

PRETREATMENT PERMIT

issued to

Permittee:

Kohler Mix Specialties, LLC
100 Milk Lane
Newington, CT 06111-2242

Location Address:

100 Milk Lane
Newington, CT 06111-2242

Permit ID: SP0002278

Permit Expires:

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 a modified Memorandum of Agreement (MOA) dated June 3, 1981, by the Administrator of the United States Environmental Protection Agency which authorizes the State of Connecticut to administer a Pretreatment Program pursuant to 40 CFR Part 403.
- (B) **Kohler Mix Specialties, 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 subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty 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 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. Specifically, civil penalties of up to twenty-five thousand dollars may be assessed per violation per day.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection (“the Commissioner”). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner at least 30 days prior to the transferee becoming legally responsible for creating or maintaining any discharge, which is the subject of the permit transfer. Failure by the transferee to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (F) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (G) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.

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:
- "----" in the limits column on the monitoring table means a limit is not specified but a value must be reported on the DMR.
 - "Annual" in the context of any sampling frequency, shall mean the sample must be collected in the month of January.
 - "Average Monthly Limit" means the maximum allowable "Average Monthly Concentration" as defined in section 22a-430-3(a) of the RCSA when expressed as a concentration (e.g. mg/l); otherwise, it means "Average Monthly Discharge Limitation" as defined in section 22a-430-3(a) of the RCSA.
 - "Daily Concentration" means the concentration of a substance as measured in a daily composite sample, or the arithmetic average of all grab sample results defining a grab sample average.
 - "Daily composite" means (1) a composite sample taken over a full operating day consisting of grab samples collected at equal intervals of no more than sixty (60) minutes and combined proportionally to

flow, or (2) a composite sample continuously collected over a full operating day proportionally to flow. Upon submission of documentation by the applicant satisfactory to the commissioner that a discharge is of consistent effluent quality, the commissioner may allow equal sampling intervals of up to four (4) hours for a daily composite sample.

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

"Grab Sample Average" or "GSA" means the arithmetic average of all grab sample analyses. Grab samples shall be collected at least once every four hours over a full operating day for as long as a discharge exists on that day (minimum of two grab samples per day).

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

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

"mg/l" means milligrams per liter.

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

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

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

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has made a final determination and found that the 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. 200702582 for permit reissuance received on November 9, 2007 and the administrative record established in the processing of that application.
- (B) (1) From the issuance of this permit through and including [LAST DAY OF MONTH, MONTH OF PERMIT REISSUANCE], the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. SP0002278, issued by the Commissioner to the Permittee on May 8, 1998 the previous application submitted by the Permittee on August 14, 1995 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. SP0002278, issued by the Commissioner to the Permittee on May 8, 1998.
- (2) From [FIRST DAY OF MONTH, MONTH FOLLOWING PERMIT ISSUANCE] 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. SP0002278, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application No. 200702582 received by the Department on November 9, 2007, 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. SP0002278, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE].
- (C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions that may be authorized under the Federal Clean Water Act or the Connecticut General Statutes 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 Connecticut General Statutes or regulations adopted thereunder which are then applicable.

SECTION 4: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The discharge shall not exceed and shall otherwise conform to 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: 200-1				Monitoring Location: 1				
Wastewater Description: Pretreated dairy and other food processing, process equipment sanitizing, non-contact evaporator condensate, boiler blowdown, air compressor condensate, and laboratory rinse wastewaters.								
Monitoring Location Description: At manhole after the equalization tanks								
Discharge is to: The Metropolitan District Commission Hartford Water Pollution Control Facility								
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
		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
Biochemical Oxygen Demand (5-Day)	mg/l	----	----	Weekly	Daily Composite	NA	NR	Grab
Biochemical Oxygen Demand (5-Day)	lbs/day	----	----	Weekly	Daily Composite	NA	NR	NA
Flow Rate, (Average Daily) ¹	gpd	259,600	NA	Daily	Total Flow	NA	NR	NA
Flow Total (Day of Sampling)	gpd	---	304,400	Weekly/Monthly	Total Flow	NA	NR	NA
Flow, Maximum During 24 hr Period ¹	gpd	NA	304,400	Daily	Total Flow	NA	NR	NA
Nitrogen, Kjeldahl, Total (as N)	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab
Nitrogen, Nitrate Total (as N)	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab
Nitrogen, Nitrite Total (as N)	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab
Oil & Grease (Total)	mg/l	NA	100.0	Monthly	GSA	150.0	NR	Grab
pH (Day of Sampling)	S.U.	NA	NA	NR	NA	6.0 - 11.0	Weekly/Monthly	RDS
pH, Maximum	S.U.	NA	NA	NR	NA	11.0	Continuous	Continuous
pH, Minimum	S.U.	NA	NA	NR	NA	6.0	Continuous	Continuous
Phosphorus, Total	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab
Total Suspended Solids	mg/l	---	---	Weekly	Daily Composite	NA	NR	Grab
Total Suspended Solids	lbs/day	----	----	Weekly	Daily Composite	NA	NR	NA

Table A Footnotes :

Footnotes:

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 Maximum Daily Flow for each month.

