

NPDES PERMIT

issued to

Tilcon Connecticut, Inc.
P.O. Box 1357
New Britain, CT 06050

Location Address:

Tilcon Connecticut, Inc.
232 Rixtown Road
Griswold, CT 06351

Permit IDs: CT0030635 & SP0002451

Receiving Streams: Pachaug Pond and Billings Brook

Stream Segment ID: CT3600-00-3-L7_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) Tilcon Connecticut, Inc. ("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 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.

"Chronic rainfall" means a series of wet weather events that prevent the dewatering of properly maintained retention structures.

"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.

"Daily Quantity" means the quantity of waste discharged during an operating day.

"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.

"Production area" means the stone quarrying and aggregate processing areas, with associated road networks.

"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 FINAL DETERMINATION

- (A) The Commissioner has issued a final determination and found that the proposed system to treat such discharge will protect the waters of the state from pollution. The Commissioner's decision is based on Application Nos. 201106700 and 201106699 for permit issuance received on September 30, 2011 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. CT0030635 and SP0002451, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application Nos. 201106700 and 201106699 received by the Department on September 30, 2011, 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. CT0030635 and SP0002451, 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 83°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 (CT00030635)

Discharge Serial Number: 001-1						Monitoring Location: 1			
Wastewater Description: Mine dewatering (stormwater runoff) from stone quarry operations									
Monitoring Location Description: Drainage swale from onsite detention basin prior to discharge to Pachaug Pond									
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test ²
		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	*
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	*
Lead, 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 6, Paragraph A(3) of this permit.

³ For compliance with aquatic toxicity instantaneous limits, see Section 6(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) in accordance with the revised Stormwater Pollution Prevention Plan specified under Section 9 of this permit.
- b) See Section 9(D)(10) for information about benchmark monitoring.

Table B (CT0030635)									
Discharge Serial Number: 002-1						Monitoring Location: 1			
Wastewater Description: Mine dewatering (stormwater runoff) from stone quarry operations									
Monitoring Location Description: Drainage swale from onsite detention basin prior to discharge to Billings Brook									
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test ²
		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	*
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	*
Lead, 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 6, Paragraph A(3) of this permit.

³ For compliance with aquatic toxicity instantaneous limits, see Section 6(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) in accordance with the revised Stormwater Pollution Prevention Plan specified under Section 9 of this permit.

b) See Section 9(D)(10) for information about benchmark monitoring.

Table C (SP0002451)	
Discharge Serial Number: 301-1	Monitoring Location: NR
Wastewater Description: Infiltration of mine dewatering (stormwater) from stone quarry operations into ground waters	
Monitoring Location Description: NA	

- (1) All samples shall be comprised of only the wastewaters described in Tables A and B. 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: 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
Lead	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 7: 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, including measured daily flow and hours of operation for the 30 consecutive operating days prior to sample collection if compliance with a limit on Aquatic Toxicity is based on toxicity limits based on actual flows described in Section 7, 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 8: 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 6, 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.

SECTION 9: STORMWATER POLLUTION PREVENTION PLAN

(A) Development of Plan

On or before ninety days (90) days from the date of issuance of this permit, the Permittee shall prepare and implement a revised Stormwater Pollution Prevention Plan ("Plan") for the site. The Permittee shall perform all actions required by the Plan, including implementation of control measures, employee training, and inspections. The Plan shall include records and documentation of compliance with these elements and shall be kept on-site at all times. The Permittee shall maintain compliance with the Plan at all times.

(B) Signature and Plan Review

The Plan shall be signed by a responsible corporate officer or a duly authorized representative thereof, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies; The Plan shall also be certified, in accordance with the "Plan Certification" section below, by a professional engineer licensed in the State of Connecticut or a Certified Hazardous Materials Manager. The Plan shall be retained on site at the facility.

The Permittee shall make a copy of the Plan available to the Commissioner at his/her own request or at the request of a member of the public.

The Commissioner may notify the Permittee at any time that the Plan does not meet one or more of the requirements of this section. Within 120 days of such notification unless otherwise specified by the commissioner in writing, the Permittee shall revise the Plan, perform all actions required by the revised Plan, and shall inform the Commissioner in writing that the requested changes have been made and implemented, and such other information as the commissioner requires.

(C) Plan Certification

The Plan shall contain the following certification, signed by a professional engineer licensed to practice in the State of Connecticut or a Certified Hazardous Materials Manager:

"I certify that I have thoroughly and completely reviewed the Stormwater Pollution Prevention Plan prepared for this site. I further certify, based on such review and site visit by myself or my agent, and on my professional judgment, that the Stormwater Pollution Prevention Plan meets the criteria set forth in this permit. I am aware that there are significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements."

