

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, the

Town of Warren
514 Main Street
Warren, RI 02885

is authorized to discharge from a facility located at the

Warren Wastewater Treatment Facility
427 Water Street
Warren, RI 02885

to receiving waters named the

Warren River

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

This permit shall become effective on December 1, 2010.

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

This permit supersedes the permit issued on September 30, 2002.

This permit consists of 21 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this 30th day of September, 2010.



Angelo S. Liberty, P.E., Chief 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

1. During the period beginning on the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the WWTF After All Treatment Processes).

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs./day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u> *(<u>Minimum</u>)	<u>Average Weekly</u> *(<u>Average</u>)	<u>Maximum Daily</u> *(<u>Maximum</u>)		
Flow	2.01 MGD	--- MGD				Continuous	Recorder
BOD ₅	502	838	30 mg/l	45 mg/l	50 mg/l	3/Week	24-Hr. Comp.
BOD ₅ - % Removal			85%			1/Month	Calculated
TSS	502	838	30 mg/l	45 mg/l	50 mg/l	3/Week	24-Hr. Comp.
TSS - % Removal			85%			1/Month	Calculated
Settleable Solids				--- ml/l	--- ml/l	1/Day	Grab

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

Sampling for TSS and BOD₅ shall be performed Tuesday, Thursday, and either Saturday or Sunday. All BOD₅ and TSS samples shall be taken on the influent and effluent with appropriate allowances for hydraulic detention (flow-through) time.

Sampling for Flow and Settleable Solids shall be performed Sunday-Saturday.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (Final Discharge from the WWTF After All Treatment Processes).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the WWTF After All Treatment Processes).

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

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
Enterococci			35 cfu ¹ 100 ml		276 cfu ¹ 100 ml	3/Week	Grab
Fecal Coliform			--- MPN ¹ 100 ml		--- MPN ¹ 100 ml	1/Week	Grab
Total Residual Chlorine (TRC)			455 ug/l ²		455 ug/l ²	Daily	Grab ²
pH			(6.5 SU)		(8.5 SU)	2/Day	Grab

¹Two (2) of the three (3) Enterococci samples are to be taken on Tuesday and Thursday. All three (3) of the Enterococci samples shall be taken at the same time of day as the second TRC sample. The Fecal Coliform sample shall be taken at the same time as either the Tuesday or Thursday Enterococci sample. The Geometric Mean shall be used to obtain the "monthly average."

² The use of a continuous TRC recorder after chlorination and prior to dechlorination is required to provide a record that proper disinfection was achieved at all times. Compliance with the permit limitations shall be determined by taking three grab samples of the final effluent (after dechlorination) Monday - Friday (except holidays), equally spaced over one (1) eight (8) hour working shift with a minimum of three hours between grabs, and on Saturdays, Sundays, and Holidays by taking at least two (2) grab samples each day with a minimum of two (2) hours between grabs. The maximum daily and average monthly values are to be computed from the averaged grab sample results for each day. The following methods may be used to analyze the grab samples: (1) DPD spectrophotometric, EPA No. 330.5 or Standard Methods (18th Edition) No.4500-CI G; (2) DPD Titrimetric, EPA No. 330.4 or Standard Methods (18th Edition) No. 4500-CI F; (3) Amperometric Titration, EPA No. 330.1 or Standard Methods (18th Edition) No. 4500-CI D or ASTM No. D1253-86(92).

*Values in parentheses () are to be reported as Minimum/Maximum for the reporting period rather than Average Monthly/Maximum Daily.

Sampling for pH and Chlorine Residual shall be performed Sunday-Saturday.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (Final Discharge from the WWTF After All Treatment Processes).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the WWTF After All Treatment Processes).

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Oil and Grease					--- mg/l	1/Month	3 Grabs ¹
Nitrate, Total (as N)							
(Nov. 1 – April 30)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
(May 1 – Oct. 31)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
Nitrite, Total (as N)							
(Nov. 1 – April 30)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
(May 1 – Oct. 31)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
Total Kjeldahl Nitrogen - TKN (as N)							
(Nov. 1 – April 30)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
(May 1 – Oct. 31)			--- mg/l		--- mg/l	1/Week	24-Hr. Comp.
Nitrogen, Total							
(TKN + Nitrate + Nitrite, as N)							
(Nov. 1 – April 30)	239.7 lbs/d		14.3 mg/l		--- mg/l	1/Week	Calculated
(May 1 – Oct. 31)	83.8 lbs/d		5.0 mg/l		--- mg/l	1/Week	Calculated

¹Three (3) grab samples shall be equally spaced over the course of an eight (8) hour shift with a minimum of three (3) hours between grabs. Each grab sample must be analyzed individually and the maximum values reported.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday at the following location: Outfall 001A (Final Discharge from the WWTF After All Treatment Processes).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning on the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the WWTF After All Treatment Processes).

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Copper, Total			50 ug/l		162 ug/l	1/Month	24-Hr. Comp.
Cyanide			28 ug/l		28 ug/l	1/Quarter	Composite ¹
Cadmium, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Chromium, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Lead, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Zinc, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Nickel, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Aluminum, Total			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.

¹ Three (3) grab samples shall be equally spaced over one (1) eight (8) hour shift, with a minimum of three (3) hours between grabs. All three (3) samples shall be composited, then analyzed for available Cyanide.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday at the following locations: Outfall 001A (Final Discharge from the WWTF After All Treatment Processes).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning on the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the WWTF After All Treatment Processes).

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
<u>Mysidopsis bahia</u>							
LC50 ¹					100% or Greater ²	1/Quarter	24-Hr. Comp.

¹LC₅₀ is defined as the concentration of wastewater that causes mortality to 50% of the test organisms.

²The 100% or greater limit is defined as a sample which is composed of 100% effluent.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 001A (Final Discharge from the WWTF After All Treatment Processes) in accordance with I.B. of the permit.

6. a. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 standard units at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
- b. The discharge shall not cause visible discoloration of the receiving waters.
- a. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- b. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and 5-day biochemical oxygen demand. The percent removal shall be based on monthly average values.
- c. When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the permitted monthly average flow, the permittee shall submit to the Department of Environmental Management a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.
- d. The permittee shall analyze its effluent annually for the EPA Priority Pollutants as listed in 40 CFR 122, Appendix D, Table II and III. The results of these analyses shall be submitted to the Department of Environmental Management by January 15th of each year for the previous calendar year. All sampling and analysis shall be done in accordance with EPA Regulations, including 40 CFR, Part 136; grab and composite samples shall be taken as appropriate.
- e. This permit serves as the State's Water Quality Certificate for the discharges described herein.

A. BIOMONITORING REQUIREMENTS AND INTERPRETATION OF RESULTS

1. General

Beginning on the effective date of the permit, the permittee shall perform four (4) acute toxicity tests per year on samples collected from discharge outfall 001 (Final Discharge from the WWTF After All Treatment Processes). The permittee shall conduct the tests during dry weather periods (no rain within forty-eight (48) hours prior to or during sampling unless approved by RIDEM) according to the following test frequency and protocols. Acute data shall be reported as outlined in Part I.B.9. The State may require additional screening, range finding, definitive acute or chronic bioassays as deemed necessary based on the results of the initial bioassays required herein. Indications of toxicity could result in requiring a Toxicity Reduction Evaluation (TRE) to investigate the causes and to identify corrective actions necessary to eliminate or reduce toxicity to an acceptable level.

