

NPDES PERMIT

issued to

Exide Group, Inc.

Location Address: 2190 Post Road, Fairfield, CT 06824

Permit ID: CT0030651

Receiving Stream: Mill River

Permit Expires:

Stream Segment Number:

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, as amended, 33 USC 1251, *et. seq.*, and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) Exide Group, Inc., ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

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

Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
 - (b) Duty to Reapply
 - (c) Application Requirements
 - (d) Preliminary Review
 - (e) Tentative Determination
 - (f) Draft Permits, Fact Sheets
 - (g) Public Notice, Notice of Hearing
 - (h) Public Comments
 - (i) Final Determination
 - (j) Public Hearings
 - (k) Submission of Plans and Specifications. Approval.
 - (l) Establishing Effluent Limitations and Conditions
 - (m) Case by Case Determinations
 - (n) Permit issuance or renewal
 - (o) Permit Transfer
 - (p) Permit revocation, denial or modification
 - (q) Variances
 - (r) Secondary Treatment Requirements
 - (s) Treatment Requirements for Metals and Cyanide
 - (t) Discharges to POTWs - Prohibitions
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least 30 days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (F) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.
- (I) This permitted discharge is consistent with the applicable goals and policies of the Connecticut Coastal Management Act (section 22a-92 of the Connecticut General Statutes)

SECTION 2: DEFINITIONS

(A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA.

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

"-----" in the limits column on the monitoring table means a limit is not specified but a value must be reported on the DMR.

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

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

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

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

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

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

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

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

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

"Quarterly", in the context of a sampling frequency, means sampling is required in the months of January, April, July, and October.

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

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

SECTION 3: COMMISSIONER'S DECISION

(A) The Commissioner, has issued a final determination and found that the proposed system to treat such

discharge will protect the waters of the state from pollution. The Commissioner's decision is based on Application No. 201205444 for permit issuance received on July 3, 2012 and the administrative record established in the processing of that application.

- (B) From **FIRST DAY OF 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. CT0030651, issued by the Commissioner to the Permittee on **DATE OF PERMIT ISSUANCE**, Application No. 201205444 received by the Department on July 3, 2012 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. CT0030651, 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 which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids; or, cause visible discoloration or foaming in the receiving stream.
- (B) No discharge shall cause acute or chronic toxicity in the receiving water body beyond any zone of influence specifically allocated to that discharge in this permit.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Table A

Discharge Serial Number: 101-1

Monitoring Location: 7 Intake from hydraulic dredging prior to treatment

Wastewater Description: Hydraulically dredged material from Mill River prior to treatment

Monitoring Location Description: Sampling port at inlet to slurry conditioning system

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency	Sample Type or measurement to be reported	
Chromium, Hexavalent	mg/l	NA	NA	NR	NA	-----	Quarterly	Grab	NA
Chromium, Total	mg/l	NA	NA	NR	NA	-----	Quarterly	Grab	NA
Flow Rate (Average Daily) ¹	Gpd	NA	NA	NR	NA	-----	Daily/Quarterly	Total Flow	NA
Lead, Total	mg/l	NA	NA	NR	NA	-----	Quarterly	Grab	NA
PAHs	µg/l	NA	NA	NR	NA	-----	Quarterly	Grab	NA
pH, (Range during day of sample) ²	S.U.	NA	NA	NR	NA	-----	Quarterly	Grab ²	NA
Total Solids	mg/l	NA	NA	NR	NA	-----	Quarterly	Grab	NA

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 Flow during 24 hr period for each quarter.

² For this parameter, the Permittee shall report the high and low pH recorded during the operating day from either hourly grab samples, or high and low recordings from continuous recording.

