

NPDES AND STATE PERMITS

issued to

Haynes Materials Company
30D Progress Avenue
P.O. Box 1357
Seymour, CT 06483

Location Address:

Haynes Materials Company
1236 New Haven Road
Naugatuck, CT 06770

Permit IDs: CT0030678 & SP0002462

Receiving Stream: Beacon Hill Brook

Stream Segment ID: CT6918-00_01

Permit Expires:

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) Haynes Materials Company, ("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.

SECTION 2: DEFINITIONS

- (A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA, except for "No Observable Acute Effect Level (NOAEL)" which is redefined below.
- (B) In addition to the above, the following definitions shall apply to this permit:

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

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

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

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

"Grab sample" means an individual sample collected in less than fifteen minutes.

"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.

"mg/l" means milligrams per liter.

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

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

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

" Qualified Person or Qualified Personnel", for purposes of inspections and training, means any person familiar with the content, requirements and objectives of this permit and the facility's Stormwater Pollution Prevention Plan.

"Quarterly", in the context of a sampling frequency, means that a representative sample shall be collected during each of the following periods: January - March, inclusive; April – June, inclusive; July – September, inclusive, and; October – December, inclusive.

"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.

"Semi-Annual" in the context of a sampling frequency, means that a representative sample shall be collected during each of the following periods: January – June, inclusive, and; July – December, inclusive. Semi-annual samples shall be taken at least thirty days apart.

"µg/l" means micrograms per liter.

SECTION 3: COMMISSIONER'S DETERMINATION

- (A) The Commissioner has issued a final determination and found that such discharge will not cause pollution of any of the waters of the state. The Commissioner's decision is based on Application Nos. 201300303 and 201300305 for permit issuance received on January 14, 2013 and the administrative record established in the processing of that application.
- (B) From the issuance of this permit 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 Nos. CT0030678 and SP0002462, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application Nos. 201300303 and 201300305 for permit issuance received by the Department on January 14, 2013, 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 Nos. CT0030678 and SP0002462, 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.
- (C) The temperature of any discharge shall not increase the temperature of the receiving stream above 85°F, or, in any case, raise the normal temperature of the receiving stream more than 4°F.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

TABLE A (CT0030678)									
Discharge Serial Number: 001-1						Monitoring Location: 1			
Wastewater Description: Mine dewatering (stormwater from stone quarrying operations)									
Monitoring Location Description: Drainage swale in front of the gate house									
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test ³
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency ¹	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency	Sample Type or measurement to be reported	
Aluminum, Total	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	*
Ammonia	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Aquatic toxicity, Daphnia pulex NOAEL ^{3,4} =100%	%	NA	NA	NR	NA	≥ 90%	Semi-annually	Grab	
Aquatic toxicity, Pimephales promelas NOAEL ^{3,4} =100%	%	NA	NA	NR	NA	≥ 90%	Semi-annually	Grab	
Chemical Oxygen Demand	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Copper, Total	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	*
Nitrogen, nitrate (Total as N)	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Nitrogen, Total Kjeldahl	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Oil and Grease, Total	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
pH, Minimum	S.U.	NA	NA	NR	NA	6.0	Quarterly	Grab	
pH, Maximum	S.U.	NA	NA	NR	NA	9.0	Quarterly	Grab	
Phosphorus, Total	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Total Suspended Solids	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	
Zinc, Total	mg/l	NA	NA	NR	NA	----	Quarterly	Grab	*
Table Footnotes and Remark:									
Footnotes:									
¹ For each calendar month, the Permittee must submit DMR indicating "SAMPLING OPTIONAL" except for the months that sampling occurs, in which case the Permittee shall report the result of the required wastewater analyses on the DMR.									
² Minimum Level Test refers to Section 7, Paragraph A(3) of this permit.									
³ For compliance with aquatic toxicity instantaneous limits, see Section 7(B).									
⁴ The results of the toxicity tests shall be recorded in % on the DMR.									
Remark:									
a) The Permittee shall implement Best Management Practices (BMPs) described in the Stormwater Pollution Prevention Plan submitted with Application Nos. 201300303 and 201300305 and the Spill Prevention Control Plan referenced in Application Nos. 201300303 and 201300305.									