2. Test Frequency

On four (4) sampling events, (one (1) each calendar quarter) the permittee will conduct forty-eight (48) hour acute definitive toxicity tests on the species listed below, for a total of four (4) acute toxicity tests per year. This requirement entails performing one (1-) species testing as follows:

<u>Species</u>	<u>Test Type</u>	<u>Frequency</u>
Mysids	Definitive 48-Hour	Quarterly
<u>(Mysidopsis bahia)</u>	Acute Static (LC ₅₀)	

3. Testing Methods

Acute definitive toxicity tests shall be conducted in accordance with protocols listed in the EPA document: Cornelius I. Weber, et. al., 1991. Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms, Fourth Edition (or the most recent edition), Office of Research and Development, Cincinnati, OH (EPA-600/4-90-027), incorporating any deviations from protocol listed herein, or additional methods if approved by the Director of RIDEM.

4. Sample Collection

For each sampling event a twenty-four (24) hour flow proportioned composite final effluent sample shall be collected during dry weather (no rain forty-eight (48) hours prior to or during sampling unless approved by RIDEM). This sample shall be kept cool (at 4°C) and testing shall begin within twenty-four (24) hours after the last sample of the composite is collected. In the laboratory, the sample will be split into two (2) subsamples, after thorough mixing, for the following:

- A: Chemical Analysis
- B: Acute Toxicity Testing

All samples held overnight shall be refrigerated at 4°C. Grab samples must be used for pH and temperature.

5. Salinity Adjustment

Prior to the initiation of testing, the effluent must be adjusted to make the salinity of the effluent equal to that of the marine dilution water. The test solution must be prepared by adding non-toxic dried ocean salts to a sufficient quantity of 100% effluent to raise the salinity to the desired level. After the addition of the dried salts, stir gently for thirty (30) to sixty (60) minutes, preferably with a magnetic stirrer, to ensure that the salts are in solution. It is important to check the final salinity with a refractometer or salinometer. Salinity adjustments following this procedure and in accordance with EPA protocol will ensure that the concentrations (% effluent) of each dilution are real and allow for an accurate evaluation with the acute permit limit and acute monitoring requirements.

6. Dilution Water

Dilution water used for marine acute toxicity analyses should be of sufficient quality to meet minimum acceptability of test results (See Part I.B. 7). Natural seawater shall be used as the dilution water. This water shall be collected from Narragansett Bay off the dock at the URI's Graduate School of Oceanography on South Ferry Road, Narragansett. It is noted that the University claims no responsibility for the personal safety on this dock. The permittee shall observe the rules posted at the dock. If this natural seawater diluent is found to be, or suspected to be toxic or unreliable, an alternate source of natural seawater or, deionized water mixed with hypersaline brine or artificial sea salts of known quality with a salinity and pH similar to that of the receiving water may be substituted AFTER RECEIVING WRITTEN APPROVAL FROM RIDEM.

7. Effluent Toxicity Test Conditions for Mysids¹ (Mysidopsis bahia)

a.	Test Type	48-Hour Static Acute Definitive
b.	Salinity	25 ppt \pm 10% for all dilutions
c.	Temperature (C)	25° \pm 1°C
d.	Light Quality	Ambient laboratory illumination
e.	Photoperiod	8 - 16 Hour Light/24-Hour
f.	Test Chamber Size	250 ml
g.	Test Solution Volume	200 ml
h.	Age of Test Organisms	1 - 5 Days
i.	No. Mysids Per Test Chamber	10
j.	No. of Replicate Test Chamber Per Concentration	2
k.	Total No. Mysids Per Test Concentration	20
l.	Feeding Regime	Light feeding (two (2) drops concentrated brine shrimp nauplii, approximately 100 nauplii per mysid twice daily).
m.	Aeration	None, unless dissolved oxygen falls below 40% of saturation at which time gentle single-bubble aeration should be started.
n.	Dilution Water	Narragansett Bay water as discussed above.
o.	Dilutions	Five (5) dilutions plus a control: 100%, 50%, 25%, 12.5%, 6.25% and 0% effluent.
p.	Effect Measured and Test	Mortality - no movement of body test duration or appendages on gentle prodding, 48-hour LC ₅₀ and NOAEL.
q.	Test Acceptability	90% or greater survival of test organisms in control solution.
r.	Sampling Requirements	Samples are collected and used within 24 hours after the last sample of the composite is collected.
s.	Sample Volume Required	Minimum four (4) liters

¹Adapted from EPA/600/4-90/027

8. Chemical Analysis

The following chemical analysis shall be performed for every sampling event.

<u>Parameter</u>	<u>Effluent</u>	<u>Saline Diluent</u>	<u>Detection Limit (mg/l)</u>
pH	X	X	---
Specific Conductance	X	X	---
Total Solids and Suspended Solids	X	X	---
Ammonia	X		0.1
Total Organic Carbon	X		0.5
Cyanide	X		0.01
Total Phenols	X		0.05
Salinity	X	X	PPT(0/00)

During the first, second, and fourth calendar quarter bioassay sampling events the following chemical analyses shall be performed:

<u>Total Metals</u>	<u>Effluent</u>	<u>Saline Diluent</u>	<u>Detection Limit (µg/l)</u>
Total Copper	X	X	20.0
Total Cadmium	X	X	1.0
Total Chromium	X	X	5.0
Total Lead	X	X	3.0
Total Zinc	X	X	20.0
Total Nickel	X	X	10.0
Total Aluminum	X	X	20.0

The above metal analyses may be used to fulfill, in part or in whole, monthly monitoring requirements in the permit for these specific metals.

During the third calendar quarter bioassay sampling event, the final effluent sample collected during the same twenty-four (24) hour period as the bioassay sample, shall be analyzed for priority pollutants (as listed in Tables II and III of Appendix D of 40 CFR 122). The bioassay priority pollutant scan shall be a full scan and may be coordinated with the priority pollutant scan requirements in Part I.A.6.f.

9. Toxicity Test Report Elements

A report of results will include the following:

- Description of sample collection procedures and site description.
- Names of individuals collecting and transporting samples, times, and dates of sample collection and analysis.

- General description of tests: age of test organisms, origin, dates and results of standard toxicant tests (quality assurance); light and temperature regime; dilution water description; other information on test conditions if different than procedures recommended.
- The method used to adjust the salinity of the effluent must be reported.
- All chemical and physical data generated (include detection limits).
- Raw data and bench sheets.
- Any other observations or test conditions affecting test outcome.

Toxicity test data shall include the following:

- Survival for each concentration and replication at time twenty-four (24) and forty-eight (48) hours.
- LC₅₀ and 95% confidence limits shall be calculated using one of the following methods in order of preference: Probit, Trimmed Spearman Karber, Moving Average Angle, or the graphical method. All printouts (along with the name of the program, the date, and the author(s)) and graphical displays must be submitted. When data is analyzed by hand, worksheets should be submitted. The report shall also include the No Observed Acute Effect Level (NOAEL) which is defined as the highest concentration of the effluent (in % effluent) in which 90% or more of the test animals survive.
- The Probit, Trimmed Spearman Karber, and Moving Average Angle methods of analyses can only be used when mortality of some of the test organisms are observed in at least two (2) of the (percent effluent) concentrations tested (i.e., partial mortality). If a test results in a 100% survival and 100% mortality in adjacent treatments ("all or nothing" effect), an LC₅₀ may be estimated using the graphical method.