² The first entry in this column is the 'Sample Frequency'. If this entry is not followed by a 'Reporting Frequency' and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.

- (B) All samples shall be comprised of only those wastewaters described in this schedule; therefore, samples shall be taken prior to combination with wastewaters of any other type and after all approved treatment units, if applicable. All samples taken shall be representative of the discharge during standard operating conditions.
- (C) In cases where limits and sample type are specified but sampling is not required, the limits specified shall apply to all samples, which may be collected and analyzed by, the Department of Energy and Environmental Protection personnel, the Permittee, or other parties.

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

- (A) Chemical analyses to determine compliance with effluent limits and conditions established in this permit shall be performed using the methods approved by the Environmental Protection Agency pursuant to 40 CFR 136 unless an alternative method has been approved in writing in accordance with 40 CFR 136.4 or as provided in section 22a-430-3(j)(7) of the RCSA. Chemicals which do not have methods of analysis defined in 40 CFR 136 shall be analyzed in accordance with methods specified in this permit.
- (B) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136 unless otherwise specified.
- (C) The results of chemical analysis required above shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance at the following address. Except for continuous monitoring, any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136 or other methods approved by the Commissioner shall also be included on the DMR, or as an attachment, if necessary. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received at this address by the last day of the month following the month in which samples are taken.

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

- (D) If this permit requires monitoring of a discharge on a calendar basis (e.g. Monthly, quarterly, etc.) but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR as scheduled, indicating "NO DISCHARGE." For those permittees whose required monitoring is discharge dependent (e.g. per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.
- (E) NetDMR Reporting Requirements
 1. Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit discharge monitoring reports (DMRs) and other required reports through a secure internet connection. Unless otherwise approved in writing by the Commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:
 - a. *Submittal of NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's discharge monitoring reports ("Signatory Authority") as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at deep.netdmr@ct.gov and initiate the

NetDMR subscription process for electronic submission of Discharge Monitoring Report (DMR) information. Information on NetDMR is available on the Department's website at www.ct.gov/deep/netdmr. On or before ninety (90) days after issuance of this permit the Permittee shall submit a signed and notarized copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

b. Submittal of Reports Using NetDMR

Unless otherwise approved by the Commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall electronically submit DMRs and reports required under this permit to the Department using NetDMR in satisfaction of the DMR submission requirement of Section 5(C) of this permit.

DMRs shall be submitted electronically to the Department no later than the 30th day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR. Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to the Department. The Permittee shall also electronically file any written report of non-compliance described in Section 6 of this permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

c. Submittal of NetDMR Opt-Out Requests

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

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

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

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

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

- (A) If any sample analysis indicates that an effluent limitation specified in Section 4 of this permit has been exceeded, a second sample of the effluent shall be collected and analyzed for the parameter(s) in question and the results reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing) within 30 days of the exceedance.
- (B) The Permittee shall immediately notify the Bureau of Materials Management and Compliance Assurance and the local WPCA of all discharges that could cause problems to the Publicly Owned Treatment Works ("POTW"), including but not limited to slug loadings of pollutants which may cause a violation of the POTW's NPDES permit, or which may inhibit or disrupt the POTW, its treatment processes or operations, or its sludge processes,

use or disposal.

- (C) In addition to the notification requirements specified in Section 1B of this permit, if any sampling and analysis of the discharge performed by the Permittee indicates a violation of limits specified in Section 4 of this permit, the Permittee shall notify the Bureau of Materials Management and Compliance Assurance within 24 hours of becoming aware of the violation.

SECTION 7: COMPLIANCE CONDITIONS

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

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

This permit is hereby issued on

Macky McCleary
Deputy Commissioner

DEEP STAFF ENGINEER Enna Wilson

PERMIT FEES

<i>Discharge Code</i>	<i>DSN Number</i>	<i>Annual Fee</i>
501018Z	200-1	\$ 8,425.00
5170000*	200-1	\$ 2,168.75

Total : \$ 10,593.75

* Application and annual permit fees have been reduced by 50 %

FOR SEWER DISCHARGES

Discharge to the Metropolitan District Commission Hartford WPCF via its collection system. The facility ID. of the POTW is 064-001.

