



## Final Determination & Recommendation

DATE: September 22, 2023

TO: Tracy Babbidge, Deputy Commissioner, Department of Energy & Environmental Protection

THRU: Jennifer L. Perry, P.E., Chief, Bureau of Materials Management & Compliance Assurance

FROM: Audra Dickson, Director, Water Permitting & Enforcement Division

SUBJECT: Final Determination & Recommendation to issue the National Pollutant Discharge Elimination System Permit to FirstLight CT Housatonic LLC, (Permit No. CT0030803)

On August 2, 2023, the Department of Energy & Environmental Protection's (DEEP) Water Permitting & Enforcement Division (WPED) published notice of its tentative decision to issue the National Pollutant Discharge Elimination System Permit (NPDES) for FirstLight CT Housatonic LLC, Bulls Bridge facility in the News-Times. The notice of tentative decision as well as a draft copy of the permit and its fact sheet were made available to the public for review. The notice provided a thirty-day public comment period. DEEP received multiple written comments.

WPED staff has reviewed the comments received. Below are the comments in italics followed by WPED's response and recommendation in bold font:

- 1. A request to add the following language: "Both upstream and downstream of the Bulls Bridge projects, FERC Project Boundaries, the Housatonic River is a federally designated Wild and Scenic River (U.S. Public Law 117-328)."*

**This statement was added to Section 1.6. of the fact sheet.**

- 2. A request to list temperature as a pollutant of concern and include temperature monitoring of the effluent and receiving water in the permit.*

**The discharge of noncontact cooling water is not permitted under this permit; hence temperature was not identified as a pollutant of concern for the authorized discharges. The wastewater is comprised mainly of turbine leakage and turbine dewatering. Both these waters are taken from the Housatonic River directly upstream of the discharge. No chemicals or other substances are added to the waters while they are in the turbine. Therefore, the water discharged from the turbines are characteristically identical to the**

**Housatonic River and thermal pollution is not a concern at this site.**

3. *“The draft permit states that the “temperature of any discharge shall not increase the temperature of the receiving stream above 85 °F, or in any case, raise the temperature of the receiving stream by more than 4 °F”. First, we [the commentor] note that 85 °F is lethal for trout and some other cold-water obligate species, and this threshold is not consistent with protecting this resource.”.*

**As discussed above, temperature has not been identified as a pollutant of concern. Section 4(D) of the permit is consistent with the Connecticut Water Quality Standard for Class B waters. Section 22a-426-9 of the Connecticut Water Quality Standards requires Class B waters meet the following temperature criteria: There shall be no changes from natural conditions that would impair any existing or designated uses assigned to this Class and, in no case exceed 85 degrees F, or in any case raise the temperature of surface water more than 4 degrees F. No change will be made to the proposed permit or fact sheet.**

4. *A request to include per- and polyfluoroalkyl substances (PFAS) in the permit if present at the facility.*

**Based on information provided by the application, PFAS is not suspected to be used or generated on site or to be discharged into the Housatonic River through the discharges covered under this permit. No change will be made to the proposed permit or fact sheet.**

5. *A request to require the facility to upgrade to the water lubricated bearing systems.*

**The turbines at this facility use water lubricated bearing systems. No change will be made to the proposed permit or fact sheet.**

6. *That the draft permit was not noticed properly in that it failed to comply with RCSA Section 22a-430-4(g)(1)(C) and (D).*

**The fact sheet public noticed with the permit included the required information pursuant to RCSA Section 22a-430-4(g)(1)(C) and (D).**

7. *The waterbody classification is incorrect.*

**The typographical error to the waterbody classification in the fact sheet was corrected to B from SB.**

8. *The fact sheet fails to disclose the applicant’s compliance history.*

**A statement has been added to Section 1.4 of the Fact sheet.**

9. *Section 1.6: The description fails to include even basic details, such as how the wastewater is generated.*

**See Section 1.6 and 1.8 of the fact sheet. No change will be made to the proposed permit or fact sheet.**

*10. The use of Cervione's equation is inappropriate for the subject receiving stream.*

**The use of Cervione's regression equation to determine 7Q10 flow is consistent with the methodology in DEEP's Guidance Document for Water Quality Based NPDES Permitting. No change will be made to the proposed permit or fact sheet.**

*11. Other hydroelectric facilities have had periodic toxicity failures, including emergency discharges and Toxicity testing should be required.*

**See Section 3.7 of the fact sheet. No change will be made to the proposed permit or fact sheet.**

*12. Noting zinc is present in the discharge and asking why zinc was not monitored.*

**See Section 3.8 of the fact sheet. No change will be made to the proposed permit or fact sheet.**

*13. The use of PCBs at the site was not disclosed in the Fact Sheet.*

**The facility does not use PCB containing coolants at the facility. For clarification, a statement has been included in Section 3.2 of the fact sheet stating that PCBs are not suspected to be present in the discharge.**

*14. That the draft permit is not consistent with other NPDES permits and other hydroelectric permits.*

**DEEP has evaluated the submitted permit application and supporting documentation and proposed a permit in accordance with both federal and state regulations.**

*15. That Table C is inconsistent with the language in Section 5D of the permit.*

**To provide clarification, Section 5D of the permit was updated so that outfall numbers are consistent with those identified in Table C. Table C was updated to include monitoring consistent with Section 5D. See Section 4 of the fact sheet for an explanation of the language in Section 5D of the permit.**

No petitions for hearing were received during the thirty-day comment period. The proposed permit and fact sheet does include revisions from the draft permit placed on public notice, however the modifications do not result in a less stringent permit.



