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

PUBLIC NOTICE OF PROPOSED PERMIT ACTIONS 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: November 3, 2025

PUBLIC NOTICE NUMBER: PN 25-07

DRAFT RIPDES PERMITS

RIPDES PERMIT NUMBER: RI0000191

NAME AND MAILING ADDRESS OF APPLICANT:
Kenyon Industries, Incorporated
36 Sherman Avenue
Kenyon, Rhode Island 02836

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:
Kenyon Industries, Incorporated
36 Sherman Avenue
Kenyon, Rhode Island 02836

RECEIVING WATER: Pawcatuck River (WBID: RI00008039R-18B)

RECEIVING WATER CLASSIFICATION: B1

The facility, which is the source of the wastewater discharge, is located in the Towns of Richmond and Charlestown and is engaged in the manufacturing of natural and synthetic textile products. The Rhode Island Department of Environmental Management (DEM) issued the facility's RIPDES Permit in 2022. The permit authorizes the discharge from three (3) outfalls: Outfall 001A (outlet from the second aeration lagoon), Outfall 002A (non-contact cooling water), and Outfall 004A (water from under the floor of the Greige Room). All the outfalls discharge to the Pawcatuck River.

In October 2025, DEM updated its Water Quality Regulations (250-RICR-150-10-50-1) to adopt site-specific copper and aluminum criteria for the Pawcatuck River. The draft permit modification updates the copper and aluminum limits for Outfall 001A in Section I.A.8 of the facility's permit. These water-quality-based limits were derived using the updated site-specific copper and aluminum criteria.

FURTHER INFORMATION:
A fact sheet (describing the type of facility and 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:

Heidi Travers, P.E., Environmental Engineer IV
Rhode Island Department of Environmental Management
Office of Water Resources
Permits Section
235 Promenade Street
Providence, Rhode Island 02908-5767
(401) 537-4186

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 AM and 4:00 PM, Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:
Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to consider these permits provided that a hearing is requested. Requests for a Public Hearing must be submitted in writing to the attention of Heidi Travers, P.E. 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 Thursday, December 4 at 4:00 PM, a public hearing will be held at the following time and place:

5:00 PM Wednesday, December 10, 2025
Room 200
235 Promenade Street
Providence, Rhode Island 02908

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

235 Promenade Street is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call Heidi Travers or RI Relay 711 at least three (3) business days prior to the meeting so that arrangements can be made to provide such assistance at no cost to the person requesting.

Interested parties may submit comments on the permit actions and the administrative record to the address above no later than 4:00 PM on Thursday, December 11, 2025.

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.

Any person, including the permittee/applicant, who believes these permit actions are 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 under 250-RICR-150-10-1.41 of the Regulations of the Rhode Island Pollutant Discharge Elimination System. The public comment period is from Monday, November 3, 2025 to Thursday, December 11, 2025. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to DEM as noted above.

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 decision and forward a copy of the final decision to the permittee and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final decision, any interested person may submit a request for a formal hearing in accordance with the requirements of 250-RICR-150-10-1.50 of the Regulations of the Rhode Island Pollutant Discharge Elimination System.

27 Oct 2025
Date

Heidi Travers
Heidi Travers, P.E.
Environmental Engineer IV
RIPDES Program, Office of Water Resources
Department of Environmental Management

MODIFICATION

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, RIPDES Permit No. RI0000191 issued to Kenyon Industries, Incorporated, which became effective on April 1, 2022 shall be modified as follows:

The copper limits and monitoring frequency listed in Part I.A.8 of the permit shall be deleted in their entirety and replaced with the limits and monitoring frequency in Attachment I of this modification.

The aluminum limits listed in Part I.A.8 of the permit shall be deleted in their entirety and replaced with the limits in Attachment I of this modification.

A new footnote 1 has been added to Part I.A.8 to clarify that monitoring requirements under Part I.A.8 may be coordinated with the monitoring required under Part I.B

The remaining effluent limitations, monitoring requirements and other conditions in the original permit are unchanged and in effect.

This modification shall become effective on _____.

This permit and the authorization to discharge expire at midnight, March 31, 2027.

This change modifies the permit issued on February 25, 2022.

This modification consists of two (2) pages.

Signed this _____ day of _____.