TABLE B (SP0002462)	
Discharge Serial Number: 301-1	Monitoring Location: NR
Wastewater Description: Infiltration of mine dewatering (stormwater from stone quarry operations), stone washing and dust suppression wastewaters into ground waters	
Monitoring Location Description: NR	

- (1) All samples shall be comprised of only the wastewaters described in Table A. 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: SPECIAL CONDITIONS

- (A) The following benchmarks shall apply to the discharge identified in Section 5, Table A.

Parameter	Benchmark (mg/l)
Chemical Oxygen Demand	75.0
Total Oil and Grease	5.0
Total Suspended Solids	90.0
Total Phosphorus	0.40
Total Kjeldahl Nitrogen	2.30
Nitrate as Nitrogen	1.10
Total Copper	0.059
Total Zinc	0.160

Should the average of four consecutive monitoring values exceed the benchmark for any parameter, then the Permittee must review its Best Management Practices (BMPs) described in the Spill Prevention Control Plan (the Plan) submitted with Application Nos. 201300303 and 201300305 to determine if modifications are necessary to meet the benchmarks in this permit, and either:

- Make the necessary modifications to the Plan; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to implement additional control measures or meet the benchmarks. The Permittee must also document the rationale for concluding that no further pollutant reductions are achievable and submit this documentation to the Commissioner for written approval. The Permittee must retain all records related to this documentation with the Plan.

If an exceedance of the four event average is mathematically certain, then the Permittee must review the Plan and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four monitoring events, in accordance with Section 6(B) below. If after modifying the control measures and conducting additional monitoring, the average of the most recent 4 monitoring events still exceeds the benchmark (or if an exceedance of the benchmark by the 4 event average is mathematically certain for the most recent 4 monitoring events), the Permittee must again review the Plan and take one of the two actions above. **Provided the Permittee complies with all requirements of this Benchmark Monitoring section, exceedance of the benchmarks is not, in itself, a violation of this permit.**

- (B) The Permittee shall amend the Plan whenever:

- (1) there is a change at the site which has an effect on the potential to cause pollution of the surface waters of the state;

- (2) the actions required by the Plan fail to ensure or adequately protect against pollution of the surface waters of the state; or
- (3) the Commissioner requests modification of the Plan;
- (4) the Permittee is notified that they are subject to requirements because the receiving water to which the industrial activity discharges has been designated as impaired under Section 303(d) of the Clean Water Act and as identified in the most recent State of Connecticut Integrated Water Quality Report;
- (5) the Permittee is notified that a TMDL to which the Permittee is subject has been established for the stormwater receiving water;
- (6) necessary to address any significant sources or potential sources of pollution identified as a result of any inspection or visual monitoring;
- (7) required as a result of monitoring benchmarks or effluent limitations in Section 5, Table A of this permit.

The Plan shall be amended and all actions required by the Plan shall be completed within one hundred twenty (120) days (or within another interval as may be specified in permit or as may be approved in writing by the Commissioner) of the date the Permittee becomes aware or should have become aware that any of the conditions listed above has occurred.

If significant changes are made to the site or to the Plan in accordance with the paragraph above, the Permittee shall maintain compliance with such Plan thereafter.

- (C) In no event shall failure to complete or update a Plan in accordance with this permit relieve a Permittee of responsibility to implement actions required to protect the surface waters of the state, complete any actions that would have been required by such Plan, and to comply with all conditions of the permit.

SECTION 7: 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 A. Analyses for these parameters must include check standards within ten percent of the specified Minimum Level or calibration points equal to or less than the specified Minimum Level.