## National Pollutant Discharge Elimination System Permit Issued To

Firstlight CT Housatonic LLC  
781 Kent Road  
New Milford, CT 06755  
Bulls Bridge Station

**Location Address:**

781 Kent Road  
New Milford, CT 06755  
Bulls Bridge Station

**Permit Number:** CT0030803

**Receiving Water Body:** Housatonic River

**Effective Date:** September 28, 2023

**Receiving Water Body ID:** CT6000-00\_04

**Permit Expires:** September 27, 2028

### SECTION 1: GENERAL PROVISIONS

- (A) This permit is issued in accordance with Section 22a-430 of Chapter 446k, Connecticut General Statutes (“CGS”), and Regulations of Connecticut State Agencies (“RCSA”) adopted thereunder, as amended, and Section 402(b) of the Clean Water Act (“CWA”), 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 a NPDES permit program.
- (B) **Firstlight CT Housatonic LLC** (“Permittee”) shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsections (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(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
- (d) Effect of a Permit
- (e) Duty to Comply
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations (Upsets)
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 22a-430-4: Procedures and Criteria

- (a) Duty to Apply
  - (b) Duty to Reapply
  - (c) Application Requirements
  - (d) Preliminary Review
  - (e) Tentative Determination
  - (f) Draft Permits, Fact Sheets
  - (g) Public Notice, Notice of Hearing
  - (h) Public Comments
  - (i) Final Determination
  - (j) Public Hearings
  - (k) Submission of Plans and Specifications, Approval
  - (l) Establishing Effluent Limitations and Conditions
  - (m) Case by Case Determinations
  - (n) Permit Issuance or Renewal
  - (o) Permit Transfer
  - (p) Permit Revocation, Denial or Modification
  - (q) Variances
  - (r) Secondary Treatment Requirements
  - (s) Treatment Requirements
  - (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 thirty 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 RCSA.
- (I) The permittee shall operate and maintain its collection and treatment system in accordance with its Operation and Maintenance Plan and with any approvals issued in accordance with RCSA section 22a-430-3(i)(3).

**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.
- (B) In addition to the above, the following definitions shall apply to this permit:

“40 CFR” means Title 40 of the Code of Federal Regulations.

“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.

*Connecticut Water Quality Standards* means the regulations adopted under RCSA sections 22a-426-1 through 22a-426-9, as amended.

“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.

“Dilution Factor” means the inverse of the “Instream Waste Concentration”.

“DMR” means Discharge Monitoring Report.

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

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

“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.

“Reporting Frequency” means the frequency at which monitoring results must be provided.

“Semi-annually” when used as a sampling frequency in this permit, means that sample reporting is required in the months of March and September.

### **SECTION 3: COMMISSIONER'S DECISION**

- (A) The Commissioner has issued a final determination and found that the discharge will not cause pollution of the waters of the state. The Commissioner’s decision is based on Application 202104455 for permit issuance received on April 06, 2021 and the administrative record established in the processing of that application.
- (B) Effective from issuance date for a term not to exceed five years and until this permit expires or is modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. CT0030803, issued by the Commissioner to the Permittee based on Application No. 202104455, received by the Department of Engineering and Environmental Protection (“DEEP”) on April 06, 2021, and all modifications and approvals issued by the Commissioner or the Commissioner’s authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. CT0030803, following the issuance date of this permit.
- (C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions 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 the CGS or regulations adopted thereunder which are then applicable.

#### SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) The permittee shall assure that the discharge will not cause or contribute to an instream violation of the *Connecticut Water Quality Standards*.
- (B) 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.
- (C) 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.
- (D) The temperature of any discharge shall not increase the temperature of the receiving stream above 85 °F, or in any case, raise the temperature of the receiving stream by more than 4 °F.
- (E) There shall be no discharge of polychlorinated biphenyl (PCB) compounds.

#### SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The discharge is restricted by and shall be monitored in accordance with the following tables in this section. The wastewater discharge shall not exceed the effluent limitations in these tables and shall otherwise conform to the specific terms and conditions listed in the tables. The permittee shall comply with the “Remarks” and “Footnotes” noted in the tables that follow. Such remarks and footnotes are enforceable like any other term or condition of this permit.
- (B) All samples shall be comprised of only the wastewater described in these tables. Samples shall be collected prior to combination with receiving waters or wastewater of any other type, and after all approved treatment units, if applicable. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Collection of permit required effluent samples in any location other than the authorized location noted in this permit shall be a violation of this permit.
- (C) 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 DEEP personnel, the permittee, or other parties.
- (D) In the case that water is discharged from DSN 101-C, 102-C, 103-C, 105-C, or 106-C the Permittee must notify DEEP within 48 hours of becoming aware of the discharge. The notification must include an estimation of the volume of water discharged and the reason for the discharge. The Permittee to the best of their abilities will sample the discharge from these DSNs without placing the safety of personnel at risk. Sampling at a minimum will require Oil and Grease Hydrocarbon Fraction.
- (E) All samples shall be comprised of only the wastewater described in these tables. 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.
- (F) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