DRAFT

_____
Joseph B. Haberek, P.E., Administrator of Surface Water Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

ATTACHMENT I

PART I

A. Effluent Limitation and Monitoring Requirements

8. 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 001A (outlet from the second aeration lagoon). Such discharges shall be monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs/day		Concentration – Specify Units				
	Average Monthly	Maximum Daily	Average Monthly	Average Monthly	Maximum Daily	Measurement Frequency	Average Monthly
Copper, Total[1]			207 µg/l		241 µg/l	1/Week	24-Hr. Comp.
Phenol[1,2]			51 µg/l		2300 µg/l	1/Quarter	24-Hr. Comp.
Aluminum, Total[1]			1338 µg/l		2108 µg/l	1/Quarter	24-Hr. Comp.
Nickel, Total[1]			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Zinc, Total[1]			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Lead, Total[1]			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Cadmium, Total[1]			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Silver, Total			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.

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

The limits on this page apply during all production tiers. See also Section I.A.18.

[1] Monitoring data may be obtained in conjunction with bioassay testing required in Part 1.B of the permit.

[2] Phenol shall mean the parameter with CAS Number 108-95-2 whose approved analytical methods are established in Table IC.100 of 40 CFR §136.3.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday.

.

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. RI0000191

NAME AND ADDRESS OF APPLICANT:

Kenyon Industries, Incorporated
36 Sherman Avenue
Kenyon, Rhode Island 02832

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Kenyon Industries, Incorporated
36 Sherman Avenue
Kenyon, Rhode Island 02832

RECEIVING WATER:

Pawcatuck River (Waterbody ID RI0008039R-18B)

WATERBODY CLASSIFICATION: **B1**

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

The Rhode Island Department of Environmental Management (DEM) proposes to issue a modification to the above-mentioned facility's RIPDES Permit to discharge into the designated receiving water. The facility is engaged in the manufacturing of natural and synthetic textile products. The discharge consists of treated process industrial wastewater, non-contact cooling water, and river/ground water collected under floor of the Greige Room. The permit issued on February 25, 2022, and which became effective on April 1, 2022, is being modified in several ways as indicated below. The modification is to the discharge from outfall 001A, the outlet from the second aeration lagoon.

Proposed Permit Modifications

Modification of outfall 001A's permit limits for Monthly Average Copper and Daily Maximum Copper in Part I.A.8 of the permit.

Modification of outfall 001A's permit limits for Monthly Average Aluminum and Daily Maximum Aluminum in Part I.A.8 of the permit.

Modification of Part I.A.8 of the permit to clarify that the facility may use the monitoring data obtained in conjunction with bioassay testing required in Part 1.B of the permit to satisfy the Part I.A.8 monitoring requirements.

II. Limitations and Conditions

The effluent limitations, monitoring requirements, and any implementation schedule (if required) may be found in the permit.

III. Permit Basis and Explanation of Effluent Limitation Derivation

Permit Limit Development

Aluminum and Copper

In accordance with 40 CFR Part 122.4(d)(1)(iii), it is only necessary to establish limitations for those pollutants in the discharge which have the reasonable potential to cause or contribute to the exceedance of the instream criteria. Allowable discharge concentrations are calculated using an 80% allocation for pollutants without background data and a 90% allocation for pollutants with background data.

The 2022 permit issued to Kenyon Industries, Inc. (Kenyon) included water-quality-based permit limits for copper and aluminum at Outfall 001A. By a letter dated March 11, 2022, Kenyon requested an administrative adjudicatory hearing and moved to stay certain conditions set forth in the Final Permit. In a letter dated March 18, 2022, DEM granted a stay of the contested permit conditions. In lieu of convening an administrative adjudicatory hearing regarding the disputed permit and in order to affect a timely and amicable resolution of the Kenyon's appeal, DEM and Kenyon entered into a consent agreement on August 16, 2022 (the Consent Agreement). The Consent Agreement included a schedule for Kenyon to complete a Water-Effect Ratio study for copper (Copper WER Study) and a Copper Sampling and Analysis Plan (Copper SAP). Based upon a review of the Copper WER Study and the Copper SAP, DEM determined that it was appropriate to assign site-specific copper and aluminum criteria for the Pawcatuck River.