10. Special Condition

Due to the fact that the suggested dilution water for this facility to use in conducting the bioassays is from the end of the dock at the URI's Narragansett Bay Campus, a Letter of Agreement must be signed and submitted to the Graduate School of Oceanography. Requests to use another source of dilution water will have to be approved by the Department of Environmental Management, Office of Water Resources.

11. Reporting of Bioassay Testing

Bioassay Testing shall be reported as follows:

<u>Quarter Testing to be Performed</u>	<u>Report Due No Later Than</u>	<u>Results Submitted on 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

Bioassay testing following the protocol described herein shall commence during the first calendar quarter that the permit becomes effective and the first report shall be submitted to RIDEM in accordance with the schedule above.

Bioassay reports shall be submitted to the:

Office of Water Resources
RIPDES Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908-5767

C. **INDUSTRIAL PRETREATMENT PROGRAM**

1. Definitions

For the purpose of this permit, the following definitions apply.

- a. 40 CFR 403 and sections thereof refer to the General Pretreatment regulations, 40 CFR Part 403 as revised.
- b. Categorical Pretreatment Standards mean any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the Clean Water Act(33 USC 1251), as amended, which apply to a specific category of industrial users and which appears in 40 CFR Chapter 1, subchapter N.
- c. Pretreatment Standards include all specific prohibitions and prohibitive discharge limits established pursuant to 40 CFR 403.5, including but not limited to, local limits, and the Categorical Pretreatment Standards.
- d. Regulated Pollutants shall include those pollutants contained in applicable categorical standards and any other pollutants listed in the Pretreatment Standards which have reasonable potential to be present in an industrial users effluent.

2. Implementation

The authority and procedures of the Industrial Pretreatment Program shall at all times be fully and effectively exercised and implemented, in compliance with the requirements of this permit and in accordance with the legal authorities, policies, procedures and financial provisions described in the permittee's approved Pretreatment Program and Sewer Use Ordinance, the Rhode Island Pretreatment Regulations and the General Pretreatment Regulations 40 CFR 403. The permittee shall maintain adequate resource levels to accomplish the objectives of the Pretreatment Program.

3. Local Limits

Pollutants introduced into POTWs by a non-domestic source (user) shall not: pass through the POTW, interfere with the operation or performance of the works, contaminate sludge as to adversely effect disposal options, or adversely effect worker safety and health.

- a. The permittee has submitted a Local Limits Monitoring Plan that was approved on February 24, 2003. The approved Local Limits Monitoring Plan shall be implemented at all times.

- b. At the time of renewal of this permit and in accordance with 40 CFR 122.21(j)(4) as revised July 24, 1990, the permittee shall submit to the DEM with its permit renewal application a written technical evaluation of the need to revise local limits. The evaluation shall be based, at a minimum, on information obtained during the implementation of the permittee's approved local limits monitoring plan and procedures and current RIPDES permit discharge limits, sludge disposal criteria, secondary treatment inhibition, and worker health and safety criteria.

4. General

- a. The permittee shall carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with Pretreatment Standards. At a minimum, all significant industrial users shall be inspected and monitored for all regulated pollutants at the frequency established in the approved Industrial Pretreatment Program but in no case less than once per year (one (1) year being determined as the reporting year established in Part I.C.6 of this permit). In addition, these inspections, monitoring and surveillance activities must be conducted in accordance with EPA's Industrial User Inspection and Sampling Manual for POTW's, April 1994. All inspections, monitoring, and surveillance activities shall be performed, and have records maintained, with sufficient care to produce evidence admissible in enforcement proceedings or judicial actions. The permittee shall evaluate whether each SIU requires a slug control plan. If a slug control plan is required, it shall include the contents specified by 40 CFR 403.8(f)(2)(vi).
- b. The permittee shall reissue all necessary Industrial User (IU) control mechanisms within thirty (30) days of their expiration date. The permittee shall issue, within sixty (60) days after the determination that an IU is a Significant Industrial User (SIU), all SIU control mechanisms. All SIU control mechanisms must contain, at a minimum, those conditions stated in 40 CFR 403.8(f)(1)(iii)(B). All control mechanisms must be mailed via Certified Mail, Return Receipt Requested. A complete bound copy of the control mechanism with the appropriate receipt must be kept as part of the Industrial User's permanent file. In addition, the permittee must develop a fact sheet describing the basis for the SIU's permit and retain this fact sheet as part of the SIU's permanent file.
- c. The permittee must identify each instance of noncompliance with any pretreatment standard and/or requirement and take a formal documented action for each instance of noncompliance. Copies of all such documentation must be maintained in the Industrial User's permanent file.
- d. The permittee shall prohibit Industrial Users from the dilution of a discharge as a substitute for adequate treatment in accordance with 40 CFR 403.6(d).
- e. The permittee shall comply with the procedures of 40 CFR 403.18 for instituting any modifications of the permittee's approved Pretreatment Program. Significant changes in the operation of a POTW's Approved Pretreatment Program must be submitted and approved following the procedures outlined in 40 CFR 403.18(b) and 403.9(b). However, the endorsement of local officials responsible for supervising and/or funding the pretreatment program required by 403.9(b)(2) will not be required until DEM completes a preliminary review of the submission. The DEM will evaluate and review the permittee's initial proposal for a modification and provide written notification either granting preliminary approval

of the proposed modifications or stating the deficiencies contained therein. DEM's written notification will also include a determination whether the submission constitutes a substantial or non-substantial program modification as defined by 40 CFR 403.18. Should DEM determine that a deficiency exists in the proposed modification, the permittee shall submit to DEM, within thirty (30) days of the receipt of said notice, a revised submission consistent with DEM's notice of deficiency.

Pretreatment program modifications which the permittee considers Non-substantial, shall be deemed to be approved within (90) days after submission of the request for modification, unless DEM determines that the modification is in fact a substantial modification or notifies the permittee of deficiencies. Upon receipt of notification that DEM has determined the modification is substantial, the permittee shall initiate the procedures and comply with the deadlines for substantial modifications, which are outlined below.

For substantial modifications, the permittee shall, within sixty (60) days (unless a longer time frame is granted) of the receipt of DEM's preliminary approval of the proposed modification, submit a statement (as required by 403.9(b)(2)) that any local public notification/participation procedures required by local law have been completed and upon approval by RIDEM, the local officials will endorse and/or approve the modification.

Within thirty (30) days of DEM's final approval of the proposed modification(s), the permittee shall implement the modification. Upon final approval by the DEM and adoption by the permittee, this modification(s) shall become part of the approved pretreatment program and shall be incorporated into this permit in accordance with 40CFR 122.63(g).