NATURE OF BUSINESS GENERATING DISCHARGE

Kohler Mix Specialties, LLC is primarily engaged in the ice cream manufacturing operations resulting from the manufacture of extended shelf life ice cream mixers, milk, creams, aseptic creamers, culinary cream, bulk egg nog, H.T.S.T. totes (ice cream mix)

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 200-1: Consists of a maximum daily flow of 304,400 gallons per day of pretreated food processing wastewaters from the dairy and other food processing, process equipment sanitizing, non-contact evaporator condensate, boiler blowdown, air compressor condensate, and laboratory rinse wastewaters. The pretreatment system provides both load equalization and pH adjustment of the wastewater prior to discharging to the Metropolitan District Commission Hartford (MDC). The two EQ tanks of the pretreatment system provide a routine hydraulic detention time of approximately 24 hours at a wastewater flow of 150,000 gallons per day. The detention is provided to adjust and monitor the flow rate and pH before reaching MDC public sewer system.

EFFLUENT VIOLATIONS

A review of Kohler Mix Specialties, LLC's DMRs over the last five (5) years revealed compliance with the effluent limitations of the existing permit.

RESOURCES USED TO DRAFT PERMIT

- Federal Effluent Limitation Guideline 40 CFR 405 Subpart G & 403
Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory
General Pretreatment Regulations Subcategory
- Performance Standards
- Federal Development Document Dairy Products Processing Point Source Category
Name of category
- Treatability Manual
- Department File Information
- Connecticut Water Quality Standards
- Anti-degradation Policy
- Coastal Management Consistency Review Form

X Other – Explain

BASIS FOR LIMITATIONS, STANDARDS, OR CONDITIONS

X Case-by-Case Determination and Best Professional Judgment (AML, MDL, MIL)

DSN 200-1: BOD₅, pH, total phosphorus, oil & grease, suspended solids, total kjeldahl nitrogen, nitrate, and nitrite.

AML- Average Monthly limit, MDL-Maximum Daily Limit, MIL-Maximum Instantaneous Limit

GENERAL COMMENTS

Wastewater discharges from the production of fluid mixes for ice cream and other frozen desserts for later freezing in other plants are regulated under 40 CFR 405, Dairy Products Processing Point Source Category. Kohler Mix Specialties, LLC initiated this discharge after June 29, 1995, the promulgation date of the Pretreatment Standards for New Sources (PSNS). Therefore, the facility is a new source, subject to the PSNS in 40 CFR 405.116, Subpart G. There are not any identified Pretreatment Standards for New Sources (PSNS) parameter limitations in these regulations. Therefore, limits and monitoring in this permit were derived by the application of Best Professional Judgment in a Case-by-Case Determination per Section 22a-430-4(m) of the Regulations of Connecticut State Agencies.

Effluent monitoring requirements in this permit reflect information received in the application for the permit renewal and from supporting documents. The DEEP staff evaluated this application and determined that limits are needed for pH, total oil and grease, to protect the Metropolitan District Commission Hartford WPCF from adverse impacts.

Proposed pH and Total Oil & Grease Effluent Limitations

DEEP staff is recommending pH limits of (6.0 - 11.0) S.U., which are considered to be protective of sanitary sewer systems.

*The effluent limitations proposed for **total oil and grease** are based on a report entitled “Treatability of Oil and Grease Discharged to Publicly Owned Treatment Works”, USEPA, Effluent Guidelines Division, EPA/440/1-75-066 (April 1975).*

During the technical review of the Kohler Mix Specialties, LLC ’s renewal application and supporting analytical results, total phosphorus was listed as being at a concentration of at least 10 mg/l. During this review, DEEP staff requested that the Applicant conduct an investigation into the potential source of phosphorus. The Applicant has substituted products containing phosphorus that are used in the sanitation process. This review also revealed that the total nitrogen loading is 61 lb/day, which exceeds the 20 lb/day threshold the agency uses as a guideline to require periodic total nitrogen monitoring (See attached DEEP memorandum dated August 2, 2000). During this review, DEEP staff requested the Applicant to accomplish reduction of total nitrogen. The Applicant has substituted a product containing nitric acid that is used in the sanitation process. DEEP staff is recommending monthly monitoring requirements for total kjeldahl nitrogen, nitrate, nitrite, and total phosphorus in this permit renewal.

OTHER COMMENTS

The company is presently operating under a stipulated judgment (CV-084035242-S) that was issued on January 11, 2012, which requires Kohler Mix Specialties, LLC to submit a detailed and comprehensive report identifying all facility and operational improvements implemented by Kohler Mix with regard to its wastewater collection and treatment system and compliance with the terms of the state Permit No. SP0002278 and applicable statutes and regulations governing water pollution control from January 2008 to present. On May 23, 2012, DEEP received the report required in the stipulated judgment. This report is under review by the Water Permitting and Enforcement Division. It should be noted that the Operation and Maintenance Plan submitted with the application contains all the information included in the report required under the stipulated judgment. This information was used in part to draft the permit.

