



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

NPDES PERMIT RENEWAL
issued to

Sporting Goods Properties, Inc.

Location Address: 1207 Prospect Drive, Stratford Connecticut 06615

Facility ID: 138-240

Permit ID: CT0030171

Receiving Stream: Long Island Sound

Permit Expires: **October 18, 2016**

SECTION 1: GENERAL PROVISIONS

- (A) This permit is reissued 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 section 402(b) of the Clean Water Act, as amended, 33 USC 1251, *et. seq.*, and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) Sporting Goods Properties, Inc., ("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 subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(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
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- (e) Duty
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Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
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 - (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, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (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 ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least 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) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.
- (I) This permitted discharge is consistent with the applicable goals and policies of the Connecticut Coastal

Management Act (section 22a-92 of the Connecticut General Statutes).

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 section 22a-430-3(a) and 22a-430-6 of the RCSA, except for "No Observable Acute Effect Level (NOAEL)" which is redefined below.

(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 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.

"Critical Test Concentration (CTC)" means the specified effluent dilution at which the Permittee is to conduct a single-concentration Aquatic Toxicity test.

"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 discharged 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.

"In stream Waste Concentration (IWC)" means the concentration of a discharge in the receiving water after mixing has occurred in the allocated zone of influence.

"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".

"No Observable Acute Effect Level (NOAEL)" means any concentration equal to or less than the critical test concentration in a single concentration (pass/fail) toxicity test conducted pursuant to section 22a-430-3(j)(7)(A)(i) RCSA demonstrating **greater than 50% survival of test organisms in 100% (undiluted) effluent and 90% or greater survival of test organisms at the CTC.**

"Range During Month" ("RDM"), as a sample type, means the lowest and the highest values of all of the monitoring data for the reporting month.

"Range During Sampling" ("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 means the maximum and minimum readings recorded with the continuous monitoring device during the Composite or Grab Sample Average sample collection.

"ug/l" means micrograms per liter.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that continuance of the existing system to treat the discharge will protect the waters of the state from pollution. The Commissioner's decision is based on Application No. 200401603 for permit reissuance received on May 14, 2004 and the administrative record established in the processing of that application.
- (B) The Commissioner hereby authorizes the Permittee to discharge in accordance with the provisions of this permit, the above referenced application, and all approvals issued by the Commissioner or the Commissioner's authorized agent for the discharges and/or activities authorized by, or associated with, 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 which 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: GENERAL EFFLUENT LIMITATIONS

- (A) No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids; or, cause visible discoloration or foaming in the receiving stream.
- (B) No discharge shall cause acute or chronic toxicity in the receiving water body beyond any zone of influence specifically allocated to that discharge in this permit.
- (C) The temperature of any discharge shall not increase the temperature of the receiving stream above 83°F, or, in any case, raise the temperature of the receiving stream by more than 4°F. The incremental temperature increase in coastal and marine waters is limited to 1.5°F during the period including July, August and September.

SECTION 5: SPECIFIC 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 below:

Table A

Discharge Serial Number: 001 **Monitoring Location: 1**
Wastewater Description: Wastewater from the dredging and cleaning of coastal sediment
Monitoring Location Description: Samples shall be collected from the final pipe following the sieve and any treatment
 Allocated Zone of Influence (ZOI): 0 gph In stream Waste Concentration (IWC): 100%

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test ³
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency ²	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency ²	Sample Type or measurement to be reported	
Mysidopsis bahia, LC ₅₀	%	NA	NA	NR	NA	----	Monthly	Grab	
Cyprinodon variegatus LC ₅₀	%	NA	NA	NR	NA	----	Monthly	Grab	
Aluminum, dissolved	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Aluminum, total	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Copper, dissolved	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Copper, total	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Flow, (Maximum During 24 Hr Period) ¹	gpd	NA	60,000	Daily	Total Daily Flow	NA	NR	NA	
Flow, (Day of Sample)	gpd	NA	60,000	Weekly	Total Daily Flow	NA	NR	NA	
Hours of Discharge	hr	----	----	Daily	Total Hours	NA	NR	NA	
Iron, dissolved	ug/l	NA	NA	NR	NA	----	Weekly	Grab	
Iron, total	ug/l	NA	NA	NR	NA	----	Weekly	Grab	
Lead, dissolved	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Lead, total	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
pH	S.U.	NA	NA	NR	NA	6.0 to 9.0	Weekly	RDS	
Solids, total suspended	mg/l	NA	NA	NR	NA	----	Weekly	Grab	
Zinc, dissolved	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*
Zinc, total	ug/l	NA	NA	NR	NA	----	Weekly	Grab	*

