



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

*OFFICE OF ADJUDICATIONS*

*IN THE MATTER OF* : *APP. No. 201615592*  
*NTE CONNECTICUT, LLC* : *January 4, 2021*

**PROPOSED FINAL DECISION**

On December 15, 2020, NTE Connecticut, LLC (Applicant) and staff of the Department of Energy and Environmental Protection jointly filed the attached Agreed Draft Decision for my review and consideration ([Appendix 1](#)). Regs., Conn. State Agencies § 22a-3a-6(1)(3)(A). I have reviewed this submission, the record and the relevant law in this matter. I find that the application filed by the Applicant, requesting a permit to discharge wastewater associated with steam electric power generation operations to the Killingly Publicly-Owned Treatment Works (“POTW”), satisfies the applicable statutory and regulatory criteria. Furthermore, I find that the parties’ Agreed Draft Decision satisfactorily conveys the factual findings and legal conclusions necessary to support my decision. I adopt this Agreed Draft Decision as the proposed final decision in this matter.

The DEEP has prepared a draft permit authorizing the discharge of up to 90,000 gallons per day of wastewater to the POTW (Attached as [Appendix 2](#)). The record and the draft permit reflect Department staff’s consideration of all the relevant criteria set forth in the applicable statutes and regulations governing the proposed activity.

The Agreed Draft Decision, and the comment response document which accompanies it, thoughtfully addresses those issues relevant to consideration of this permit identified by the public in oral and written comment.

**Conclusion and Recommendation**

I recommend that the Commissioner approve this application and issue a final permit to the Applicant.



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Brendan Schain, Hearing Officer

## SERVICE LIST

In the matter of  
**NTE Connecticut, LLC (Killingly)**

### **PARTIES**

#### **DEEP**

Bureau of Materials Management and  
Compliance Assurance  
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APPENDIX 1

*IN THE MATTER OF*

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*Application No. 201615592*

*NTE Connecticut, LLC*

*DECEMBER 15, 2020*

**Joint Proposed Findings of Fact and Conclusions of Law**

**I. Findings of Fact**

**A. Procedural Background**

1. NTE Connecticut, LLC (“NTE”) filed an application with the Connecticut Department of Energy & Environmental Protection (“DEEP”), on December 19, 2016, for a permit to discharge to the Killingly Publicly-Owned Treatment Works (“POTW”) a maximum daily flow of 90,000 gallons of wastewater associated with steam electric power generation operations at the proposed 650-megawatt combined cycle dual fuel combustion turbine electric generating facility known as Killingly Energy Center (“KEC”). (Exhibits (“Ex.”) DEEP-1 and 2)
2. NTE published notice of the application in the Norwich Bulletin on December 10, 2016 (Ex. DEEP-3).
3. DEEP staff issued a Notice of Sufficiency to NTE on March 7, 2017 informing NTE that the application would be reviewed for technical adequacy. (Ex. DEEP-4)
4. DEEP staff drafted a wastewater discharge permit following the technical review of the application and additional supporting information submitted by NTE. (Exs. DEEP-7 and 12A)
5. DEEP issued a Notice of Tentative Determination (“NTD”) on February 28, 2020 and published it in the Norwich Bulletin and the DEEP Public Notice webpage on March 5, 2020. Due to a delay associated with DEEP’s electronic notification system, DEEP reissued the Notice of Tentative Decision, dated April 23, 2020 and published the reissued NTD in the Norwich Bulletin and the DEEP Public Notice webpage on April 27, 2020. (Ex. DEEP-9, 12A; APP-14)
6. The NTD included a draft wastewater discharge permit based on the application and additional information NTE submitted to DEEP staff during the technical review. (Ex. DEEP-7, 8, and 12A)
7. After the Notice of Tentative Determination and prior to the public hearing, DEEP staff made minor changes to the draft permit to address information provided by NTE and the POTW. (Ex. DEEP-7A, 8A, 12A, and 13).

## **B. Source of Incoming Water**

1. KEC will use water provided by the Connecticut Water Company (“CWC”) under a 20-year supply agreement. (Ex. APP-17, September 11, 2020 Amended Pre-Filed Testimony of Timothy Eves)
2. To protect power plant equipment, the potable water from CWC will be further treated on-site to demineralize and purify the water. (Ex. APP-23, August 19, 2020 Pre-Filed Testimony of Lynn Gresock)
3. NTE sampled and tested CWC water between September 2016 and January 2017 to accurately determine the concentrations of chemical constituents in the supply water. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)
4. This testing allowed KEC to reasonably estimate the chemical characteristics of the wastewater discharge and to compare the characteristics against Chapter 15 of the Killingly Code of Ordinances and the POTW’s NPDES discharge permit limits so that any pretreatment processes that might be necessary could be identified. Given the quality of the incoming water supply, no on-site pretreatment is required, beyond oil/water separation. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)

## **C. Water Usage**

1. KEC will use CWC water as makeup water in the various processes to offset blowdown losses necessary to maintain water purity. The water will be used for heat recovery steam generator (“HRSG”) makeup, combustion turbine generator (“CTG”) evaporative cooler makeup and to inject into the CTG for emissions control when operating on ultra-low sulfur diesel (“ULSD”). (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

## **D. Treatment of Water Prior to Use**

1. To demineralize incoming CWC water that will be used in power plant equipment, KEC will first pass the water through a reverse osmosis (“RO”) membrane system and then through a mixed bed ion exchange vessel. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)
2. CWC water will pass through the RO membrane while the unwanted impurities are rejected (i.e., RO reject) and combine with wastewaters discharged to the POTW. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

