STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF	**:**	***APPLICATION NO. 200401067***
SUMMIT CORPORATION OF AMERICA	**:**	***DECEMBER 17, 2007***

FINAL DECISION

The above-captioned matter concerns renewal of the National Pollutant Discharge Elimination System Permit No. CT0001180 (Permit) authorizing the applicant, Summit Corporation of America, to discharge wastewaters into the Naugatuck River from its facility at 1430 Waterbury Road in Thomaston, Connecticut. The parties, in seeking to resolve all issues in controversy by agreement, submitted a Stipulation and Agreed Draft Decision (Agreed Draft Decision). Regs., Conn. State Agencies §22a-3a-6(l)(3)(A). After the public hearing, the hearing officer accepted the Agreed Draft Decision and submitted it for my consideration.[1]

I concur with the hearing officer's decision to accept the Agreed Draft Decision. I therefore adopt the parties' agreement as my Final Decision and authorize renewal of the Permit, as set forth in the Agreed Draft Decision (Attachment A).

/s/ Gina McCarthy
Gina McCarthy
Commissioner

* Note – The attached Agreed Draft Decision has a date stamp of November 7, 2007. The document was actually received in the Office of Adjudications on December 7, 2007.

[1] See Regs. Conn. State Agencies §§ 22a-3a-6(d)(2)(I), 22a-3a-6(l)(3)(A)(ii). By written stipulation pursuant to Conn. Gen. Stat. § 4-179(d), the parties and the agency waived compliance with the proposed final decision requirements and the hearing officer did not issue a proposed final decision in this matter under Regs. Conn. State Agencies § 22a-3a-6(y).

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF : ***APPLICATION NO. 200401067***

SUMMIT CORPORATION OF AMERICA : ***DECEMBER 17, 2007***

FINAL DECISION

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I concur with the hearing officer's decision to accept the Agreed Draft Decision. I therefore adopt the parties' agreement as my Final Decision and authorize renewal of the Permit, as set forth in the Agreed Draft Decision (Attachment A).

Gina McCarthy
Commissioner

[1] See Regs. Conn. State Agencies §§ 22a-3a-6(d)(2)(I), 22a-3a-6(l)(3)(A)(ii). By written stipulation pursuant to Conn. Gen. Stat. § 4-179(d), the parties and the agency waived compliance with the proposed final decision requirements and the hearing officer did not issue a proposed final decision in this matter under Regs. Conn. State Agencies § 22a-3a-6(y).

PARTY LIST

In the Matter of Summit Corporation of America
Application No. 200401067

PARTY	*REPRESENTED BY*
APPLICANT	
Summit Corporation of America 1430 Waterbury Road Thomaston, CT 06787	Robert S. Melvin Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 Fax (860) 275-8299 Direct (860) 275-8251
DEP	
Michelle Gore Melissa Blais Stephen Edwards Kevin Barrett Department of Environmental Protection Materials Management and Compliance Assurance, Permitting and Enforcement Division 79 Elm Street Hartford, CT 06106 Phone: (860) 424-3834 Fax: (860) 424-4074	
INTERVENOR	
Connecticut Fund for the Environment, Inc. Save the Sound:	Roger Reynolds, Senior Staff Attorney 1st Floor 205 Whitney Avenue New Haven, CT 06511-3725 Fax: (203) 787-0246

Attachment A

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

IN THE MATTER OF : APPLICATION NO. 200401067

SUMMIT CORPORATION OF AMERICA : DECEMBER 7, 2007

STIPULATION AND AGREED DRAFT DECISION

I. Introduction

Pursuant to § 22a-3a-6(1)(3)(A)(ii) of the Regulations of Connecticut State Agencies, the applicant Summit Corporation of America ("Applicant" or "Summit"), the intervenor Connecticut Fund for the Environment, Inc./Save the Sound ("Intervenor" or "CFE"), and staff of the State of Connecticut Department of Environmental Protection ("DEP") hereby respectfully submit this Agreed Draft Decision, stipulating to the resolution of the above-captioned application matter through renewal of Applicant's National Pollutant Discharge Elimination System Permit No. CT0001180 under the terms and conditions set forth in Attachment A ("Stipulated Permit"). This Stipulated Permit includes revisions to the permit proposed by DEP in its Notice of Tentative Determination. Furthermore, pursuant to § 4-179 of the Connecticut General Statutes, the undersigned parties also waive the Hearing Officer's requirements to comply with the provisions for making and serving a written proposed final decision in this matter.[1]

[1] The waived provisions include Regs. Conn. State Agencies § 22a-3a-6(y) and Conn. Gen. Stat. § 4-179.

II. Brief Procedural History

Applicant is an industrial metal finisher with a facility at 1430 Waterbury Road in Thomaston, Connecticut, 06787, Facility ID No. 140-011. (DEP-1).[2] On March 31 and April 13, 2004, Summit submitted to DEP Application No. 200401067 ("Application") to renew its state wastewater discharge permit, No. CT0001180. (DEP-1). That permit, which was issued September 27, 1999, authorizes Summit to discharge treated metal finishing, building maintenance, and scrubber wastewaters to the Naugatuck River. (DEP-7). The Application includes an extensive summary, a general description of the applicant's business, site and floor plans, topographical maps, discharge quantities and a spill prevention and control plan. It also includes descriptions of the proposed wastewater collection, treatment and disposal system, specific discharge information and an evaluation of the characteristics of said discharge. (DEP-8a). On March 27, 2006, Summit submitted a Request for Treatment System Modification. This request was received by DEP on April 5, 2006. (DEP-8d). DEP approved that request on April 13, 2006. (DEP-8e).

