



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 12, 2010

**CERTIFIED MAIL**

Ms. Patricia Lucas  
Vice President of Operations  
Maxim Power (USA), Inc.  
Suite 1210  
715-5<sup>th</sup> Avenue S.W.  
Calgary, Alberta, Canada T2P 2X6

**RE: Pawtucket Power Associates, LP, 181 Concord Street, Pawtucket, RI 02860  
RIPDES No. RI0021741**

Dear Ms. Lucas,

Enclosed is your final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit issued pursuant to the referenced application. State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the permit.

Also enclosed is information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning this permit, feel free to contact Brian Lafaille, P.E. of the State Permits Staff at (401) 222-4700, extension 7731.

Sincerely,

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

EAB:bl

Enclosures

cc: Edward G. Quinn, Plant Manager, Pawtucket Power, LP (Electronic copy via email)  
Annie McFarland, RIDEM-OWR (Electronic copy via email)  
Deb Merrill, RIDEM-OWR (Electronic copy via email)  
Traci Pena, RIDEM-OWR (Electronic copy via email)

## RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMIT FOR THIS FACILITY; THEREFORE, NO RESPONSE WAS PREPARED.

## HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

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

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

## STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with Rule 50, may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.  
Chief of surface Water Protection  
Office of Water Resources  
235 Promenade Street  
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of Rule 49.

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,

**Maxim Power (USA), Inc.**

Suite 1210  
715-5<sup>th</sup> Avenue S.W.  
Calgary, Alberta, Canada, T2P 2X6

and

**Purenergy Operating Services, LLC.**

1732 West Genesee Street  
Syracuse, NY 13204

are authorized to discharge from a facility located at

Pawtucket Power Associates, L.P.  
181 Concord Street  
Pawtucket, RI 02860

to receiving waters named

Moshassuck River

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

This permit shall become effective on July 1, 2010.

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

This permit supersedes the permit issued on February 2, 2005.

This permit consists of nine (9) pages in Part I including effluent limitations, monitoring requirements, etc. and ten (10) pages in Part II including General Conditions.

Signed this 11<sup>th</sup> day of May, 2010.



Angelo S. Liberti, P.E., Chief of Surface Water Protection  
Office of Water Resources  
Rhode Island Department of Environmental Management  
Providence, Rhode Island

**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 002A (Discharge from the Oil/Water Separator prior to mixing with any other flows). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Concentration - specify units</u>		<u>Monitoring Requirement</u>	
	<u>Quantity - lbs./day</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow		35,000 GPD	*(Average)	*(Maximum)	2/Quarter	Estimate
TSS					2/Quarter	Grab <sup>1</sup>
Oil & Grease					2/Quarter	Grab <sup>1</sup>

<sup>1</sup>One (1) sample must be taken either during or immediately after a wet weather event and one (1) sample during dry weather (no rain within 48 hours prior to or during sampling). All parameters shall be monitored concurrently. If the permittee is unable to collect samples due to no flow conditions during the entire quarter, the permittee must submit, in lieu of sampling data, a description of why samples could not be collected, including available precipitation data for the monitoring period.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 002A – Discharge from the Oil/Water Separator prior to mixing with any other flows.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial numbers 003A (Discharge from Catch Basin # 7 prior to mixing with any other flows) and 004A (Discharge from Catch Basin #8 prior to mixing with any other flows). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Concentration - specify units</u>			<u>Monitoring Requirement</u>	
	<u>Quantity - lbs./day</u> Average <u>Monthly</u>	<u>Maximum</u> <u>Daily</u>	<u>Average</u> <u>Monthly</u>	<u>Average</u> <u>Weekly</u>	<u>Maximum</u> <u>Daily</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>	<u>Estimate</u>
Flow	---	GPD				2/Quarter		Estimate
TSS			---	mg/l		---	mg/l	2/Quarter Grab <sup>1</sup>
Oil & Grease			15	mg/l	20	mg/l		2/Quarter Grab <sup>1</sup>

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

<sup>1</sup>One (1) sample must be taken either during or immediately after a wet weather event and one (1) during dry weather (no rain within 48 hours prior to or during sampling). All parameters shall be monitored concurrently. If the permittee is unable to collect samples due to no flow conditions during the entire quarter, the permittee must submit, in lieu of sampling data, a description of why samples could not be collected, including available precipitation data for the monitoring period.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 003A – Discharge from Catch Basin #7 prior to mixing with any other flows and Outfall 004A – Discharge from Catch Basin #8 prior to mixing with any other flows.