3. A small-volume, intermittent wastestream from the mixed bed ion exchange vessels will be generated when they are rinsed prior to being placed in service and will combine with wastewaters discharged to the POTW. When capacity is exhausted, the mixed bed ion exchange vessels will be taken off-site for regeneration. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)
4. KEC will add sodium bisulfite to dechlorinate incoming makeup water to prevent degradation of the RO membrane. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)
5. KEC will add aqueous ammonia to adjust the pH of the condensate/feedwater prior to entering the HRSG. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)
6. NTE identified trisodium phosphate in the application as a potential additive in the event additional pH adjustment is necessary in the HRSG drums as a result of chemistry upset conditions in the HRSG feedwater quality. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

#### **E. Discharge Water Characteristics**

1. The wastewater generated by KEC and for consideration under this permit will consist of HRSG blowdown and water samples taken within the power cycle, CTG evaporative cooler blowdown, wastewaters from the demineralization of makeup water, washwater from cleaning plant equipment (exclusive of turbine washwater), and oily wastewater routed through floor drains and/or hard piped connection. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)
2. KEC will discharge an average of approximately 45,000 gallons per day (“gpd”) of wastewater based on weather conditions and operational characteristics and shall not exceed the maximum daily permitted flow limit of 90,000 gpd. A summary flow table showing discharge volumes under various scenarios can be found in the Draft Fact Sheet. (Ex. DEEP-1, Application and Ex. DEEP-8a, Draft Permit No. SP0002475 Fact Sheet Updated)
3. Potentially oil-bearing wastewater from equipment cleaning, miscellaneous equipment enclosures, fuel gas compressor enclosure, control/electrical building, turbine hall, and the admin warehouse/maintenance buildings will be directed via floor drains and/or hard piped connections to one or more oil/water separators and then to the final wastewater sump. The oil/water separator(s) will be designed to maintain effluent below the required discharge limits for oil and grease. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

4. Process wastewater (HRSG blowdown, sample losses, evaporative cooler blowdown and demineralization wastewaters) will be routed directly to the wastewater sump where, along with oil/water separator effluent, it will be pumped to the sewer force main and sent to the POTW. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

5. The new force main will be installed from the KEC facility to an existing Town of Killingly sewer manhole located approximately ½ mile east of the KEC site on Lake Road. (Ex. APP-20, August 19, 2020 Pre-Filed Testimony of Chris Rega)

## **F. Monitoring**

1. KEC will monitor the wastewater discharge consistent with the requirements of the Tentative Determination and the final wastewater discharge permit. (Ex. APP-23, August 19, 2020 Pre-Filed Testimony of Lynn Gresock)

2. In accordance with Section 22a-430-3 of the Regulations of Connecticut State Agencies (“RCSA”), the permit requires weekly monitoring for all parameters, except flow, pH and temperature. Flow, pH, and temperature will be monitored continuously. (Ex. DEEP-8a, Updated Draft Permit Fact Sheet)

3. The KEC wastewater monitoring system will include permanently installed, in-line instrumentation which will continuously monitor the flow rate, temperature, and pH of the wastewater prior to being discharged to the public sewer. There will be alarms set in the centralized plant control system which will notify the control room operator who will then take appropriate action (i.e. process adjustment, taking equipment in/out of service, etc.) to ensure compliance with discharge limits. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)

4. The wastewater will be collected and analyzed periodically by on-site operations personnel. In addition, a third-party certified laboratory will also analyze samples collected from the wastewater discharge for the parameters identified in the wastewater discharge permit, which include ammonia, copper, nickel, total recoverable oil petroleum, phosphorus, total suspended solids, and zinc. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)

## **G. POTW Treatment & Capacity**

1. The wastestreams generated at KEC that are identified in the application and that will be discharged to the POTW will be required to comply with the permitted effluent limits established in the final wastewater discharge permit and Chapter 15 of the Killingly Code of Ordinances (Exhibit APP-19) pertaining to discharges to the public sewer. These wastestreams will receive

further treatment at the POTW before being discharged to the Quinebaug River, as authorized by the Town of Killingly's National Pollutant Discharge Elimination System ("NPDES") permit issued by DEEP. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)

2. POTW treatment consists of primary treatment using a grit chamber and primary settling tanks followed by secondary treatment using aeration and secondary settling tanks commonly known as the activated sludge process. Following secondary treatment, the wastewater is chlorinated for disinfection purposes then dechlorinated prior to discharge to the Quinebaug River. (Ex. APP-26, August 19, 2020 Pre-Filed Testimony of Lenny MacKoul)

3. The POTW has sufficient capacity to handle the flow from the KEC (Ex. APP-1, August 11, 2016 letter from Suez to NTE). The maximum daily discharge flow volume included in the draft permit is 90,000 gpd, which equates to 1.1% of the POTW's design flow of 8 million gallons per day ("MGD"). The KEC discharge will be less than 0.1 MGD. (Ex. APP-23, August 19, 2020 Pre-Filed Testimony of Lynn Gresock)

## **II. Conclusions of Law**

NTE, as the applicant, has met its burden that the requirements of § 22a-430(b) of the Connecticut General Statutes have been met, including all applicable regulations adopted at RCSA §§ 22a-430-3 and 22a-420-4. The response to comments attached to this decision as Attachment A meets the requirements of RCSA § 22a-430-4(i). No further changes to the NTD or the draft permit are required as a result of the comments received either after publication of the NTD or during the hearing process.