Table Footnote:

- 1 - For this parameter the Permittee shall maintain at the facility a record of the total flow for each day of discharge and shall report the Average Daily Flow and the Maximum Daily Flow for each sampling month.
- 2 - The first entry in this column is the 'Sample Frequency'. If a 'Reporting Frequency' does not follow this entry 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'.
- 3 - Minimum Level Test refers to Section 6 Paragraph 3 of this permit.

- (1) DSN 001 may only be discharged during the months of January through May and November and December of each year.
- (2) All samples shall be comprised of only the wastewater described in this table. Samples shall be collected prior to combination with receiving waters or wastewater of any other type, and after all approved treatment units, if applicable. All samples collected shall be representative of the discharge during standard operating conditions.
- (3) In cases where limits and sample type are specified but sampling is not required by this permit, the limits specified shall apply to all samples which may be collected and analyzed by the Department of Energy and Environmental Protection personnel, the Permittee, or other parties.
- (4) The limits imposed on the discharges listed in this permit take effect on the issuance date of this permit, hence any sample taken after this date which, upon analysis, shows an exceedance of permit limits will be considered non-compliance.

The monitoring requirements begin on the date of issuance of this permit if the issuance date is on or before the 12th day of a month. For permits issued on or after the 13th day of a month, monitoring requirements begin the 1st day of the following month.

- (5)
 - a) The Permittee shall provide a qualified piping plover monitor to be on-site during construction hours in the month of May. The monitor shall be approved by DEEP in accordance with Section 10(C) of this permit. Such monitor shall observe the remedial activities and see if piping plovers are in the area trying to forage. During the remedial work, each day's monitoring shall consist of two separate surveys conducted during different periods of the tidal cycle; and
 - b) If it is determined by the monitor that piping plovers are disturbed by the activity 1) all remedial work shall cease immediately; and 2) immediate notification shall be made to the United States Fish and Wildlife Service at (603) 223-2541 ext. 22.

SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

(A) Chemical Analysis

- (1) Chemical analyses to determine compliance with effluent limits and conditions established in this permit shall be performed using the methods approved pursuant to the 40 CFR 136 unless an alternative method has been approved in writing pursuant to 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.
- (2) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136 unless otherwise specified.
- (3) The Minimum Levels specified below represent the concentrations at which quantification must be achieved and verified during the chemical analyses for the parameters identified in Section 5 Table A. Analyses for these parameters must include check standards within ten percent of the specified Minimum Level or calibration points equal to or less than the specified Minimum Level.

<u>Parameter</u>	<u>Minimum Level</u>
Aluminum	10.0 ug/l
Copper	10.0 ug/l
Lead	5.0 ug/l

Zinc

20.0 ug/l

- (4) The value of each parameter for which monitoring is required under this permit shall be reported to the maximum level of accuracy and precision possible consistent with the requirements of this section of the permit.
- (5) Effluent analyses for which quantification was verified during the analysis at or below the minimum levels specified in this section and which indicate that a parameter was not detected shall be reported as "less than x" where 'x' is the numerical value equivalent to the analytical method detection limit for that analysis.
- (6) Results of effluent analyses which indicate that a parameter was not present at a concentration greater than or equal to the Minimum Level specified for that analysis shall be considered equivalent to zero (0.0) for purposes of determining compliance with effluent limitations or conditions specified in this permit.