(D) Contents of Plan

The Plan shall be representative of current site conditions and shall address, at a minimum, all the elements below. If an element is not applicable to the facility, the Plan shall identify it and provide an explanation as to why the element does not apply.

(1) Facility Description

Provide a description of the nature of the industrial activities at the facility.

(2) General location map

Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of the facility and all receiving waters to which stormwater discharges.

(3) Pollution Prevention Team

The Permittee shall identify a specific individual or individuals for the site who shall serve as members of a Stormwater Pollution Prevention Team ("team"). The team shall be responsible for implementing the Plan and assisting in the implementation, maintenance, and development of revisions to the Plan as well as maintaining control measures and taking corrective actions where required. At least one team member shall be present at the facility or on call during all operational shifts. The Plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the Plan. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and the Plan.

(4) Potential Pollutant Sources

The Plan shall map and describe the potential sources of pollutants that may reasonably be expected to affect stormwater quality at the site or that may result in the discharge of pollutants during dry weather from the site. The Plan shall identify all activities and materials that may be a source of stormwater pollution at the site. Accordingly, the Plan shall include, but not be limited to the following:

a. Site Map

A site map (at a defined or approximate scale) shall be developed showing:

- a north arrow and surveyed or approximate property lines including the total site acreage;
- location of existing buildings and structures;
- the overall site size and amount of impervious coverage as well as an outline of the drainage area, including the extent of impervious surface, for each stormwater outfall and direction of flow within the drainage area;
- existing structural control measures installed to reduce pollutants in stormwater runoff;
- locations of all stormwater conveyances including catchbasins, ditches, pipes, and swales as well as the location of any non-stormwater discharges;
- the areal extent of any wetlands to which stormwater discharges;
- the receiving surface water body or bodies to which the site discharges including the identification of any impaired waters and whether or not a TMDL has been established for them;
- location(s) where major spills or leaks have occurred;
- locations of all stormwater monitoring points including latitude and longitude, where available;
- locations of discharges to a municipal storm sewer system;
- locations of discharges to groundwater through an infiltration system;
- locations where any drainage run-on enters the site; and
- each location of the following activities and associated types of pollutants where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage or disposal of wastes;
 - liquid storage tanks;
 - de-icing material storage areas;
 - storage areas;

areas with the potential for erosion that may impact surface waters or wetlands or may have off-site impacts; and any other potential pollutant sources.

b. Inventory of Exposed Materials

A tabular inventory of non-gaseous materials at the site, including a description of potential pollutants associated with those materials that may be exposed to stormwater between the time of three years prior to the date of certification of the Plan and the present for the following areas:

- loading and unloading operations;
- roof areas;
- outdoor storage activities;
- dust or particulate generating processes; and
- on-site waste disposal practices.

c. Summary of Potential Pollutant Sources

A narrative summary of each area of the site specified in “Inventory of Exposed Materials” and each associated potential source of pollution. Such summary shall include:

- method and location of on-site storage or disposal;
- materials management practices employed to minimize contact of materials with stormwater runoff between the time of three years prior to the effective date of this permit and the present;
- the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff; and
- a description of any treatment the stormwater receives.

d. Spills and Leaks

A list of spills and leaks of five gallons or more of petroleum products, or of toxic or hazardous substances which could affect stormwater, as listed in section 22a-430-4 (Appendix B Tables II, III and V, and Appendix D) of the Regulations of Connecticut State Agencies, and 40 CFR 116.4, that occurred at the facility after the date of three years prior to the date of certification of the Plan.

(5) Control Measures

The Permittee must document the location and type of control measures installed and implemented at the site in accordance with “Control Measures”. The Permittee shall discuss the appropriateness and priorities of control measures in the Plan and how they address identified potential sources of pollutants at the site. The Plan shall include a schedule for implementing such controls measures if not already implemented.

- a. Good Housekeeping: The Permittee must maintain a clean, orderly facility (e.g. sweeping at regular intervals, appropriate storage practices, proper garbage and waste management, dust control measures, etc.) in all areas that are exposed to rainfall and are potential sources of pollutants.
- b. Vehicle or Equipment Washing: The Permittee must provide, at a minimum, that no washing or rinsing of equipment, buildings or vehicles shall be allowed at the site which would allow wash or rinse waters to enter any storm drainage system or surface waters of the State without a permit. Such discharges to groundwater are not authorized by this permit.
- c. Floor Drains: The Permittee must provide that all floor drains have been sealed, authorized by a local authority to discharge to sanitary sewer or allowed by DEEP in accordance with the “Non-Stormwater Discharges” section of this permit.