The effluent limitations and conditions contained in the draft permit were established to protect the waters of the state from pollution, ensure compliance with Chapter 446K of the Connecticut General Statutes and regulations adopted thereunder, and to ensure consistency with the provisions of the Clean Water Act. More specifically, the terms and conditions of the draft permit are based on the federal requirements of 40 CFR 423, specifically, 40 CFR 423.17(b) (Steam Electric Power Generating Point Source Category, Pretreatment Standards for New Sources (PSNS) after June 7, 2013), the water pollution control regulations of sections 22a-430-3 and 22a-430-4 of the RCSA, and a case-by-case determination using best professional judgement as specified in sections 22a-430-4(l) and 22a-430-4(m) of the RCSA. The draft permit requires regular monitoring of the discharge, DSN 201-1, which consists of a combination of industrial wastestreams prior to mixing with domestic wastewater.

The proposed wastewater treatment system and resulting discharge to the Killingly POTW, as conditioned by the proposed permit will protect the waters of the state from pollution.



### **III. Proposed Final Recommendation**

Based on the facts in the record and the preponderance of the evidence presented by the parties, it is recommended that the Applicant be authorized to submit for approval to the Commissioner the final construction plans and specifications of the facility, and that upon approval, the proposed wastewater discharge permit be issued pursuant to Connecticut General Statutes § 22a-430(b)

Respectfully submitted:




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James P. Ray, Esq.

On behalf of the Applicant NTE Energy Connecticut LLC

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Kenneth M. Collette". The signature is written in a cursive style with a large initial "K".

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Kenneth M. Collette, Esq.  
Staff Attorney 3  
Department of Energy and Environmental Protection



**Response to Public Comments Regarding  
Application No. 201615592  
Applicant: NTE Connecticut, LLC  
Draft Wastewater Discharge Permit No. SP0002475  
Town: Killingly**

On April 23, 2020, The Department of Energy and Environmental Protection (“DEEP”) published notice of its tentative decision that the proposed system detailed in wastewater discharge permit application no. 201615592 (“application”), submitted by NTE Connecticut, LLC (“NTE”) on December 19, 2016 requesting authorization to discharge wastewater associated with steam electric power generation operations from the Killingly Energy Center located at 189 Lake Road in Killingly (“facility”) to the Town of Killingly Publicly Owned Treatment Works (“Killingly POTW”), will treat the proposed discharge and protect the waters of the state from pollution. The notice provided a thirty (30) day comment period for the public to comment on draft permit no. SP0002475.

A qualifying request for hearing was received by DEEP on May 21, 2020. A public hearing was held virtually due to the COVID-19 pandemic via ZOOM on October 1, 2020 at 2:30 pm followed by an evidentiary hearing that was also held virtually via ZOOM on October 2, 2020 at 9:30 am.

This document is a compilation of comments received during the thirty (30) day comment period following publication of DEEP’s Notice of Tentative Decision and comments received in response to DEEP’s Notice of Public Hearing, published on August 25, 2020, with a comment submittal deadline of October 9, 2020.

Each comment submitted was reviewed by DEEP staff. Due to the significant amount of comments received, comments were grouped by topic in the response below. All comments received can be found as an appendix to this response.

DEEP’s response to comments are as follows.

**Commenters questioned the facility’s location and method of electric power generation.**

**Response:** DEEP’s jurisdiction over the wastewater discharge proposed from this electric generating facility to the wastewater treatment facility owned and operated by the Killingly Water Pollution Control Authority is limited by Section 22a-430 of the Connecticut General Statutes (“CGS”) and the portions of the regulations applicable to the particular discharge. Overall, DEEP must find whether the proposed wastewater discharge will be sufficiently controlled and monitored in accordance with the proposed draft permit to protect the waters of the state from pollution. Additional concerns related to the electric generating facility’s overall impact on cumulative greenhouse gas emissions and the use of fossil fuels are not material to DEEP’s determination on the application for the wastewater discharge permit and may be appropriate topics for consideration under other statutory and regulatory provisions or policy-oriented venues.

In addition, the particular location and the consideration of the environmental impacts associated with the location of the proposed power plant is subject to the exclusive jurisdiction of the Connecticut Siting Council in accordance with §16-50k of the CGS. The Connecticut Siting Council has already finalized its action on this proposal in accordance with its jurisdiction and issued NTE a Certificate of Environmental Compatibility and Public Need on June 6, 2019 for the construction, maintenance and operation of the Killingly Energy Center.

DEEP implements its licensing procedures in accordance with applicable statutes and regulations. The facility’s proposed wastewater discharge was reviewed and permits were drafted to assure it would operate

according to the applicable regulations. The permit requires the plant to be constructed in accordance with the approved specifications so that discharge limits are met and that the waters of the state remain protected.

**Commenters questioned the potential stress to the Killingly POTW specifically as it relates to discharge volume, discharge quality (specifically oil and heavy metals), and impacts the discharge may have on POTW operation, including odor control.**

**Response:** The maximum daily discharge flow volume included in the draft permit is 90,000 gallons per day (“gpd”), which equates to 1.1% of the Killingly POTW’s design flow (8.0 million gallons per day “mgd”). This is not a significant quantity of the Killingly POTW’s influent and is therefore not expected to contribute volumetric loading stress.

Wastewater that has the potential to contain oil and grease will require treatment through one or more oil water separators. Adequately sized and designed oil water separators are proven technology to adequately remove concentrations of oil and grease from wastewater. Section 22a-430-4(k) of the Regulations of Connecticut State Agencies (“RCSA”) requires NTE to submit as-built plans and specifications of the facility to DEEP for review and approval prior to issuance of a permit. The submission will include oil water separator specifications.