**Table A**

Discharge Serial Number: **DSN 101-A, 102-A, 103-A, 104-A, 105-A, 106-A** Monitoring Location: **1**

Wastewater Description: **Turbine Leakage**

Monitoring Location Description: **Beneath the Turbine**

Discharge is to: **Housatonic River** Dilution Factor : **None** Outfall Location: **Latitude 41N 39' 32.93 and Longitude 73W 29' 31.5**

PARAMETER	NET DMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency <sup>1</sup>	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency <sup>1</sup>	Sample Type or measurement to be reported
Flow (Day of Sampling)	74076	gpd	NA	----	Semi-annually	Total Daily Flow <sup>2</sup>	NA	NR	NA
Oil & Grease, Total	00556	mg/L	NA	NA	NR	NA	----	Semi-Annually	Grab
pH, Day of Sampling	00400	SU	NA	NA	NR	NA	6.5 - 8.0	Semi-Annually	RDS

**TABLE A FOOTNOTES AND REMARKS**

**Footnotes:**

<sup>1</sup> The first entry in this column is the "Sample Frequency.". If a "Reporting Frequency" does not follow this entry then the "Reporting Frequency" is monthly.

<sup>2</sup> Flow may be an estimation of flow over 24 hours.

**Remarks:**

- Abbreviations used for units are as follows: gpd means gallons per day; mg/L means milligrams per liter; SU means Standard Units;. Other abbreviations are as follows: NA means Not Applicable; NR means Not Required; RDS means Range During Sampling.
- If "----" is noted in the limits column in the table, this means that a limit is not specified but a value must be reported on the DMR.
- The Permittee only needs to sample one DSN A to be in compliance with this permit. The DSN sampled must be included as a note in the DMR.
- For semiannual monitoring, the Permittee may sample between April-September for September reporting and sample between October-March for March reporting.
- If the sample taken exceeds the pH limits the Permittee must sample the influent of the plant. If the influent is not within the permitted range the sample will not be considered a violation. The permittee will enter 6.5 or 8.0 whichever is closer to the reported data on the DMR. In an attachment to the DMR, the permittee shall provide the sample results for the influent, influent sampling location, and the effluent sample results.



**Table B**

Discharge Serial Number: <b>DSN 101-B, 102-B, 103-B, 104-B, 105-B, 106-B</b>							Monitoring Location: <b>1</b>		
Wastewater Description: <b>Condensation, intake valve leakage, and turbine dewatering</b>									
Monitoring Location Description: <b>Beneath the Turbine</b>									
Discharge is to: <b>Housatonic River</b>				Dilution Factor : <b>None</b>			Outfall Location: <b>Latitude 41N 39' 32.93 and Longitude 73W 29' 31.5</b>		

PARAMETER	NET DMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency <sup>1</sup>	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency	Sample Type or measurement to be reported

Sampling Not Required

**TABLE B REMARKS**

**Remarks:**

1. Include as an attachment on the DMR submitted pursuant to Table A the date of when this location discharges and the estimated volume of each discharge.

**Table C**

Discharge Serial Number: **DSN 101-C, 102-C, 103-C, 104-C, 105-C, 106-C** Monitoring Location: **1**

Wastewater Description: **Emergency discharges (which may include condensation, intake valve leakage, and turbine dewatering)**

Monitoring Location Description: **Floor Trench Drain**

Discharge is to: <b>Housatonic River</b>	Dilution Factor : <b>None</b>	Outfall Location: <b>Latitude 41N 39' 32.93 and Longitude 73W 29' 31.5</b>
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PARAMETER	NET DMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency <sup>2</sup>	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency <sup>2</sup>	Sample Type or measurement to be reported
Flow (Day of Sampling)	74076	gpd	NA	----	Conditional	Total Daily Flow <sup>2</sup>	NA	NR	NA
Oil & Grease, Total	00556	mg/L	NA	NA	NR	NA	----	Conditional	Grab
pH, Day of Sampling	00400	SU	NA	NA	NR	NA	----	Conditional	RDS

**TABLE C REMARKS**

**Remarks:**

1. Rubber plugs should not be removed from the drains except when required to be removed during emergencies.
2. Notify DEEP in accordance with Section 5(D) of this permit when a discharge occurs.

## SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

- (A) All samples shall be collected, handled, and analyzed in accordance with the methods approved under 40 CFR 136, unless another method is required under 40 CFR subchapter N or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5. To determine compliance with limits and conditions established in this permit, monitoring must be performed using sufficiently-sensitive methods approved pursuant to 40 CFR 136 for the analysis of pollutants having approved methods under that part, unless a method is required under 40 CFR subchapter N or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5.
- (B) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136, unless otherwise specified.
- (C) The term Minimum Level (ML) refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). MLs may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by the laboratory; or they may be calculated by multiplying the MDL in a method; or the MDL determined by a lab, by a factor.
- (D) 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.
- (E) Analyses for which quantification was verified to be at or below an ML, 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 ML for that analysis. If the permittee is required to submit its DMRs through the NetDMR system, the permittee shall report the non-detect value consistent with the reporting requirements for NetDMR.
- (F) Results of analyses which indicate that a parameter was not present at a concentration greater than or equal to the ML specified for that analysis shall be considered equivalent to zero for purposes of determining compliance with effluent limitations or conditions specified in this permit.
- (G) It is a violation of this permit for a permittee or his/her designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed.
- (H) Analyses required under this permit shall be performed in accordance with CGS section 19a-29a. An “environmental laboratory”, as that term is defined in the referenced section, that is performing analyses required by this permit, shall be registered and have certification acceptable to the Commissioner, as such registration and certification is necessary.

## SECTION 7: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required by this permit will be submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.
- (B) Monitoring results will be reported at the monitoring frequency specified in this permit. Any monitoring required more frequently than monthly will be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136, or another method required for an industry-specific waste stream under 40 CFR subchapter N or O, or other methods approved by the Commissioner, will also be included on the DMR, or as an attachment, if necessary, and the results of such monitoring will be included in the calculation and reporting of the data submitted in the DMR. All aquatic toxicity reports will also be included as an attachment to the DMR. A report will also be included with the DMR which includes a detailed explanation of any violations of the limitations specified.

- (C) NETDMR REPORTING REQUIREMENTS. The Permittee will report electronically using NetDMR, a web-based tool that allows Permittees to electronically submit Discharge Monitoring Reports (DMRs) and other required reports through a secure internet connection. Specific requirements regarding NetDMR, submittal of reports using NetDMR, are described below:
- (D) SUBMITTAL OF NETDMR SUBSCRIBER AGREEMENT. The Permittee will electronically submit the signed Connecticut DEEP NetDMR Subscriber Agreement to DEEP at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov) prior to using NetDMR.
- (E) SUBMITTAL OF REPORTS USING NETDMR. The Permittee and/or the signatory authority will electronically submit DMRs and applicable reports required under this permit to DEEP using NetDMR. DMRs will be submitted electronically no later than the last day of the month following the completed reporting period. The Permittee will also electronically file any written report of noncompliance as an attachment in NetDMR. NetDMR is accessed from: <https://npdes-ereporting.epa.gov/net-netdmr>
- (F) "NO DISCHARGE" SUBMISSIONS. If this permit requires monitoring of a discharge, 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.

**SECTION 8: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS**

- (A) In addition to any other written reporting requirements, the permittee shall report any instances of noncompliance with this permit with its DMR. Such reporting shall be due no later than the last day of the month following the reporting period in which the noncompliant event occurred. The information provided in the DMR shall include, at a minimum: the type of violation, the duration of the violation, the cause of the violation, and any corrective action(s) or preventative measure(s) taken to address the violation.
- (B) 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.
- (C) 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 7, 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.
- (D) If any two consecutive test results or any three test results in a twelve-month period indicate that an aquatic toxicity limit has been exceeded, the permittee shall immediately take all reasonable steps to eliminate toxicity wherever possible and shall also submit a report, for the review and written approval of the Commissioner, which describes in detail the steps taken or that shall be taken to eliminate the toxic impacts of the discharge on the receiving water and it shall also include a proposed schedule for implementation. Such report shall be submitted in accordance with the timeframe set forth in section 22a-430-3(j)(10)(C) of the RCSA. The permittee shall implement all actions in accordance with the approved report and schedule.

This permit is hereby issued on September 28, 2023



Tracy Babbidge, Deputy Commissioner,  
Department of Energy & Environmental  
Protection

# National Pollutant Discharge Elimination System Fact Sheet

## SECTION 1 FACILITY SUMMARY

<b>APPLICANT</b>	FirstLight CT Housatonic LLC
<b>PERMIT NO.</b>	CT0030803
<b>APPLICATION NO.</b>	202104455
<b>DATE APPLICATION RECEIVED</b>	April 06, 2021
<b>LOCATION ADDRESS</b>	781 Kent Road, New Milford, CT 06755 Bulls Bridge Station
<b>FACILITY CONTACT</b>	Daniel Timlake Office Phone: 860-350-3617 Email: <a href="mailto:daniel.timlake@firstlightpower.com">daniel.timlake@firstlightpower.com</a>
<b>MAILING ADDRESS</b>	143 West Street, Suite E New Milford, CT 06776
<b>DMR CONTACT</b>	Kevin Gerardi Office Phone: 860-350-3631 Email: <a href="mailto:kevin.gerardi@firstlightpower.com">kevin.gerardi@firstlightpower.com</a>
<b>SECRETARY OF STATE BUSINESS ID</b>	1304727
<b>PERMIT TERM</b>	5 Years
<b>PERMIT CATEGORY</b>	Minor NPDES
<b>SIC CODE/NAICS</b>	4911 / 221111
<b>APPLICABLE EFFLUENT GUIDELINES</b>	N/A
<b>PERMIT TYPE</b>	New Issuance
<b>OWNERSHIP</b>	Private
<b>RECEIVING WATER</b>	DSN Nos.: 101-106 Housatonic River
<b>WATERBODY SEGMENT ID'S</b>	CT6000-00_04
<b>WATERBODY CLASSIFICATION</b>	B
<b>DISCHARGE LOCATIONS</b>	DSN 101 Lat: 41N 39' 32.93 Long: 73W 29' 31.5 DSN 102 Lat: 41N 39' 32.79 Long: 73W 29' 31.36 DSN 103 Lat: 41N 39' 32.66 Long: 73W 29' 31.24 DSN 104 Lat: 41N 39' 32.46 Long: 73W 29' 31.03 DSN 105 Lat: 41N 39' 32.31 Long: 73W 29' 30.88 DSN 106 Lat: 41N 39' 32.16 Long: 73W 29' 30.76
<b>COMPLIANCE ACTIONS</b>	N/A
<b>DEEP STAFF ENGINEER</b>	Patrick Bieger <a href="mailto:Patrick.bieger@ct.gov">Patrick.bieger@ct.gov</a>