- d. Roof Areas: The Permittee must identify roof areas that may be subject to drippage, dust or particulates from exhausts or vents or other sources of pollution. The Permittee must inspect such areas to determine if any potential sources of stormwater pollution are present. If so, the Permittee must minimize such sources or potential sources of pollution.
- e. Minimize Exposure: The Permittee must minimize exposure to stormwater of materials identified in the "Inventory of Exposed Materials" section of this permit.

Where the Permittee believes it is not feasible to construct a permanent roof or cover, they shall submit their Plan showing the area(s) in question and reasons in writing for the commissioner's review.

- f. Sediment and Erosion Control: The Permittee must identify areas that have a potential for soil erosion due to topography, activities, or other factors, and shall implement measures to limit erosion and stabilize such areas. All construction activities on site shall be conducted in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (Guidelines) and the "Future Construction" section of this permit.
- g. Management of Runoff: The Permittee shall investigate the need for stormwater management or treatment practices that shall be used to divert, infiltrate, reuse, or treat stormwater runoff in a manner that minimizes pollutants in stormwater discharges from the site. Any evaluation, construction or modification of the design of a stormwater drainage system requires certification by a professional engineer licensed to practice in the State of Connecticut. The Permittee shall implement and maintain stormwater management or treatment measures determined to be reasonable and appropriate to minimize the discharge of pollutants from the site.

In implementing infiltration practices, care must be taken to avoid ground water contamination. Any stormwater infiltration measures implemented by the Permittee and located within an aquifer protection area as mapped under section 22a-354b of the Connecticut General Statutes shall be conducted pursuant to sections 8(c) and 9(b) of the Aquifer Protection Regulations (section 22a-354i(1)-(10) of the Regulations of Connecticut State Agencies). The Permittee must assure that stormwater run-off generated from the regulated activity is managed in a manner so as to prevent pollution of groundwater, and shall comply with all the requirements of this permit.

The Permittee shall consider the potential of various sources at the facility to contribute pollutants to stormwater discharges when determining reasonable and appropriate measures. Where feasible, the Permittee shall divert uncontaminated run-on to avoid areas that may contribute pollutants. Other appropriate stormwater management or treatment measures may include but are not limited to: vegetative swales or buffer strips, reuse of collected stormwater (such as for process water, cooling water or as an irrigation source), treatment technologies (e.g. swirl concentrators, sand filters, etc.), snow management activities, bioretention cells, green roofs, pervious pavement and wet detention/retention basins. The Permittee shall ensure that such measures are properly designed, implemented and maintained in accordance with the Stormwater Quality Manual.

- h. Preventive Maintenance: The Permittee must implement a preventive maintenance program, which shall include but not be limited to: the inspection and maintenance of stormwater management devices (e.g. cleaning stormwater treatment devices, catch basins); the visual inspection and/or testing of on-site equipment and systems to identify conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters; and the appropriate maintenance of such equipment and systems. These areas shall be included in the Routine Inspections required by this permit. If the Permittee maintains an existing preventive maintenance program that addresses the requirements of this control measure, they may use that program to meet this requirement. The existence of such a program and the location of its maintenance records shall be referenced in the Plan.
- i. Dumpsters: The Permittee must ensure that all dumpsters, trash compactors, and "roll-off" containers used to store waste or recyclable materials are in sound watertight condition and have covers and drain plugs intact, or are in roofed areas that will prevent exposure to rainfall and will

not allow dumpster leakage to enter any stormwater drainage system. All covers on dumpsters not under a roof must be closed when dumpsters are not being loaded or unloaded.

- j. Employee Training: The Permittee shall ensure that all employees whose activities may affect stormwater quality receive training within ninety (90) days of employment and at least once a year thereafter to make them familiar with the components and goals of these control measures and the Plan. Training shall address topics such as emergency equipment location, spill response management, control measures, inspection requirements, good housekeeping and materials management practices. Training shall be conducted or supervised by a qualified trainer or personnel who is a member of the Pollution Prevention Team and a written record shall be maintained in the Plan, including the date(s), employee name, employee responsibility and training agenda.
- k. Non-Stormwater Discharges: The Permittee must eliminate non-stormwater discharges except as provided in "Non-Stormwater Discharge Certification" or as authorized by an individual permit issued pursuant to section 22a-430 or a general permit issued pursuant to 22a-430b of the Connecticut General Statutes.