On July 26, 2007, after review by DEP staff of the application and the supplemental information submitted by Summit, DEP published in the Waterbury Republican-American its Notice of Tentative Determination to grant Summit's renewal application. (DEP-1). DEP published a second such notice in the Waterbury Republican-American on October 2, 2007. (DEP-3a, DEP-3b).

On August 27 and 28, 2007, DEP received petitions with the signatures of more than twenty-five persons requesting a public hearing on the renewal application. On

[2] Citations in this Agreed Draft Decision to DEP exhibits (e.g. "DEP-1") refer to the exhibits filed by DEP, as part of its November 13, 2007 prehearing exchange of information, in response to the Hearing Officer's directive of October 16, 2007. A description of each such exhibit may also be found in Section V herein.

September 21, 2007, CFE filed a Notice of Intervention as a party in the Summit and other permit proceedings under the Connecticut Environmental Protection Act, Conn. Gen. Stat. § 22a-19(a).

On October 11, 2007, CFE requested a one-month extension of Summit's hearing date to allow the parties the opportunity to resolve their differences prior to a hearing. This request was granted by the Hearing Officer on October 16, 2007.

On October 2, 2007, the Commissioner published notice in the Waterbury Republican-American that the public hearing in this matter would be held on November 6, 2007 at 9:30 A.M. in the Russell Room at the DEP offices in Hartford, and that the public comment session would be held on November 15, 2007 at 6:30 P.M. at the Thomaston Town Hall in Thomaston, Connecticut. (DEP-3a) On October 16, 2007, the Hearing Officer issued a ruling granting CFE's request for an extension of the date of the public hearing and rescheduling the public hearing for December 12, 2007 at 9:30 A.M. at the same location.

The public comment session was held as originally scheduled on November 15, 2007. At this portion of the hearing, DEP's Michelle Gore testified with respect to the application filed by Summit, other portions of the record in this proceeding, including but not limited to the circumstances and standards on which DEP is basing the effluent limitations proposed in the permit, and the Commissioner's tentative determination to renew the permit pursuant to section 22a-430 of the Connecticut General Statutes. Harry Scoble, President of Summit, gave testimony concerning the history of the company, its operations, and the discharges authorized under the permit in question. He and Attorney Roger Reynolds, representing CFE, both reported that all three parties had reached

agreement on specific revisions to the permit proposed by DEP in its Notice of Tentative Determination.

III. Outline of Issues in Controversy

In its petition to intervene, CFE raised three issues: (1) that activities proposed in the permit will have, or will be reasonably likely to have, the result of unreasonably polluting, impairing or destroying the public trust in the waters or other natural resources of the State of Connecticut in violation of section 22a-19 of the General Statutes and are in violation of the federal Clean Water Act and the regulations and policies of the DEP, (2) that discharges set forth in the draft permit will continue to pollute and impair the upper Naugatuck River and are insufficient to assure the attainment of water quality standards as required by section 303(d) of the Clean Water Act, and (3) that prudent and feasible alternatives exist to the proposed limits including, but not limited to, reducing permit limits for metals and toxicity and increasing testing for heavy metals and for aquatic toxicity. In its prehearing exchange, CFE also listed these legal issues. In their prehearing exchanges, Summit identified legal issues responding to those raised by CFE and others relating to the DEP's tentative determination to renew the permit.

IV. Resolution of Issues in Controversy and Permit Revisions

The parties stipulate that all issues raised by the Intervenor, as well as those set forth in the prehearing exchanges of all three parties, will be resolved through the Hearing Officer's acceptance of this Stipulation and Agreed Draft Decision, the Commissioner's adoption of this agreement as her Final Decision in substantially the form set forth in Attachment B, and the issuance of the Stipulated Permit as set forth in Attachment A. Collectively, the Applicant, the DEP and the Intervenor have reached agreement on the terms of the Permit No. CT0001180, as set forth in the Stipulated

Permit. Specifically, the parties and DEP have agreed to amend the draft permit as summarized below.

The parties have agreed to shorten several deadlines set forth in sections 5 and 10 of the Stipulated Permit, requiring that the Applicant complete specified investigations, reports and other actions, as proposed by Applicant and approved by DEP, to achieve compliance with aquatic toxicity and other effluent limitations set forth in section 5, Tables C and D. See Stipulated Permit, §§ 5(A) (introduction and remarks of Tables A-D), 10(D), 10(D)(1), 10(D)(3), 10(D)(5) and 10(D)(6). The permit proposed by DEP in its Notice of Tentative Determination would have imposed deadlines allowing Summit a total time period extending up to five years from the date of permit issuance to complete these actions and achieve compliance with the effluent limitations in Tables C and D. (DEP-4a). The Stipulated Permit reduces deadlines and the total time period to only three years and six months from the date of permit issuance. See, id.