3.
  - a. The permittee shall test the pH of the stormwater within the aqueous ammonia, sulfuric acid and caustic secondary containment structures prior to discharge. The pH shall be within the range of 6.5 - 9.0 prior to discharge. If the pH is outside of the range of 6.5 - 9.0, DEM approval shall be required prior to discharge. The results of this testing shall be recorded and maintained in an inspection log.
  - b. The discharge shall not cause visible discoloration of the receiving waters.
  - c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
  - d. Discharges from floor drains, turbine building sumps, metal cleaning, or from any other areas, with the exception of storm water runoff and those discharges designated in Parts I.A.1, 1.A.2, and I.A.5 of this permit, are prohibited from directly or in combination with any other wastewater entering the waters of the State.
  - e. There shall be no discharge of polychlorinated biphenyl compounds (PCBs) at any time.
  - f. The permittee shall not add chemicals (i.e., disinfecting agents, detergents, emulsifiers, etc.) or "bioremedial agents including microbes" to the collection and treatment system without prior approval from DEM.
  - g. The permittee shall not discharge any sludge and/or bottom deposits from any storage tank, basin and/or diked area to the receiving water. Examples of storage tanks and/or basins include, but are not limited to: primary catch basins, stilling basins, the oil/water (O/W) separator, observation basins with baffles, petroleum product storage tanks, baffled storage tanks collecting spills, and tank truck loading rack sumps.
4. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) One hundred micrograms per liter (100 ug/l);
    - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitro-phenol; and one milligram per liter (1 mg/l) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
    - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f) and Rhode Island Regulations.
  - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 ug/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
  - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f) and Rhode Island Regulations.
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.
5. The permittee is only authorized to discharge storm water and allowable non-storm water discharges. Allowable non-storm water discharges under this permit are limited to the following: discharges from fire fighting activities; fire hydrant flushings; external building wash down that does not use detergents; lawn watering; uncontaminated ground water; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials have occurred; and incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blow down or drains); uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals. If any of these allowable non-storm water discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified and addressed in the facility's Storm Water Pollution Prevention Plan. Any other discharges are not authorized under this permit.

## B. INSPECTION AND MAINTENANCE

1. The oil/water separator at Outfall 002A shall be inspected on a monthly basis to assure its proper operation. Maintenance activities shall be done in accordance with the manufacturer's specifications. Results of all inspections must be documented in a bound logbook and records retained on-site for a period of five (5) years.
2. The storm water collection and treatment system shall be operated and maintained in order to provide optimal treatment of the storm water prior to discharge to the receiving water.
3. The catch basins shall be inspected on a monthly basis to assure structural integrity and determine the amount of accumulation of solids. Catch basins shall be scheduled for clean-out, within thirty (30) days, when the depth of solids exceeds one-half the height of the effluent pipe invert above the basin bottom. Results of all inspections must be documented in a bound logbook and records retained on-site for a period of five (5) years.
4. The permittee shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1978 (40 U.S.C. 6901 et seq.) or amendments thereto.

## C. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and maintained in

accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the Plan shall describe and ensure the implementation of Best Management Practices (BMPs) which are to be used to reduce or eliminate the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