In October 2025, DEM updated its Water Quality Regulations (250-RICR-150-10-50-1) to adopt site-specific copper and aluminum criteria for the Pawcatuck River. The site-specific criteria for the Pawcatuck River are show in the table below:

	Acute (µg/L)	Chronic (µg/L)
Copper, Dissolved	23.56	20.40
Aluminum, Total	230	146

In accordance with the RIPDES 7Q10 Policy, revised December 2019, the 7Q10 flow for the Pawcatuck River at Kenyon Industries was compared to the USGS gage on the Pawcatuck River at Kenyon, RI (USGS Station Number 01117430). This station became active in 2007, just prior to the previous permit's reissuance. Due to the gage's proximity to Kenyon's discharge, the 7Q10 for the Pawcatuck River at the gage was applied directly to the dilution factor calculation, where:

Drainage Area for the Gauge = 72.7 square miles
7Q10 for the Gauge = 7.928 cubic feet per second (cfs)

Using the upstream 7Q10 river flow of 7.928 cfs (for aquatic life criteria) the appropriate dilution factors were determined. A 2013 wastewater Treatment Plant Upgrade Engineering Report noted that the facility's highest average specific water usage is 6.9 gal/lb of production. At a maximum monthly average production rate of 70,000 lbs/day and the specific water usage of 6.9 gal/lbs, the average monthly flow rate was calculated to be 0.49 MGD. This was determined to be a reasonable measure of actual production in accordance with §1.18(B)(2) of the RIPDES Regulations. Using the permitted flow of 0.49 MGD (0.758 cfs), a water quality dilution factor of 11.457 for acute and chronic criteria were calculated using the following equation:

$$Dilution\ Factor = \frac{Q_D + Q_U}{Q_D}$$

Where: Q_D = Design Flow and Q_U = Flow upstream of the Facility (Receiving Water Flow)

DEM has updated the copper and aluminum permit limits using these site-specific criteria, the dilution factor of 11.457, and the average of the background data for copper that was collected by Kenyon upstream of their discharge. While background data for aluminum was collected, it indicated that there are likely uncontrolled upstream sources. Therefore, the upstream aluminum data was not used when calculating the aluminum permit limits. Information on the limit calculations is included in Attachment A.

This permit modification changes the monthly average and daily maximum permit limits for Copper and Aluminum to reflect those included in Attachment A, as summarized in the table below. The copper and aluminum effluent data reported by Kenyon since the permit became effective is included in Attachment B. This data indicates that the facility can meet these limits.

Reasonable Potential

In accordance with 40 CFR Part 122.4(d)(1)(iii), it is only necessary to establish limitations for those pollutants in the discharge which have the reasonable potential to cause or contribute to the exceedance of the in-stream criteria. In order to evaluate the need for permit limitations, the allowable discharge levels (permit limits) were compared to the effluent data included in Attachment B. An assessment was made to determine if limits were necessary. Based on this analysis, it was determined that the discharge has a reasonable potential for Copper and Aluminum. Therefore, water quality-based effluent limits for each of these parameters have been assigned in the permit.

Permit Limitation Summary

The tables in the Permit Limitation Summary have been updated below. The changes update limitations for Aluminum and Copper from Outfall 001A.

Production Rate	Parameter	Monthly Average (Quantity)	Daily Maximum (Quantity)	Monthly Average (Conc.)	Daily Maximum (Conc.)	Measurement Frequency	Derivation
Outfall 001A (Outlet from Second Aeration Lagoon)							
All	Copper			207 µg/L	241 µg/L	1/Week	WQBEL
	Aluminum			1338 µg/L	2108 µg/L	1/Quarter	WQBEL

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

All persons, including applicants, who believe any condition of the draft permit modification is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. Any person may also present oral comments on the draft permit at the scheduled public hearing. In reaching a final decision on the draft permit the Director will respond to all significant comments, either received in writing during the public comment period or presented orally at the public hearing and make these responses available to the public at DEM's Providence Office. Following the close of the comment period, and after the 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, presented 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 250-RICR-150-10-1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

V. DEM Contact

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

Heidi Travers, P.E.
Environmental Engineer IV
RIPDES Program, Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 537-4186
heidi.travers@dem.ri.gov

27 October 2025
Date

Heidi Travers
Heidi Travers, P.E.
Environmental Engineer IV
Office of Water Resources
Department of Environmental Management