The Stipulated Permit would also add a requirement that Summit include, in its Scope of Study, proposed sampling and analytical measures to supplement the aquatic toxicity monitoring required under Section 5, Table B of the revised permit during the investigation. See Stipulated Permit, § 10(D)(1). The Stipulated Permit would also expand the Investigation Report to include a compilation of aquatic toxicity monitoring data generated from investigations and monitoring performed and made publicly available by DEP, or performed by Summit, after the date of permit issuance. See Stipulated Permit, § 10(D)(3)(a). The Investigation Report would also include verification of whether Summit is achieving compliance with the Maximum Instantaneous Limits of Section 5, Table B of the permit. See, id.

Section 10(D)(6) requires Summit to perform additional discharge monitoring and to evaluate the effectiveness of its approved remedial actions, per a proposal submitted by Summit and approved by DEP under paragraph 10(D)(3)(g). The Applicant's report on this evaluation is due within six months of the completion of these actions. The Stipulated Permit would add a requirement that, after completing this study and until the "Final Compliance Date" (three years and six months from permit issuance), Summit must continue to evaluate the effectiveness of such remedial actions by sampling and analyzing its discharge for the parameters identified in Section 5, Table B on a bimonthly or other more frequent schedule, and by reporting the results in its discharge monitoring report in accordance with R.C.S.A. § 22a-430-3(j)(6) and other applicable permit terms.

The parties have also agreed that the draft permit should be revised to correct two errors and clarify the requirements of one compliance schedule item, as described by DEP on the last page of the attached Stipulated Permit (Data Tracking and Technical Fact Sheet, Other Comments). In the event similar corrections or clarifications are identified after issuance of the Stipulated Permit, the parties agree that appropriate revisions can be made through DEP's permit modification procedures.

V. Stipulation to Exhibits

For purposes of this Stipulation and Agreed Draft Decision, the parties stipulate to the admissibility and incorporate, by reference, herein the following exhibits that were included in the parties' prehearing exchanges of information filed in this proceeding:

Applicant Exhibit:

APP-1 Statement of credentials for FSS Expert Witnesses

Intervenor Exhibit:

INT-1 C.V. of Shimon C. Anisfield, Ph.D.

DEP Exhibits:

DEP-1	Notice of Tentative Determination to Renew a National Pollutant Discharge Elimination System Permit to Discharge into the Waters of the State, issued July 25, 2007 and published July 26, 2007
DEP-2	Request for Public Hearing, received August 27, 2007
DEP-3a	Notice of Public Hearing, issued October 1, 2007 and published October 2, 2007
DEP-3b	Certification of Publication of Notice of Public Hearing
DEP-4a	Draft NPDES Permit No. CT 0001180
DEP-4b	Draft NPDES Permit No. CT 0001180 Fact Sheet
DEP-5	CT DEP List of Witnesses and Staff Qualifications
DEP-6	CT DEP Staff Statement for Michelle Gore, Sanitary Engineer 2, Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement
DEP-7	Existing NPDES Permit No. CT 0001180, issued September 27, 1999
DEP-8a	NPDES Permit Application No. 200401067
DEP-8b	Certification of Notice of Application
DEP-8c	Notice of Sufficiency, issued September 23, 2005
DEP-8d	Applicant's Request for Treatment System Modification, received April 4 and April 11, 2006
DEP-8e	Treatment System Modification Approval issued April 13, 2006
DEP-9	Proposed Draft Permit No. CT 0001180 mailed to applicant with correspondence dated January 22, 2007
DEP-10	Applicant's Response to January 22, 2007 Proposed Draft Permit, received January 30, 2007
DEP-11	"A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound," CT DEP, NY DEC – December 2000

DEP-12a	"Water Quality Analysis of the Upper Naugatuck River," CT DEP – February 1988
DEP-12b	EPA Approval Letter re Water Quality Analysis of the Upper Naugatuck River, dated January 18, 1990
DEP-12c	CT DEP Memorandum re Upper Naugatuck Waste Load Allocation – BOD, dated June 16, 2006
DEP-13	"Total Maximum Daily Load Analysis for the Upper Naugatuck River, Thomaston, CT," CT DEP, March 1, 2005
DEP-14	EPA Approval Letter re Notification of Approval of Upper Naugatuck TMDL and EPA New England's TMDL Review, dated August 17, 2005
DEP-15	"Upper Naugatuck River TMDL Support Document TMDL Implementation: Recommended Procedures for Determining NPDES Permit Limits for Metals," CT DEP, December 13, 2004
DEP-16	CT DEP Staff Statement for Christopher Bellucci, Environmental Analyst 3, Bureau of Water Protection and Land Reuse, Planning and Standards Division
DEP-17	CT DEP Document re "Derivation of Proposed Permit Limits for copper, lead, nickel and zinc based on the Total Maximum Daily Load Analysis for the Upper Naugatuck River," explanation prepared by Kevin Barrett on October 4, 2007
DEP-18	CT DEP Staff Statement for Rosemary Gatter-Evarts, Environmental Analyst 3, Bureau of Water Protection and Land Reuse, Planning and Standards Division
DEP-19	"Potential Environmental Impacts on the Naugatuck River from Four Industrial Facilities located in Thomaston," CT DEP, December 14, 2004
DEP-20	CT DEP Memo re Groundwater Flow Estimates for RCRA Facilities in Thomaston, dated December 14, 2004
DEP-21	Chapter 5, Permit Requirements. "Technical Support Document for Water Quality-based Toxics Control." EPA 505/2-90-001