2. The Plan shall be signed by the permittee in accordance with RIPDES Rule 12 and retained on site. The Plan shall be made available upon request to the Director.
3. If the Plan is reviewed by the Director, he or she may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this part. After such notification from the Director, the permittee shall make changes to the Plan and shall submit to the Director a written certification that the requested changes have been made. Unless otherwise provided by the Director, the permittee shall have thirty (30) days after such notification to make the necessary changes.
4. The permittee shall immediately amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State; a release of reportable quantities of hazardous substances and oil; or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Changes must be noted and then submitted to this Department. Amendments to the Plan may be reviewed by DEM in the same manner as Part I.C.3. of this permit.
5. The SWPPP shall include, at a minimum, the following items:
  - a. Description of Potential Pollutant Sources. The Plan must provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. It must identify all activities and significant materials, which may potentially be significant pollutant sources. Each plan shall include:
    - (1) A site map indicating: a delineation of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, locations where significant materials are exposed to storm water, locations where significant leaks or spills have occurred, a delineation of all impervious surfaces, all surface water bodies, all separate storm sewers, and the locations of the following activities where such areas are exposed to storm water: fueling stations, vehicle and equipment maintenance and/or cleaning areas, material handling areas, material storage areas, process areas, and waste disposal areas;
    - (2) A topographic map extending one-quarter (1/4) of a mile beyond the property boundaries of the facility;
    - (3) An estimate of the overall runoff coefficient for the site, determined by an acceptable method, such as, but not limited to, area weighting;
    - (4) A narrative description of significant materials that have been treated, stored, or disposed of in a manner to allow exposure to storm water between the time of three (3) years prior to the issuance of this permit to the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three (3) years prior to the issuance of this

permit and the present; materials loading and access areas; the location and description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and description of any treatment the storm water receives;

- (5) A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility three (3) years prior to the effective date of this permit to the present;
  - (6) A list of any pollutants limited in effluent guidelines to which a facility is subject under 40 CFR Subchapter N, any pollutants listed on a RIPDES permit to discharge process water, and any information required under RIPDES Rule 11.02(a)(14)(iii)-(v) or 40 CFR 122.21(g)(iii)-(v);
  - (7) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow and an estimate of the types of pollutants, which are likely to be present in storm water associated with industrial activity;
  - (8) A summary of existing sampling data describing pollutants in storm water discharges from the facility; and
- b. Storm Water Management Controls. The permittee must develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness for implementing controls listed in the Plan must reflect identified potential sources of pollutants at the facility. The description of storm water management controls must address the following minimum components, including a schedule for implementing such controls:
- (1) *Pollution Prevention Team.* The Plan must identify a specific individual(s) within the facility organization as members of a team that are responsible for developing the Plan and assisting the plant manager in its implementation, maintenance, and revision. The Plan must clearly identify the responsibilities of each team member. The activities and responsibilities of the team must address all aspects of the facility's Plan.
  - (2) *Risk Identification and Assessment/Material Inventory.* The Plan must assess the potential of various sources which contribute pollutants to storm water discharge associated with the industrial activity. The Plan must include an inventory of the types of materials handled. Each of the following must be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor manufacturing or processing activities, significant dust or particulate generating processes, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water, and the history of significant leaks or spills of toxic or hazardous pollutants.
  - (3) *Preventative Maintenance.* A preventative maintenance program must involve inspection and maintenance of storm water management devices (i.e., oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdown or failures resulting in discharges of pollutants to surface waters. All preventative maintenance must, at a minimum, be consistent with Part I.B of this permit.

- (4) *Good Housekeeping.* Good housekeeping requires the maintenance of a clean, orderly facility.
  - (5) *Spill Prevention and Response Procedure.* Areas where potential spills can occur, and their accompanying drainage points, must be identified clearly in the SWPPP. The potential for spills to enter the storm water drainage system must be eliminated wherever feasible. Where appropriate, specific material handling procedures, storage requirements, and procedures for cleaning up spills must be identified in the Plan and made available to the appropriate personnel. The necessary equipment to implement a clean up must also be made available to personnel. The permittee shall immediately notify the office of releases in excess of reportable quantities.
  - (6) *Storm Water Management.* The Plan must contain a narrative consideration of the appropriateness of traditional storm water management practices. Based on an assessment of the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity (see Part I.C.5.b.2 of this permit), the Plan must provide that measures, determined to be reasonable and appropriate, must be implemented and maintained.
  - (7) *Sediment and Erosion Prevention.* The Plan must identify areas which; due to topography, activities, or other factors; have a high potential for significant soil erosion and identify measures to limit erosion.
  - (8) *Employee Training.* Employee training programs must inform personnel responsible for implementing activities identified in the Plan, or otherwise responsible for storm water management at all levels, of the components and goals of the Plan. Training should address topics such as spill response, good housekeeping, and material management practices. The Plan must identify periodic dates for such training.
  - (9) *Visual Inspections.* Qualified plant personnel must be identified to inspect designated equipment and plant areas. Material handling areas must be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records of inspections must be maintained on site for at least five (5) years.
  - (10) *Recordkeeping and Internal Reporting Procedures.* Incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges must be included in the records. All inspections and maintenance activities must be documented and maintained on site for at least five (5) years.
- c. Site Inspection. An annual site inspection must be conducted by appropriate personnel named in the SWPPP to verify that the description of potential pollutant sources required under Part I.C.5.a is accurate, that the drainage map has been updated or otherwise modified to reflect current conditions, and controls to reduce pollutants in storm water discharges associated with industrial activity identified in the Plan are being implemented and are adequate. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records documenting significant observations made during the site inspection must be retained as part of the SWPPP for a minimum of five (5) years.

