

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

PUBLIC NOTICE OF PROPOSED PERMIT ACTION UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

DATE OF NOTICE: February 20, 2019

PUBLIC NOTICE NUMBER: PN 19-05

**DRAFT RIPDES PERMIT: RIPDES REMEDIATION GENERAL PERMIT**

RIPDES PERMIT NUMBER: RIG850000

In accordance with Chapter 46-12 of the Rhode Island General Laws, the discharge of pollutants to Waters of the State via point source discharges is prohibited unless the discharges are in compliance with the RIPDES Regulations. The Rhode Island Department of Environmental Management (DEM) had previously determined that the most efficient approach for permitting discharges associated with the treatment of remediated wastewaters to Waters of the State is to utilize general permits. The primary benefit of using a general permit, as opposed to issuing individual permits, is a streamlined permitting process that prevents delays, while affording equal environmental protection. The permit streamlining reduces the application period, thereby effectively allowing DEM to respond quicker to environmental concerns and produce savings to potential applicants. This public notice is for the DEM's proposed reissuance of the Remediation General Permit (RGP).

The draft RGP is divided into ten (10) discharge categories, each with three (3) sub-categories for class AA freshwaters, non-class AA freshwaters, and for salt waters. The ten (10) categories of discharge under which an applicant may be granted coverage are as follows: A. Gasoline Remediation Sites, B. Fuel Oil (and other Oils) Sites, C. Petroleum Sites Containing Other Pollutants, D. Volatile Organic Compound (VOC) Only Sites, E. VOC Sites Containing Other Contaminants, F. Sites Containing Primarily Metals, G. Contaminated Construction Dewatering, H. Aquifer Pump Testing and Well Development or Rehabilitation at Contaminated Sites, I. Hydrostatic Testing of Pipelines and Tanks, and J. Contaminated Sumps and Dikes. The permit contains specific effluent limits that are applicable to each of the discharge categories and sub-categories that ensure that water quality will be maintained and protected. The draft general permit and/or fact sheet have been updated to include the following: updated reporting requirements for the submission of NOIs and DMRs to comply with the U.S. Environmental Protection Agency's NPDES Electronic Reporting Rule, revised the deadline to submit a new Notice of Intent from 90 to 30 days prior to commencement of discharge, added language that the owner/operator of permitted facilities under the RGP must notify DEM that discharges authorized under the RGP no longer occur within 30 days of the permanent cessation of the discharge, added narrative pH water quality based limits for both freshwater and saltwater receiving waters, revised the definition of pollutants listed in the NOI as "believed absent", revised language regarding the monitoring of pollutants not covered by the RGP, added language

for the reduction in monitoring frequency to require a minimum of 3 consecutive months and 10 samples for each parameter for which reduction is being requested, added specific conditions for the discharge of chemicals and additives, removed language regarding the use of alternative test methods so all samples shall be tested using the analytical methods approved under 40 CFR 136, added recordkeeping requirements regarding on-site records and retention of records, updated the reporting requirements to clarify which reports and/or requests shall be submitted to DEM as attachments in NetDMR or as a hard copy to DEM, updated the notification requirements section of Part III to be more prescriptive, revised pollutant effluent limits by i) adding Ammonia and Ethanol, ii) adding TSS as a pollutant to Categories B and D, iii) adding Total Copper as a pollutant to Category I, iv) adding sampling method for Ethanol, v) adopting the most stringent of RI Water Quality Acute and EPA 2017 RGP Technology Based Effluent Limits (TBEL) as Daily Maximums (TSS, Acetone, 1,4-Dioxane, Total Phthalates, Total Group 1 PAHs for Freshwater and Saltwater receiving waters; Metals for various dilution ranges for Freshwater receiving waters; and Cadmium, Chromium III, Chromium VI, and Lead for Saltwater receiving waters), and vi) updated some Monthly Average limits to be equal to Daily Maximum limits where Monthly Average is greater than the Daily Maximum (mainly for Metals with TBEL limits discharging to Freshwaters), updated the NOI to reflect chemical additive information and the addition of new pollutants, updated the Quantitation Limit table and also required that all analyses required under the RGP comply with the NPDES Sufficiently Sensitive Test Methods Reporting Rule, and updated the dilution determination worksheet to using USGS StreamStats website to determine 7Q10 flows for RI water bodies.

The DEM has determined that the draft permit complies with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the permit fact sheet which is available as noted below.

#### **FURTHER INFORMATION:**

Copies of the draft general permit and fact sheet (describing the significant factual, legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Aaron Mello  
Rhode Island Department of Environmental Management  
RIPDES Program  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
Phone: 401-222-4700, extension 7405  
E-mail: [aaron.mello@dem.ri.gov](mailto:aaron.mello@dem.ri.gov)

This information is also available at the following website during the public comment period:

<http://www.dem.ri.gov/programs/water/permits/ripdes/>

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

## **PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:**

Pursuant to Chapters 46-12 and 42-35 of the Rhode Island General Laws, a public hearing has been tentatively scheduled to consider this draft RIPDES permit, if requested. Requests for a Public Hearing must be submitted in writing to the attention of Aaron Mello at the address indicated above. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 PM, Monday, March 25, 2019, the public hearing will be held at the following time and place:

Thursday, March 28, 2019 at 5:00 PM  
Room 280  
235 Promenade Street  
Providence, Rhode Island 02908

Interested persons should contact DEM in advance to confirm if a hearing will be held at the time and location noted above.

235 Promenade is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Rhode Island Relay 711 to then contact Aaron Mello at 401-222-4700, extension 7405, 72 hours in advance of the hearing date.

Interested parties must submit comments on the permit actions and the administrative record to the address above no later than 4:00 P.M. March 29, 2019.

All persons who believe any condition of the draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period on March 29, 2019. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to Aaron Mello as directed above.

If, during the public comment period, significant new questions are raised concerning the permit, DEM may require a new draft permit or fact sheet or may reopen the public comment period. A public notice will be issued for any of these actions.

## **FINAL DECISION AND APPEALS:**

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final permit decision and forward a copy of the final decision to each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision, any interested person may submit a request for a formal hearing in accordance with the requirements of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

Date

2/12/19

  
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Joseph B. Haberek, P.E.

Supervising Sanitary Engineer

Office of Water Resources

Department of Environmental Management