



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES
235 Promenade Street, Providence, Rhode Island 02908

April 23, 2019

To: Remediation General Permittees

RE: Rhode Island Pollutant Discharge Elimination System (RIPDES) Remediation General Permit (RGP); RIPDES Permit No. RIG850000

Enclosed is the final RIPDES RGP issued pursuant to State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, and the final permit Fact Sheet which describes the basis for the permit's conditions. Also enclosed is a copy of the Department of Environmental Management's (DEM's) response to comments received on the draft permit and information relative to hearing requests and stays of RIPDES Permits.

The DEM's files indicate that you have previously been granted authorization to discharge under the 2013 RIPDES RGP which expired on September 30, 2018. From February 20, 2019 to March 29, 2019 the DEM accepted comments concerning the reissuance of this permit. As indicated in the Response to Comments, the DEM received written comments on the draft RGP during the permit's public notice period and prepared a response to those comments in accordance with §1.48 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.48), which briefly describes and responds to the comments made on the draft RGP. The Response to Comments also specifies the provisions of the draft RGP that have been revised in the final permit decision and the reasons for those revisions. Therefore, in accordance with §1.47 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.47) this permit shall become effective thirty (30) days after the DEM's date of signature on May 23, 2019 and will expire on May 22, 2024. The requirements of the reissued permit are similar to those of the 2013 permit. However, you are encouraged to review the reissued permit to ensure that you are in compliance with the permit. A copy of the final permit, Notice of Intent (NOI), Notice of Termination (NOT), Fact Sheet and response to comments can be found at the following website: <http://www.dem.ri.gov/programs/water/permits/ripdes/>

To avoid a lapse in permit coverage and to obtain authorization under the new permit, **you are required to submit a completed NOI within thirty (30) days from the effective date of the permit or by June 22, 2019. Please note that there is no fee for re-application if you submit a completed NOI within the thirty (30) day time period.** If there is no longer a discharge from your site, you should submit a completed NOT to the DEM by June 22nd so that your site can be removed from the DEM's database of active permittees.

The DEM appreciates your cooperation throughout the development of this permit. Should you have any questions concerning the RGP, feel free to contact myself or Aaron Mello at 401- 222-4700, extensions 7715 and 7405, respectively.

Sincerely,

Joseph B. Haberek, P.E.
Supervising Sanitary Engineer
Office of Water Resources / RIPDES Program

Enclosures

cc: David Turin, EPA Region 1 (Electronic Copy)
Shauna Little, EPA Region 1 (Electronic Copy)
Angelo Liberti, P.E., DEM/OWR (Electronic Copy)
Aaron Mello, DEM/OWR (Electronic Copy)
Crystal Charbonneau, DEM/OWR (Electronic Copy)
Melissa Manamon, R.I. Analytical Laboratories, Inc., 41 Illinois Avenue, Warwick, RI 02888

RESPONSE TO COMMENTS

From February 20, 2019 to March 29, 2019, the Rhode Island Department of Environmental Management (DEM) solicited public comment on a draft Rhode Island Pollutant Discharge Elimination System (RIPDES) Remediation General Permit (RGP). The following is a synopsis of the significant comments received and the DEM's responses to those comments.

The following response addresses the comments that were raised by R.I. Analytical Laboratories, Inc. (RIAL) in a letter dated March 27, 2019 that was submitted electronically on the same date.

Comment: RIAL provided comments regarding the proposed method detection limits in the draft RGP. RIAL noted that the "laboratory routinely reports analytes down to method detection limits (MDLs), rather than the lowest point of our calibration (routine reporting limit), to achieve certain current permit requirements using 40 CFR 136 approved methods...Reporting limits are set based on reasonable calibration levels with reliable instrument response, as opposed to quantifying against a statistical evaluation of the limit of detection."

In addition, RIAL clarified that updated EPA 600 series methods note "advances in analytical technology [...] allowed laboratories to routinely achieve MDLs for the analytes in this method that are 2 – 10 times lower than those in the version promulgated in 1984. The MDL for a specific wastewater may differ from those listed, depending on the nature of interferences in the sample matrix", and that sufficiently sensitive test methods are to be utilized. *RIAL states in the above letter that "evaluation of our MDLs in a clean matrix will not meet newly proposed limits prior to accounting for matrix effects."*

RIAL maintains that if new instrumentation is required to achieve these limits, the financial hardship to the laboratory would be placed on the permittees, and that effluent or sludge specific MDLs noted in the proposed Quantitation Limits section of the draft RGP would present a burden to laboratories not only to perform multiple studies, but would require client-specific reporting for all against the specific limits. *RIAL recommended the "regulatory limits be set at achievable levels for routine analysis, especially in regards to Semi-volatile organics and Metals."*

Response: To address RIAL's concerns regarding the proposed Quantitation Limits (QLs) in the draft RGP, DEM compared the Part II.G (Quantitation Limits) from the 2013 RGP and the draft 2019 RGP to the most stringent effluent limits for Class SA and Class AA waterbodies from the draft 2019 RGP. Also, the proposed QLs were compared to those displayed in the EPA's 2017 RGP Appendix VII (Test Methods and Minimum Levels). As a result of the above comparison and in accordance with §1.26 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.26), the DEM has made a minor modification by editing Part II.G of the draft RGP to include achievable QLs that DEM believes sufficiently addresses RIAL's concerns. The Fact Sheet has also been revised to incorporate this revision to Part II.G. A summary of the revisions for each parameter in Part II.G is listed below:

<u>Parameter</u>	<u>Final QL</u>	<u>Reason for Change</u>
Ethylene Dibromide	0.05 ug/L	Changed to the limit in DEM's and EPA's RGP
Total Dichlorobenzene	5.0 ug/L	Changed to the QL from the 2013 RGP because the most stringent limits from the final DEM RGP are greater than these QLs.
Total Copper	0.5 ug/L	
Total Selenium	2.0 ug/L	
Total Zinc	5.0 ug/L	

Acenaphthene	0.5 ug/L	
Acenaphthylene	0.5 ug/L	
Anthracene	0.5 ug/L	
Benzo (ghi) Perylene	0.5 ug/L	
Fluoranthene	0.5 ug/L	
Fluorene	0.5 ug/L	
Naphthalene	0.5 ug/L	
Phenanthrene	0.5 ug/L	
Pyrene	0.5 ug/L	
Total Group 1/2 PAHs	0.5 ug/L	Changed to the QL from the 2013 RGP
Total Phthalates	3.0 ug/L	Changed to the limit in the DEM's RGP
Total Arsenic	1.0 ug/L	Changed to the QL from the 2013 RGP and the lowest QL listed in the EPA's RGP Appendix VII.

HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you must request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Mary Dalton, Clerk
 Department of Environmental Management
 Office of Administrative Adjudication
 235 Promenade Street
 3rd Floor, Rm 350
 Providence, RI 02908

Any request for a formal hearing must conform to the requirements of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with §1.51 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.51), may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.
 Administrator of Surface Water Protection
 Office of Water Resources
 235 Promenade Street
 Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).