- d. Consistency with Other Plans. Storm water management controls may reflect requirements for Spill Prevention Control and Counter-measure (SPCC) plans under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a RIPDES permit and may incorporate any part of such plans into the SWPPP by reference.

#### D. MONITORING AND REPORTING

##### 1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in 40 CFR Part 136.

##### 2. Reporting

Monitoring results obtained during the previous quarter (as defined below) shall be summarized and reported on Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15<sup>th</sup> day of the month following the completed reporting period.

<u>Standard Quarters</u>	<u>Report Due No Later Than</u>
January 1 – March 31	April 15 <sup>th</sup>
April 1 – June 30	July 15 <sup>th</sup>
July 1 – September 30	October 15 <sup>th</sup>
October 1 – December 31	January 15 <sup>th</sup>

Signed copies of these, and all other reports required herein, shall be submitted to:

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

PART II  
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DEFINITIONS

## GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with Rule 12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-3961, (401) 222-6519 or (401) 222-2284 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.

- (2) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Rule 14.18 of the RIPDES Regulations.

- (3) Prohibition of bypass.

- (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
  - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (b) The permitted facility was at the time being properly operated;
  - (c) The permittee submitted notice of the upset as required in Rule 14.18 of the RIPDES Regulations; and
  - (d) The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 *et seq.*, Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with Rules 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.

**DEFINITIONS**

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M <sup>3</sup> /day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH <sub>3</sub> -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO <sub>3</sub> -N	nitrate nitrogen as nitrogen
NO <sub>2</sub> -N	nitrite nitrogen as nitrogen
NO <sub>3</sub> -NO <sub>2</sub>	combined nitrate and nitrite nitrogen as nitrogen
Cl <sub>2</sub>	total residual chlorine

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

STATEMENT OF BASIS

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

RIPDES PERMIT NO. **RI0021741**

NAME AND ADDRESS OF APPLICANT:

**Maxim Power (USA), Inc.**  
Suite 1210  
715-5<sup>th</sup> Avenue S.W.  
Calgary, Alberta, Canada, T2P 2X6

and

**Purenergy Operating Services, LLC.**  
1732 West Genesee Street  
Syracuse, NY 13204

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**Pawtucket Power Associates, L.P.**  
181 Concord Street  
Pawtucket, RI 02860

RECEIVING WATER: **Moshassuck River**

CLASSIFICATION: **B {a}**

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

The above named applicant has applied to the Rhode Island Department of Environmental Management for reissuance of a RIPDES Permit to discharge into the designated receiving water. The facility is engaged in the production of steam and electric power. The discharge consists of storm water only.

II. **Description of Discharge**

A quantitative description of the discharge in terms of significant effluent parameters based DMR data from April 2005 to January 2010 is shown on Attachment A.

III. **Permit Limitations and Conditions**

The final effluent limitations and monitoring requirements may be found in the permit.

IV. **Permit Basis and Explanation of Effluent Limitation Derivation**

Pawtucket Power Associates, LP is a combined-cycle electric power generating facility in Pawtucket, Rhode Island consisting of a dual-fuel gas turbine generator, a heat recovery steam generator (with supplemental duct burners) and a steam turbine generator plus various steam plant and auxiliary equipment. The primary fuel utilized to power the gas turbine generator and duct burners is natural gas. Number 2 fuel oil is used as the backup fuel for the gas turbine generator and as the fuel for a diesel starter engine and an emergency diesel fire pump. The facility generates electric power for sale into the ISO New England wholesale electric markets.