VI. Conclusion

For all of the foregoing reasons, and pursuant to section 22a-430-4(i) of the DEP's Discharge Permit Regulations and section 22a-3a-6(l)(3)(A)(ii) of the Rules of Practice of the DEP, the Applicant, together with the DEP and the Intervenor, respectfully request that this Agreed Draft Decision be accepted by the Hearing Officer and reported to the Commissioner for adoption as her Final Decision, in resolution of the above captioned application matter.

APPLICANT
SUMMIT CORPORATION OF AMERICA

By _____

Robert S. Melvin
Robinson & Cole LLP
280 Trumbull Street
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Fax (860) 275-8299
Direct (860) 275-8251
Its Attorney

INTERVENOR
CONNECTICUT FUND FOR THE ENVIRONMENT, INC. / SAVE THE SOUND

By _____

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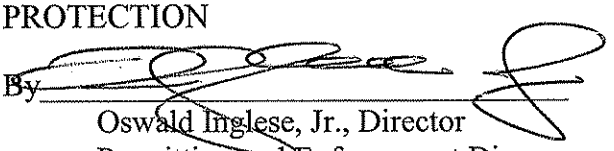
STAFF
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By 

Oswald Inglese, Jr., Director
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Bureau of Materials Management
and Compliance Assurance
Department of Environmental
Protection
79 Elm Street
Hartford, CT 06106
Phone: (860) 424-3834
Fax: (860) 424-4074

CERTIFICATION

I hereby certify that a copy of the above hereof was faxed and mailed, in a properly addressed, first class postage pre-paid envelope, on the 7th day of December, 2007 to the following persons of the following addresses:

DEP Hearing Officer:

Kenneth M. Collette, Hearing Officer
DEP Office of Adjudications
79 Elm Street, 3rd Floor
Hartford, CT 06106
Fax: (860) 424-4052

Department of Environmental Protection

Michelle Gore
Melissa Blais
Stephen Edwards
Kevin Barrett
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Quality Rolling & Deburring Co., Inc.

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Whyco Finishing Technologies, LLC:

Attorney Diane Whitney
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103
Fax: (860) 424-4370

Robert S. Melvin

Summit Corporation of America
Application Number 200401067
Stipulation and Agreed Draft Decision
Attachment A

NPDES PERMIT

issued to

Summit Corporation of America
1430 Waterbury Road
Thomaston, CT 06787

Location Address:

1430 Waterbury Road
Thomaston, CT 06787

Facility ID: 140-011

Permit ID: CT0001180

Receiving Stream: Naugatuck River

Permit Expires: DRAFT

SECTION 1: GENERAL PROVISIONS

(A) This permit is reissued 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) Summit Corporation of America, ("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 Environmental 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.

"Annual" in the context of any sampling frequency found in Section 5, shall mean the sample must be collected in the month of January.

"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.

"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.

"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.

"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.

"Quarterly", in the context of a sampling frequency, means sampling is required in the months of January, April, July, and October.

"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.

"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.

"Semi-Annual" in the context of a sampling frequency, means the sample must be collected in the months of January and July.

"ug/l" means micrograms per liter.

SECTION 3: COMMISSIONER'S DECISION

(A) The Commissioner has issued a final determination and found that modification of the existing system or installation of a new system would protect the waters of the state from pollution. The Commissioner's decision is based on Application No. 200401067 for permit reissuance received on April 2, 2004 and the administrative record established in the processing of that application.

(B) The Commissioner hereby authorizes the Permittee to discharge in accordance with the provisions of this permit, the above referenced application, and all approvals issued by the Commissioner or the Commissioner's authorized agent for the discharges and/or activities authorized by, or associated with, this permit.

(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 85°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. Tables A and B shall be effective from the day of permit issuance until one day before the Final Compliance Date set forth below; Tables C and D shall become effective on the date occurring three (3) years and six (6) months after the day of permit issuance ("Final Compliance Date"); and Table E shall be effective throughout the term of the permit.