<u>Parameter</u>	<u>Minimum Level</u>
Aluminum	10.0 µg/L
Copper	5.0 µg/L
Phosphorus	10.0 µg/L
Zinc	10.0 µg/L

- (4) The value of each parameter for which monitoring is required under this permit shall be reported to the maximum level of accuracy and precision possible consistent with the requirements of this section of the permit.

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

(B) Acute Aquatic Toxicity Test

- (1) Samples for monitoring of Aquatic Toxicity shall be collected and handled as prescribed in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012).
 - (a) Composite samples shall be chilled as they are collected. Grab samples shall be chilled immediately following collection. Samples shall be held at 4 degrees Centigrade until Aquatic Toxicity testing is initiated.
 - (b) Effluent samples shall not be dechlorinated, filtered, or, modified in any way, prior to testing for Aquatic Toxicity unless specifically approved in writing by the Commissioner for monitoring at this facility.
 - (c) Chemical analyses of the parameters identified in Section 5 Table A shall be conducted on an aliquot of the same sample tested for Aquatic Toxicity.
 - (i) At a minimum, pH, specific conductance, 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.
 - (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 limit on Aquatic Toxicity (invertebrate) above shall be conducted for 48-hours utilizing neonatal Daphnia pulex (less than 24-hours old)
- (3) Monitoring for Aquatic Toxicity to determine compliance with the permit limit on Aquatic Toxicity (vertebrate) above shall be conducted for 48-hours utilizing larval Pimephales promelas (1-14 days old with no more than 24-hours range in age).
- (4) Tests for Aquatic Toxicity shall be conducted as prescribed for static non-renewal acute tests in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012), except as specified below.
 - (a) Definitive (multi-concentration) testing, with LC50 as the endpoint, shall be conducted to determine compliance with limits on Aquatic Toxicity and monitoring conditions and shall incorporate, at a minimum, the following effluent concentrations:

- (i) For Aquatic Toxicity Limits expressed as LC50 values of 33% or greater: 100%, 75%, 50%, 25%, 12.5%, and 6.25%
- (ii) For Aquatic Toxicity Limits expressed as LC50 values between 15% and 33% and for monitoring only conditions: 100%, 50%, 25%, 12.5%, and 6.25%
- (iii) For Aquatic Toxicity Limits expressed as LC50 values of 15% or less: 100%, 50%, 25%, 12.5%, 6.25%, and 3%
- (b) For Aquatic Toxicity Limits and for monitoring only conditions, expressed as an NOAEL value, Pass/Fail (single-concentration) tests shall be conducted at a specified Critical Test Concentration (CTC) equal to the Aquatic Toxicity Limit, or 100% in the case of monitoring only conditions, as prescribed in section 22a-430-3(j)(7)(A)(I) of the Regulations of Connecticut State Agencies, except that five replicates of undiluted effluent and five replicates of effluent diluted to the CTC shall be included.
- (c) Organisms shall not be fed during the tests.
- (d) Copper nitrate shall be used as the reference toxicant in tests with freshwater organisms.
- (e) Synthetic freshwater prepared with deionized water adjusted to a hardness of 50 mg/L (plus or minus 5 mg/L) as CaCO₃ shall be used as dilution water in tests with freshwater organisms.
- (5) Compliance with limits on Aquatic Toxicity shall be determined as follows:
 - (a) For limits expressed as a minimum LC50 value, compliance shall be demonstrated when the results of a valid definitive Aquatic Toxicity test indicates that the LC50 value for the test is greater than the Aquatic Toxicity Limit.
 - (b) For limits expressed as an NOAEL value, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity test indicates there is greater than 50% survival in the undiluted effluent and 90% or greater survival in the effluent at the specified CTC.

SECTION 8: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required above shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing) at the following address. 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 shall be entered on the Aquatic Toxicity Monitoring Report form (ATMR) and sent to the Bureau of Water Protection and Land Reuse at the following address. The ATMR shall be received at this address by the last day of the month following the month in which samples are collected.