Mass loading calculations were performed using projected discharge quality data for heavy metals. The resulting calculations indicate negligible concentrations of heavy metals in the proposed discharge. Based on the information provided in the application (Exhibit Nos. DEEP-1 and DEEP-2a), the proposed discharge will not contain a concentration of heavy metals that would be expected to impact Killingly POTW operation or cause the Killingly POTW to exceed permitted effluent limits in its NPDES wastewater discharge permit (NTE Exhibit APP-22 and APP-22a).

Parameter	Maximum Daily Flow (MGD)	Projected Pollutant Concentration (mg/L) (derived from Attachment O of Application No. 201615592)	Mass Loading (kg/day)
Oil and grease	0.09	<15	11.26
Hydrocarbon fraction	0.09	0.1	0.08
Copper	0.09	0.069	0.05
Lead	0.09	0.0019	0.00
Zinc	0.09	0.0846	0.06
Antimony	0.09	Believed absent <0.001	0.00
Arsenic	0.09	Believed absent <0.004	0.00
Beryllium	0.09	Believed absent <0.001	0.00
Cadmium	0.09	Believed absent <0.001	0.00
Chromium	0.09	Believed absent <0.001	0.00
Hexavalent chromium	0.09	Believed absent <0.001	0.00
Mercury	0.09	Believed absent <0.0002	0.00
Nickel	0.09	Believed absent <0.001	0.00
Selenium	0.09	Believed absent <0.005	0.00
Silver	0.09	Believed absent <0.001	0.00
Thallium	0.09	Believed absent <0.001	0.00

Additionally, in accordance with federal, state and local discharge regulations, the draft permit (Exhibit DEEP-7a) includes discharge monitoring requirements and limitations for copper, nickel and zinc, all of which shall, individually, not exceed an instantaneous concentration of 1.0 mg/L.

As it relates to odor concerns emanating from the Killingly POTW, the proposed discharge is not biological in nature and therefore is not expected to negatively impact the Killingly POTW’s odor control measures.

The information presented in the application and the administrative records supporting that application demonstrates the proposed treated discharge will meet the prohibition requirements of RCSA Section 22a-430-4(t). Additionally, the Killingly POTW has agreed to accept the quality and quantity of NTE’s proposed discharge (NTE Exhibit APP-01).

**Commenters questioned the proposed treatment system's ability to remove all contaminants and identified concerns of pollutant pass through.**

**Response:** The pollutants of concern within the proposed discharge, specifically oil and grease and metals, are expected to accumulate within sludge and/or be treated through oil water separation, which is a longstanding and proven effective method of treatment for oily wastewaters. The projected concentrations of such discharge characteristics are negligible based on mass loading calculations and are not expected to cause interference or pass through at the Killingly POTW, nor is it expected that the proposed discharge will inhibit the Killingly POTW's ability to operate their wastewater treatment system and comply with their NPDES discharge permit.

Additionally, in accordance with Section 1(B) of the draft permit, which incorporates by reference Section 22a-430-4(t) of the RCSA, NTE is required to comply with the discharge prohibitions detailed in such regulation. Specifically, the proposed discharge shall not cause interference within, adverse effects to, or pass through of the Killingly POTW plant and its operations, including sludge handling, and shall not cause the POTW to exceed its influent design loading parameters, or violate its NPDES permit.

**Commenters questioned the potential for the discharge to raise water temperatures in the Quinebaug River and negatively impact water quality within the Town of Killingly, the northeast corner of Connecticut, the Quinebaug River and Long Island Sound.**

**Response:** The proposed discharge will be directed to the Killingly POTW via the POTW's collection and conveyance system and is not a direct surface water discharge. The RCSA, specifically Section 22a-430-4(c), do not require review of surface water temperature or surface water quality standards as part of an indirect industrial wastewater discharge application.

In accordance with RCSA Section 22a-430-4(t)(2)(D), the proposed discharge is not expected to impact the Killingly POTW's ability to comply with its NPDES permit to discharge to the Quinebaug River. Continuous temperature monitoring is included as a requirement of the draft permit to ensure that the prohibition set forth in RCSA Section 22a-430-4(t)(2)(D) is met. Lastly, the projected temperature data presented in the application demonstrates the discharge will comply with local limits for temperature as defined by the Town of Killingly's Code of Ordinances.

**Commenters raised concerns regarding the discharge of perfluoroalkyl and polyfluoroalkyl substances ("PFAS"), specifically from floor drain wastewater.**

**Response:** Killingly Energy Center ("KEC") is a new facility that is not expected to utilize AFFF foam to extinguish fires and there are no other PFAS contributing industrial activities at the proposed facility identified in the application. The draft permit does not allow for the discharge of PFAS as neither these pollutants nor PFAS contributing industrial activities were identified in the application. Discharge of these pollutants would require DEEP's review and approval of a permit modification request made by NTE.

**Commenters raised concerns about the discharge's impact on the drinking water supply system.**

**Response:** There is no expected impact to drinking water supply systems from indirect industrial discharges, which NTE is proposing, and therefore this is not reviewed as part of a wastewater discharge application for a pretreatment program permit. Additionally, this review is outside the scope of and is not required by federal or state wastewater discharge regulations.

Additionally, in support of the resource conservation requirements established by RCSA Section 22a-430-3(o), the facility will be air-cooled, as opposed to wet-cooled, thereby significantly reducing water consumption and eliminating the need for cooling water intake from the river.

**Commenters raised concerns about the potential for spills occurring at the facility.**

**Response:** Attachment K of the application and RCSA Section 22a-430-3(p) require NTE to execute and maintain spill prevention and control measures relevant to the facility's operations. The proposed permit also contains a compliance schedule requiring NTE to submit a complete and accurate Spill Prevention and Control Plan consistent with as-built drawings of the new facility for DEEP review and approval.