- f. All sampling and analysis required of the permittee, or by the permittee of any Industrial User, must be performed in accordance with the techniques described in 40 CFR 136.
- g. For those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards, the permittee shall require appropriate reporting in accordance with 40 CFR 403.12(h).
- h. The permittee shall, in accordance with 40 CFR 403.12(f), require all Industrial Users to immediately notify the permittee of all discharges by the Industrial User that could cause problems to the POTW, including slug loadings, as defined by 40 CFR 403.5(b).
- i. The permittee shall require all Industrial Users to notify the permittee of substantial changes in discharge as specified in 40 CFR 403.12(j).
- j. The permittee shall require New Sources to install and have in operation all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. In addition, the permittee shall require New Sources to meet all applicable Pretreatment Standards within the shortest feasible time which shall not exceed ninety (90) days in accordance with 40 CFR 403.6(b).
- k. The permittee shall require all Industrial Users who are required to sample their effluent and report the results of analysis to the POTW to comply with signatory requirements contained in 40 CFR 403.12(l) when submitting such reports.

- i. The permittee shall determine, based on the criteria set forth in 40 CFR 403.8(f)(2)(viii), using the EPA method of "rolling quarters", the compliance status of each Industrial User. Any Industrial User determined to meet Significant Non-Compliance (SNC) criteria shall be included in an annual public notification as specified in 40 CFR 403.8(f)(2)(viii).
- m. The permittee shall require Industrial Users to comply with the notification and certification requirements of 40 CFR 403.12(p)(1), (3) and (4) pertaining to the discharge of substances to the POTW, which if disposed of otherwise, would be a hazardous waste under 40 CFR Part 261.
- n. The permittee shall continue to designate, as SIUs, those Industrial Users (IUs) which meet the definition contained in the permittee's sewer use ordinance.

The permittee shall notify each newly designated SIU of its classification as an SIU within thirty (30) days of identification and shall inform the SIU of the requirements of an SIU contained in 40 CFR 403.12.

5. Categorical Industrial Users (CIUs)

- a. The permittee shall require Industrial Users to comply with applicable Categorical Pretreatment Standards in addition to all applicable Pretreatment Standards and Requirements. The permittee shall require of all Categorical Industrial Users (CIUs), all reports on compliance with applicable Categorical Pretreatment Standards and Categorical Pretreatment Standard deadlines as specified in and in accordance with Sections (b), (d), (e) and (g) of 40 CFR 403.12. In addition, the permittee shall require Categorical Industrial Users to comply with the report signatory requirements contained in 40 CFR 403.12(1) when submitting such reports.
- b. If the permittee applies the Combined Wastestream Formula (CWF) to develop fixed alternative discharge limits of Categorical Pretreatment Standards, the application of the CWF and the enforcement of the resulting limits must comply with 40 CFR 403.6(e). The permittee must document all calculations within the control mechanism fact sheet and the resulting limits within the CIU's control mechanism. The permittee must ensure that the most stringent limit is applied to the CIU's effluent at end-of-pipe based upon a comparison of the resulting CWF limits and the permittee's local limits.
- c. If the permittee has or obtains the authority to apply and enforce equivalent mass-per-day and/or concentration limitations of production-based Categorical Pretreatment Standards, then the permittee shall calculate and enforce the limits in accordance with 40 CFR 403.6(c). The permittee must document all calculations within the control mechanism fact sheet and the resulting limits within the CIU's control mechanism.

6. Annual Report

The annual report for the permittee's program shall contain information pertaining to the reporting year which shall extend from October 1st through September 30th and shall be submitted to the DEM by November 15th. Each item below must be addressed separately and any items which are not applicable must be so indicated. If any item is deemed not applicable a brief explanation must be provided. The annual report shall include the following information pertaining to the reporting year:

- a. A listing of Industrial Users which complies with requirements stated in 40 CFR 403.12(i)(1). The list shall identify all Categorical Industrial Users, Significant Industrial Users and any other categories of users established by the permittee;
- b. A summary list, including dates, of any notifications received by the permittee of any substantial change in the volume or character of pollutants being introduced into the POTW by new or existing IUs. If applicable, an evaluation of the quality and quantity of influent introduced into the POTW and any anticipated impact due to the changed discharge on the quantity or quality of effluent to be discharged from the POTW shall be included;
- c. A summary list of the Compliance status of each Industrial User (IU), as of the end of last quarter covered by the annual report. The list shall identify all IUs in non-compliance, the pretreatment program requirement which the IU failed to meet, and the type, and date of the enforcement action initiated by the permittee in response to the violation. If applicable, the list shall also contain the date which IUs in non-compliance returned to compliance, a description of corrective actions ordered, and the penalties levied.
- d. A list of industries which were determined, in accordance with Part I.C.4(l) of this permit, to be in significant non-compliance required to be published in a local newspaper and a copy of an affidavit of publication, from the newspaper, averring that the names of these violators has been published;
- e. A summary list of inspection and monitoring activity performed by the permittee, including;
 - significant industrial users inspected by the POTW (include inspection dates for each industrial user);
 - significant industrial user sampled by the POTW (include sampling dates and dates of analysis, for each industrial user);
- f. A summary list of permit issuance/reissuance activities including the name of the industrial user, expiration date of previous permit, issuance date of new permit, and a brief description of any changes to the permit;
- g. A list including the report/notification type, due date, and receipt date for each report/notification required by 40 CFR 403.12.
- h. A summary of public participation efforts including meetings and workshops held with the public and/or industry and notices/newsletters/bulletins published and/or distributed;
- i. A program evaluation in terms of program effectiveness, local limits application and resources which addresses but is not limited to:
 - A description of actions being taken to reduce the incidence of SNC by Industrial Users;
 - effectiveness of enforcement response program;
 - sufficiency of funding and staffing;
 - sufficiency of the SUO, Rules and Regulations, and/or statutory authority;
- j. An evaluation of recent/proposed program modifications, both substantial and non-substantial, in terms of the modification type, implementation and actual/expected effect (note proposed modifications must be submitted under separate cover along with the information required by 40 CFR 403.18);

- k. A detailed description of all interference and pass-through that occurred during the past year and, if applicable;
 - A thorough description of all investigations into interference and pass-through during the past year;
 - A description of the monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying pollutants analyzed and frequencies;
- l. A summary of the average, maximum concentration, minimum concentration, and number of data points used for pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus the maximum allowable headworks loadings contained in the approved local limits evaluation and effluent sampling results versus water quality standards. Such a comparison shall be based on the analytical results required in Parts I.A and I.C. of this permit and any additional sampling data available to the permittee; and
 - a. A completed Annual Pretreatment Report Summary Sheet.

7. Enforcement Response Plan (ERP)

The permittee has an approved ERP that meets the requirements of 40 CFR 403.8(f)(5). The approved ERP shall be implemented at all times.

8. Sewer Use Ordinance (SUO)

The permittee has an approved SUO that shall be implemented at all times.

I. **OPERATION AND MAINTENANCE OF THE SEWER SYSTEM**

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

2. Infiltration/Inflow

The permittee shall minimize infiltration/inflow to the sewer system. A summary report of all actions taken to minimize infiltration/inflow during the previous six (6) months shall be submitted to RIDEM, Office of Water Resources, by the 15th day of January and July of each year. The first report is due July 15, 2010.

E. **SLUDGE**

The permittee shall conform and adhere to all conditions, practices and regulations as contained in the State of Rhode Island Rules and Regulations for the Treatment, Disposal, Utilization and Transportation of Sewage Sludge. The permittee shall comply with its RIDEM Order of Approval for the disposal of sludge.

F. DETECTION LIMITS

The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below. All sludge testing required by this permit shall be in conformance with the method detection limits found in 40 CFR 503.8. In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the 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).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test which must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be submitted along with the monitoring reports.