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

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

(D) 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 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 9: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS

- (A) If any sample analysis indicates that an Aquatic Toxicity effluent limitation in Section 5 of this permit has been exceeded or that the test was invalid, another sample of the effluent shall be collected and tested for Aquatic Toxicity and associated chemical parameters, as described above in Section 5 and Section 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.
- (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

PERMIT FEES

<i>Discharge Code</i>	<i>DSN Number</i>	<i>Annual Fee</i>
7080000	DSN 101-1 and DSN 301-1	\$ 2912.50

FOR NPDES DISCHARGES

Drainage basin Code: 6918

Water Quality Standard: A

FOR GROUNDWATER DISCHARGES

Drainage basin Code: 6918

Water Quality Standard: GA

NATURE OF BUSINESS GENERATING DISCHARGE

Haynes Materials Company performs stone quarrying and aggregate processing operations.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 001-1:- This discharge is composed of mine dewatering water (stormwater runoff) from quarrying operations. The stormwater that accumulates in excavated areas flows by gravity into stone lined drainage swale prior to discharge. Best Management Practices (BMPs) shall be implemented in accordance with the Stormwater Pollution Prevention Plan submitted with Application Nos. 201300303 and 201300305 and the Spill Prevention Control Plan referenced in Application Nos. 201300303 and 201300305.

DSN 301-1:- This discharge is composed of mine dewatering water (stormwater runoff), stone washing and dust suppression wastewaters infiltration into groundwater from water impoundments.

Wastewater from stone washing operations is considered process wastewater but this wastewater does not comingle with the wastewater from mine dewatering at this site. The wastewater from stone washing is discharged into a settling basin. This wastewater drains from the settling basin into a supply basin. The wastewater from the supply basin is then recycled back into the system for stone washing. Therefore, process wastewater is not included as part of the discharge to the Beacon Hill Brook but it is included as part of the discharge to groundwater as a result of infiltration.

RESOURCES USED TO DRAFT PERMIT

- Federal Effluent Limitation Guideline 40 CFR 436, Subpart B
(Mineral mining and processing)*
- Performance Standards*
- Federal Development Document*
- Treatability Manual*
- Department File Information*
- Connecticut Water Quality Standards*
- Anti-degradation Policy*
- Coastal Management Consistency Review Form*

- X Other – Explain (Section 402 of the Clean Water Act; 2012 State of Connecticut Integrated Water Quality Report; 61 Fed. Reg. 43761 and the DEEP Geographic Information Systems (GIS) intranet.)

BASIS FOR LIMITATIONS, STANDARDS OR CONDITIONS

- X Best Practicable Technology (BPT)
pH (MIL)
- X Best Available Technology on a Case by Case Determination using Best Professional Judgment (See Other Comments)
- X In order to meet in-stream water quality (See General Comments and Other Comments)
Aquatic toxicity (MIL)
- X Anti-degradation policy

MIL: - Maximum Instantaneous Limit

GENERAL COMMENTS

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 reasonable potential 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. Comparison of monitoring data and its inherent variability with the calculated water quality based limits indicates a statistical probability of exceedance of such limits. Therefore, based on best professional judgment, the benchmarks contained in the DEEP's General Permit for the Discharge of Stormwater Associated with Industrial Activity (effective date October 1, 2011), were incorporated into this permit, since some of the pollutants benchmarks in the general permit are based on water quality analysis and this permit is basically for site stormwater runoff.

The Department has historically equated the quality of mine dewatering discharges to that associated with stormwater discharges from mining operations and allowed mine dewatering discharges to be covered by the Industrial Stormwater General Permit ("GSI"). However, process generated wastewaters associated with quarrying operations have been and continue to be only authorized through an individual permit. More recently, the Department determined that mine dewatering discharges had not been sufficiently evaluated or publicly noticed for inclusion in the GSI and, when the GSI was reissued in October 2011, mine dewatering discharges were specifically excluded as a regulated discharge. Mining operations were then required to obtain individual NPDES permits for the discharge of mine dewatering wastewaters. The Applicant has represented that any process generated wastewaters produced from mining operations at this facility are separately managed in a consumptive, recycle loop and do not commingle with mine dewatering discharges to surface waters. Therefore, no process generated wastewaters are authorized by this permit. As applied in this permit and fact sheet, "mine dewatering", as defined in 40 CFR 436.21(b), "...shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator" and "process generated waste water" as defined in 40 CFR 436.21(e), "...shall mean any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining," and "...shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for the treatment of such waste water."