Table B									
Discharge Serial Number: 101-2						Monitoring Location: 1 Effluent discharge post treatment			
Wastewater Description: Treated effluent from dewatering of dredged material									
Monitoring Location Description: Influent to discharge manifold									
Allocated Zone of Influence (ZOI): 185,000 gph					In stream Waste Concentration (IWC): 8.9%				
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test
		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	
Aquatic Toxicity, Americamysis (Mysidopsis) bahia ¹ CTC 60%	%	NA	>90%	Quarterly	Daily Composite	NA	NR	NA	---- ³
Aquatic Toxicity, Menidia beryllina ¹ CTC 60%	%	NA	>90%	Quarterly	Daily Composite	NA	NR	NA	---- ³
Aquatic Toxicity, Americamysis (Mysidopsis) bahia ¹ Survival in 100%	%	NA	>50%	Quarterly	Daily Composite	NA	NR	NA	---- ³
Aquatic Toxicity, Menidia beryllina ¹ Survival in 100%	%	NA	>50%	Quarterly	Daily Composite	NA	NR	NA	---- ³
Arsenic, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Chromium, Hexavalent	mg/l	NA	NA	NR	NR	----	Monthly	Grab	---- ³
Chromium, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Copper, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Flow Rate (Average Daily) ⁴	gpd	435,000	NA	NR	NA	----	Daily/ Quarterly	Total Flow	---- ³
Lead, Total	mg/l	----	0.15	Weekly	Daily Composite	0.22	----	Grab	---- ³
Lead, Total	grams/day	122	----	Weekly	Daily Composite	NA	NR	NA	---- ³
Mercury, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Nitrogen, Ammonia (total as N)	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
pH, (Range during day of sample) ⁵	S.U.	NA	NA	NR	NA	6.0-9.0	Monthly/ Quarterly	Grab ⁵	---- ³
Selenium, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Silver, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³
Total Suspended Solids	mg/l	50	75	Monthly	Daily Composite	NA	NR	NA	---- ³
Zinc, Total	mg/l	----	----	Monthly	Daily Composite	NA	NR	NA	---- ³

Table Footnotes and Remarks:

Footnotes:

Note: All analysis shall be on the same sample.

¹The results of the Toxicity Tests shall be recorded in % survival on the DMR.

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

³ Minimum Level Test refers to Section 6 Paragraph 3 of this permit. Matrices interference that prevent achieving stated Minimum Levels shall be explained as an attachment to the monthly DMR.

⁴For 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 sampling month.

⁵For this parameter, the Permittee shall report the high and low pH recorded during the operating day from either hourly grab samples, or high and low recordings from continuous recording.

- (1) All samples shall be comprised of only the wastewater described in this table. Samples shall be collected prior to combination with receiving waters or wastewater of any other type, and after all approved treatment units, if applicable. All samples collected shall be representative of the discharge during standard operating conditions.
- (2) In cases where limits and sample type are specified but sampling is not required by this permit, the limits specified shall apply to all samples which may be collected and analyzed by the Department of Energy and Environmental Protection personnel, the Permittee, or other parties.

SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

(A) Chemical Analysis

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

<u>Parameter</u>	<u>Minimum Level</u>
Arsenic	10.0 µg/L
Chromium	5.0 µg/L
Chromium, hexavalent	10.0 µg/L
Copper	5.0 µg/L
Lead	5.0 µg/L
Mercury	0.2 µg/L
Selenium	5.0 µg/L
Silver	2.0 µg/L
Zinc	10.0 µg/L

If the minimum levels specified above cannot be achieved due to matrix interference, an explanation of such interference(s) shall be included with the monthly DMR.