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 Part 136, Appendix B.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", less than the reagent water MDL, or less than an effluent or sludge specific MDL. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR Part 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.

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 values equal to the MDL, and the average shall be reported as "less than" the calculated value.

For compliance purposes, DEM will replace all data reported as less than the MDL with zeroes, provided that DEM determines that all appropriate EPA approved methods were followed. If the re-calculated average exceeds the permit limitation it will be considered a violation.

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		MDL ug/l (ppb)			MDL ug/l (ppb)
1V	acrolein	10.0			
2V	acrylonitrile	5.0			
3V	benzene	1.0			
5V	bromoform	1.0			
6V	carbon tetrachloride	1.0			
7V	chlorobenzene	1.0			
8V	chlorodibromomethane	1.0			
9V	chloroethane	1.0			
10V	2-chloroethylvinyl ether	5.0			
11V	chloroform	1.0			
12V	dichlorobromomethane	1.0			
14V	1,1-dichloroethane	1.0			
15V	1,2-dichloroethane	1.0			
16V	1,1-dichloroethylene	1.0			
17V	1,2-dichloropropane	1.0			
18V	1,3-dichloropropylene	1.0			
19V	ethylbenzene	1.0			
20V	methyl bromide	1.0			
21V	methyl chloride	1.0			
22V	methylene chloride	1.0			
23V	1,1,2,2-tetrachloroethane	1.0			
24V	tetrachloroethylene	1.0			
25V	toluene	1.0			
26V	1,2-trans-dichloroethylene	1.0			
27V	1,1,1-trichloroethane	1.0			
28V	1,1,2-trichloroethane	1.0			
29V	trichloroethylene	1.0			
31V	vinyl chloride	1.0			
Acid Compounds - EPA Method 625					
1A	2-chlorophenol	1.0			
2A	2,4-dichlorophenol	1.0			
3A	2,4-dimethylphenol	1.0			
4A	4,6-dinitro-o-cresol	1.0			
5A	2,4-dinitrophenol	2.0			
6A	2-nitrophenol	1.0			
7A	4-nitrophenol	1.0			
8A	p-chloro-m-cresol	2.0			
9A	pentachlorophenol	1.0			
10A	phenol	1.0			
11A	2,4,6-trichlorophenol	1.0			
Pesticides - EPA Method 608					
1P	aldrin	0.059			
2P	alpha-BHC	0.058			
3P	beta-BHC	0.043			
4P	gamma-BHC	0.048			
5P	delta-BHC	0.034			
6P	chlordane	0.211			
7P	4,4' -DDT	0.251			
8P	4,4' -DDE	0.049			
9P	4,4' -DDD	0.139			
10P	dieldrin	0.082			
11P	alpha-endosulfan	0.031			
12P	beta-endosulfan	0.036			
13P	endosulfan sulfate	0.109			
14P	endrin	0.050			
15P	endrin aldehyde	0.062			
16P	heptachlor	0.029			
17P	heptachlor epoxide	0.040			
			Pesticides - EPA Method 608		
18P	PCB-1242	0.289			
19P	PCB-1254	0.298			
20P	PCB-1221	0.723			
21P	PCB-1232	0.387			
22P	PCB-1248	0.283			
23P	PCB-1260	0.222			
24P	PCB-1016	0.494			
25P	toxaphene	1.670			
			Base/Neutral - EPA Method 625		
1B	acenaphthene *	1.0			
2B	acenaphthylene *	1.0			
3B	anthracene *	1.0			
4B	benzidine	4.0			
5B	benzo(a)anthracene *	2.0			
6B	benzo(a)pyrene *	2.0			
7B	3,4-benzofluoranthene *	1.0			
8B	benzo(ghi)perylene *	2.0			
9B	benzo(k)fluoranthene *	2.0			
10B	bis(2-chloroethoxy)methane	2.0			
11B	bis(2-chloroethyl)ether	1.0			
12B	bis(2-chloroisopropyl)ether	1.0			
13B	bis(2-ethylhexyl)phthalate	1.0			
14B	4-bromophenyl phenyl ether	1.0			
15B	butylbenzyl phthalate	1.0			
16B	2-chloronaphthalene	1.0			
17B	4-chlorophenyl phenyl ether	1.0			
18B	chrysene *	1.0			
19B	dibenzo (a,h)anthracene *	2.0			
20B	1,2-dichlorobenzene	1.0			
21B	1,3-dichlorobenzene	1.0			
22B	1,4-dichlorobenzene	1.0			
23B	3,3' -dichlorobenzidine	2.0			
24B	diethyl phthalate	1.0			
25B	dimethyl phthalate	1.0			
26B	di-n-butyl phthalate	1.0			
27B	2,4-dinitrotoluene	2.0			
28B	2,6-dinitrotoluene	2.0			
29B	di-n-octyl phthalate	1.0			
30B	1,2-diphenylhydrazine (as azobenzene)	1.0			
31B	fluoranthene *	1.0			
32B	fluorene *	1.0			
33B	hexachlorobenzene	1.0			
34B	hexachlorobutadiene	1.0			
35B	hexachlorocyclopentadiene	2.0			
36B	hexachloroethane	1.0			
37B	indeno(1,2,3-cd)pyrene *	2.0			
38B	isophorone	1.0			
39B	naphthalene *	1.0			
40B	nitrobenzene	1.0			
41B	N-nitrosodimethylamine	1.0			
42B	N-nitrosodi-n-propylamine	1.0			
43B	N-nitrosodiphenylamine	1.0			
44B	phenanthrene *	1.0			
45B	pyrene *	1.0			
46B	1,2,4-trichlorobenzene	1.0			

OTHER TOXIC POLLUTANTS

	MDL ug/l (ppb)
Antimony, Total	5.0
Arsenic, Total	5.0
Beryllium, Total	0.2
Cadmium, Total	1.0
Chromium, Total	5.0
Chromium, Hexavalent***	20.0
Copper, Total	20.0
Lead, Total	3.0
Mercury, Total	0.5
Nickel, Total	10.0
Selenium, Total	5.0
Silver, Total	1.0
Thallium, Total	5.0
Zinc, Total	20.0
Asbestos	**
Cyanide, Total	10.0
Phenols, Total***	50.0
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0

* Polynuclear Aromatic Hydrocarbons

** No Rhode Island Department of Environmental Management (RIDEM) 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.

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For Methods 624 and 625 the laboratory must on an ongoing basis, spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

G. 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).

2. Reporting

Monitoring results obtained during the previous month(s) shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed reporting period. A copy of the analytical laboratory report, specifying analytical methods used, shall be included with each report submission. Signed copies of these, and all other reports required herein, shall be submitted to:

Office of Water Resources
RIPDES Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908

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

FACT SHEET

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

RIPDES PERMIT NO. **RI0100056**

NAME AND ADDRESS OF APPLICANT:

Town of Warren
514 Main Street
Warren, RI 02885

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Warren Wastewater Treatment Facility
427 Water Street
Warren, RI 02885

RECEIVING WATER: **Warren River**

CLASSIFICATION: **SB1**

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

The above named applicant has applied to the Rhode Island Department of Environmental Management (DEM) for renewal of a RIPDES Permit to discharge into the designated receiving water. The facility is engaged in the treatment of domestic and industrial sewage. The discharge is from the Warren Wastewater Treatment Facility (WWTF).