ATTACHMENT A – ALUMINUM AND COPPER PERMIT LIMIT CALCULATION

Allowable discharge limits were calculated as follows:

a) Background concentration unknown or available data is impacted by sources that have not yet achieved water quality-based limits.

$$Limit_l = (DF) * (Criteria) * (80\%)$$

Where: DF = acute or chronic dilution factor, as appropriate
Note: The right side of this formula is divided by the appropriate metals translator when this formula is used to calculate limits for metals.

b) Using available background concentration data.

$$Limit_l = (DF) * (Criteria) * 90\% - (Background) * (DF - 1)$$

Where: DF = acute or chronic dilution factor, as appropriate.
Note: The right side of this formula is divided by the appropriate metals translator when this formula is used to calculate limits for metals.

Aquatic life criteria shall not be exceeded at or above the lowest average seven consecutive day low flow with an average recurrence frequency of once in ten years (7Q10). DEM previously calculated the dilution factor of 11.457 for Kenyon Industries using an upstream 7Q10 river flow of 7.928 cubic feet per second (cfs) and a permitted flow of 0.49 MGD (0.758 cfs).

DEM used instream copper data collected by Kenyon Industries upstream of the facility's discharge to calculate the allowable discharge limit for copper using equation b. Additionally, since copper water quality criteria is for dissolved copper, the copper metals translator or conversation factor was used to determine the acute and chronic discharge limits. The acute and chronic discharge limits for total copper as shown in the table below.

	Copper (µg/L)		
	Chronic	**Acute**	**Instream**
Copper Metals Translator – 0.96			
Background (Dissolved)[1]			1.117
Water Quality Criteria (Dissolved)	20.4	23.56	
Discharge Limit (Total)	207	241	

[1]Average of Dissolved Copper data collected between September 2022 and September 2023 by Kenyon Industries in the Pawcatuck River upstream of the facility's discharge.

DEM calculated the aluminum discharge limits using the scenario where there is no background data. While background data was collected by Kenyon Industries upstream of the facility, DEM determined that there was an indication of an unknown source contributing to elevated instream concentrations. It is DEM policy to allocate 80% of the water quality criteria to a permitted discharge when there is an uncontrolled upstream source. Since the aluminum water quality criteria is for total aluminum, no metals translator is required to calculate the acute and chronic discharge limits shown in the table below.

	Aluminum (µg/L)	
	Chronic	**Acute**
Water Quality Criteria (Total)	146	230
Discharge Limit (Total)	1338	2108

ATTACHMENT B – ALUMINUM AND COPPER DISCHARGE DATA

	Aluminum, total [as Al] Daily Maximum	Aluminum, total [as Al] Monthly Average
06/30/2022	312	283
09/30/2022	298	298
12/31/2022	115	115
03/31/2023	79	79
06/30/2023	197	197
09/30/2023	78	78
12/31/2023	44	44
03/31/2024	95	95
06/30/2024	210	178
09/30/2024	158	158
12/31/2024	51	51
03/31/2025	59	59
06/30/2025	114	114

	Copper, total [as Cu] Daily Maximum	Copper, total [as Cu] Monthly Average
04/30/2022	174	144
05/31/2022	175	139
06/30/2022	164	149
07/31/2022	145	121
08/31/2022	156	147
09/30/2022	132	112
10/31/2022	157	141
11/30/2022	188	157
12/31/2022	144	137
01/31/2023	160	143
02/28/2023	160	148
03/31/2023	145	138
04/30/2023	168	149
05/31/2023	189	150
06/30/2023	173	157
07/31/2023	118	116
08/31/2023	156	145
09/30/2023	157	136
10/31/2023	129	123
11/30/2023	112	96

	Copper, total [as Cu] Daily Maximum	Copper, total [as Cu] Monthly Average
12/31/2023	181	109
01/31/2024	92	72
02/29/2024	101	90
03/31/2024	70	52
04/30/2024	106	69
05/31/2024	132	85
06/30/2024	164	133
07/31/2024	100	90
08/31/2024	102	68
09/30/2024	150	127
10/31/2024	100	92
11/30/2024	112	105
12/31/2024	130	107
01/31/2025	97	83
02/28/2025	241	109
03/31/2025	152	136
04/30/2025	146	134
05/31/2025	118	103
06/30/2025	96	91
07/31/2025	113	100
08/31/2025	101	87