(B) Acute Aquatic Toxicity Test

- (1) Samples for monitoring of Aquatic Toxicity shall be collected and handled as prescribed in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012).
 - (a) Composite samples shall be chilled as they are collected. Grab samples shall be chilled immediately following collection. Samples shall be held at 4 degrees Centigrade until Aquatic Toxicity testing is initiated.
 - (b) Effluent samples shall not be dechlorinated, filtered, or, modified in any way, prior to testing for Aquatic Toxicity unless specifically approved in writing by the Commissioner for monitoring at this facility.
 - (c) Chemical analyses of the parameters identified in Section 5 Table A shall be conducted on an aliquot of the same sample tested for Aquatic Toxicity.
 - (i) At a minimum, pH, specific conductance, salinity, total alkalinity, total hardness, and total residual chlorine shall be measured in the effluent sample and, during Aquatic Toxicity tests, in the highest concentration of test solution and in the dilution (control) water at the beginning of the test and at test termination. If Total Residual Chlorine is not detected at test initiation, it does not need to be measured at test termination. Dissolved oxygen, pH, and temperature shall be measured in the control and all test concentrations at the beginning of the test, daily thereafter, and at test termination. Salinity shall be measured in each test concentration at the beginning of the test and at test termination.
 - (ii) For tests with saltwater organisms that require salinity adjustment of the effluent, chemical analyses shall be conducted on an aliquot of the effluent sample collected for Aquatic Toxicity testing and on an aliquot of the effluent following salinity adjustment. Both sets of results shall be reported on the Aquatic Toxicity Monitoring Report (ATMR).
 - (d) Tests for Aquatic Toxicity shall be initiated within 36 hours of sample collection.
- (2) Monitoring for Aquatic Toxicity to determine compliance with the permit condition on Aquatic Toxicity (invertebrate) above shall be conducted for 48-hours utilizing neonatal Mysidopsis bahia (1-5 days old with no more than 24-hours range in age)

- (3) Monitoring for Aquatic Toxicity to determine compliance with the permit condition on Aquatic Toxicity (vertebrate) above shall be conducted for 48-hours utilizing larval Cyprinodon variegatus (1-14 days old with no more than 24-hours range in age).
- (4) Tests for Aquatic Toxicity shall be conducted as prescribed for static non-renewal acute tests in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012), except as specified below.
 - (a) Definitive (multi-concentration) testing, with LC50 as the endpoint, shall be conducted to determine compliance with limits on Aquatic Toxicity and monitoring conditions and shall incorporate, at a minimum, the following effluent concentrations:
 - (i) For Aquatic Toxicity Limits expressed as LC50 values of 33% or greater: 100%, 75%, 50%, 25%, 12.5%, and 6.25%
 - (ii) For Aquatic Toxicity Limits expressed as LC50 values between 15% and 33% and for monitoring only conditions: 100%, 50%, 25%, 12.5%, and 6.25%
 - (iii) For Aquatic Toxicity Limits expressed as LC50 values of 15% or less: 100%, 50%, 25%, 12.5%, 6.25%, and 3%
 - (b) For Aquatic Toxicity Limits and for monitoring only conditions, expressed as an NOAEL value, Pass/Fail (single-concentration) tests shall be conducted at a specified Critical Test Concentration (CTC) equal to the Aquatic Toxicity Limit, or 100% in the case of monitoring only conditions, as prescribed in section 22a-430-3(j)(7)(A)(i) of the Regulations of Connecticut State Agencies, except that five replicates of undiluted effluent and five replicates of effluent diluted to the CTC shall be included.
 - (c) *Mysidopsis bahia* shall be fed during the tests. *Cyprinodon variegatus* shall not be fed during the tests.
 - (d) Aquatic toxicity tests with saltwater organisms shall be conducted at a salinity of equal to or greater than 15 parts per thousand, plus or minus 2 parts per thousand.
 - (i) Sodium lauryl sulfate or sodium dodecyl sulfate shall be used as the reference toxicant.
 - (ii) Synthetic seawater for use as dilution water or controls shall be prepared with deionized water and artificial sea salts as described in EPA/821-R-02-012.
 - (iii) If the salinity of the source water is more than 5 parts per thousand higher, or lower than the culture water used for rearing the organisms, a second set of controls matching the salinity of the culture water shall be added to the test series. Test validity shall be determined using the controls adjusted to match the source water salinity.
 - (iv) Effluent samples with low salinity may be adjusted with artificial salts.
- (5) Compliance with limits on Aquatic Toxicity shall be determined as follows:
 - (a) For limits expressed as a minimum LC50 value, compliance shall be demonstrated when the results of a valid definitive Aquatic Toxicity test indicates that the LC50 value for the test is greater than the Aquatic Toxicity Limit.