In the future if allowed under state and federal law, the Department may authorize mine dewatering discharges in a general permit. In the interim, the Department is issuing individual NPDES permits for mine dewatering discharges utilizing requirements similar in approach to those for regulating stormwater discharges under the GSI, such as benchmarks and the implementation of control measures identified in a Stormwater Pollution Prevention Plan, along

with the pH limits required by 40 CFR 436. This approach, using best management practices in the form of a site-specific Stormwater Pollution Prevention Plan, to regulate the discharge of stormwater, is consistent with 40 CFR 122.44(k) and EPA's Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits (61 Fed. Reg. 43761).

OTHER COMMENTS

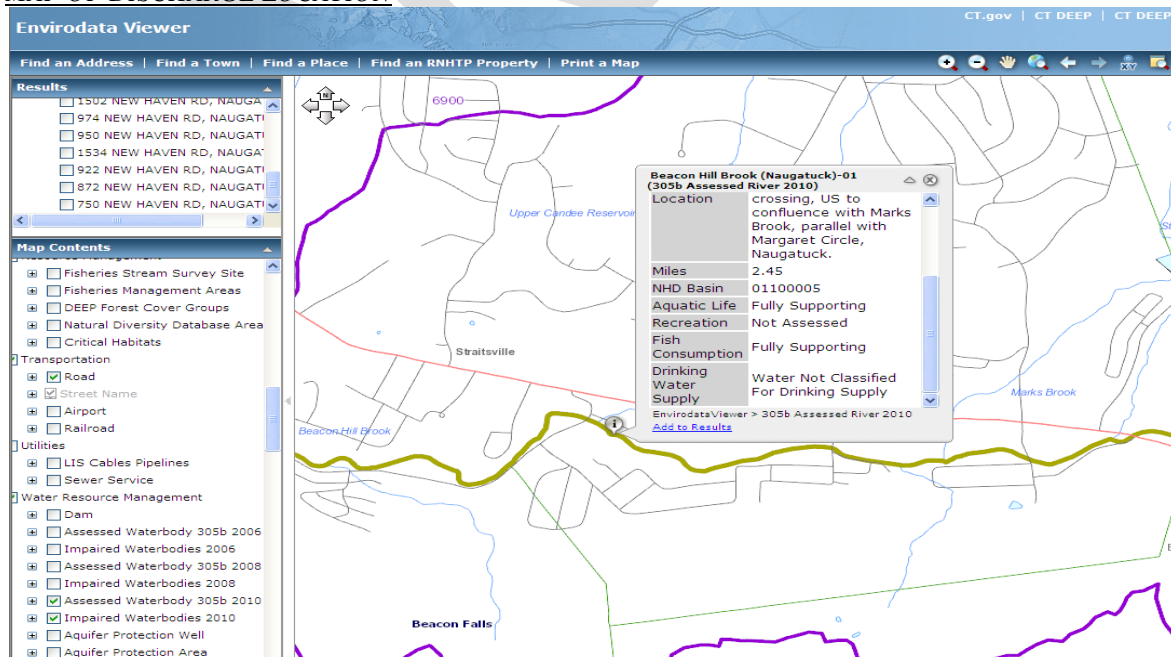
The minimum and maximum pH limitations are consistent with EPA Mineral mining and processing categorical BPT limits (40 CFR 436, Subpart B).