(6) Non-Stormwater Discharge Certification

The Plan shall include the following certification, signed by a professional engineer licensed to practice in the State of Connecticut or a Certified Hazardous Materials Manager:

"I certify that in my professional judgment, the stormwater discharge from the site consists only of stormwater, or of stormwater combined with wastewater authorized by an effective permit issued under section 22a-430 or section 22a-430b of the Connecticut General Statutes, including the provisions of this permit, or of stormwater combined with any of the following discharges provided they do not contribute to a violation of water quality standards:

- landscape irrigation or lawn watering;
- uncontaminated groundwater discharges such as pumped groundwater, foundation drains, water from crawl space pumps and footing drains;
- discharges of uncontaminated air conditioner or refrigeration condensate;
- water sprayed for dust control or at a truck load wet-down station;
- naturally occurring discharges such as rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), springs, and flows from riparian habitats and wetlands.

This certification is based on testing and/or evaluation of the stormwater discharge from the site. I further certify that all potential sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test have been described in detail in the Stormwater Pollution Prevention Plan prepared for the site. I further certify that no interior building floor drains exist unless such floor drain connection has been approved and permitted by the commissioner or otherwise authorized by a local authority for discharge as domestic sewage to sanitary sewer. I am aware that there may be significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements."

(7) Consistency with Other Plans and Permits

The Plan may reference requirements contained in a Spill Prevention Control and Countermeasure (SPCC) plan or a plan prepared or approved under the Resource Conservation and Recovery Act (RCRA) and other plans required by state, federal or local law. A copy of the pertinent sections of any referenced plan must be kept with the Plan. The Plan shall identify all general and individual permits issued by the DEEP for which the facility is authorized.

(8) Monitoring Program

A description of the monitoring program implemented to comply with the sampling requirements of Section 5, Tables A and B of this permit.

(9) Inspections

a. Semi-Annual Inspections

The Permittee must provide that a qualified person or personnel shall conduct comprehensive site inspections at appropriate intervals specified in the Plan, but in no event less frequently than twice a year. Such evaluations shall, at a minimum, include:

- i. Visual inspection of material handling areas and other potential sources of pollution identified in the Plan for evidence of, or the potential for, pollutants entering the stormwater drainage system. Structural stormwater management measures, erosion control measures, control measures and other structural pollution prevention measures identified in the Plan shall be observed to ensure that they are implemented and maintained properly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made. Inspections should be made during rainfall events if possible.
- ii. Preparation of a report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the Plan, actions taken, and updates made to the Plan shall be made and retained as part of the Stormwater Pollution Prevention Plan for at least five years. The report shall be signed by the Permittee.

b. Routine Inspections

In addition to the Semi-Annual Inspections required above, the Permittee shall identify in the Plan a qualified person or personnel (see Section 2: Definitions) to visually inspect designated equipment and specific sensitive areas of the site at least monthly. A written set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of routine inspections shall be maintained in the Plan kept on-site.

(10) Benchmarks: These benchmarks apply to the discharges identified in Section 5, Tables A and B.

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 Lead	0.076
Total Zinc	0.160

In accordance with “Keeping Plan Current” ((Section 9(E) below), should the average of four consecutive monitoring values exceed the benchmark for any parameter, then the Permittee must review the selection, design, installation and implementation of the control measures to determine if modifications are necessary to meet the benchmarks in this permit, and either:

- Make the necessary modifications to the control measures and 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 control measures 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 the "Keeping Plan Current" (Section 9(E) 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 control measures 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.**

- (E) Keeping Plan Current - 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 "Monitoring" (Section 5, Tables A and B) and as identified in Section 9(D)(10) 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 Plan shall be recertified in accordance with Section 9(C) of this permit. The Permittee shall maintain compliance with such Plan thereafter.

- (F) Failure to Prepare or Amend Plan - 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.

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	<i>DSN 001-1, DSN 002-1 and DSN 301-1</i>	\$2912.50

FOR NPDES DISCHARGES

Drainage basin Codes: 3600

Water Quality Standard: A

FOR GROUNDWATER DISCHARGES

Drainage basin Code: 3600

Water Quality Standard: GA

NATURE OF BUSINESS GENERATING DISCHARGE

Tilcon Connecticut, Inc. performs stone quarrying operations.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 001-1:- This discharge to Pachaug Pond is composed of mine dewatering (stormwater runoff) from quarrying operations. The mine dewatering water (stormwater) that accumulates in excavated areas flows by gravity into a detention basin where solids settling occurs prior to discharge. Best Management Practices (BMPs) shall be implemented in accordance with the revised Stormwater Pollution Prevention Plan specified under Section 9 of this permit.

DSN 002-1:- This discharge to Billings Brook is composed of mine dewatering (stormwater runoff) from quarrying operations. The mine dewatering water (stormwater) that accumulates in excavated areas flows by gravity into a detention basin where solids settling occurs prior to discharge. Best Management Practices (BMPs) shall be implemented in accordance with the revised Stormwater Pollution Prevention Plan specified under Section 9 of this permit.