**Commenters raised concerns regarding the proposed discharge as an environmental justice issue.**

**Response:** On April 19, 2016, DEEP approved the applicant's Environmental Justice Public Participation Plan and required that a Final Report documenting implementation of the Plan be submitted prior to the Notice of Tentative Determination. The applicant completed the Environmental Justice Plan Final Report, with Addendum 1 dated January 26, 2018 and Addendum 2 dated January 29, 2019.

**Commenters questioned the monitoring frequency established in the draft permit.**

**Response:** As identified in Section VI, Subpart B of the draft permit fact sheet (Exhibit DEEP-8a), the monitoring frequency was established in accordance with RCSA Section 22a-430-3, which considers discharge category and flow. The proposed discharge will result from steam electric power generating activities that will have a maximum daily flow of 90,000 gallons per day. Based on this information, RCSA Section 22a-430-3 requires weekly monitoring for all parameters, except flow, pH, and temperature, which will be monitored continuously. These regulatory requirements were incorporated into the draft permit.

**Commenters questioned why there is no monitoring requirement for lead in the draft permit.**

**Response:** As detailed in Section VI, Subpart B of the draft permit fact sheet, trace amounts of lead are expected to be present in the potable water supply, which will undergo demineralization at KEC prior to use within the facility. NTE predicts a lead concentration of 0.0019 mg/L in the proposed discharge. Existing monitoring data from Lake Road Generating Company, a power plant located near KEC that utilizes the same technology and water source proposed by NTE, demonstrates a much lower lead concentration of 0.00085 mg/L (median) and 0.0056 mg/L (maximum). When compared to the most stringent regulatory effluent limit of 0.1 mg/L from the Killingly Code of Ordinances, the projected lead concentrations in the proposed discharge and the applicable data from Lake Road Generating Company indicate a negligible concentration of lead that is magnitudes less than the most stringent effluent limit.

Using best professional judgement in accordance with a case-by-case determination as established by RCSA Sections 22a-430-4(l) and (m) and existing monitoring data from the Lake Road Generating Company, DEEP concluded that lead is not a pollutant of concern, nor is it expected to be in concentrations higher than the most stringent existing effluent limits or at a concentration that is expected to impact the Killingly POTW's ability to meet their NPDES permitted effluent limits, and as such monitoring for lead is not required in the draft permit.

**Commenters raised concerns regarding the discharge of lead into the Quinebaug River.**

**Response:** The proposed discharge is to the Killingly POTW and is not a direct discharge to the Quinebaug River and as such, a review of lead levels within the Quinebaug River is outside of the scope of review for this type of wastewater discharge permit and is not required by federal or state wastewater discharge regulations for an indirect discharge. Based on the projected lead concentrations in the application, there is no concern regarding pass through at the Killingly POTW.

**Commenters indicated that the federal effluent limit for lead is too high.**

**Response:** The federal discharge regulations at 40 CFR 423 apply effluent limitations for lead to steam electric generating facilities that generate cooling tower blowdown, which is not a proposed wastestream at KEC and is therefore not applicable to the proposed discharge.

**Commenters identified concerns that the pH of the proposed discharge will be corrosive.**

**Response:** Based on the information provided in the application and the wastestreams identified in such application, the proposed discharge complies with the corrosivity prohibition of RCRA Section 22a-430-4(t)(2)(B) and does not meet the RCRA hazardous waste criteria for corrosivity as identified in 40 CFR 261.22 .

Additionally, the draft permit requires that the discharge meet the effluent limitations prescribed for pH, specifically within the range of 6.0 and 10.0 S.U.

**Commenters raised concerns about NTE being a company that is based out-of-state and the impact this will have on operation of the wastewater treatment system and response time to the automatic monitoring system.**

**Response:** NTE will utilize an Operations and Maintenance (O&M) services provider during facility operations so that there will be continuous, in-person oversight of wastewater system operation and monitoring. The facility staff will consist of approximately 20 employees including operators, maintenance technicians, and managers (including an Environmental, Health and Safety (EHS) compliance manager). The operators will receive training regarding the operation and maintenance and spill prevention and control requirements of the KEC facility's wastewater management system.

In accordance with Section 1(B) of the draft permit, which incorporates by reference RCRA Section 22a-430-4(k), NTE will be required to submit final construction plans and specifications of the wastewater collection, conveyance, treatment and disposal system for DEEP review and approval prior to issuance of a permit. Such plans are required to include all individual unit operations and their interconnections as well as drawings of process controls, piping, instrumentation, chemical feed equipment and alarms, which will demonstrate the control mechanisms that will be used to comply with permitted effluent limits.

Additionally, in accordance with Section 1(B) of the draft permit, which incorporates by reference RCRA Section 22a-430-3(f), NTE will be required to comply with the operation and maintenance requirements set forth in this regulation, which includes effective performance of the wastewater treatment system and adequate operator staffing and training to comply with the terms and conditions of the permit. NTE will be required, in accordance with Section 7(B) of the draft permit, to develop an Operation and Maintenance Plan for DEEP review and approval that must detail the methods and provisions for proper operation and maintenance of the collection and treatment systems.

Furthermore, in accordance with Section 1(b) of the draft permit, which incorporates by reference RCRA Section 22a-430-3(q), NTE will be required to install and operate instrumentation and alarms to control functions of the collection and treatment systems and characteristics of the discharge to assure compliance with the draft permit.