Table A

Discharge Serial Number: 001-1 | **Monitoring Location: 1**

Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewaters

Monitoring Location Description: Immediately following the final clarifier

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test
		Average Monthly Limit	Maximum Daily Limit	Sample//Reporting Frequency [2]	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample// Reporting Frequency [2]	Sample Type or measurement to be reported	
Aluminum, Total	mg/l	2.0	4.0	Weekly	Daily Composite	6.0	NR	Grab	
Biochemical Oxygen Demand (5-day)	kg/d	42.7	----	Monthly	Daily Composite	NA	NR	NA	
Cadmium, Total	mg/l	0.1	0.5	Semi-Annually	Daily Composite	0.75	NR	Grab	*
Cadmium	kg/d	0.023	0.046	Semi-Annually	Daily Composite	NA	NR	NA	
Chloroform	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab	
Chromium, Total	mg/l	1.0	2.0	Semi-Annually	Daily Composite	3.0	NR	Grab	*
Copper, Total	mg/l	0.474	0.876	Weekly	Daily Composite	1.32	NR	Grab	*
Copper	kg/d	0.59	1.10	Weekly	Daily Composite	NA	NR	NA	
Cyanide, Amenable	mg/l	0.1	0.2	Weekly	Grab Sample Average	0.3	NR	Grab	
Cyanide, Total	mg/l	0.22	0.4	Weekly	Grab Sample Average	0.6	NR	Grab	*
Cyanide, Total	kg/d	0.193	0.386	Weekly	Grab Sample Average	NA	NR	NA	
Flow, Average and Maximum Daily [1]	gpd	330,000	400,000	Continuous// Monthly	Daily Flow	NA	NR	NA	
Flow, Day of Sampling	gpd	NA	400,000	Weekly	Daily Flow	NA	NR	NA	
Flow, Duration	hr.	NA	----	Weekly	Total hours	NA	NR	NA	
Fluoride, Total	mg/l	20.0	30.0	Weekly	Daily Composite	45.0	NR	Grab	
Gold, Total	mg/l	0.1	0.5	Weekly	Daily Composite	0.75	NR	Grab	
Indium, Total	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Iron, Total	mg/l	3.0	5.0	Weekly	Daily Composite	7.5	NR	Grab	
Lead, Total	mg/l	0.016	0.048	Weekly	Daily Composite	0.072	NR	Grab	*
Lead	kg/d	0.045	0.089	Weekly	Daily Composite	NA	NR	NA	
Nickel, Total	mg/l	0.653	1.21	Weekly	Daily Composite	1.82	NR	Grab	*
Nitrogen, Ammonia (Total as N)	mg/l	10.0	20.0	Weekly	Daily Composite	30.0	NR	Grab	
Nitrogen, Nitrate (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Nitrogen, Nitrite (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	

Table A (continued)

Nitrogen, TKN (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Nitrogen, Total [5]	kg/d	17.7	NA	Weekly	Daily Composite	NA	NR	NA	
Oil and Grease, Total	mg/l	10.0	15.0	Weekly	Grab Sample Average	20.0	NR	Grab	
Palladium, Total	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
pH, Continuous	S.U.	NA	NA	NR	NA	6.0 – 9.0	Continuous// Monthly	RDM	
pH, Day of Sampling	S.U.	NA	NA	NR	NA	6.0 – 9.0	Weekly	RDS	
Silver, Total	mg/l	0.10	0.43	Weekly	Daily Composite	0.75	NR	Grab	*
Silver	kg/d	0.027	0.054	Weekly	Daily Composite	NA	NR	NA	
Surfactants, Anionic	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab	
Tin, Total	mg/l	2.0	4.0	Weekly	Daily Composite	6.0	NR	Grab	
Total Residual Chlorine	mg/l	0.327	0.665	Weekly	Grab Sample Average	1.0	NR	Grab	*
Total Suspended Solids	mg/l	20.0	30.0	Weekly	Daily Composite	45.0	NR	Grab	
Total Toxic Organics [4]	mg/l	NA	NA	NR	NA	1.0	Monthly	Grab	
Zinc, Total	mg/l	1.0	2.0	Weekly	Daily Composite	3.0	NR	Grab	*
Zinc	kg/d	0.559	1.12	Weekly	Daily Composite	NA	NR	NA	

Table A Footnotes and Remarks:

Footnotes:

[1] For this parameter the Permittee shall maintain at the facility a record of the total flow for each day of discharge and shall report the Average Daily Flow and the Maximum Daily Flow for each month.

[2] The first entry in this column is the 'Sample Frequency'. If a 'Reporting Frequency' does not follow this entry and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.

[3] Minimum Level Test refers to Section (6) Paragraph (A)(3) of this permit.

[4] Refer to Section (8), Paragraph (D) of this permit.

[5] The limit on Total Nitrogen shall become effective on August 1, 2009 per requirements of *A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound*, prepared in conformance with Section 303(d) of the Clean Water Act and the Long Island Sound Study by New York State Department of Environmental Conservation and Connecticut Department of Environmental Protection, December 2000. The Permittee shall calculate total nitrogen by combining analytical results for nitrate, nitrite, and total Kjehldahl nitrogen and daily flow, as applicable. The samples for these parameters shall be obtained on the same day of operation, in accordance with the frequency specified above.

Remarks:

The limits in Tables A and B shall be effective from the day of permit issuance until one day before the Final Compliance Date defined in Section 5(A).