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. Tier 1 Antidegradation review applies to all permitted discharge activities to all waters of the state. Tiers 1 and 2 Antidegradation reviews apply to all new or increased discharges to high quality waters and wetlands, while Tiers 1 and 3 Antidegradation reviews apply to all new or increased discharges to outstanding national resource waters.

The receiving water for the discharges permitted under Permit Nos. CT0030678 and SP0002462 is fully supporting of aquatic life and fish consumption. The discharges are existing discharges and the Permittee does not propose increases 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 ground 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). All narrative and numeric water quality standards, criteria and associated policies contained in the Connecticut Water Quality Standards are the basis for the evaluation considering the discharge or activity both independently and in the context of other discharges and activities in the affected water body and considering any impairment listed pursuant to Section 303d for the federal Clean Water Act or any TMDL established for the water body. The Department has determined that the discharges or 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.

For the discharge to groundwater in DSN 301-1, no monitoring or limits are required. Compliance with the terms and conditions of this permit will be protective of groundwater and surface water resources.

MAP OF DISCHARGE LOCATION



**NOTICE OF TENTATIVE DECISION
INTENT TO ISSUE A STATE PERMIT AND A NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT FOR THE FOLLOWING DISCHARGES
INTO THE WATERS OF THE STATE OF CONNECTICUT**

TENTATIVE DECISION

The Commissioner of Energy and Environmental Protection hereby gives notice of a tentative decision to issue permits based on applications submitted by **Haynes Materials Company** ("the applicant") under section 22a-430 of the Connecticut General Statutes for permits to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that the discharges will not cause pollution of the waters of the state and the Commissioner proposes to issue permits for the discharges to the Beacon Hill Brook and groundwaters in the Naugatuck River watershed.

The proposed permits, if issued by the Commissioner, will require periodic monitoring to demonstrate that the discharge will not cause pollution.

APPLICANT'S PROPOSAL



Haynes Materials Company proposes to discharge mine dewatering wastewaters from stone quarry operations to Beacon Hill Brook and mine dewatering wastewaters with stone washing and dust suppression wastewaters to the groundwaters in the Naugatuck River watershed from operations at a mineral mining facility.

The name and mailing address of the permit applicant are: Haynes Materials Company, 30D Progress Avenue, Seymour, CT 06483.

The proposed activity will take place at: 1236 New Haven Road, Naugatuck, CT 06770.

REGULATORY CONDITIONS

Type of Treatment

DSN 001-1:- Best Management Practices (BMPs) shall be implemented in accordance with the Stormwater Pollution Prevention Plan submitted with Application Nos. 201300303 and 201300305 and the Spill Prevention Control Plan referenced in Application Nos. 201300303 and 201300305.

DSN 301-1:- Treatment is not necessary for the groundwater discharge.

Effluent Limitations

This permit contains effluent limitations consistent with Best Practicable Technology (BPT) and 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(l) of the Regulations of Connecticut State Agencies the permits contain effluent limitations for pH.

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.*, 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) and section 1421 of the Federal Safe Drinking Water Act 42 USC *et. seq.*

INFORMATION REQUESTS

The applications have been assigned the following numbers by the Department of Energy and Environmental Protection (DEEP). Please use these numbers when corresponding with this office regarding these applications.

APPLICATION NO. 201300303
APPLICATION NO. 201300305

PERMIT ID NO. CT0030678
PERMIT ID NO. SP0002462

Interested persons may obtain copies of the applications from Thomas Haynes, Haynes Materials Company, 30D Progress Avenue, Seymour, CT 06483, (203) 888-8100.

The applications are available for inspection by contacting Oluwatoyin Fakilede 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.

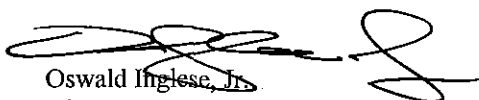
Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the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

PUBLIC COMMENT

Prior to making a final determination 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 Oluwatoyin Fakilede, 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/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.



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

Dated:

AUG 13 2014