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

(B) Acute Aquatic Toxicity Test

- (1) Samples for monitoring of Aquatic Toxicity shall be collected and handled as prescribed in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012).
 - (a) Composite samples shall be chilled as they are collected. Samples shall be held at 4 degrees Centigrade until Aquatic Toxicity testing is initiated.
 - (b) Effluent samples shall not be dechlorinated, filtered, or, modified in any way, prior to testing for Aquatic Toxicity unless specifically approved in writing by the Commissioner for monitoring at this facility, except the salinity of the effluent samples may be adjusted as needed in accordance with the specified EPA toxicity testing protocol.
 - (c) Chemical analyses of the parameters identified in Section 5 Table B shall be conducted on an aliquot of the same sample tested for Aquatic Toxicity.
 - (i) At a minimum, pH, specific conductance, salinity, total alkalinity, total hardness, and total residual chlorine shall be measured in the effluent sample and, during Aquatic Toxicity tests, in the highest concentration of test solution and in the dilution (control) water at the beginning of the test and at test termination. If Total Residual Chlorine is not detected at test initiation, it does not need to be measured at test termination. Dissolved oxygen, pH, and temperature shall be measured in the control and all test concentrations at the beginning of the test, daily thereafter, and at test termination. Salinity shall be measured in each test concentration at the beginning of the test and at test termination.
 - (ii) For tests with saltwater organisms that require salinity adjustment of the effluent, chemical analyses shall be conducted on an aliquot of the effluent sample collected for Aquatic Toxicity testing and on an aliquot of the effluent following salinity adjustment. Both sets of results shall be reported on the Aquatic Toxicity Monitoring Report (ATMR).
 - (d) Tests for Aquatic Toxicity shall be initiated within 24 hours of sample collection.
- (2) Monitoring for Aquatic Toxicity to determine compliance with the permit condition on Aquatic Toxicity (invertebrate) above shall be conducted for 48-hours utilizing neonatal *Americamysis bahia* (1-5 days old with no more than 24-hours range in age)
- (3) Monitoring for Aquatic Toxicity to determine compliance with the permit condition on Aquatic Toxicity (vertebrate) above shall be conducted for 48-hours utilizing larval *Menidia beryllina* (1-14 days old with no more than 24-hours range in age).
- (4) Tests for Aquatic Toxicity shall be conducted as prescribed for static non-renewal acute tests in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012), except as specified below.
 - (a) For Acute Aquatic Toxicity limits, tests shall be conducted using the protocols as prescribed in Section 22a-430-3(j)(7)(A)(i) of the RCSA and shall be conducted at the Critical Test Concentration (CTC) specified in Table B of this permit..
 - (b) Additionally, a minimum of five (5) replicate test chambers at a discharge concentration of 100% shall also be employed in the test.
- (5) Compliance with limits on Aquatic Toxicity shall be determined as follows:
 - (a) For limits expressed as an CTC value, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity test indicates there is greater than 50% survival in the undiluted effluent

and 90% or greater survival in the effluent at the specified CTC.

SECTION 7: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required above shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing) at the following address. 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 collected.

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

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

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

- (C) If this permit requires monitoring of a discharge on a calendar basis (e.g. Monthly, quarterly, etc.), but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR and ATMR, as scheduled, indicating "NO DISCHARGE". For those Permittees whose required monitoring is discharge dependent (e.g. per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.

- (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 in paragraph (A) of this Section 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. Permittee shall also electronically file any written report of non-compliance described in Section paragraph (A) of this Section and in the following Section of this Permit as an attachment in NetDMR. NetDMR is accessed from: <https://netdmr.epa.gov/netdmr/public/home.htm>.

(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

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

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

This permit is hereby issued on

Macky McCleary
Deputy Commissioner
Department of Energy and Environmental Protection

MM/*

RECENT ENFORCEMENT HISTORY

Is the Permittee subject to a pending enforcement action? Yes X No ___

Consent Order SRD-193 was issued October 20, 2008 to enforce a Sediment Sampling Plan for Exide Group, Inc. as a result of environmental investigations of the Mill River beginning in approximately 1981. Order SRD-193 requires Exide Group, Inc. to provide remedial action to the surface and ground waters of the Mill River. Exide Group, Inc. is also required to submit sediment, surface water and ground water monitoring plans to DEEP as well as apply for all permits necessary to carry out the remedial action approved by the Commissioner through Consent Order SRD-193.

OWNERSHIP CODE

Private X Federal ___ State ___ Municipal (town only) ___ Other public ___

DEP STAFF ENGINEER/ANALYST Don Gonyea

PERMIT FEES

Discharge Code	DSN Number	Annual Fee
1090000	101	4,337.50

FOR NPDES DISCHARGES

Drainage basin Code: 7108 Present/Future Water Quality Standard: SA

NATURE OF BUSINESS GENERATING DISCHARGE

In response to Consent Order SRD-193-iss, Exide Group, Inc. proposes to discharge treated wastewater as a result of dewatering activities from dredging approximately 27,600 cubic yards of lead-impacted sediment in the Mill River.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 101

Treated wastewater discharge to the Mill River is generated from dredged sediment piped via dual wall flexible piping as a slurry via booster pump. Sediment will be pumped to the upland staging parcel at 2190 Post Road. Sediment will then be treated with flocculant and piped to geotextile bags for filtration/dewatering. Resultant filtrate will be collected at a central sump on the east side of the upland parcel and pumped through fractionation tanks. Wastewaters will then be stored in an equalization tank and will receive additional filtration if necessary to meet permit limits prior to discharge to the Mill River via discharge manifold located in the main river channel.