TABLE B						
Discharge Serial Number (DSN): 001-1			Monitoring Location: T			
Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewater						
Monitoring Location Description: Immediately following final clarifier						
Allocated Zone of Influence (ZOI): 484,704 gph				In stream Waste Concentration (IWC): 2.8%		
PARAMETER	**Units**	**Maximum Daily Limit**	**Maximum Instantaneous Limit**	**Sampling Frequency**	**Sample Type**	**Minimum Level Analysis See Section 6**
Aquatic Toxicity, Daphnia pulex [1] LC_{50}	%	> 56	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Pimephales promelas [1] LC_{50}	%	> 56	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Daphnia pulex [1] LC_{50}	%	NA	> 18.8	NR	Grab	
Aquatic Toxicity, Pimephales promelas [1] LC_{50}	%	NA	> 18.8	NR	Grab	
Aluminum, Total	mg/l	4.0	NA	Quarterly	Daily Composite	
Cadmium, Total	mg/l	0.5	NA	Semi-Annually	Daily Composite	*
Chromium, Total	mg/l	2.0	NA	Semi-Annually	Daily Composite	*
Chlorine, Total Residual	mg/l	0.665	NA	Quarterly	Grab Sample Average	*
Chloroform, Total	mg/l	----	NA	Quarterly	Daily Composite	
Copper, Total	mg/l	0.88	NA	Quarterly	Daily Composite	*
Cyanide, Amenable	mg/l	0.2	NA	Quarterly	Grab Sample Average	
Cyanide, Total	mg/l	0.4	NA	Quarterly	Grab Sample Average	*
Fluoride, Total	mg/l	30.0	NA	Quarterly	Daily Composite	
Gold, Total	mg/l	0.5	NA	Quarterly	Daily Composite	
Indium, Total	mg/l	----	NA	Quarterly	Daily Composite	
Iron, Total	mg/l	5.0	NA	Quarterly	Daily Composite	
Lead, Total	mg/l	0.048	NA	Quarterly	Daily Composite	*
Nickel, Total	mg/l	1.21	NA	Quarterly	Daily Composite	*

TABLE B (continued)						
Discharge Serial Number (DSN): 001-1			Monitoring Location: T			
Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewater						
Monitoring Location Description: Immediately following final clarifier						
Allocated Zone of Influence (ZOI): 484,704 gph				In stream Waste Concentration (IWC): 2.8%		
PARAMETER	**Units**	**Maximum Daily Limit**	**Maximum Instantaneous Limit**	**Sampling Frequency**	**Sample Type**	**Minimum Level Analysis See Section 6**
Nitrogen, Ammonia (Total as N)	mg/l	20.0	NA	Quarterly	Daily Composite	
Nitrogen, Nitrate (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Nitrogen, Nitrite (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Nitrogen, TKN (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Oil and Grease, Total	mg/l	15.0	NA	Quarterly	Grab Sample Average	
Palladium, Total	mg/l	----	NA	Quarterly	Daily Composite	
Silver, Total	mg/l	0.43	NA	Quarterly	Daily Composite	*
Surfactants, Anionic	mg/l	----	NA	Quarterly	Daily Composite	
Tin, Total	mg/l	4.0	NA	Quarterly	Daily Composite	
Total Suspended Solids	mg/l	30.0	NA	Quarterly	Daily Composite	
Zinc, Total	mg/l	2.0	NA	Quarterly	Daily Composite	*

Remarks:
Note: All analysis shall be on the same sample.
[1] The results of the Toxicity Tests shall be recorded as the LC_{50} value on the DMR.
[2] The limits in Tables A and B shall be effective from the day of permit issuance until one day before the Final Compliance Date defined in Section 5(A).

Table C

Discharge Serial Number: 001-1 | **Monitoring Location: 1**

Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewaters

Monitoring Location Description: Immediately following the final clarifier

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test
		Average Monthly Limit	Maximum Daily Limit	Sample//Reporting Frequency [2]	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample// Reporting Frequency [2]	Sample Type or measurement to be reported	
Aluminum, Total	mg/l	2.0	4.0	Weekly	Daily Composite	6.0	NR	Grab	
Biochemical Oxygen Demand (5-day)	kg/d	42.7	----	Monthly	Daily Composite	NA	NR	NA	
Cadmium, Total	mg/l	0.1	0.5	Semi-Annually	Daily Composite	0.75	NR	Grab	*
Cadmium	kg/d	0.023	0.046	Semi-Annually	Daily Composite	NA	NR	NA	
Chloroform	mg/l	NA	----	Monthly	Daily Composite	NA	NR	Grab	
Chromium, Total	mg/l	1.0	2.0	Semi-Annually	Daily Composite	3.0	NR	Grab	*
Copper, Total	mg/l	0.474	0.876	Weekly	Daily Composite	1.32	NR	Grab	*
Copper	kg/d	0.228	0.457	Weekly	Daily Composite	NA	NR	NA	
Cyanide, Amenable	mg/l	0.1	0.2	Weekly	Grab Sample Average	0.3	NR	Grab	
Cyanide, Total	mg/l	0.22	0.4	Weekly	Grab Sample Average	0.6	NR	Grab	*
Cyanide, Total	kg/d	0.193	0.386	Weekly	Grab Sample Average	NA	NR	NA	
Flow, Average and Maximum Daily [1]	gpd	330,000	400,000	Continuous// Monthly	Daily Flow	NA	NR	NA	
Flow, Day of Sampling	gpd	NA	400,000	Weekly	Daily Flow	NA	NR	NA	
Flow, Duration	hr.	NA	----	Weekly	Total hours	NA	NR	NA	
Fluoride, Total	mg/l	20.0	30.0	Weekly	Daily Composite	45.0	NR	Grab	
Gold, Total	mg/l	0.1	0.5	Weekly	Daily Composite	0.75	NR	Grab	
Indium, Total	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Iron, Total	mg/l	3.0	5.0	Weekly	Daily Composite	7.5	NR	Grab	
Lead, Total	mg/l	0.016	0.048	Weekly	Daily Composite	0.072	NR	Grab	*
Lead	kg/d	0.007	0.013	Weekly	Daily Composite	NA	NR	NA	
Nickel, Total	mg/l	0.653	1.21	Weekly	Daily Composite	1.82	NR	Grab	*
Nickel	kg/d	0.442	0.887	Weekly	Daily Composite	NA	NR	NA	
Nitrogen, Ammonia (Total as N)	mg/l	10.0	20.0	Weekly	Daily Composite	30.0	NR	Grab	
Nitrogen, Nitrate (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Nitrogen, Nitrite (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	
Nitrogen, TKN (Total as N)	mg/l	NA	----	Weekly	Daily Composite	NA	NR	Grab	