II. **Description of Discharge**

A quantitative description of the discharge in terms of significant effluent parameters based on DMR data from September 2004 through September 2009 is shown on Attachment A-2.

III. **Permit and Administrative Compliance Order Limitations and Conditions**

The final effluent limitations and monitoring requirements may be found in the draft permit. Since the permittee is unable to comply with its Flow and Total Nitrogen limitations, DEM plans to enter into a Consent Agreement with the permittee that includes schedules for the removal of Infiltration and Inflow (I/I) and the submittal of a formal Facilities Plan for a revised design flow and the upgrade of the WWTF to meet the Total Nitrogen limits.

IV. Permit Basis and Explanation of Effluent Limitation Derivation

The Town of Warren owns and operates the WWTF located at 427 Water Street in Warren, Rhode Island. The discharge to the Warren River consists of treated sanitary and industrial sewage contributed by the Town. Treatment consists of:

Coarse Screening	Aeration
Grit Removal	Secondary Flocculation and Clarification
Comminution	Chlorination
Primary Settling	Dechlorination

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 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 "Average Monthly" and "Average Weekly" BOD₅ and TSS limitations are based upon the secondary treatment requirements of Section 301 (b)(1)(B) of the Clean Water Act (CWA) as defined in 40 CFR 133.102 (a) - (c). The "Maximum Daily" BOD₅, TSS, and settleable solids limits are based on Rhode Island requirements for Publicly Owned Treatment Works (POTW's) under Section 401 (a)(1) of the CWA and in 40 CFR 124.53 and 124.56. The "Percent Removal" requirements were established in accordance with 40 CFR 133.103. pH limitations are based upon the Rhode Island Water Quality criteria for discharges to salt water. Oil & Grease monitoring has been included in the permit, based on Best Professional Judgment, to ensure that oil and grease levels do not cause impacts to the receiving water (i.e., "grease balls").

The Rhode Island Water Quality Regulations include Enterococci criteria for primary contact/swimming of a geometric mean of 35 colonies/100 ml and a single sample maximum of 104 colonies/100 ml. The "single sample maximum" value is only used to evaluate beach swimming advisories. EPA's November 12, 2008 memorandum regarding "Initial Zones of Dilution for Bacteria in Rivers and Streams Designated for Primary Contact Recreation" clarifies that it is not appropriate to use dilution for bacteria criteria in receiving waters that are designated for primary contact recreation. Therefore, because the receiving water is designated for primary contact recreation, the DEM has assigned a monthly average Enterococci limit of 35 colonies/100 ml. The daily maximum enterococci limit has been set at the 90% upper confidence level value for "lightly used full body contact recreation" of 276 colonies/100 ml. The DEM has also assigned Fecal Coliform monitoring to ensure that the discharge from the WWTF will not have an impact on any areas designated for shellfish harvesting outside of the immediate vicinity of the outfall.

In order to evaluate the need for water quality based limits, it is necessary to determine the mixing which occurs in the immediate vicinity of the wastewater discharge (initial dilution). It was previously determined that a mixing zone and corresponding dilution factor is acceptable for the effluent from the WWTF. A chronic dilution factor of 100x with a rectangular mixing zone centered on the outfall having dimensions of 500 ft. (north-south) and 300 ft. (east-west) and an acute dilution factor of 35x with a mixing zone of 50 ft. radius were established based on the findings of the *Dye Dilution Study at Warren, RI* (Aquatec, 1992).

The final water quality-based effluent limits were established based on the acute and chronic saltwater aquatic life criteria using the following: dilution factors of 100 and 35 for chronic and acute, respectively; a zero background concentration; an 80% allocation factor of the criteria; and an analysis of antibacksliding and antidegradation. The saltwater aquatic life criteria comes from the Rhode Island Water Quality Regulations.

In accordance with 40 CFR 122.4(d)(1)(iii), it is only necessary to establish permit limits for those pollutants in the discharge which have reasonable potential to cause or contribute to the exceedance of instream criteria. In order to evaluate the need for permit limits, the most stringent calculated acute and chronic limits are compared to the Discharge Monitoring Report (DMR) and State User Fee data. Based on this analysis, water quality-based permit limits are required for total residual chlorine (TRC), Total Copper, and Total Cyanide. In addition, monitoring for Total Cadmium, Total Chromium, Total Lead, Total Zinc, Total Nickel, and Total Aluminum is being required quarterly as part of the bioassay testing. These pollutants, in addition to Total Copper and Cyanide, are all part of the DEM's list of standard parameters, for discharges to salt waters, that must be measured as part of the bioassay procedures.

The State of Rhode Island's 2008 *303(d) List of Impaired Waters* identifies the Palmer River as being impaired for nutrients (e.g., Total Nitrogen) and hypoxia (e.g., Dissolved Oxygen). The WWTF and Blount Seafood, have RIPDES permits authorizing them to discharge into the Warren River. However, it has been determined that the effluent from these facilities enter the Palmer River. Therefore, the discharge from these facilities are pertinent to the Palmer River. In order to address the Palmer River's impairments, DEM sampled the Palmer River as part of an assessment of the Palmer River. During the assessment, it was found that oxygen levels rise after sunrise. This is caused by plant respiration during daylight hours causing elevated oxygen levels and is indicative of eutrophication, which is also evidenced by the excessive growth of green macroalgae and high chlorophyll a levels in the water column. The excessive growth of macroalgae and the high dissolved oxygen concentrations during daylight hours demonstrates that the Palmer River is eutrophic from excessive amounts of nitrogen entering the system. Therefore, to address the Palmer River's impairments, it is necessary that the amount of nitrogen discharged to the River be controlled. To address the Palmer River's impairments, the DEM had to determine the allowable nitrogen load that could be assimilated without causing eutrophic conditions.

The Buzzards Bay Program (BBP) in Massachusetts developed empirical relationships between nitrogen loadings and eutrophication response from observations made in a number of estuaries. The BBP approach uses land use information to estimate nitrogen loads and is considered by DEM to offer a number of advantages for use in Rhode Island based on physical and biological similarities that make the use of the loading - estuarine response relationships for Buzzards Bay appropriate in the Palmer River. The BBP developed an Eutrophication Index (EI) to assist in determining the level of nutrient enrichment a waterbody is experiencing at any given time. The EI uses a scale of 0 to 100 points where 0 equals the most eutrophic and 100 is equivalent to a pristine waterbody. The BBP estimated that an appropriate EI value for Outstanding Natural Resource Waters (ONRW) is 65. Since the Palmer River is designated as a Special Resource Protection Water, whose designated uses are essentially equivalent to those of ONRWs, it should have an EI of 65 or better. Two sampling stations were established in the Palmer River and the results indicate that the Palmer River is eutrophic with an EI score of 32. This supports the need to reduce nitrogen discharges to the Palmer River.

A relationship between the nitrogen loading rate and EI from the BBP was developed that is a function of the loading rate per unit estuary volume. Acceptable loading rates for ONRWs are $50 \text{ mg m}^{-3} \text{ Vr}^{-1}$. The calculation for allowable annual load is:

$$\text{Annual Load (in kg yr}^{-1}\text{)} = \frac{\text{Loading rate} \times \text{volume at half tide (in m}^3\text{)} \times (1 + \tau_w^{1/2})}{\tau_w * 1,000,000}$$

Where τ_w is the hydraulic turnover time in years and the Vollenweider flushing term is $\tau_w/(1 + \tau_w^{1/2})$.

