

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. RI0100072 issued to the Narragansett Bay Commission on September 29, 2017 shall be modified as follows:

The corresponding May 1 – October 31 CBOD₅ and TSS limits from Part I.A.1 of the permit shall be replaced with the limits found in Attachment 1 of this modification. The TSS Monthly Average quantity and concentration limits and Weekly Average concentration limits shall remain as they are in the Final Permit.

The requirements from Part I.D.1.a.ii.6 of the permit shall be deleted and replaced with the following requirements:

The permittee shall implement measures to control solid and floatable materials in CSOs. These measures shall include, but not be limited to, implementation by the NBC's Industrial Pretreatment Program of a litter educational effort for Significant Industrial Users as an element of the annual inspection process to educate these users about the importance of controlling the discharge of litter from their site to the combined sewer system as part of the SIU pretreatment inspections required under Part I.C of this permit.

The requirements from Part I.D.2.a of the permit shall be deleted and replaced with the following requirements:

The Permittee must implement the nine minimum controls contained in Part I.D.1.a.i and ii of this permit in accordance with the documentation approved by DEM. Compliance with the approved Nine Minimum Controls Plan shall be considered compliance with the portions of Parts I.D.1 and I.D.2 of this permit that relate to the implementation of the Nine Minimum Controls, with the exception of the prohibition against dry weather overflows from CSO outfalls contained in Part I.D.1a.ii.5 of this permit. This implementation must include the following controls:

The requirements from Part I.E.4 of the permit shall be deleted and replaced with the following requirements:

By December 1, 2019 the NBC shall submit a Resiliency Plan and schedule of short and long term actions that will be taken to maintain operation and protect key collection and treatment system assets. The plan shall be consistent with the DEM's Guidance for the Consideration of Climate Change Impacts in the Planning and Design of Municipal Wastewater Collection and Treatment Infrastructure and include consideration of the findings of the 2017 DEM report Implications of Climate Change for Rhode Island Wastewater Collection and Treatment Infrastructure. The Resiliency Plan shall include, but not be limited to: (i) an assessment of current and projected impacts from natural

hazards on critical components within the NBC collection and treatment systems, as well as on the systems themselves; (ii) a plan to adapt and protect vulnerable components and systems; (iii) an analysis that provides justification for selected adaptation methods. The analysis must consider component and system design life and sea-level rise projections. For the purposes of this Resiliency Plan, critical components are considered those necessary to ensure the forward flow and treatment of wastewater in accordance with the limits set forth in this permit. The Resiliency Plan shall also consider impacts on NBC from neighboring facilities during high hazard events. This Plan shall be subject to DEM review and approval. If DEM determines that modifications need to be made to the Plan, DEM shall notify the permittee in writing which elements of the Plan need to be modified and the reason for the needed modification. This notification shall include a schedule for making the changes. After such notification from the DEM, the permittee shall make changes to the Plan and submit the revisions to the DEM for their approval. NBC retains the right to continue to evaluate and modify the Resiliency Plan, including adaptation methods and the schedule for implementing the Resiliency Plan, after the date of submittal. Significant modifications to the Plan shall be subject to DEM review and approval, as indicated above.

The permit shall be modified to include new Part I.I that includes the following requirements:

Sample collection and analysis required under Part I.A is not required when the Governor of Rhode Island has declared a State of Emergency or during times that NBC has determined sample collection and analysis represents an unacceptable risk to its employees. NBC will perform additional sampling and analysis, during the same calendar month whenever feasible, for any parameters that are not required to be sampled and analyzed on a daily basis. In addition, NBC will analyze any daily samples that were automatically collected during the emergency event, although sample and analysis holding times and protocols may have been exceeded.

The requirements from Part II(o) of the permit shall be deleted and replaced with the following requirements:

All discharges authorized herein shall be consistent with the terms and conditions of this permit. 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. This permit does not authorize the discharge of pollutants that cause, or contribute to causing, water quality to not meet standards, provided however, that the following discharges of pollutants are authorized: i) in compliance with water quality-based numeric effluent limits, ii) at or below an allowable numeric water quality-based discharge level calculated for the pollutant in the fact sheet, iii) from Outfall 001A in compliance with numeric effluent limits, and iv) from Outfall 001A not specifically identified in i-iii above and discharged at or below levels reasonably contemplated based on data provided in permit application materials. 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.

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

This modification shall become effective on _____.