PRETREATMENT PERMIT

**issued to**

NTE Connecticut, LLC  
24 Cathedral Place, Suite 300  
Saint Augustine, Florida 32084

**Location Address:**

Killingly Energy Center  
189 Lake Road  
Killingly, Connecticut 06241

Effective Date:

**Permit Expires:**

**Permit ID:** SP0002475

**SECTION 1: GENERAL PROVISIONS**

- (A) This permit is issued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and a modified Memorandum of Agreement dated June 3, 1981, by the Administrator of the United States Environmental Protection Agency which authorizes the State of Connecticut to administer a Pretreatment Program pursuant to Title 40 of the Code of Federal Regulations Part 403 ("40 CFR Part 403").
- (B) NTE Connecticut, LLC, ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsections (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations (Upsets)
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
- (b) Duty to Reapply
- (c) Application Requirements
- (d) Preliminary Review
- (e) Tentative Determination
- (f) Draft Permits, Fact Sheets
- (g) Public Notice, Notice of Hearing
- (h) Public Comments

- (i) Final Determination
  - (j) Public Hearings
  - (k) Submission of Plans and Specifications. Approval.
  - (l) Establishing Effluent Limitations and Conditions
  - (m) Case by Case Determinations
  - (n) Permit issuance or renewal
  - (o) Permit Transfer
  - (p) Permit revocation, denial or modification
  - (q) Variances
  - (r) Secondary Treatment Requirements
  - (s) Treatment Requirements for Metals and Cyanide
  - (t) Discharges to POTWs - Prohibitions
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action, including but not limited to, penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA. Specifically, civil penalties of up to twenty-five thousand dollars (\$25,000) may be assessed per violation per day.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection (“the Commissioner”). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner at least thirty (30) days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure by the transferee to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (F) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (G) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the RCSA.

**SECTION 2: DEFINITIONS**

- (A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and sections 22a-430-3(a) and 22a-430-6 of the RCSA.
- (B) In addition to the above, the following definitions shall apply to this permit:

"----" in the limits column on the monitoring table means a limit is not specified but a value must be reported on the Discharge Monitoring Report (“DMR”).

"Average Monthly Limit" means the maximum allowable "Average Monthly Concentration" as defined in section 22a-430-3(a) of the RCSA when expressed as a concentration (e.g. mg/l); otherwise, it means "Average Monthly Discharge Limitation" as defined in section 22a-430-3(a) of the RCSA.

"Daily Concentration" means the concentration of a substance as measured in a daily composite sample, or the arithmetic average of all grab sample results defining a grab sample average.

"Daily Quantity" means the quantity of waste generated during an operating day.

“Instantaneous Limit” means the highest allowable concentration of a substance as measured by a grab sample, or the highest allowable measurement of a parameter as obtained through instantaneous monitoring.

"Maximum Daily Limit" means the maximum allowable "Daily Concentration" (defined above) when expressed as a concentration (e.g. mg/l); otherwise, it means the maximum allowable "Daily Quantity" as defined above unless it is expressed as a flow quantity. If expressed as a flow quantity it means "Maximum Daily Flow" as defined in section 22a-430-3(a) of the RCSA.

"NA" as a Monitoring Table abbreviation means "not applicable".

"NR" as a Monitoring Table abbreviation means "not required".

"Range During Sampling" or "RDS", as a sample type, means the maximum and minimum of all values recorded as a result of analyzing each grab sample of; 1) a Composite Sample, or 2) a Grab Sample Average. For those permittees with continuous monitoring and recording pH meters, Range During Sampling shall mean the maximum and minimum readings recorded with the continuous monitoring device during the Composite or Grab Sample Average sample collection.

### **SECTION 3: COMMISSIONER'S FINAL DETERMINATION**

- (A) The Commissioner has made a final determination and found that the system installed for the treatment of the discharge, will protect the waters of the state from pollution. The Commissioner's final determination is based on Application No. 201615592 for permit issuance received on December 19, 2016 and the administrative record established in the processing of that application.
- (B) From the effective date of this permit, for a term not to exceed five years and until this permit expires or is modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. SP0002475, issued by the Commissioner to the Permittee on the issuance date, Application No. 201615592 received by the Department of Energy and Environmental Protection ("Department") on December 19, 2016, and all modifications and approvals issued by the Commissioner or the Commissioner's authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. SP0002475, following the issuance date of this permit.
- (C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions that may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

### **SECTION 4: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- (A) The discharge shall not exceed and shall otherwise conform to the specific terms and conditions listed below. The discharge is restricted by, and shall be monitored in accordance with, the table(s) below.

