



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
OFFICE OF WATER RESOURCES  
235 Promenade Street, Providence, Rhode Island 02908



Iaf

September 15, 2022

**CERTIFIED MAIL**

Shealyn Davey  
Pretreatment Coordinator  
Bristol WPCF  
2 Plant Ave  
Bristol, RI 02809

**RE: Bristol Industrial Pretreatment Program (RIPDES Permit No. RI0100005)  
2022 Pretreatment Compliance Audit – Letter of Audit Findings**

Dear Ms. Davey:

The Department of Environmental Management (DEM) Office of Water Resources (OWR) is in receipt of your July 29, 2022 response to OWR's Letter of Audit Findings dated April 21, 2022 for the Pretreatment Compliance Audit (PCA) conducted on March 24, 2022. The Letter of Audit Findings identified certain action items for the Town of Bristol's (Town) Industrial Pretreatment Program (IPP) to complete and required modification to the Town's approved IPP. These items included:

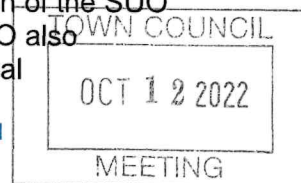
- Modification to the Town's Sewer Use Ordinance (SUO) to incorporate required 2005 Streamlining Regulations
- Modification to the SUO for consistency with the Federal General Pretreatment Regulations and IPP practices
- Publication of certain Industrial Users (IUs) in Significant Noncompliance (SNC) with Pretreatment standards and requirements in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the treatment plant.
- Assessing the applicability of categorical standards for an IU and appropriate categorization of the IU as a CIU/non-CIU.
- Modifications to the IU permits and fact sheets for consistency with federal requirements.
- Revisions to the 2021 Bristol Annual Pretreatment Report.

The Town subsequently provided documentation of the IU permit and fact sheet modifications required by the Letter of Audit Findings on September 1, 2022.

After reviewing the contents of the July 29, 2022 response and the revised IU permits and fact sheets submitted on September 1, 2022, OWR finds that the Town's responses to the permitting and procedural comments satisfy the requirements of the April 21, 2022 comment letter. Accordingly, the Town must begin marking the received date for the periodic compliance reports required by 40 CFR 403.12 and begin using the LINKO database system for pretreatment event recording as soon as practicable. These changes constitute a non-substantial modification to the IPP's procedures as set out in 40 CFR 403.18.

As part of the July 29, 2022 submission, the Town also included a "redlined" version of the SUO to reflect the changes required by the Letter of Inspection Findings. The edited SUO also included proposed modifications to the permit fee schedules and other typographical

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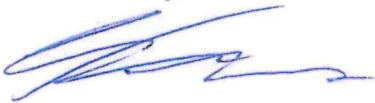
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changes/edits for clarity. The Town also included proposed language changes to Section 22-236(c) of the SUO in an email to OWR dated September 12, 2022. This paragraph was proposed to be changed to read: "When the pretreatment coordinator finds that a user has exceeded a daily limit of 1,250 milligrams per liter (mg/L) of either biological oxygen demand (BOD) or total suspended solids (TSS), the pretreatment coordinator shall assess a surcharge to such user equivalent to the yearly permit fee for each instance of BOD or TSS discharged which is over 1,250 mg/L."

Part I.C.5.e of the Bristol WPCF RIPDES permit (Permit No. RI0100005) sets out the procedures for substantial and non-substantial modifications to approved pretreatment programs. This Part states that "for substantial modifications, the permittee shall, within sixty (60) days (unless a longer time frame is granted) of the receipt of DEM's preliminary approval of the proposed modification, submit documentation (as required by 403.9(b)(2)) that any local public notification/participation procedures required by law have been completed, including any responses to public comments, and a statement that the local officials will endorse and/or approve the modification upon approval by DEM." OWR is hereby granting preliminary approval of the proposed SUO modifications as set out in the July 29, 2022 PCA response submission and September 12, 2022 email to OWR. OWR has determined that certain proposed changes to the SUO as provided in the July 29, 2022 submission would constitute as substantial modification to the Town's IPP as defined at 40 CFR 403.18(b). **Accordingly, by November 18, 2022, the Town must conduct its local public notice process for modifying the SUO and submit documentation that local officials will endorse and/or approve the modification upon final approval by DEM consistent with the above-referenced part of the RIPDES permit.**

If you have any questions regarding the information presented herein, please contact me at 401-222-4700 ext. 2777201 or by email at [maximilian.maher@dem.ri.gov](mailto:maximilian.maher@dem.ri.gov).

Sincerely,



Max Maher  
Environmental Engineer I

Ecc: Steven Contente, Bristol  
Jose DaSilva, Bristol  
Heidi Travers, DEM/OWR

Joseph Haberek, DEM/OWR  
Crystal Charbonneau, DEM/OWR