	VOCs	0.29
BASE NEUTRAL COMPOUNDS			
ACENAPHTHENE	83329	68.00	1.52
ANTHRACENE	120127	No Criteria	32000.00
BENZIDINE	92875	No Criteria	0.00160
PAHs		No Criteria	0.14
BIS(2CHLOROETHYL)ETHER	111444	No Criteria	4.24
BIS(2CHLOROISOPROPYL)ETHER	108601	No Criteria	52000.00
BIS(2ETHYLHEXYL)PHTHALATE	117817	444.00	9.60
BUTYL BENZYL PHTHALATE	85687	68.00	1.52
2CHLORONAPHTHALENE	91587	No Criteria	1280.00
1,2DICHLOROBENZENE	95501	63.20	1.44
1,3DICHLOROBENZENE	541731	312.00	6.96
1,4DICHLOROBENZENE	106467	44.80	0.96
3,3DICHLOROBENZIDENE	91941	No Criteria	0.22
DIETHYL PHTHALATE	84662	2084.00	46.40
DIMETHYL PHTHALATE	131113	1320.00	29.60
DI-n-BUTYL PHTHALATE	84742	No Criteria	3600.00
2,4DINITROTOLUENE	121142	1240.00	27.20
1,2DIPHENYLHYDRAZINE	122667	11.20	0.25
FLUORANTHENE	206440	159.20	3.52
NON PRIORITY POLLUTANTS			
OTHER SUBSTANCES			

Attachment C
Water Quality Based Effluent Limits - Freshwater

CALCULATION OF WATER QUALITY BASED NON-CLASS AA FRESHWATER DISCHARGE LIMITS
FACILITY NAME: Stanley Black & Decker RIPDES PERMIT #: RI0022942

CHEMICAL NAME	CAS#	DAILY MAX LIMIT (ug/L)	MONTHLY AVE LIMIT (ug/L)
HEXACHLOROBUTADIENE	87683	No Criteria	144.00
HEXACHLOROCYCLOPENTADIENE	77474	0.28	0.00640
HEXACHLOROETHANE	67721	39.20	0.88
ISOPHORONE	78591	4680.00	104.00
NAPHTHALENE	91203	92.00	2.08
NITROBENZENE	98953	1080.00	24.00
N-NITROSODIMETHYLAMINE	62759	No Criteria	24.00
N-NITROSODI-N-PROPYLAMINE	621647	No Criteria	4.08
N-NITROSODIPHENYLAMINE	86306	234.40	5.20
PYRENE	129000	No Criteria	3200.00
1,2,4trichlorobenzene	120821	60.00	1.36
PESTICIDES/PCBs			
ALDRIN	309002	2.40	0.00040
Alpha BHC	319846	No Criteria	0.04
Beta BHC	319857	No Criteria	0.14
Gamma BHC (Lindane)	58899	0.76	0.76
CHLORDANE	57749	1.92	0.00344
4,4DDT	50293	0.88	0.00080
4,4DDE	72559	No Criteria	0.00176
4,4DDD	72548	No Criteria	0.00248
DIELDRIN	60571	0.19	0.00043
ENDOSULFAN (alpha)	959988	0.18	0.04480
ENDOSULFAN (beta)	33213659	0.18	0.04480
ENDOSULFAN (sulfate)	1031078	No Criteria	71.20
ENDRIN	72208	0.07	0.03
ENDRIN ALDEHYDE	7421934	No Criteria	0.24
HEPTACHLOR	76448	0.42	0.00
HEPTACHLOR EPOXIDE	1024573	0.42	0.00
POLYCHLORINATED BIPHENYLS3	1336363	No Criteria	0.00
2,3,7,8TCDD (Dioxin)	1746016	No Criteria	0.00
TOXAPHENE	8001352	0.58	0.00
TRIBUTYLTIN		0.37	0.06

