

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

PUBLIC NOTICE OF PROPOSED PERMIT ACTION 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: May 10, 2024

PUBLIC NOTICE NUMBER: PN 24-02

DRAFT RIPDES PERMIT: RIPDES REMEDIATION GENERAL PERMIT

RIPDES PERMIT NUMBER: RIG850000

In accordance with Chapter 46-12 of the Rhode Island General Laws, the discharge of pollutants to Waters of the State via point source discharges is prohibited unless the discharges are in compliance with the RIPDES Regulations. The Rhode Island Department of Environmental Management (DEM) had previously determined that the most efficient approach for permitting discharges associated with the treatment of remediated wastewaters to Waters of the State is to utilize general permits. The primary benefit of using a general permit, as opposed to issuing individual permits, is a streamlined permitting process that prevents delays, while affording equal environmental protection. The permit streamlining reduces the application period, thereby effectively allowing DEM to respond quicker to environmental concerns and produce savings to potential applicants. This public notice is for the DEM's proposed reissuance of the Remediation General Permit (RGP).

The draft RGP is divided into ten (10) discharge categories, each with three (3) sub-categories for class AA freshwaters, non-class AA freshwaters, and for salt waters. The ten (10) categories of discharge under which an applicant may be granted coverage are 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 permit contains specific effluent limits that are applicable to each of the discharge categories and sub-categories that ensure that water quality will be maintained and protected. The draft general permit and/or fact sheet have been updated to include the following: added a limitation of coverage for those discharges resulting from on-site response actions conducted pursuant to CERCLA requirements; added clarifying language to reflect that monitoring may follow an alternative frequency following an approved reduction in monitoring requirements or during initial treatment system start-up; revised the saltwater classification by removing "(classifications SA or SB)" and just including the term "Saltwaters", which would encompass SA, SB, SB1, or SC receiving waterbodies per the Rhode Island Water Quality Regulations (this terminology was also updated in Part II.D (Effluent Limitations and Monitoring Requirements) for the respective Discharge Categories of A through J and as referenced elsewhere in the general permit); revised language regarding treatment system operating procedures following malfunction, breakthrough,

or exceedance of permit effluent limits; added language that requires operators to consider implementing enhanced controls to minimize impacts from stormwater discharges generated by major storm and flood events; added language regarding the application requirements for those sites with known or suspected per- and polyfluoroalkyl substances (PFAS) contamination; added clarifying language concerning recordkeeping requirements for on-site records and retention of records; revised monitoring and reporting language to change the reporting frequency for Discharge Monitoring Report (DMR) forms from quarterly to monthly for both discharges lasting 12 months or more, or less than 12 months; revised pollutant effluent limits and/or monitor only requirements by i) adding PFAS Analytes shown in Attachment A to the draft general permit as pollutants to Categories C, E, G, H, I and J for discharges to AA, freshwater Non-AA waters, and saltwaters, ii) adding a footnote that requires PFAS be analyzed using Clean Water Act test method 1633 until a 40 CFR Part 136 test method is approved, and iii) adding a footnote that requires TPH be analyzed using EPA SW-846 test method 8100M; updated the dilution determination worksheet such that that using the USGS StreamStats website to determine 7Q10 flows for RI water bodies is recommended only if a 7Q10 could not be determined using the 'RIPDES 7Q10 Policy'; and revised the Notice of Intent (NOI) form to reflect the addition of PFAS Analytes. A summary of other minor revisions in addition to the ones listed above can be found in the fact sheet section entitled 'Summary of Changes'.

The DEM has determined that the draft permit complies with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the permit fact sheet which is available as noted below.

FURTHER INFORMATION:

Copies of the draft general permit and fact sheet (describing the significant factual, legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Aaron Mello
Rhode Island Department of Environmental Management
RIPDES Program
235 Promenade Street
Providence, Rhode Island 02908-5767
Phone: 401-537-4255
E-mail: aaron.mello@dem.ri.gov

This information is also available at the following website during the public comment period:

<http://www.dem.ri.gov/programs/water/permits/ripdes/>

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 COMMENT AND REQUEST FOR 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 this draft RIPDES permit, if requested. Requests for a Public Hearing must be submitted in writing to the attention of Aaron Mello at the address indicated above. 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, Tuesday, June 11, 2024, the public hearing will be held at the following time and place:

Tuesday, June 18, 2024 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.

If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call DEM at the number listed above or RI Relay 711 at least (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Interested parties must submit comments on the permit actions and the administrative record to the address above no later than 4:00 P.M. June 21, 2024.

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 under 250-RICR-150-10-1.42 of the Regulations of Rhode Island Pollutant Discharge Elimination System. **The public comment period is from Friday, May 10, 2024 to Friday, June 21, 2024.** Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to DEM 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 each person who has submitted written comments or requested notice. Within thirty (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 §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

02 May 2024
Date

Heidi Travers
Heidi Travers, P.E.
Environmental Engineer IV
Office of Water Resources
Department of Environmental Management