This permit and the authorization to discharge expire at midnight, November 30, 2022.

This change modifies the permit issued on September 29, 2017.

This modification consists of four (4) pages.

Signed this _____ day of _____, 20_____.

DRAFT

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 and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (Advanced Treatment Discharge After Disinfection).

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			Measurement Frequency	Sample Type
	<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>)		
CBOD ₅ (May 1 – Oct. 31)	5,171	7,756	20 mg/l	20 mg/l	30 mg/l	1/Day	24-Hr. Comp.
TSS (May 1 – Oct. 31)		11,634			45 mg/l	1/Day	24-Hr. Comp.

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

Sampling for TSS, CBOD₅, Flow, and Settleable Solids shall be performed Sunday-Saturday. All CBOD₅ and TSS samples shall be taken on the influent and effluent with appropriate allowances for hydraulic detention (flow-through) time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (Advanced Treatment Discharge After Disinfection).

FACT SHEET

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

RIPDES PERMIT NO. **RI0100072**

NAME AND ADDRESS OF APPLICANT:

The Narragansett Bay Commission
One Service Road
Providence, RI 02905

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Bucklin Point Wastewater Treatment Facility
102 Campbell Avenue
East Providence, Rhode Island
and
associated Combined Sewer Overflows (CSOs)

RECEIVING WATER:

**Seekonk River (Water Body ID# RI0007019E-01) (Bucklin Point WWTF),
Moshassuck River (Water Body ID# RI0003008R-01C) (CSO Outfalls), and
Blackstone River (Water body ID# RI0001003R-01B) (CSO Outfalls)**

CLASSIFICATION: **SBI{a} (Seekonk River);B{a} (Moshassuck River);B1{a} (Blackstone River)**

I. Proposed Action

On September 29, 2017, the DEM issued a final RIPDES permit to this facility. In letters dated October 26, 2017, NBC requested an administrative adjudicatory hearing and moved to stay certain conditions set forth in the Final Permit. In lieu of convening an administrative adjudicatory hearing regarding the disputed permit conditions and in order to affect a timely and amicable resolution of NBC's appeal, DEM and NBC agreed to modify: certain May 1 – October 31 CBOD₅ and TSS limits from Part I.A.1 of the permit, Part I.D.1.a.ii.6 of the permit to clarify the solid and floatable materials control requirements for NBC's Industrial Pretreatment Program, Part I.D.2.a of the permit to clarify the NBC's requirements to implement the Nine Minimum Controls Plan approved by DEM, the deadline to submit a Resiliency Plan under Part I.E.4 of the permit, include a new Part I.I that clarifies the sampling requirements during declared States of Emergency or similar events when NBC has determined that sample collection and analysis represents an unacceptable risk to its employees, and Part II(o) language to clarify the change in discharge requirements and which discharges are authorized under the permit. All other remaining effluent limitations, monitoring requirements, and other conditions in the original permit are unchanged.

II. Permit Limitations and Conditions

Facility Description

The Narragansett Bay Commission owns and operates the Bucklin Point Wastewater Treatment Facility (WWTF) located on Campbell Avenue in East Providence, Rhode Island and several associated Combined Sewer Overflows (CSOs). Although the Narragansett Bay Commission is responsible for the flows that discharge from the CSOs, the actual CSOs in the Bucklin Point service area are owned by the municipalities in which the CSOs are located. The Bucklin Point facility services the communities of Central Falls, Cumberland, Pawtucket, and portions of Lincoln, East Providence, and Smithfield. Specific details regarding the WWTF, CSOs, and its receiving waters can be found in the Fact Sheet to the permit that was issued on September 29, 2017.

Proposed Permit Modifications

This modification changes the May 1 – October 31 CBOD₅ and TSS limits from Part I.A.1 of the permit to the following limits:

Parameter	Quantity Limits		Concentration Limits		
	Monthly Ave	Daily Max	Monthly Ave	Weekly Ave	Daily Max
CBOD (May 1 – Oct 31)	5,171 lb/d	7,756 lb/d	20 mg/l	20mg/l	30 mg/l
TSS (May 1 – Oct 31)		11,634 lb/d			45 mg/l