- (b) For limits expressed as an NOAEL value, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity test indicates there is greater than 50% survival in the undiluted effluent and 90% or greater survival in the effluent at the specified CTC.

(C) The Permittee shall annually monitor the chronic toxicity of the DSN 001-1 in accordance with the following specifications.

- (1) Chronic toxicity testing of the discharge shall be conducted annually during March and April of each year.
- (2) Chronic toxicity testing shall be performed on the discharge in accordance with the test methodology established in “Short term Methods For Estimating The Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms” (EPA-821-R-02-014) as referenced in 40 CFR 136 for Mysidopsis bahia survival and reproduction and Cyprinodon variegatus larval survival and growth.
- (3) Chronic toxicity tests shall utilize a minimum of five effluent dilutions prepared using a dilution factor of 0.5 (100% effluent, 50% effluent, 25 % effluent, 12.5 % effluent, 6.25 % effluent, 0 % effluent).
- (4) Housatonic River water collected immediately upstream of the area influenced by the discharge shall be used as site water control (0% effluent) and dilution water in the toxicity tests.
- (5) A laboratory water control consisting of synthetic saltwater prepared in accordance with EPA-821-R-02-014 at a salinity of greater than 15 parts per thousand shall be included in the test protocol in addition to the site-water control.
- (6) Daily composite samples of the discharge and grab samples of the Housatonic River for use as site water control and dilution water shall be collected on: day 0, for test solution renewal on day 1 and day 2 of the test; day 2, for test solution renewal on day 3 and day 4 of the test; and day 4, for test solution renewal on day 5, 6, and 7 of the test. Samples shall not be dechlorinated, pH or hardness adjusted, or chemically altered in any way.
- (7) All samples of the discharge and the Housatonic River water used in the chronic toxicity test shall, at a minimum, be analyzed and results reported in accordance with the provisions listed in Section 6(A) of this permit for the following parameters:

pH	Copper (Total recoverable and dissolved)
Hardness	Nickel (Total recoverable and dissolved)
Alkalinity	Nitrogen, Ammonia (total as N)
Conductivity	Nitrogen, Nitrate (Total as N)
Chlorine, (Total residual)	Solids, Total Suspended
Lead, (Total recoverable and dissolved)	Iron (Total recoverable and dissolved)
Salinity	Zinc, (Total recoverable and dissolved)

(D) The Permittee shall conduct oyster monitoring just upstream from the discharge within 30 days prior to initiating remedial actions and again within 30 days after completion of remedial actions each year in accordance with the following:

- (1) The Permittee shall notify the Connecticut Department of Agriculture, Bureau of Aquaculture and Laboratory Services, Connecticut Shellfish Program and the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division in writing no later than 30 days before an oyster sampling event.
- (2) A minimum of two oyster samples shall be collected during each sampling event. Each sample collected shall contain a minimum of 30 organisms.

- (3) Samples shall be collected and analyzed using the methods approved under Section 10(B) of this permit.
- (4) Oyster tissue shall be monitored for heavy metals, including but not limited to arsenic, cadmium, chromium, copper, lead, nickel and zinc.
- (5) Monitoring results from the sampling events shall be reported annually during the month of June as described under Section 8(D) of this permit.

SECTION 7: LIMITATIONS FOR AQUATIC TOXICITY BASED ON ACTUAL FLOWS

(A) In lieu of demonstrating compliance with the specific Maximum Daily Toxicity Limits in Section 5 the Permittee may recalculate the IWC based on actual flows provided:

- (1) the Permittee maintains an accurate record of measured discharge flows and hours of operation for all days on which a discharge occurs; and
- (2) the total daily flow for any single operating day does not exceed the average of the daily flows for the thirty consecutive operating days prior to the sampling date by more than 25 per cent.