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**1.1 PERMIT FEES*****Application Fee:***

Filing Fee	Invoice No.: April 07 2021	Amount: \$1,300	Date Paid: April 7, 2021
Processing Fee	Invoice No.: N/A	Amount: \$0	Date Paid: N/A

***Annual Fee:***

	WASTEWATER CATEGORY (per 22a-430-7)	FLOW CATEGORY	DSN	ANNUAL FEE (per 22a-430-7 and CGS 22a-6f)
	<i>Floor Drain Wastewater</i>	16,560 gpd	101-106	\$0
<b>TOTAL</b>				<b>\$0</b>

**1.2 OTHER PERMITS**

N/A

**1.3 APPLICATION INFORMATION**

On April 06, 2021, the Department of Energy and Environmental Protection (“DEEP”) received an application (Application 202104455) from FirstLight CT Housatonic LLC (“Permittee”, “Applicant”) in New Milford for the Issuance of a NPDES permit. Consistent with the requirements of section 22a-6g of the Connecticut General Statutes (CGS), the applicant caused a Notice of Permit Application to be published in the Danbury News on March 18, 2021. On June 11, 2021, the application was determined to be timely and administratively sufficient.

The permittee seeks authorization for the following in Application 202104455:

DSN	PROPOSED AVERAGE DAILY FLOW (gpd)	PROPOSED MAXIMUM DAILY FLOW (gpd)	PROPOSED WASTESTREAMS	TREATMENT TYPE	DISCHARGE TO
101-A	90	360	Turbine Leakage	NA	Housatonic River
101-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
101-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River
102-A	90	360	Turbine Leakage	NA	Housatonic River
102-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
102-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River
103-A	90	360	Turbine Leakage	NA	Housatonic River
103-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
103-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River
104-A	90	360	Turbine Leakage	NA	Housatonic River

DSN	PROPOSED AVERAGE DAILY FLOW (gpd)	PROPOSED MAXIMUM DAILY FLOW (gpd)	PROPOSED WASTESTREAMS	TREATMENT TYPE	DISCHARGE TO
104-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
104-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River
105-A	90	360	Turbine Leakage	NA	Housatonic River
105-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
105-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River
106-A	90	360	Turbine Leakage	NA	Housatonic River
106-B	1	1,200	Condensation, intake valve leakage, and turbine dewatering	NA	Housatonic River
106-C	1	1,200	Emergency discharges (which may include Condensation, intake valve leakage, and turbine dewatering)	NA	Housatonic River

There are 18 discharge locations at the facility. However, the discharge locations from each turbine are very adjacent together and the latitude and longitude for the DSNs in the same number series would be generally identical. The 6 latitudes and longitudes will be listed in the permit only once to not have repeated values.

#### **1.4 COMPLIANCE HISTORY**

The applicant is required to permit this facility under Consent Order Number: WC5435.

#### **1.5 DESCRIPTION OF INDUSTRIAL PROCESS**

FirstLight CT Housatonic LLC, is a business that performs hydroelectric generation. This wastewater is discharged to the Housatonic River by way of DSN Nos. 101-106 under this proposed permit.

#### **1.6 FACILITY DESCRIPTION**

The facility is a FERC licensed hydroelectric generation plant in New Milford. The facility is a run-of-river-station meaning it operates based on the water level and flow of its intake stream (Housatonic River). The facility contains 6 turbines with a total capacity of 7,200 KW each with their own DSN under this permit. The facility started operation in 1903 and consists of two dams, dikes, a canal, and the main powerhouse. Both upstream and downstream of the Bulls Bridge projects, FERC Project Boundaries, the Housatonic River is a federally designated Wild and Scenic River (U.S. Public Law 117-328).

All DSNs denoted with the letter “A” are located at the hole in the floor where the turbine operates; these DSNs discharge when the units are in operation. DSNs denoted with the letter “B” are found beneath each of the turbine units and discharge only during maintenance of the turbines or in emergencies. DSNs denoted with the letter “C” are in the floor trenches surrounding turbines, 1, 2, 3, 5, and 6. These discharges are normally plugged and only discharge during emergencies. There are no flow meters on the discharges, all flowrates are estimated.