CHEMICAL NAME	CAS#	DAILY MAX LIMIT (ug/L)	MONTHLY AVE LIMIT (ug/L)
ALUMINUM, TOTAL	7429905	600.00	69.60
AMMONIA (as N), WINTER (NOV-APR)	7664417	8080.00	1168.00
AMMONIA (as N), SUMMER (MAY-OCT)	7664417	8080.00	1168.00
4BROMOPHENYL PHENYL ETHER		14.40	0.32
CHLORIDE	16887006	688000.00	184000.00
CHLORINE	7782505	19.00	11.00
4CHLORO2METHYLPHENOL		12.00	0.26
1CHLORONAPHTHALENE		64.00	1.44
4CHLOROPHENOL	106489	153.60	3.44
2,4DICHLORO6METHYLPHENOL		17.60	0.38
1,1DICHLOROPROPANE		920.00	20.80
1,3DICHLOROPROPANE	142289	242.40	5.36
2,3DINITROTOLUENE		13.60	0.30
2,4DINITRO6METHYL PHENOL		9.60	0.21
IRON	7439896	No Criteria	800.00
pentachlorobenzene	608935	10.40	0.22
PENTACHLOROETHANE		289.60	6.40
1,2,3,5tetrachlorobenzene		256.80	5.68
1,1,1,2TETRACHLOROETHANE	630206	784.00	17.60
2,3,4,6TETRACHLOROPHENOL	58902	5.60	0.13
2,3,5,6TETRACHLOROPHENOL		6.80	0.15
2,4,5TRICHLOROPHENOL	95954	18.40	0.41
2,4,6TRINITROPHENOL	88062	3388.00	75.20
XYLENE	1330207	106.40	2.40

ATTACHMENT D – Limits Comparison

ATTACHMENT D
Stanley Black and Decker limits Comparison

STATEMENT OF BASIS
Permit No. RI0022942

Comparison between RI Water Quality limits, limits from the 2013 issuance of this permit, and the RIPDES 2019 RGP Category E - Sites Containing Volatile Organic Compounds and Other Contaminants Discharging to Non-Class AA receiving waters

	Mo. Ave. 2013 permit ug/L	Mo. Ave. 2019 RGP ug/L	Mo. Ave. WQ crit ug/L	Daily Max. 2013 permit ug/L	Daily Max. 2019 RGP ug/L	Daily Max. WQ crit ug/L
Total Suspended Solids (TSS)	No Limit	Monitor Only	No Criteria	No Limit	30,000	No Criteria
1,1,1-Trichloroethane	5.0	Monitor Only	No Criteria	5.0	200	No Criteria
1,1-Dichloroethane	5.0	Monitor Only	No Criteria	5.0	70	No Criteria
1,1-Dichloroethene	5.0	3.2	10.4	5.0	3.2	464
Trichloroethene	5.0	5.0	34.4	5.0	5.0	1,560
Chloroethane	5.0	Not Listed	No Criteria	5.0	Not Listed	No Criteria
Tetrachloroethene	4.2	4.24	4.2	5.0	5.0	192
1,2-Dichloroethane	5.0	5.0	104.8	5.0	5.0	4,720
Trans 1,2-Dichloroethylene	1.0	Not Listed	8,000	1.0	Not Listed	No Criteria
Chloroform	5.0	Not Listed	25.6	5.0	Not Listed	1,156
1,1,2-Trichloroethane	5.0	5.0	16.0	5.0	5.0	720
Vinyl Chloride	1.9	1.92	1.9	2.0	2.0	No Criteria
1,4 Dioxane	No Limit	Monitor Only	No Criteria	No Limit	200	No Criteria

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DEFINITIONS

GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with Rule 12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-4700 or (401) 222-3070 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.
- (2) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Rule 14.18 of the RIPDES Regulations.
- (3) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (b) The permitted facility was at the time being properly operated;
 - (c) The permittee submitted notice of the upset as required in Rule 14.18 of the RIPDES Regulations; and
 - (d) The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with Rules 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.

DEFINITIONS

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M ³ /day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH ₃ -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO ₃ -N	nitrate nitrogen as nitrogen
NO ₂ -N	nitrite nitrogen as nitrogen
NO ₃ -NO ₂	combined nitrate and nitrite nitrogen as nitrogen
Cl ₂	total residual chlorine

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DEFINITIONS

GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with 250-RICR-150-10-1.12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-4700 or (401) 222-3070 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.
- (2) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in 250-RICR-150-10-1.14(R) of the RIPDES Regulations.
- (3) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (b) The permitted facility was at the time being properly operated;
 - (c) The permittee submitted notice of the upset as required in 250-RICR-150-10-1.14(R) of the RIPDES Regulations; and
 - (d) The permittee complied with any remedial measures required under 250-RICR-150-10-1.14(E) of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with 250-RICR-150-10-1.16 and 250-RICR-150-10-1.24 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of 250-RICR-150-10-1.50 of the RIPDES Regulations.

DEFINITIONS

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M ³ /day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH ₃ -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO ₃ -N	nitrate nitrogen as nitrogen
NO ₂ -N	nitrite nitrogen as nitrogen
NO ₃ -NO ₂	combined nitrate and nitrite nitrogen as nitrogen
Cl ₂	total residual chlorine