(B) The In stream Waste Concentration (IWC) shall be calculated as follows:

- (1) The measured average daily flow in gallons per hour shall be tabulated for each of the prior 30 operating days and the arithmetic average for the 30 day period calculated.
- (2) The IWC (in gallons per hour) specific for the thirty consecutive operating days prior to the sampling date shall be calculated by dividing the 30 day average hourly flow by the sum of the 30-day average flow and the zone of influence (ZOI) allocated to the discharge:

$$IWC (\%) = \frac{30 \text{ day average hourly flow}}{30 \text{ day average hourly flow} + ZOI} \times 100$$

- (3) The alternative Maximum Daily Toxicity Limit shall be determined by the IWC calculated above:
 - (a) For IWC equal to or less than 5%, the LC50 value shall be greater than or equal to the IWC times 20.
 - (b) For IWC greater than 5%, and less than 15%, the NOAEL value shall be an NOAEL equal to the IWC times 6.7.
 - (c) For IWC equal to or greater than 15%, the NOAEL value shall be an NOAEL equal to 100%.
 - (d) Demonstration of compliance with these alternative Maximum Daily Limits shall be performed as specified in Section 6(B) of this permit.

(C) Compliance with the alternative Maximum Daily Toxicity Limits based on actual flows shall be determined as follows:

- (1) For alternative limits expressed as a Minimum LC50 value in accordance with Section (7)(B)(3)(a) above, compliance shall be demonstrated when the LC50 value for a valid definitive Aquatic Toxicity Test, conducted pursuant to the requirements specified in Section (6)(B) of this permit, is greater than the alternative limit.

- (2) For alternative limits expressed as an NOAEL value in accordance with Section (7)(B)(3)(b) above, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity Test, conducted pursuant to the requirements specified in Section (6)(B) of this permit, indicates greater than 50% survival in the undiluted effluent and 90% or greater survival in the effluent at a CTC equal to the alternative limit.

SECTION 8: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required above shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing) at the following address. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received at this address by the last day of the month following the month in which samples are collected.

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

- (B) Complete and accurate aquatic toxicity test data, including percent survival of test organisms in each replicate test chamber, LC50 values and 95% confidence intervals for definitive test protocols, and all supporting chemical/physical measurements performed in association with any aquatic toxicity test, including measured daily flow and hours of operation for the 30 consecutive operating days prior to sample collection if compliance with a limit on Aquatic Toxicity is based on toxicity limits based on actual flows described in Section 7, shall be entered on the Aquatic Toxicity Monitoring Report form (ATMR) and sent to the Bureau of Water Protection and Land Reuse at the following address. The ATMR shall be received at this address by the last day of the month following the month in which samples are collected.

Bureau of Water Protection and Land Reuse (Attn: Aquatic Toxicity)
Connecticut Department of Energy and Environmental Protection
79 Elm St.
Hartford, CT 06106-5127

- (C) 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 and ATMR, 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.
- (D) The results of the oyster bed monitoring required under Section 6(D) shall be reported concurrently to the following addresses during the month of June:

Connecticut 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

Attention Stephen Edwards

Connecticut Department of Agriculture
Bureau of Aquaculture and Laboratory Services
Connecticut Shellfish Program
P.O. Box 97
Milford, CT 06460

Attention Kristin Frank

- (E) Chronic Toxicity Monitoring - A complete and thorough report of the results of the chronic toxicity monitoring specified in Section 6 (C) shall be prepared as outlined in section 10 of EPA-821-R-02-012 and submitted to the Department for review on or before within 60 days of test completion to the address specified in Section 7(B) of this permit.

SECTION 9: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS

- (A) If any sample analysis indicates that an Aquatic Toxicity effluent limitation in Section 5 of this permit has been exceeded, or that the test was invalid, another sample of the effluent shall be collected and tested for Aquatic Toxicity and associated chemical parameters, as described above in Section 5 and Section 6, and the results reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing), at the address listed above, within 30 days of the exceedance or invalid test. Results of all tests, whether valid or invalid, shall be reported.
- (B) If any two consecutive test results or any three test results in a twelve month period indicates that an Aquatic Toxicity Limit has been exceeded, the Permittee shall immediately take all reasonable steps to eliminate toxicity wherever possible and shall submit a report to Bureau of Materials Management and Compliance Assurance (Attn: Aquatic Toxicity) for the review and approval of the Commissioner in accordance with section 22a-430-3(j)(10)(c) of the RCSA describing proposed steps to eliminate the toxic impact of the discharge on the receiving water body. Such a report shall include a proposed time schedule to accomplish toxicity reduction and the Permittee shall comply with any schedule approved by the Commissioner.
- (C) The Permittee shall notify the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, within 72 hours and in writing within thirty days of the discharge of any substance listed in the application but not listed in the permit if the concentration or quantity of that substance exceeds two times the level listed in the application.