#### **1.7 FACILITY CHANGES**

This is a new permit, hence there were no requested changes to the facility for this permit issuance.



## **1.8 TREATMENT SYSTEM DESCRIPTION**

The discharge consists of turbine leakage made solely of river water. There is no treatment system at the facility.

## **1.9 GENERAL ISSUES RELATED TO THE APPLICATION**

- 1.9.1 **FEDERALLY RECOGNIZED INDIAN LAND**  
The facility is not located on federally recognized Indian land.
- 1.9.2 **COASTAL AREA/COASTAL BOUNDARY**  
The facility is not located in a coastal area or coastal boundary
- 1.9.3 **ENDANGERED SPECIES**  
A NDDDB request was made during the application process. It was found that DEEP did not anticipate any negative impacts to State-listed species resulting from the discharges.
- 1.9.4 **AQUIFER PROTECTION AREAS**  
The discharge is not located in an aquifer protection area.
- 1.9.5 **CONSERVATION OR PRESERVATION RESTRICTION**  
The property is not subject to a conservation or preservation restriction.
- 1.9.6 **PUBLIC WATER SUPPLY WATERSHED**  
The facility is not located in a public supply watershed.

## **SECTION 2 RECEIVING WATER BODY INFORMATION**

The water classification of section 6000-00\_04 of the Housatonic River is B. Class B waters are designated for: habitat for fish and other aquatic life and wildlife; recreation; and industrial and agricultural water supply. This segment of the Housatonic River is subject to *A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound*, December 2000 ([Tmdl.pdf \(longislandsoundstudy.net\)](http://tmdl.pdf(longislandsoundstudy.net))). The facility does not add any substances to the wastewater and the discharge is characteristically similar to the intake water of the facility. On January 12, 2021, FirstLight sampled the forebay (incoming water) and leakage from three of the running turbines: DSN 001-A, 002-A, and 006-A. Based on a review of the information provided in the application, the facility is not adding any additional pollutants to the receiving stream; and the discharge would not impact the dissolved oxygen levels in Long Island Sound.

## **SECTION 3 PERMIT CONDITIONS AND EFFLUENT LIMITATIONS**

### **3.1 EFFLUENT GUIDELINES**

No categories found under 40 CFR Chapter 1 Subchapter N match the description of wastewaters discharged by DSNs 101-106. 40 CFR § 423 Steam electric power Generating Point Source Category was reviewed for applicability as the facility is a hydroelectric power plant. Under the Applicability Section in 423.10, this category applies to electricity resulting primarily from fossil-type fuels or nuclear fuel. The facility uses water turbines to generate electricity and would not fall under this category, hence there is no federal applicable effluent limit guideline.

### **3.2 POLLUTANTS OF CONCERN**

The following pollutants are included as monitoring pollutants in the permit for the reasons noted below:

POLLUTANT	REASON FOR INCLUSION			
	POLLUTANT WITH AN APPLICABLE TECHNOLOGY-BASED LIMIT	POLLUTANT WITH A WASTE LOAD ALLOCATION FROM A TMDL	POLLUTANT IDENTIFIED AS PRESENT IN THE EFFLUENT THROUGH SAMPLING	POLLUTANT OTHERWISE EXPECTED TO BE PRESENT IN THE EFFLUENT
Oil and Grease, Total			X	
pH			X	

One (1) of the three (3) data points provided on the application for the turbine wastewater (DSN 106-A) indicated a Total Oil and Grease concentration above the non-detect value (ND<1.0) at 1.2 mg/l, however the samples for Oil and Grease Hydrocarbon Fraction were all non-detect. Oil and Grease Hydrocarbon Fraction measures oils that derive from crude oil products. As this type of oil or grease is the one that would be most commonly found used on machinery the fact that it was non-detect shows that the Total Oil and Grease value of 1.2 mg/l is not from a crude oil derivative and the source is not from the site. Based on this information, it appears there may have been a sampling or analytical error. It is possible for the discharge to come into contact with trace oils left on the outer turbine parts, as a result, the permit will require monitoring for Oil and Grease.

PCBs are not suspected present in the discharge. The facility does not use PCB containing coolants at the facility.

### **3.3 BASIS FOR LIMITS**

Technology and water-quality based requirements are considered when developing permit limits. Technology-based limits represent the minimum level of control imposed under the Clean Water Act (“CWA”). Industry-specific technology-based limits are set forth in 40 CFR § 405 – 471 (EPA’s Effluent Limitation Guidelines) and in RCSA section 22a-430-4(s)(2). Water quality-based limits are designed to protect water quality and are determined using the procedures set for in EPA’s *Technical Support Document for Water Quality-Based Toxics Control*, 1991 (“TSD”). When both technology and water quality-based limits apply to a particular pollutant, the more stringent limit would apply. In addition, water quality-based limits are required when any pollutant or pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) is or may be discharged at a level that causes, has reasonable potential to cause, or contributes to an excursion above any water quality criteria. Numeric water quality criteria is found in RCSA section 22a-429-9 of the *Connecticut Water Quality Standards*.