Boiler blowdown, floor drains and sanitary waste are discharged to the Narragansett Bay

Commission's (NBC's) Bucklin Point Wastewater Treatment Facility and are not authorized to be discharged under this permit. This permit authorizes the discharge of storm water runoff from the oil storage and off-loading area that is treated by an oil-water separator and discharged from Outfall 002A. In addition to Outfall 002A, storm water runoff is also authorized to be discharged from Outfalls 003A and 004A. Outfalls 002A, 003A and 004A combine in a thirty-six inch (36") storm drain, which discharges into the Moshassuck River. This permit also authorizes the discharge of the following non-storm water discharges: discharges from fire fighting activities; fire hydrant flushings; external building wash down that does not use detergents; lawn watering; uncontaminated groundwater; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials have occurred; and incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blow down or drains); uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals. If any of these allowable non-storm water discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified and addressed in the facility's Storm Water Pollution Prevention Plan. Any other discharges are not authorized under this permit.

The permit contains limits at Outfall 002A for total suspended solids (TSS) and oil and grease. These limits are based on Best Professional Judgement (BPJ) and demonstrated performance. The effluent limitation for Oil and Grease is a technology-based limit based on American Petroleum Institute (API) oil/water separator guidelines. Performance data from these facilities indicates that this effluent limit can be achieved through the proper operation of a correctly sized oil/water separator and best management practices (BMPs). Total suspended solids (TSS) has been limited to account for the potential for petroleum hydrocarbons to adsorb or absorb to particulates and to be transported with the suspended matter. The permit also includes limits for oil and grease for outfalls 003A and 004A that have been carried forward from the previous permit.

In addition to the sampling requirements for Outfalls 002A, 003A and 004A, the permittee must maintain a Storm Water Pollution Prevention Plan (SWPPP). The goal of the SWPPP is to identify potential sources of pollutants contained in the storm water to ensure practices are being implemented to minimize or eliminate the potential for pollutants to mix with storm water. The plan emphasizes the use of Best Management Practices (BMPs) to provide the necessary flexibility to address different sources of pollutants at the facility. The required elements of the SWPPP must be retained on-site for the duration of the authorization under this permit. This information must be made available to this Department upon request.

The State Department of Environmental Management's authority over this permit comes from the Environmental Protection Agency's delegation of the program in September 1984 under the Federal Clean Water Act. The requirements set forth in the permit are based on the State's Water Quality Regulations and the State's Permit Regulations, both filed pursuant to Rhode Island General law Chapter 46-12 as amended. The remaining general and specific conditions of the permit are based on the RIPDES Regulations as well as on 40 CFR, Part 423. They consist primarily of management requirements common to all permits.

#### **V. Comment Period, Hearing Requests, and Procedures for Final Decisions**

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to the Rhode Island Department of Environmental Management. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Director finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit the Director will respond to all significant comments and make these

decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.

Following the close of the comment period, and after a public hearing, if such hearing is held, 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 or requested notice. Within thirty (30) days following the notice of the final permit decision any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for formal hearings must satisfy the requirements of Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

VI. **DEM Contact**

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

Brian Lafaille, P.E., Sanitary Engineer  
RIPDES Section  
Office of Water Resources  
Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908  
Telephone: (401) 222-4700, extension: 7731

3/25/10  
Date

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

**ATTACHMENT A**

DESCRIPTION OF DISCHARGE: **Storm Water**

AVERAGE EFFLUENT CHARACTERISTICS AT POINT OF DISCHARGE:

DISCHARGE: **Outfall 002A**

<u>PARAMETER</u>	<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>
Flow	3782 GPD	
TSS		2.39 mg/l
Oil & Grease		3.61 mg/l

DISCHARGE: **Outfall 003A**

<u>PARAMETER</u>	<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>
Flow	6664 GPD	
TSS	3.61 mg/l	5.22 mg/l
Oil & Grease	2.27 mg/l	3.77 mg/l

DISCHARGE: **Outfall 004A**

<u>PARAMETER</u>	<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>
Flow	9755 GPD	
TSS	3.28 mg/l	4.56 mg/l
Oil & Grease	2.56 mg/l	3.61 mg/l

From Discharge Monitoring Reports (April 2005 through January 2010)