SECTION 10: COMPLIANCE SCHEDULE

- (A) DTE - On or before 180 days following the completion of the next remedial activity, the Permittee shall perform a "Discharge toxicity Evaluation" in accordance with Section 22a-430-4(c)(21) of the RSA and submit a report for the review and approval of the Commissioner.
- (1) Consultant: The Permittee shall notify the Commissioner in writing of the identity of any consultants retained to prepare documents and implement or oversee the actions required by this provision of the permit. The Permittee shall notify the Commissioner in writing within fourteen days after retaining any such consultant other than one originally identified under this paragraph. Any consultant retained to perform the evaluation shall be a qualified professional engineer (PE) or environmental professional (LEP) licensed to practice in Connecticut. The Permittee shall submit to the Commissioner a description of a consultant's education, experience and training that is relevant to the work required by this permit within fourteen days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

- (2) Scope of Study: The Permittee shall submit for the Commissioner's review and written approval a scope of study for the investigation of the effect of the discharge on the receiving waters on or before ninety (90) days from the issuance of this permit. Such scope shall include all elements required for such an evaluation as specified in Section 22a-430-4(c)(21) of the RCSA.
- (3) Performance of Investigation: Permittee shall perform the investigation and other actions specified in the approved scope of study in accordance with the approved scope. However, the investigation shall begin no later than five (5) days from initiating DSN 001 after the issuance of this permit.
- (4) Evaluation Report: Permittee shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes in detail the investigation performed pursuant to Sections 10(A)(2) and 10(A)(3) of this permit.
- (B) Oyster Monitoring - On or before 45 days from the issuance of this permit, the Permittee shall submit for the Commissioner's review and written approval a plan proposing methods to be used for the monitoring of oysters as required by Section 6(D) of this permit. A copy of this plan shall also be submitted to the Connecticut Department of Agriculture, Bureau of Aquaculture and Laboratory Services, Connecticut Shellfish Program, Attention: Kristin Frank (as specified in Section 8(D)).
- (C) Piping Plover Monitor: The Permittee shall submit for Commissioner's review and written approval the identity of any consultants retained to monitor piping plovers as required by Section 5(A)(5) of the permit. The Permittee shall notify the Commissioner in writing within fourteen days after retaining any such consultant other than one originally identified under this paragraph. The Permittee shall submit to the Commissioner a description of a consultant's education, experience and training that is relevant to the work required by this permit within fourteen days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
- (D) The Permittee shall submit to the Commissioner semi-annual status reports beginning sixty days after the date of approval of the report referenced in Section 10(A) above. Status reports shall include, but not be limited to, a summary of all effluent monitoring data collected by the Permittee during the previous 180 day period and a detailed description of progress made by the Permittee in performing actions required by this section of the permit in accordance with the approved schedule including, but not limited to, development of engineering plans and specifications, construction activity, contract bidding, operational changes, preparation and submittal of permit applications, and any other actions specified in the program approved pursuant to paragraph (A)(2) of this section.
- (E) The Permittee shall perform the approved actions in accordance with the approved schedule, but in no event shall the approved actions required under Section 10(A) be completed later than 180 days from initiating DSN 001 after the issuance of this permit. Within fifteen days after completing such actions, the Permittee shall certify to the Commissioner in writing that the actions have been completed as approved.
- (F) 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 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.
- (G) 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 section of the 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 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 only of the permit, to be submitted, or performed, by a date which falls on, Saturday, Sunday, or, a legal Connecticut or federal holiday, shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or legal Connecticut or federal holiday.

- (H) 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 with the exception of the final compliance date specified in the Section 10(E) above, 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, is 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 that 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.
- (I) Notice to Commissioner of changes. Within fifteen 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.
- (J) 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:

Stephen Edwards
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

This permit is hereby issued on October 19, 2011

Daniel C. Esty
Commissioner

DCE/SCE