These concentration-based limits are set at levels more stringent than those required by 40 CFR 133.102 (a)-(c) and are based on BPJ due to increased pollutant removals that will be achieved from the WWTF's operation of nutrient removal equipment. In making the determination to assign these limits, DEM considered the factors identified in 40 C.F.R § 125.3(d), including the design influent flow and loading WWTF process modeling results that NBC submitted prior to DEM approval of the final design and during the public comment period on the draft RIPDES permit. Based upon a review of the NBC's historic data since the nutrient removal upgrades were placed on-line and the WWTF design calculations submitted by NBC it has been determined that the NBC can meet these new limits. The mass-based (i.e. lb/day) CBOD₅ and TSS limits were calculated using the above-mentioned concentration-based limits in mg/L, the WWTF's monthly average design flow in MGD, and the appropriate conversion factor of 8.34 lbs/gallon. Based upon a review of the NBC's historic data since the nutrient removal upgrades were placed on-line and the WWTF design calculations submitted by NBC it has been determined that the NBC can meet these new limits. Furthermore, under Consent Agreement No. RIA-424, as amended, NBC has agreed not to object to the establishment of these limits.

The language from Part I.D.1.a.ii.6 of the permit has been modified to clarify the solids and floatables control measures that NBC shall implement by its Industrial Pretreatment Program.

These measures consist of a litter educational effort for Significant Industrial Users as an element of the annual inspection process to educate these users about the importance of controlling the discharge of litter from their site to the combined sewer system.

The language from Part I.D.2.a of the permit has been modified to clarify that the nine minimum control measures that must be implemented by NBC are the measures included in the Nine Minimum Controls Plan that is approved by DEM.

The deadline to submit a Resiliency Plan under Part I.E.4 of the permit has been extended to December 1, 2019 and language has been added to this part of the permit clarifying that NBC retains the right to continue to evaluate and modify the Resiliency Plan and that significant modifications to the Plan shall be subject to DEM review and approval.

The permit is being modified to include a new Part I.I that clarifies that sample collection and analysis under Part I.A of the permit is not required when the Governor of Rhode Island has declared a State of Emergency or during times that NBC has determined sample collection and analysis represents an unacceptable risk to its employees. It also clarifies that NBC will perform additional sampling and analysis, during the same calendar month whenever feasible, for any parameters that are not required to be sampled and analyzed on a daily basis. In addition, NBC will analyze any daily samples that were automatically collected during the emergency event, although sample and analysis holding times and protocols may have been exceeded.

The language from Part II(o) of the permit has been modified to clarify that the permit does not authorize the discharge of pollutants that cause, or contribute to causing, water quality to not meet standards, provided however, that the following discharges of pollutants are authorized: i) discharges in compliance with water quality-based numeric effluent limits, ii) discharges at or below an allowable numeric water quality-based discharge level calculated for the pollutant in the fact sheet, iii) discharges from Outfall 001A in compliance with numeric effluent limits, and iv) discharges from Outfall 001A not specifically identified in i-iii above and discharged at or below levels reasonably contemplated based on data provided in permit application materials.

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 remain unchanged.

III. 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. In accordance with Chapter 42-17.4 of the 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.

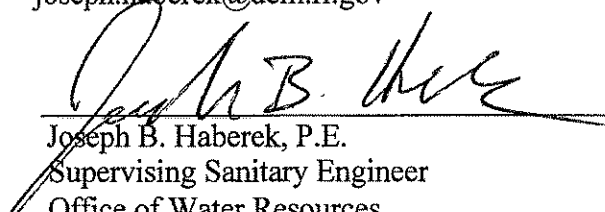
Following the close of the comment period, and after the public hearing, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments, provided oral testimony, or requested notice. Within thirty (30) days 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.

IV. **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.
Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, Rhode Island, 02908-5767
Telephone: (401) 222-4700, ext: 7715
joseph.haberek@dem.ri.gov

1/18/19
Date


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

**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: January 28, 2019

PUBLIC NOTICE NUMBER: PN 19-03

DRAFT RIPDES PERMIT: MODIFICATIONS

RIPDES PERMIT NUMBER: RI0100315

NAME AND MAILING ADDRESS OF APPLICANT:

The Narragansett Bay Commission
One Service Road
Providence, RI 02905

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Field's Point Wastewater Treatment Facility
2 Ernest Street
Providence, RI 02905 and
associated Combined Sewer Overflows (CSOs)

RECEIVING WATER:

**Providence River, Water Body ID# RI0007020E-01B (Field's Point WWTF)
Seekonk River, Water Body ID# RI0007019E-01 (CSO Outfalls)
Moshassuck River, Water Body ID# RI0003008R-01 (CSO Outfalls)
West River, Water Body ID# RI0003008R-03C (CSO Outfalls) and
Woonasquatucket River, Water Body ID#RI0002007R-10D (CSO Outfalls)**

RECEIVING WATER CLASSIFICATION:

**SB1 {a} (Providence and Seekonk Rivers); B1 {a} (Woonasquatucket River)
& B{a} (Moshassuck and West Rivers)**

RIPDES PERMIT NUMBER: RI0100072

NAME AND MAILING ADDRESS OF APPLICANT:

The Narragansett Bay Commission
One Service Road
Providence, RI 02905

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Bucklin Point Wastewater Treatment Facility
102 Campbell Avenue
East Providence, RI 02916 and
associated Combined Sewer Overflows (CSOs)

RECEIVING WATER:

**Seekonk River (Water Body ID# RI0007019E-01) (Bucklin Point WWTF),
Moshassuck River (Water Body ID# RI0003008R-01C) (CSO Outfalls), and
Blackstone River (Water body ID# RI0001003R-01B) (CSO Outfalls)**

RECEIVING WATER CLASSIFICATION:

SB1{a} (Seekonk River);B{a} (Moshassuck River);B1{a} (Blackstone River)

The above-named facilities, which are the source of the wastewater discharges, are engaged in the treatment of domestic and industrial sewage and stormwater that enters the combined sewer system. The discharges are from Field's Point and Bucklin Point WWTFs and the CSOs associated with the WWTF's collection systems. The Bucklin Point facility serves the communities of Central Falls, Cumberland, Pawtucket, and portions of Lincoln, East Providence, and Smithfield. The Field's Point facility services the communities of Johnston, Providence, North Providence, and portions of Lincoln and Cranston.

On September 29, 2017, the DEM issued final RIPDES permits to these facilities. In letters dated October 26, 2017, NBC requested an administrative adjudicatory hearing and moved to stay certain conditions set forth in both of the Final Permits. In lieu of convening an administrative adjudicatory hearing regarding the disputed permit conditions and in order to affect a timely and amicable resolution of NBC's appeal, DEM and NBC agreed to modify: certain May 1 – October 31 CBOD₅ and TSS limits from Part I.A.1 of both permits, Part I.D.1.a.ii.6 of both permits to clarify the solid and floatable materials control requirements for NBC's Industrial Pretreatment Program, Part I.D.2.a of both permits to clarify the NBC's requirements to implement the Nine Minimum Controls Plan approved by DEM, the deadline to submit a Resiliency Plan under Part I.E.4 of both permits, include a new Part I.I in both permits that clarifies the sampling requirements during declared States of Emergency or similar events when NBC has determined that sample collection and analysis represents an unacceptable risk to its employees, and Part II(o) language in both permits to clarify the change in discharge requirements and which discharges are authorized under the permits. All other remaining effluent limitations, monitoring requirements, and other conditions in both of the original permits are unchanged, and unaffected by the proposed permit modifications.

FURTHER INFORMATION:

Copies of the draft permit modifications and modification fact sheets (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:

Joseph Haberek, P.E.
Rhode Island Department of Environmental Management
RIPDES Program
235 Promenade Street
Providence, Rhode Island 02908-5767
Phone: 401-222-4700, extension 7715
E-mail: joseph.haberek@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 these draft RIPDES permit modifications, if requested. Requests for a Public Hearing must be submitted in writing to the attention of Joseph Haberek 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 4, 2019, the public hearing will be held at the following time and place:

Thursday, March 7, 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 DEM at 831-5508 (T.D.D.) 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 8, 2019.

All persons who believe any condition of the draft permit modification 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 8, 2019. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be

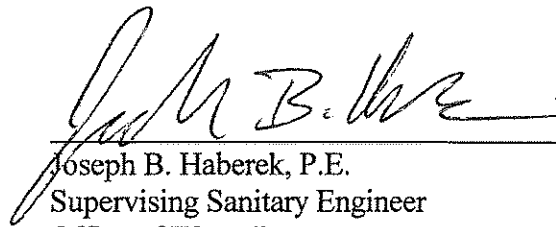
directed to Joseph Haberek as directed above.

If, during the public comment period, significant new questions are raised concerning either of the permits, 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 250-RICR-150-10-1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

1/18/19
Date



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