The Permittee is also subject to the terms and conditions of the following general permits:

General Permits for the Discharge of Stormwater Associated with Industrial Activity (GSI002122).

PERMIT No. SP0002278

Memorandum

To: Bureau of Water Management
PERD and P&S Staff

From: Bob Smith *BS*

Date: August 2, 2000

Re: NITROGEN LIMITS IN DISCHARGE PERMITS

As most of you are aware, CTDEP and NY State Department of Environmental Conservation are in the midst of developing a Total Maximum Daily Load (TMDL) to control nitrogen loadings to Long Island Sound. The draft TMDL was released for public comment in the fall and a response to those comments is planned for fall 2000. A final TMDL will be submitted to EPA in late 2000.

To ensure a smooth transition into nitrogen permitting over the next year or two, I am asking that all permits that come up for renewal be reviewed for nitrogen contribution. If they have never had a nitrogen permit limit or been required to monitor nitrogen (ammonia, TKN, nitrite/nitrate), that does not necessarily mean that their nitrogen load is inconsequential. If there is reason to expect a nitrogen load above a 20-lb/day threshold may exist, the first step should be to require effluent monitoring for the complete nitrogen series. Permittees with discharges above the 20-pound threshold should be advised of anticipated nitrogen control needs and, as a permit condition, begin planning to show how they can accomplish a 63% reduction from their current load.

The 20 lb/day threshold should be for nitrogen added by a facility only. If the difference between the influent and the effluent is less than 20 lb/day, as may be the case for cooling water discharges for example, the facility is under the threshold. Similarly, intermittent discharges should be considered only if the net, daily average for the year exceeds 20 lb/day.

I thank all of you for helping to implement nitrogen controls in the coming years.

**NOTICE OF TENTATIVE DETERMINATION
INTENT TO RENEW A STATE PERMIT
FOR THE FOLLOWING DISCHARGE
INTO THE WATERS OF THE STATE OF CONNECTICUT**

TENTATIVE DETERMINATION

The Commissioner of Energy and Environmental Protection hereby gives notice of a tentative determination to renew a permit based on an application submitted by **Kohler Mix Specialties, LLC** ("the applicant") under section 22a-430 of the Connecticut General Statutes for a permit to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative determination that continuance of the existing system to treat the discharge would protect the waters of the state from pollution and the Commissioner proposes to renew a permit for this discharge to the sanitary sewer.

The proposed permit, if issued by the Commissioner, will require that all wastewater be treated to meet the applicable effluent limitations and periodic monitoring to demonstrate that the discharges will not cause pollution.

APPLICANT'S PROPOSAL

Kohler Mix Specialties, LLC presently discharges a maximum daily flow of 304,400 gallons per day of pretreated dairy and other food processing, process equipment sanitizing, non-contact evaporator condensate, boiler blowdown, air compressor condensate, and laboratory rinse wastewaters to the Metropolitan District Commission Hartford Water Pollution Control Facility from their dairy foods processing operation.

The name and mailing address of the permit applicant are: **Kohler Mix Specialties, LLC**, 100 Milk Lane, Newington, CT 06111-2242.

The activity takes place at: 100 Milk Lane, Newington, CT 06111-2242.

REGULATORY CONDITIONS

Type of Treatment

DSN 200-1: The wastewaters receive equalization and neutralization.

Effluent Limitations

This permit contains effluent limitations consistent with a Case-by-Case Determination using the criteria of Best Professional Judgment and which will protect the waters of the state from pollution when all the conditions of this permit have been met.

COMMISSIONER'S AUTHORITY

The Commissioner of Energy and Environmental Protection is authorized to approve or deny such permits pursuant to section 22a-430 of the Connecticut General Statutes and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies).

INFORMATION REQUESTS

The application has been assigned the following numbers by the Department of Energy and Environmental Protection. Please use these numbers when corresponding with this office regarding this application.

APPLICATION NO. 200702582

PERMIT NO. SP0002278

Interested persons may obtain copies of the application from Raju Bangalore, Kohler Mix Specialties, LLC, 100 Milk Lane, Newington, CT 06111-2242, (860) 666-1511.

The application is available for inspection by contacting Enna Wilson at (860) 424-3018, at the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 - 4:30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.

PUBLIC COMMENT

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed to Enna Wilson, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

Petitions for a hearing should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. Original petitions must be *mailed or delivered* to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, CT 06106-5127. Petitions cannot be sent by fax or email. Additional information can be found at www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to requirements of the Americans With Disabilities Act. To request an accommodation call 860-424-3194, or deep.hrmed@ct.gov.

Oswald Inglese, Jr.
Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance

Dated:8/22/2012