**Table A**

<b>Discharge Serial Number:</b> 201-1					<b>Monitoring Location:</b> 1			
<b>Wastewater Description:</b> Steam electric wastewater: low volume wastestreams consisting of inlet air evaporative cooling wastewater, demineralized water treatment wastewater, temporary demineralized water treatment trailer wastewater, oily wastewater (including equipment washwater), and HRSG wastewaters								
<b>Monitoring Location Description:</b> After the discharge sump and lift station, prior to combining with sanitary wastewater								
<b>Discharge is to:</b> The Town of Killingly Publicly Owned Treatment Works								
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency <sup>2</sup>	Sample Type or Measurement to be Reported	Instantaneous Limit or Required Range	Sample/Reporting Frequency <sup>2</sup>	Sample Type or Measurement to be Reported
Ammonia, Total	mg/l	NA	-----	Weekly	Daily Composite	NA	NR	Grab
Copper, Total	mg/l	NA	1.0	Weekly	Daily Composite	1.0	NR	Grab
Flow Rate Average Daily <sup>1</sup>	gpd	-----	NA	Continuous	Daily Flow	NA	NR	NA
Flow, Maximum during 24 hr period <sup>1</sup>	gpd	NA	90,000	Continuous	Daily Flow	NA	NR	NA
Flow Day of Sampling	gpd	NA	90,000	Weekly	Daily Flow	NA	NR	NA
Nickel, Total	mg/l	NA	1.0	Weekly	Daily Composite	1.0	NR	Grab
Oil Petroleum, Total Recoverable	mg/l	NA	NA	NR	NA	100.0	Weekly	Grab
pH, Day of Sampling	S.U.	NA	NA	NR	NA	6.0 to 10.0	Weekly	RDS
pH, Minimum	S.U.	NA	NA	NR	NA	6.0	Continuous	Continuous
pH, Maximum	S.U.	NA	NA	NR	NA	10.0	Continuous	Continuous
Phosphorus, Total	mg/l	NA	-----	Weekly	Daily Composite	NA	NR	Grab
Solids, Total Suspended	mg/l	NA	-----	Weekly	Daily Composite	NA	NR	Grab
Temperature, Maximum	°F	NA	NA	NR	NA	150	Continuous	Continuous
Zinc, Total	mg/l	NA	1.0	Weekly	Daily Composite	1.0	NR	Grab
<b>Table Footnotes:</b>								
<sup>1</sup> For this parameter the Permittee shall maintain at the facility a record of the Total Daily Flow for each day of discharge and shall report the Average Daily Flow and the Maximum Daily Flow for each month.								
<sup>2</sup> The first entry in this column is the 'Sample Frequency'. If this entry is not followed by a 'Reporting Frequency' and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.								

- (B) All samples shall be comprised of only those wastewaters described in this schedule. Therefore, samples shall be taken prior to combination with wastewaters of any other type and after all approved treatment units, if applicable. All samples taken shall be representative of the discharge during standard operating conditions.
- (C) In cases where limits and sample type are specified but sampling is not required, the limits specified shall apply to all samples which may be collected and analyzed by the Department personnel, the Permittee, or other parties.
- (D) There shall be no discharge of polychlorinated biphenyl compounds (PCBs).

## SECTION 5: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES AND REPORTING REQUIREMENTS

- (A) Chemical analyses to determine compliance with effluent limits and conditions established in this permit shall be performed using the methods approved by the Environmental Protection Agency pursuant to 40 CFR 136 unless an alternative method has been approved in writing in accordance with 40 CFR 136.4 or as provided in section 22a-430-3(j)(7) of the RCSA. Chemicals which do not have methods of analysis defined in 40 CFR 136 shall be analyzed in accordance with methods specified in this permit.
- (B) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136 unless otherwise specified.
- (C) The results of chemical analysis required above shall be entered on the DMR and reported to the Bureau of Materials Management and Compliance Assurance using NetDMR. Except for continuous monitoring, any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136 or other methods approved by the Commissioner shall also be included on the DMR, or as an attachment, if necessary. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received by the Bureau of Materials Management and Compliance Assurance by the last day of the month following the month in which samples are taken.
- (D) If this permit requires monitoring of a discharge on a calendar basis (e.g. monthly, quarterly, etc.) but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR as scheduled, indicating "NO DISCHARGE". For those permittees whose required monitoring is discharge dependent (e.g. per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.
- (E) DMR Reporting Requirements
  1. The Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit DMRs and other required reports through a secure internet connection.

- a. *Submittal of NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's DMRs ("Signatory Authority") as described in section 22a-430-3(b)(2) of the RCSA shall contact the Department at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov) and initiate the NetDMR subscription process for electronic submission of DMR information. Information on NetDMR is available on the Department's website at [www.ct.gov/deep/netdmr](http://www.ct.gov/deep/netdmr). On or before ninety (90) days after issuance of this permit, the Permittee shall submit a signed copy of the **Connecticut DEEP NetDMR Subscriber Agreement** to the Department.

- b. *Submittal of Reports Using NetDMR*

Unless otherwise approved by the Commissioner, the Permittee and/or the Signatory Authority shall electronically submit DMRs and reports required under this permit to the Department using NetDMR, in satisfaction of the DMR submission requirement of Section 5(C) of this permit.

DMRs shall be submitted electronically no later than the thirtieth (30<sup>th</sup>) day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR. Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs and associated attachments to the Department. The Permittee shall also electronically file any written report of

non-compliance described in Section 6 of this permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

c. Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting DMRs and reports, the Commissioner may approve the submission of DMRs and other required reports in hard copy form ("opt-out request"). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date the Permittee would be required under this permit to begin filing DMRs and other reports using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department using NetDMR, unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov):

Attn: NetDMR Coordinator  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

d. Submittal of Hard Copy DMRs

If an opt-out request has been submitted to the Department and approved by the Commissioner, the results of chemical analysis required above shall be entered on the DMR, provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance at the address below. Except for continuous monitoring, any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136 or other methods approved by the Commissioner shall also be included on the DMR, or as an attachment, if necessary. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received at the address below by the last day of the month following the month in which samples are taken.

Water Permitting and Enforcement Division (Attn: DMR Processing)  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

- (F) Copies of all DMRs shall be submitted concurrently to the local Water Pollution Control Authority(ies) ("WPCA") involved in the treatment and collection of the permitted discharge.