Table C (continued)

Nitrogen, Total [5]	kg/d	17.7	NA	Weekly	Daily Composite	NA	NR	NA	
Oil and Grease, Total	mg/l	10.0	15.0	Weekly	Grab Sample Average	20.0	NR	Grab	
Palladium, Total	mg/l	NA	-----	Weekly	Daily Composite	NA	NR	Grab	
pH, Continuous	S.U.	NA	NA	NR	NA	6.0 – 9.0	Continuous// Monthly	RDM	
pH, Day of Sampling	S.U.	NA	NA	NR	NA	6.0 – 9.0	Weekly	RDS	
Silver, Total	mg/l	0.1	0.43	Weekly	Daily Composite	0.75	NR	Grab	*
Silver	kg/d	0.027	0.054	Weekly	Daily Composite	NA	NR	NA	
Surfactants, Anionic	mg/l	NA	-----	Monthly	Daily Composite	NA	NR	Grab	
Tin, Total	mg/l	2.0	4.0	Weekly	Daily Composite	6.0	NR	Grab	
Total Residual Chlorine	mg/l	0.115	0.232	Weekly	Grab Sample Average	1.0	NR	Grab	*
Total Suspended Solids	mg/l	20.0	30.0	Weekly	Daily Composite	45.0	NR	Grab	
Total Toxic Organics [4]	mg/l	NA	NA	NR	NA	1.0	Monthly	Grab	
Zinc, Total	mg/l	1.0	2.0	Weekly	Daily Composite	3.0	NR	Grab	*
Zinc	kg/d	0.028	0.055	Weekly	Daily Composite	NA	NR	NA	

Table C Footnotes and Remarks:

Footnotes:

[1] For this parameter the Permittee shall maintain at the facility a record of the total flow for each day of discharge and shall report the Average Daily Flow and the Maximum Daily Flow for each month.

[2] The first entry in this column is the 'Sample Frequency'. If a 'Reporting Frequency' does not follow this entry and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.

[3] Minimum Level Test refers to Section (6) Paragraph (A)(3) of this permit.

[4] Refer to Section (8), Paragraph (D) of this permit.

[5] The limit on Total Nitrogen shall become effective on August 1, 2009 per requirements of *A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound*, prepared in conformance with Section 303(d) of the Clean Water Act and the Long Island Sound Study by New York State Department of Environmental Conservation and Connecticut Department of Environmental Protection, December 2000. The Permittee shall calculate total nitrogen by combining analytical results for nitrate, nitrite, and total Kjehldahl nitrogen and daily flow, as applicable. The samples for these parameters shall be obtained on the same day of operation, in accordance with the frequency specified above.

Remarks:

The limits in Tables C and D shall become effective the on the date occurring three (3) years and six (6) months after the day of permit issuance ("Final Compliance Date").

TABLE D						
Discharge Serial Number (DSN): 001-1			Monitoring Location: T			
Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewaters						
Monitoring Location Description: Immediately following final clarifier						
Allocated Zone of Influence (ZOI): 162,532 gph				In stream Waste Concentration (IWC): 7.8%		
PARAMETER	**Units**	**Maximum Daily Limit**	**Maximum Instantaneous Limit**	**Sampling Frequency**	**Sample Type**	**Minimum Level Analysis See Section 6**
Aquatic Toxicity, Daphnia pulex [1] NOAEL = 52	%	≥90	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Pimephales promelas [1] NOAEL = 52	%	≥90	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Daphnia pulex [1] Survival in 100%	%	≥50	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Pimephales promelas [1] Survival in 100%	%	≥50	NA	Quarterly	Daily Composite	
Aquatic Toxicity, Daphnia pulex [1] LC_{50}	%	NA	≥52	NR	Grab	
Aquatic Toxicity, Pimephales promelas [1] LC_{50}	%	NA	≥52	NR	Grab	
Aluminum, Total	mg/l	4.0	NA	Quarterly	Daily Composite	
Cadmium, Total	mg/l	0.5	NA	Semi-Annually	Daily Composite	*
Chromium, Total	mg/l	2.0	NA	Semi-Annually	Daily Composite	*
Chlorine, Total Residual	mg/l	0.232	NA	Quarterly	Grab Sample Average	*
Chloroform, Total	mg/l	----	NA	Quarterly	Daily Composite	
Copper, Total	mg/l	0.876	NA	Quarterly	Daily Composite	*
Cyanide, Amenable	mg/l	0.2	NA	Quarterly	Grab Sample Average	
Cyanide, Total	mg/l	0.4	NA	Quarterly	Grab Sample Average	*
Fluoride, Total	mg/l	30.0	NA	Quarterly	Daily Composite	
Gold, Total	mg/l	0.5	NA	Quarterly	Daily Composite	