RESOURCES USED TO DRAFT PERMIT

- Department File Information
- Connecticut Water Quality Standards
- Coastal Management Consistency Review Form
- Other – Department Order referenced earlier, plus coordination with the Remediation Division

BASIS FOR LIMITATIONS, STANDARDS OR CONDITIONS

- Best Professional Judgement (See Other Comments)
- Case by Case Determination (See Other Comments)
- Section 22a-430-4(s) of the Regulations of Connecticut State Agencies
- In order to meet in-stream water quality (See General Comments)
- Anti-degradation policy

GENERAL COMMENTS

The activities authorized within this permit have been reviewed for consistency with the Connecticut Antidegradation Policies and associated implementation guidance contained in the Connecticut Water Quality Standards. The authorized activities are consistent with maintenance and protection of water quality in accordance with Tier I Antidegradation Evaluation and Implementation Review provisions of the Connecticut Water Quality Standards.)

The need for inclusion of water quality based discharge limitations in this permit was evaluated consistent with Connecticut Water Quality Standards and criteria, pursuant to 40 CFR 122.44(d). Each parameter was evaluated for consistency with the available aquatic life criteria (acute and chronic) and human health (fish consumption only) criteria, considering the zone of influence allocated to the facility where appropriate. The statistical procedures outlined in the EPA Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001) were employed to calculate the need for such limits. Based on this review, water quality based limits for lead were included in the permit at this time.

**NOTICE OF TENTATIVE DETERMINATION OF INTENT TO ISSUE
A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM 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 issue a permit based on an application submitted by **Exide Group, Inc.** ("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 the proposed system to treat the discharge will protect the waters of the state from pollution and the Commissioner proposes to issue a permit for the discharge to the Mill River.

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 discharge will not cause pollution.

APPLICANT'S PROPOSAL

Exide Group, Inc. proposes to discharge an average of 435,000 gallons per day and a maximum of 475,000 gallons per day of hydraulic dredging wastewaters to the Mill River from dewatering operations adjacent to a former battery manufacturing facility.

The discharge is an integral part of the efforts to clean up contamination and will have no adverse impact on water quality.

The name and mailing address of the permit applicant are:

**Exide Group, Inc.
1213 Culbreth Drive c/o Landfall Executive Suites, LLC
Wilmington, NC 28405**

The proposed activity will take place at:

**2190 Post Road
Fairfield, CT 06824
(Between Post Road and Metro North Railroad Tracks)**

The proposed activity is within the coastal area as defined in C.G.S. Section 22a-94. Pursuant to C.G.S. Section 22a-98, the applicant must demonstrate that the activities are consistent with all

applicable goals and policies in C.G.S. Section 22a-92, and that such activities incorporate all reasonable measures mitigating any adverse impacts on coastal resources and future water-dependent development activities.

REGULATORY CONDITIONS

Type of Treatment

Treated wastewater discharge to the Mill River is generated from dredged sediment slurry being pumped to the treatment system via dual wall flexible piping. Sediment will be pumped to the upland staging parcel at 2190 Post Road. The sediment slurry will then be treated with flocculant and piped to geotextile bags for filtration/dewatering. Resultant filtrate will be collected at a central sump on the east side of the upland parcel and pumped through fractionation tanks. Wastewaters will then be stored in an equalization tank and additional filtration will be conducted if necessary in order to comply with permit limits prior to discharge to the Mill River via a discharge manifold located in the main river channel.

Effluent Limitations

This permit contains effluent limitations consistent with best available technology based on 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.

In accordance with section 22a-430-4(1) of the Regulations of Connecticut State Agencies the permit contains effluent limitations for heavy metals, and base/neutral organic compounds.

COMMISSIONER'S AUTHORITY

The Commissioner of Energy and Environmental Protection is authorized to approve or deny such permits pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, *et. seq.* and 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. 201205444 PERMIT ID NO. CT0030651

Interested persons may obtain copies of the application from Ken L. Money, 1213 Culbreth Drive c/o Landfall Executive Suites, Wilmington, NC 28405, (910) 509-7211.

The application is available for inspection by contacting Donald Gonyea 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, 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 Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer. Persons with a disability who may need information in an alternative format should contact the ADA Coordinator at 860-424-3194 or at DEEP.HRmed@CT.Gov. Persons who are limited English proficient who may need information in another language should contact the Title VI Coordinator at (860) 424-3035 or at DEEP.aoffice@ct.gov. Persons who are hearing impaired should call the State of Connecticut relay number 711. Discrimination complaints should be filed with the Title VI Coordinator.

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

Dated: January 7, 2013