

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER RESOURCES  
235 PROMENADE STREET  
PROVIDENCE, RHODE ISLAND 02908-5767**

PUBLIC NOTICE OF PROPOSED PERMIT ACTIONS UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

**DATE OF NOTICE:** July 18, 2008

**PUBLIC NOTICE NUMBER:** PN 08-04

**DRAFT RIPDES REMEDIATION GENERAL PERMIT**

In accordance with Chapter 46-12 of the Rhode Island General Laws, the discharge of pollutants to Waters of the State via a point source discharge is prohibited unless in compliance with the terms and conditions of a RIPDES permit issued in accordance with State Regulations. Therefore, the discharges associated with the treatment of remediation wastewaters to waters of the State would require a RIPDES Permit. The Rhode Island Department of Environmental Management (DEM), Office of Water Resources, has determined that the most efficient approach to permitting these discharges is to utilize a general permit. This affords the DEM the ability to issue one permit to cover several categories of dischargers.

The purpose of this general permit is to cover discharges associated with the treatment of remediation wastewaters within the State. The primary benefit of using a general permit, as opposed to issuing several individual permits, is that it would streamline the permitting process allowing remedial activities to proceed without any unnecessary delays, while affording equal environmental protection. As opposed to individual permits, the general permit does not require a public notice each time a specific discharge is authorized. By streamlining the permitting process the application period is reduced, thereby effectively allowing the DEM to respond quicker to environmental concerns and produce savings to potential applicants.

The proposed general permit applies to all areas of the State of Rhode Island and is divided up into ten (10) discharge categories, each with three (3) sub-categories for class AA fresh waters, non-class AA fresh waters and for salt waters. The ten (10) categories of discharges under which an applicant or permittee may be granted coverage are categorized as follows: A. Gasoline Remediation Sites, B. Fuel Oil (and other Oils) Sites, C. Petroleum Sites Containing Other Pollutants, D. Volatile Organic Compound (VOC) Only Sites, E. VOC Sites Containing Other Contaminants, F. Sites Containing Primarily Metals, G. Contaminated Construction Dewatering, H. Aquifer Pump Testing and Well Development or Rehabilitation at Contaminated Sites, I. Hydrostatic Testing of Pipelines and Tanks, and J. Contaminated Sumps and Dikes. The Remediation General Permit contains specific effluent limitations that are applicable to each of the ten discharge categories and the three (3) water body sub-categories and are protective of water quality.

**FURTHER INFORMATION ABOUT THE DRAFT PERMIT:**

A fact sheet (describing the legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Brian D. Lafaille, P.E.  
Rhode Island Department of Environmental Management  
Office of Water Resources

RIPDES Program  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
401-222-4700, extension 7731

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

## **PUBLIC HEARING**

Pursuant to Chapters 46-12 and 42-35 of the Rhode Island General Laws, a public hearing has been tentatively scheduled to consider the Draft RIPDES Remediation General Permit, if requested. Requests for a Public Hearing must be submitted in writing to the attention of Brian D. Lafaille, P.E. at the address indicated below. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 PM, Monday, August 18, 2008, the public hearing will be held at the following time and place:

Thursday, August 21, 2008 at 5:00 PM  
Room 280  
235 Promenade Street  
Providence, Rhode Island 02908

Interested persons should contact DEM in advance to confirm if a hearing will be held at the time and location noted above.

In accordance with Rule 43 of the RIPDES Regulations, the following is a summary of the procedures that shall be followed at the Public Hearing:

1. The Presiding Officer shall have the authority to open and conclude the Hearing and to maintain order; and
2. Any persons appearing at such a hearing may submit oral or written statements and data concerning the draft permit.

In addition, for the sake of accuracy, it is requested that statements be submitted in writing at the time of the hearing or be mailed to Brian D. Lafaille, P.E. at the above address, before the date of the hearing. Oral testimony will also be heard at the Public Hearing.

235 Promenade is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the DEM at 831-5508 (T.D.D.) 72 hours in advance of the hearing date.

## **PUBLIC COMMENT PERIOD: (July 18, 2008 to August 22, 2008)**

Interested parties must submit comments on the permit actions and the administrative record to the address above no later than 4:00 P.M. August 22, 2008.

All persons who believe any condition of the draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period on August 22, 2008. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to Brian D. Lafaille, P.E. as directed above.

If, during the public comment period, significant new questions are raised concerning the permit, DEM may require a new draft permit or fact sheet or may reopen the public comment period. A public notice will be issued for any of these actions.

**FINAL DECISION AND APPEALS:**

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision, any interested person may submit a request for a formal hearing in accordance with the requirements of Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

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Date

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Eric A. Beck, P.E.  
Supervising Sanitary Engineer  
RIPDES Program  
Office of Water Resources  
Department of Environmental Management