### **3.4 MIXING ZONE**

A mixing zone has not been allocated in this permit.

### **3.5 REASONABLE POTENTIAL ANALYSIS**

Pursuant to CWA § 301(b)(1)(C) and 40 CFR § 122.44(d)(1), NPDES permits must contain any requirements in addition to TBELs that are necessary to achieve water quality standards established under § 303 of the CWA. *See also* 33 U.S.C. § 1311(b)(1)(C). In addition, limitations “must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including State narrative criteria for water quality.” 40 CFR § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 CFR § 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQs, the permit must contain WQBELs for that pollutant. *See* 40 CFR § 122.44(d)(1)(i).

There are no parameters found present in the discharge that have a reasonable potential to cause or contribute to an excursion above the Water Quality Standards, however monitoring for oil and grease and pH have been included in the permit to further characterize the discharges.

### **3.6 WATERBODY AMBIENT CONDITIONS**

The 7Q10 is 76 cfs

The 7Q10 was found by using Cervione's regression equation:

$7Q10 = 0.67A_{sd} + 0.01A_{till}$ , where  $A_{sd}$  and  $A_{till}$  are the drainage areas of stratified drift and till covered bedrock.

Using USGS's StreamStats, the Stratified drift was 9.91% and the drainage area at the location of the discharge is 1010 square miles.

### **3.7 WHOLE EFFLUENT TOXICITY**

The permittee shall comply with effluent standards or prohibitions established by section 307(a) of the Federal Clean Water Act and may not discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life.

If toxicity is suspected in the effluent, DEEP may require the permittee to perform acute or chronic whole effluent toxicity testing. Toxicity is not expected in the effluent due to the characteristics of the discharged waters. The wastewater is comprised mainly of turbine leakage and turbine dewatering. Both these waters are taken from the Housatonic River upstream of the discharge. No chemicals or other substances are added to the waters while they are in the turbine. Therefore, the water discharged from the turbines are characteristically identical to the Housatonic River.

### **3.8 WATER QUALITY BASED EFFLUENT LIMITATIONS**

The CWA and federal regulations require that effluent limitations based on water quality considerations be established for point source discharges when such limitations are necessary to meet state or federal water quality standards that are applicable to the designated receiving water. This is necessary when less stringent TBELs would interfere with the attainment or maintenance of water quality criteria in the receiving water. *See* CWA § 301(b)(1)(C) and 40 CFR § 122.44(d)(1), 122.44(d)(5), 125.84(e) and 125.94(i).

Zinc is known present in the discharge at levels that can be found in the intake water (see the table in Section 2 of the factsheet). The facility does not use chemicals or employ processes that would add zinc to the discharge, hence neither a numeric limit nor monitoring for zinc is required in the permit.

The WQC for pH in a Class B surface water is 6.5-8.0 S.U.. This limit has been applied as an end-of-pipe limit in the permit.

### **3.9 TECHNOLOGY BASED EFFLUENT LIMITATIONS**

Technology-based treatment requirements represent the minimum level of control that must be imposed under CWA §§ 301(b) and 402 to meet best practicable control technology currently available (BPT) for conventional pollutants and some metals, best conventional control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants. *See* 40 CFR § 125 Subpart A.

Subpart A of 40 CFR § 125 establishes criteria and standards for the imposition of technology-based treatment requirements in permits under § 301(b) of the CWA, including the application of EPA promulgated Effluent Limitation Guidelines (ELGs) and case-by-case determinations of effluent limitations under CWA § 402(a)(1). EPA promulgates New Source Performance Standards (NSPS) under CWA § 306 and 40 CFR § 401.12. *See also* 40 CFR § 122.2 (definition of "new source") and 122.29.

In the absence of published technology-based effluent guidelines, the permit writer is authorized under CWA § 402(a)(1)(B) to establish effluent limitations on a case-by-case basis using best professional judgment (BPJ) if needed.

There are no federal technology-based effluent limitations for hydroelectric generation wastewaters.

### **3.10 COMPARISON OF LIMIT**

After preparing and evaluating applicable technology-based effluent limitations and water quality-based effluent limitations, the most stringent limits are applied in the permit. Pollutants of concern that only require monitoring without limits are not included in the below table and mentioned above in Section 3.

PARAMETER	UNITS	LIMITS	
		WATER QUALITY <i>Water Quality Standards</i>	
		AVERAGE MONTHLY LIMIT OR pH Minimum	MAXIMUM DAILY LIMIT OR pH Maximum
pH	S.U.	6.5	8.0

### **3.11 SAMPLING FREQUENCY, TYPE, AND REPORTING**

Sample Type	Sample Frequency	Parameter	Reason
Grab Sample 40 CFR § 403.12(g)(3)	Semi-Annually	Oil and Grease, Total	RCSA Section 22a-430-4(1)(4)(A) and 22a-430-4(m) Source: Outer Turbine, River Water
		pH	RCSA Section 22a-430-4(1)(4)(A) and 22a-430-4(m) Source: River Water

The facility does not operate on a schedule of set hours and days. The operation of the facility is dependent on river height, volume, and velocity. For these reasons, collecting wastewater effluent sampling may be challenging at all 6 DSNs. For the purpose of this permit, the facility may sample the DSNs any time during the semi-annual time frame April-September and October-March and report the results in accordance with the requirements of the permit. If the facility does not operate in a six (6) month period and no sample is collected during that timeframe the facility will report no discharge on the Discharge Monitoring Report (“DMR”).