DSN 301-1:- This discharge is composed of mine dewatering (stormwater runoff) infiltration into groundwaters from the detention basin.

RESOURCES USED TO DRAFT PERMIT

- Federal Effluent Limitation Guideline 40CFR 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 Case by Case Determination using Best Professional Judgment (See Other Comments)
- X In order to meet in-stream water quality (See General 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). Relevant discharge data were not available for evaluation of consistency with the available aquatic life criteria (acute and chronic) and human health (fish consumption only) criteria. Monitoring data for similar facilities with considerable available dilution generally do not require water quality based limitations. Monitoring requirements were included in this permit for aluminum, ammonia, copper, lead, nitrogen (nitrate), nitrogen (total kjeldahl), oil and grease, phosphorus and zinc, to develop the data necessary for such an evaluation.

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 there are no process generated wastewaters produced from mining operations at this facility. 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.

One of the receiving streams, Pachaug Pond was assessed in accordance with Section 305(b) of the Federal Clean Water Act, but was not listed as impaired, while the other receiving stream, Billings Brook has not been assessed. Since this permit is for a new discharge, Tiers 1 and 2 Antidegradation Evaluation and Implementation Review were conducted to ensure that all wetlands and surface waters with an existing water quality better than the Standards and Criteria established in the Water Quality Standards (Class A) for those waters are maintained at their existing high water quality, pursuant to Connecticut Water Quality Standard, Sec. 22a-426-8(a)(2). 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.

Based on best professional judgment, the Department has determined that the discharge or activity would not reasonably be expected to significantly lower the water quality of the receiving streams because of the following reasons:

- 1) "Clean Water" is defined in the Connecticut Water Quality Standards as "water which in the judgment of the Commissioner is of a quality substantially similar to that occurring naturally in the receiving stream under consideration. Clean water may include minor cooling waters, residential swimming pool water, and stormwater". Since the discharge from stone quarry operations is basically stormwater runoff from excavation areas, it meets this definition of "Clean Water".*
- 2) Consistent with Tier 2 anti-degradation review, the discharge is basically stormwater and the first inch of untreated rainfall is not likely to be discharged to the receiving stream since the stormwater receives settling treatment in the on-site settling basin prior to discharge.*
- 3) Best Management Practices as contained in Application Nos. 201106700 and 201106699 and as required under Section 9 of this permit, shall be implemented by the Permittee.*

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.

**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 ("the Commissioner") hereby gives notice of a tentative decision to issue a NPDES permit and a state permit based on applications submitted by **Tilcon Connecticut, Inc.** ("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 proposed system to treat the discharge will protect the waters of the state from pollution and the Commissioner proposes to issue permits for the discharges to Pachaug Pond, Billings Brook and to the groundwaters in the Pachaug River watershed.

The proposed permits, if issued by the Commissioner, will require that all wastewater be treated to meet the applicable effluent limitations and periodic monitoring to demonstrate that the discharge will not cause pollution.

APPLICANT'S PROPOSAL

Tilcon Connecticut, Inc. proposes to discharge mine dewatering (stormwater runoff) to Pachaug Pond, Billings Brook and to the groundwaters in the Pachaug River watershed from quarrying operations at a mineral mining facility.

The name and mailing address of the permit applicant are: Tilcon Connecticut, Inc., P.O. Box 1357, New Britain, CT 06050.

The proposed activity will take place at: 232 Rixtown Road, Griswold, CT 06351.

REGULATORY CONDITIONS

Type of Treatment

DSN 001-1 and DSN 002-1:- Solids settling in detention basins. Best Management Practices (BMPs) shall be implemented in accordance with the revised Stormwater Pollution Prevention Plan specified under Section 9 of Permit Nos. CT0030635 and SP0002451.

DSN 301-1:- Treatment is not necessary.

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.

These permits also contain a requirement for the applicant to prepare and implement a revised Stormwater Pollution Prevention Plan.

COMMISSIONER'S AUTHORITY

The Commissioner 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.* and 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).

INFORMATION REQUESTS

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

APPLICATION NO. 201106700
APPLICATION NO. 201106699

PERMIT ID NO. CT0030635
PERMIT ID NO. SP0002451

Interested persons may obtain copies of the application from Frank T. Lane, Tilcon Connecticut, Inc., P.O. Box 1357, New Britain, CT 06050, (203) 484-1418.

The application is available for inspection by contacting Oluwatoyin Fakilede (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:

MAR 27 2014