**SECTION 6: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS**

- (A) If any sample analysis indicates that an effluent limitation specified in Section 4 of this permit has been exceeded, a second sample of the effluent shall be collected and analyzed for the parameter(s) in question and the results reported to the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division within thirty (30) days of the date of the analytical laboratory report identifying the exceedance. If DMRs are submitted on a monthly basis, this requirement may be fulfilled by submitting the second sample results on the DMR for the month in which the second sample was collected.
- (B) The Permittee shall immediately notify the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division and the local WPCA of all discharges that could cause problems to the Publicly Owned Treatment Works ("POTW"), including but not limited to slug loadings of pollutants which may cause a violation of the POTW's NPDES permit, or which may inhibit or disrupt the POTW, its treatment processes or operations, or its sludge processes, use or disposal.
- (C) In addition to the notification requirements specified in Section 1(B) of this permit, if any sampling and analysis of the discharge performed by the Permittee indicates a violation of limits specified in Section 4 of this permit, the Permittee

shall notify the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division within twenty-four (24) hours of becoming aware of the violation.

#### SECTION 7: COMPLIANCE SCHEDULE

- (A) On or before fifteen (15) days after the Permittee provides written notification of commercial operation to ISO New England, the Permittee shall submit a copy of such notification to the Commissioner.
- (B) On or before thirty (30) days after the Permittee provides written notification of commercial operation to ISO New England, the Permittee shall submit for the Commissioner's review and approval a revised "Attachment I: Operation and Maintenance of the Collection and Treatment Systems: General Description, Plan Checklist and Certification" and accompanying Operation and Maintenance Plan and a revised "Attachment K: Spill Prevention and Control Plan Checklist and Certification" and accompanying Spill Prevention and Control Plan as required by the Department's *Permit Application for Wastewater Discharges from Manufacturing, Commercial and Other Activities*.
- (C) On or before sixty (60) days after the Permittee provides written notification of commercial operation to ISO New England, the Permittee shall submit a complete Attachment O, Part B, of the *Permit Application for Wastewater Discharges from Manufacturing, Commercial, and Other Activities*. Facilities subject to 40 CFR 423, EPA's Steam Electric Power Generating Point Source Category, are required under Section 22a-430-4, Appendix B, Table 1, of the RCSA and the *Instructions for Completing the Permit Application for Wastewater Discharges from Manufacturing, Commercial, or Other Activities*, Schedule A, to analyze a representative sample of its discharge at least once for all substances listed in Table 1, toxic metals, cyanides, phenols, volatiles and acids listed in Table 2 of Attachment O, Part B, and any other substance listed in Tables 2, 3 and 4 that are known or suspected or can reasonably be ascertained to be present in the discharge. All samples shall be collected and analyzed using sufficiently sensitive methods as specified in 40 CFR Part 136 and Section 5 of this permit.
- (D) The Permittee shall use best efforts to submit to the Commissioner all documents required by this section of the permit in a complete and approvable form. If the Commissioner notifies the Permittee that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Permittee shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this Compliance Schedule, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this section of the permit. Nothing in this paragraph shall excuse noncompliance or delay.
- (E) Dates. The date of submission to the Commissioner of any document required by this section of the permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this section of the permit means calendar day. Any document or action which is required by this section of the permit to be submitted, or performed, by a date which falls on, Saturday, Sunday, or a Connecticut or federal holiday, shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or Connecticut or federal holiday.
- (F) Notification of noncompliance. In the event that the Permittee becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this section of the permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates, which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
- (G) Notice to Commissioner of changes. Within fifteen (15) days of the date the Permittee becomes aware of a change in any information submitted to the Commissioner under this section of the permit, or that any such information was inaccurate or misleading or that any relevant information was omitted, the permittee shall submit the correct or omitted information to the Commissioner.

- (H) Submission of documents. Any document, other than a discharge monitoring report, required to be submitted to the Commissioner under this section of the permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Robin Jazxhi, Environmental Analyst  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, CT 06106-5127

## SECTION 8: COMPLIANCE CONDITIONS

In accordance with 40 CFR §403.8(f)(2)(viii), the Commissioner may provide public notification, in a newspaper of general circulation in the area of the respective POTW, of permittees that at any time in the previous twelve (12) months were in significant noncompliance with the provisions of this permit. For the purposes of this provision, a permittee that is a Significant Industrial User is in significant noncompliance if its violation(s) meet(s) one or more of the following criteria:

- **Chronic violations:** Those in which sixty-six (66%) percent or more of all measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) the Average Monthly, Maximum Daily, or Maximum Instantaneous Limit(s).
- **Technical Review Criteria violations:** Those in which thirty-three (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the Average Monthly, Maximum Daily, or Maximum Instantaneous Limit(s) multiplied by 1.4 for BOD, TSS, fats, oil, and grease, or 1.2 for all other pollutants except pH.
- **Monitoring Reports:** Failure to provide, within forty-five (45) days after the due date, required reports such as DMRs.
- **Compliance Schedule:** Failure to meet within ninety (90) days after the schedule date, a compliance schedule milestone contained in or linked to a respective permit for starting construction, completing construction, or attaining final compliance.
- **Noncompliance Reporting:** Failure to accurately report noncompliance in accordance with provisions identified in Section 6 of this permit.
- **Discretionary:** Any other violation of an effluent limit that the Department determines has caused, alone or in combination with other discharges, a violation of the POTW's NPDES permit, inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal.
- **Imminent Endangerment:** Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Department's exercise of its emergency authority under 40 CFR §403.8(f)(1)(vi)(B) to halt or prevent such a discharge.
- **BMPs:** Any other violation or group of violations, which may include a violation of Best Management Practices, which the Department determines will adversely affect the operation or implementation of the pretreatment program.

This permit is hereby issued on

**DRAFT**

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Betsy Wingfield  
Deputy Commissioner  
Department of Energy and Environmental Protection

BW/SCE/RJ

cc: Killingly POTW