Any time a discharge from the C series of DSNs occurs, the permittee is required to report to DEEP within 24 hours of becoming aware of the discharge. The report requires an estimation of the discharged volume and a detailed description of why the discharge occurred.

Due to the similarity of the DSNs only one turbine is required to be sampled under the permit. The results are considered representative of all DSNs.

### **3.12 OTHER PERMIT CONDITIONS**

Rubber plugs that are in the C DSNs must remain in place and only be removed during emergency situations.

If a pH sample exceeds the 6.5-8.0 S.U. limit the facility must sample their intake water. If the intake water also exceeds the permit limit the facility will report 6.5 or 8.0 on their DMR whichever is closer to the reported data. The facility must then include the sample results for the influent, the influent sampling location, and the effluent sampling results in the notes of the DMR.

### **3.13 COMPLIANCE SCHEDULE**

Does the Permit contain a compliance schedule?  Yes  No

### **3.14 ANTIDegradation**

Implementation of the Antidegradation Policy follows a tiered approach pursuant to the federal regulations (40 CFR § 131.12) and consistent with the Connecticut Antidegradation Policy included in the Connecticut Water Quality Standards (Section 22a-426-8(b-f) of the Regulations of Connecticut State Agencies). Tier 1 Antidegradation review applies to all existing permitted discharge activities to all waters of the state. Tiers 1 and 2 Antidegradation reviews apply to new or increased discharges to high quality waters and wetlands, while Tiers 1 and 3 Antidegradation reviews apply to new or increased discharges to outstanding national resource waters.

This discharge is an existing discharge, and the Permittee does not propose an increase in volume or concentration of constituents. Therefore, only the Tier 1 Antidegradation Evaluation and Implementation Review was conducted to ensure that existing and designated uses of surface waters and the water quality necessary for their protection are maintained and preserved, consistent with Connecticut Water Quality Standard, Sec.22a-426-8(a)(1). This review involved:

- An evaluation of narrative and numeric water quality standards, criteria and associated policies,
- The discharge activity both independently and in the context of other dischargers in the affected waterbodies, and
- Consideration of any impairment listed pursuant to Section 303d of the federal Clean Water Act or any TMDL established for the waterbody.

The facility and its discharges have existed since 1903 with minor modifications to the turbines and the facility modernizing the equipment. The source water for the facility is the Housatonic River above the dam and facility does not add chemicals nor alter the water prior to it flowing through the turbines to generate electricity. DEEP does not believe the discharges will have a negative impact on the water quality entering the Housatonic River below the facility.

The Department has determined that the discharges and activities are consistent with the maintenance, restoration, and protection of existing and designated uses assigned to the receiving water body by considering all relevant available data.

### **3.15 ANTI-BACKSLIDING**

This is the first permit for the facility and its wastewater discharges, hence an anti-backsliding evaluation is not required to be performed.

### **3.16 CATEGORICAL DISCHARGE CONDITIONS**

There are no applicable federal or state categorical discharge regulations for these discharges.

### **3.17 COOLING WATER INTAKE STRUCTURE §316(B)**

316(b) of Clean Water Act (CWA) Determination EPA's 316(b) regulations apply to cooling water intake structures (CWIS) which EPA defines as "the total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the United States. The cooling water intake structure extends from the point at which water is first withdrawn from waters of the United States up to and including the intake pump." (40 CFR § 125.92(f)) The permittee is not "withdrawing" water as contemplated by this rule, nor does the facility have a CWIS as contemplated by this rule. The water used at this facility is best considered as pass-through or transfer through a contiguous waterway rather than withdrawal. This is highlighted by the fact that the facility has not been issued a water diversion permit for their water use. The facility is not considered subject to §316(b) of the Clean Water Act.

### **3.18 VARIANCES AND WAIVERS**

The facility did not request a variance or a waiver.

### **3.19 E-REPORTING**

The permittee is required to electronically submit documents in accordance with 40 CFR § 127.

## **SECTION 4 SUMMARY OF NEW PERMIT CONDITIONS AND LIMITS**

The new permit will have monitoring only requirements for oil and grease and monitoring with effluent limitations for pH.

The facility is required to report when any discharge for the C DSN's occurs and to the best of their abilities try to sample the discharge from these DSNs without placing the safety of personnel at risk. Sampling at a minimum will require Oil and Grease Hydrocarbon Fraction. Additionally, the rubber plugs that are in the C DSNs must remain in place and only be removed during emergency situations. Due to the similarity of the DSNs, only one turbine will need to be sampled and the results can be submitted as representative for all DSNs.

If a pH sample exceeds the 6.5-8.0 S.U. limit the facility must sample their intake water. If the intake water also exceeds the permit limit the facility will report either 6.5 or 8.0 on their DMR whichever is closer to the reported data. The facility must then include the sample results for the influent, the influent sampling location, and the effluent sampling results in the notes of the DMR.