For the Palmer River, with a flushing time of 17.88 hours, a mean volume of $3.13 \times 10^6 \text{ m}^3$, and an allowable loading rate of $50 \text{ mg m}^{-3} \text{ Vr}^{-1}$, the corresponding nitrogen assimilative capacity of the Palmer River is 80,011 kg/yr.

Using the annual allowable total nitrogen load for the Palmer River the allowable nitrogen limits were allocated among the three nitrogen sources to the Palmer River. The reductions needed to meet the allowable summer load were calculated first. The chosen scenario sets the Warren WWTF allowable summer total nitrogen concentration at 5 mg/L, an 80% reduction in summer load, while Blount Seafood was allocated an equivalent 80% summer load reduction. At design flow, Blount Seafood's allowable concentration would be 40.4 mg/L. These reductions were sufficient to meet the allowable summer loading to the Palmer River. However, summer point source reductions were not sufficient to meet the allowable annual total nitrogen load. Meeting the allowable annual load also requires an annual watershed reduction and a winter point source load reduction. The point sources were allocated a 20% winter reduction in load, which is equivalent to winter total nitrogen limits of 14.3 mg/l for the Warren WWTF and 93.9 mg/l for Blount Seafood using the design flow for both facilities, while the watershed was allocated an annual 59% reduction. A document that includes a more in-depth discussion of the above analysis is available from the DEM upon request.

The biomonitoring requirements are set forth in 40 CFR 131.11 and in the State's Water Quality Regulations. The bioassay requirements in the permit shall assure control of toxicity in the effluent. If continued toxicity is demonstrated, then toxicity identification and reduction will be required. Evaluation of the data collected for biotoxicity has revealed that the effluent samples from the treatment plant have demonstrated acceptable toxicity values. The State policy is to require a LC₅₀ of >100% effluent. The actual data can be found in Attachment A-2.

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

The EPA priority pollutants listed in 40 CFR 122, Appendix D, Table II and III shall be scanned for annually.

The permit contains requirements for the permittee to comply with the State's Sludge Regulations.

The permit contains a reporting requirement for a local program to regulate industrial discharges to the sewer system (referred to as pretreatment program). This program is being required under authority of Section 402 (b)(8) of the CWA and 40 CFR 122.44 (j) and 403.8 because the Town receives significant discharges of industrial wastewater.

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 consist primarily of management requirements common to all permits.

V. 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. In accordance with Chapter 46-17.4 of Rhode Island General Laws, a public hearing will be held prior to the close of the public comment period. 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, 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, provided oral testimony, 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.

VI. **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:

Joseph Haberek, P.E.
RIPDES Program
Office of Water Resources
Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 222-4700, ext. 7715
E-mail: joseph.haberek@dem.ri.gov

8/19/10
Date


Eric A. Beck, P.E.
Supervising Sanitary Engineer
Office of Water Resources
Department of Environmental Management

ATTACHMENT A-1

Annual Pretreatment Report Summary Sheet

POTW Name:

NPDES Permit #:

Pretreatment Report Period Start Date:

Pretreatment Report Period End Date:

of Significant Industrial Users (SIUs):

of SIUs Without Control Mechanisms:

of SIUs not Inspected:

of SIUs not Sampled:

of SIUs in Significant Noncompliance (SNC) with Pretreatment Standards:

of SIUs in SNC with Reporting Requirements:

of SIUs in SNC with Pretreatment Compliance Schedule:

of SIUs in SNC Published in Newspaper:

of SIUs with Compliance Schedules:

of Violation Notices Issued to SIUs:

of Administrative Orders Issued to SIUs:

of Civil Suits Filed Against SIUs:

of Criminal Suits Filed Against SIUs:

of Categorical Industrial Users (CIUs):

of CIUs in SNC:

ATTACHMENT A-2

DESCRIPTION OF DISCHARGE: Secondary treated domestic and industrial wastewater.
DISCHARGE: 001A - Secondary Treatment Discharge

AVERAGE EFFLUENT CHARACTERISTICS AT POINT OF DISCHARGE:

PARAMETER	AVERAGE ¹	MAXIMUM ²
FLOW (MGD) MGD	1.97 MGD	3.15 MGD
BOD ₅ (PPM)	2.46 mg/l	5.59 mg/l
TSS	5.03 mg/l	13.25 mg/l
Fecal Coliform	3.29 MPN/100 ml	59.00 MPN/100 ml
pH	6.63 S.U.(minimum)	7.00 S.U.(maximum)
Chlorine Residual	0.03 ug/l	0.17 ug/l
Copper	8.85 ug/l	8.85 ug/l
Cyanide	6.25 ug/l	6.25 ug/l
Total Nitrogen (May – Oct) (Nov – April)		15.38 mg/l 12.01mg/l
Oil and Grease		4.04 mg/l

¹Data represents statistical mean of the monthly average data from September 2004 – September 2009

²Data represents statistical mean of the daily maximum data from September 2004 – September 2009

Biotoxicity Data LC₅₀ Values (in percent effluent)

2007 3 rd qtr.	4 th qtr.	2008 1 st qtr.	2 nd qtr.	3 rd qtr.	4 th qtr.	2009 1 st qtr.	2 nd qtr.	3 rd qtr.
>100 %	>100 %	>100 %	>100 %	>100 %	>100 %	>100 %	>100 %	>100 %

Mysid
Minnow

PART II
TABLE OF CONTENTS

GENERAL REQUIREMENTS

- (a) Duty to Comply
- (b) Duty to Reapply
- (c) Need to Halt or Reduce Not a Defense
- (d) Duty to Mitigate
- (e) Proper Operation and Maintenance
- (f) Permit Actions
- (g) Property Rights
- (h) Duty to Provide Information
- (i) Inspection and Entry
- (j) Monitoring and Records
- (k) Signatory Requirements
- (l) Reporting Requirements
- (m) Bypass
- (n) Upset
- (o) Change in Discharge
- (p) Removed Substances
- (q) Power Failures
- (r) Availability of Reports
- (s) State Laws
- (t) Other Laws
- (u) Severability
- (v) Reopener Clause
- (w) Confidentiality of Information
- (x) Best Management Practices
- (y) Right of Appeal

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 3 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) 277-3961, (401) 277-6519 or (401) 277-2284 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
Ca	total residual chlorine



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 30, 2010

CERTIFIED MAIL

Mr. C. Richard Paduch, Town Manager
Town of Warren
514 Main Street
Warren, RI 02885-4369

**RE: Final Permit for the Warren Wastewater Treatment Facility (WWTF)
Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit No. RI0100056**

Dear Mr. Paduch:

Enclosed is the final RIPDES permit for the above-mentioned facility. 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 the "Response to Public Comments" received on the draft permit and information relative to hearing requests and stays of RIPDES Permits.

As outlined in the fact sheet for this permit, the Department of Environmental Management (DEM) is willing to enter into a Consent Agreement with the Town of Warren (Warren). This consent agreement will include interim limits for Flow and Total Nitrogen and an enforceable schedule for Warren to complete its Infiltration/Inflow (I/I) removal activities, determine a new WWTF design flow, complete Facilities Planning, and construct WWTF upgrades that are necessary to comply with the final permit limits. In order for the DEM to enter into a Consent Agreement, Warren will need to file a request for an adjudicatory hearing for the above-mentioned limits within thirty (30) days of receipt of this letter (see the attached instructions for Hearing Requests). Additionally, to obtain a stay of these permit limits, so that the WWTF will not have violations during the interim period between issuing the final permit and entering into a consent agreement, Warren must also request a temporary stay for the duration of the adjudicatory hearing proceedings (see the attached instructions for Stays of RIPDES Permits).

If there are any questions, regarding the attached final permit or the consent agreement process, feel free to contact Joseph Haberek at 401-222-4700, extension 7715.

Sincerely,

Eric A. Beck, P.E.
Supervising Sanitary Engineer

cc: David Turin, EPA (electronic) Joseph Haberek, DEM (electronic)
Angelo Liberti, DEM (electronic) Annie McFarland, DEM (electronic)
Traci Pena, DEM (electronic) Heidi Travers, DEM (electronic)
David Komeiga, United Water (electronic) Jonathan Himlan, Woodard & Curran (electronic)



**Response to Public Comments
Warren Wastewater Treatment Facility
RIPDES Permit No. RI0100056**

From August 27, 2010 to September 28, 2010, the Rhode Island Department of Environmental Management (DEM) solicited public comment on a draft Rhode Island Pollutant Discharge Elimination System (RIPDES) permit for the Warren Wastewater Treatment Facility (WWTF). The Public Hearing was held on September 27, 2010 at the DEM's Offices, 235 Promenade Street, Providence, Rhode Island.

The following responses address the written comments that were submitted to the DEM by the Town of Warren (Warren) on September 27, 2010. No other comments were received.

Comment 1: Warren commented that it does not agree with the Total Nitrogen load reductions that are being required by the RIPDES permit because they are based on a subjective point scale developed for a different estuary (Buzzards Bay).

Response: As indicated in the DEM's document titled *Evaluation of Nitrogen Targets and Load Reductions for the Palmer River*, the Buzzards Bay approach was developed using empirical relationships between nitrogen loadings and eutrophication response from a number of estuaries. This approach uses land use information from the State GIS or from parcel information to estimate present and potential future nitrogen loads. The Buzzards Bay approach is considered by DEM to offer a number of advantages for use in Rhode Island based on physical and biological similarities that make the use of loading - estuarine response relationships for Buzzards Bay appropriate in the Palmer River. These similarities include geometry (depth and size), tidal regime, drainage area characteristics (land use and size), climatic conditions such as rainfall and seasonal temperature variations, ambient seaward water chemical and thermal conditions, similar plant and animal communities affecting water quality (including plankton and macroalgal species), and similar sources of nitrogen. The Buzzards Bay approach indicated that an appropriate Eutrophication Index value for Outstanding Natural Resource Waters is 65. Rhode Island designates waters as Special Resource Protection Waters, whose designated uses are essentially equivalent to those of ONRWs. Since the Palmer River is designated as a Special Resource Protection Water, it should have an Eutrophication Index goal of 65 or better.

Comment 2: Warren commented that the nitrogen concentrations used for the loading analysis (Table 7) are not representative of conditions in the Palmer River throughout the year because these samples were taken primarily in the summer.

Response: The data presented in Table 7 represents the annual average of dry weather samples DEM collected at the Shad Factory Pond outlet at Reed Street and in Rocky Run upstream of its confluence with the Palmer River. These samples consisted of single daily grabs. Although only one of the dry weather samples occurred outside of the summer months, this data represents the best data that was available to the DEM for the tributaries and is only represents a portion of the loading analysis. The majority of the data used in the loading analysis (i.e., point source loads) had a much larger annual data set. Therefore, it is appropriate to use the data in Table 7.

Comment 3: Warren commented that it does not agree with the DEM's assumption that all of the effluent enters the Palmer River.

Response: As indicated in Section 4.3 of the *Evaluation of Nitrogen Targets and Load Reductions for the Palmer River*, in 1995 the DEM and the United States Food and Drug Association conducted a dye study of the Warren, Palmer, and Barrington Rivers. This study consisted of injecting a dye tracer into the WWTF's effluent and monitoring the resulting in-stream dye concentration at various locations in the Warren, Palmer, and Barrington Rivers. The results of this study indicated that the effluent dilution that would occur in the Warren River between the outfall and the mouths of the Palmer and Barrington Rivers was 241:1, the dilution at the mouth of the Palmer River was 315:1, and the dilution at the mouth of the Barrington River was 12,040:1. Based on these numbers, it can be seen that some effluent remains in the Warren River, even on a flood tide. However, as the effluent is transported during the flood tide, 98% of the effluent that leaves the Warren River enters the Palmer River. Therefore, it is critical that, in order to control the nutrient load to the Palmer River, the DEM reduce the Total Nitrogen levels discharged from the Warren WWTF.

Comment 4: Warren commented that the Total Nitrogen limits assigned to its WWTF are inconsistent with the Total Nitrogen limits assigned to other municipal wastewater treatment facilities in Rhode Island.

Response: Permit limits assigned to other treatment facilities in Rhode Island were assigned to be protective of their respective receiving waters not the Palmer River. The limits assigned to the Warren WWTF were assigned to be protective of the Palmer River based on the analysis in the DEM's document titled *Evaluation of Nitrogen Targets and Load Reductions for the Palmer River*. Therefore, it is not appropriate to compare the limits assigned to other treatment facilities with the limits assigned to the Warren WWTF.

Comments 5 and 6: Warren indicated that it is their understanding that DEM has reviewed various Total Nitrogen limit scenarios presented by Warren's consultant and that the DEM will revise the Total Nitrogen limits once Warren completes its Facilities Planning and determines its final design flow. Warren also submitted comments on the various permitting options, including the months to be included in each season and the averaging period to be used.

Response: The DEM has reviewed various Total Nitrogen limit scenarios presented by Warren and its consultant and, although a final alternative cannot be selected until the final design flow has been determined, the DEM currently feels that the seasonal flow alternative will meet both the Town's goal of having a summer Total Nitrogen limit of 5.0 mg/l and the DEM's desired Total Nitrogen load reductions. Before the DEM can determine the appropriate Total Nitrogen limits, it will be necessary for the Town to submit its final I/I and design flow evaluations. As outlined in the fact sheet for this permit, the DEM is willing to enter into a Consent Agreement with Warren that will include interim limits for Flow and Total Nitrogen and a schedule for Warren to complete its I/I removal activities, determine a new WWTF design flow, and complete Facilities Planning. Once this has been completed, the DEM will modify Warren's permit to include the revised design flow and Total Nitrogen limits. Once this is done, the consent agreement will include a schedule for Warren to construct the WWTF upgrades that are necessary to comply with the revised permit limits. In order for the DEM to enter into a Consent Agreement, Warren will need to file a request for an adjudicatory hearing for the above-mentioned limits within thirty (30) days of receipt of this letter. Warren should also request a temporary stay for the duration of the adjudicatory hearing proceedings, to avoid violations during the interim period between issuing the final permit and entering into a consent agreement.

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 shall be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk
Department of Environmental Management
Office of Administrative Adjudication
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908

Any request for a formal hearing must conform to the requirements of Rule 49 of the State Regulations.

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 Rule 50, 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.
Chief 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 Rule 49.