TABLE D (continued)						
Discharge Serial Number (DSN): 001-1			Monitoring Location: T			
Wastewater Description: Metal Finishing Wastewater (cleaning, stripping, masking wastewaters; copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead plating wastewaters, pretreated cyanide bearing wastewaters), building maintenance wastewaters, scrubber wastewaters						
Monitoring Location Description: Immediately following final clarifier						
Allocated Zone of Influence (ZOI): 162,532 gph				In stream Waste Concentration (IWC): 7.8%		
PARAMETER	**Units**	**Maximum Daily Limit**	**Maximum Instantaneous Limit**	**Sampling Frequency**	**Sample Type**	**Minimum Level Analysis See Section 6**
Indium, Total	mg/l	----	NA	Quarterly	Daily Composite	
Iron, Total	mg/l	5.0	NA	Quarterly	Daily Composite	
Lead, Total	mg/l	0.048	NA	Quarterly	Daily Composite	*
Nickel, Total	mg/l	1.21	NA	Quarterly	Daily Composite	*
Nitrogen, Ammonia (total as N)	mg/l	20.0	NA	Quarterly	Daily Composite	
Nitrogen, Nitrate (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Nitrogen, Nitrite (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Nitrogen, TKN (Total as N)	mg/l	----	NA	Quarterly	Daily Composite	
Oil and Grease, Total	mg/l	15.0	NA	Quarterly	Grab Sample Average	
Palladium, Total	mg/l	----	NA	Quarterly	Daily Composite	
Silver, Total	mg/l	0.43	NA	Quarterly	Daily Composite	*
Surfactants, Anionic	mg/l	----	NA	Quarterly	Daily Composite	
Tin, Total	mg/l	4.0	NA	Quarterly	Daily Composite	
Total Suspended Solids	mg/l	30.0	NA	Quarterly	Daily Composite	
Zinc, Total	mg/l	0.044	NA	Quarterly	Daily Composite	*

Remarks:
Note: All analysis shall be on the same sample.
[1] The results of the Toxicity Tests shall be recorded in % survival on the DMR.
[2] The limits in Tables C and D shall become effective on the date occurring three (3) years and six (6) months after the day of permit issuance ("Final Compliance Date").

Table E

Discharge Serial Number: 001-A | **Monitoring Location: 1**

Wastewater Description: Pretreated Cyanide-bearing Wastewaters

Monitoring Location Description: Immediately following cyanide treatment, prior to dilution with any other wastestream

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 [1]	Sample Type or measurement to be reported	
Cyanide, Amenable	mg/l	0.32	0.86	Weekly	Grab Sample Average	0.86	NR	Grab	

Table E Footnotes:

[1] The first entry in this column is the 'Sample Frequency'. If a 'Reporting Frequency' does not follow this entry and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.

[2] Minimum Level Test refers to Section (6) Paragraph (A)(3) of this permit.

(1) All samples shall be comprised of only the wastewater described in this table. 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 Environmental Protection personnel, the Permittee, or other parties.

(3) The limits imposed on the discharges listed in this permit take effect on the issuance date of this permit, hence any sample taken after this date which, upon analysis, shows an exceedance of permit limits will be considered non-compliance.

The monitoring requirements begin on the date of issuance of this permit if the issuance date is on or before the 12th day of a month. For permits issued on or after the 13th day of a month, monitoring requirements begin the 1st day of the following month.

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 pursuant to the Code of Federal Regulations, Part 136 of Title 40 (40 CFR 136) unless an alternative method has been approved in writing pursuant to 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 Tables A, B, C and D. 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.

Parameter	Minimum Level
Cadmium, Total	0.5 ug/l
Chlorine, Total Residual	20.0 ug/l
Chromium, Total	5.0 ug/l
Copper, Total	5.0 ug/l
Cyanide, Total	10.0 ug/l
Lead, Total	5.0 ug/l
Nickel, Total	5.0 ug/l
Silver, Total	2.0 ug/l
Zinc, Total	10.0 ug/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 Tables B and D, with the exception of any parameters that are required to be monitored on an annual basis, 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.

(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%

(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.

(C) The Permittee shall annually monitor the chronic toxicity of DSN 001-1 in accordance with the following specifications.

(1) Chronic toxicity testing of the discharge shall be conducted annually during July, August, or September of each year during a period when the streamflow in the Naugatuck River is at or below 150 cfs as measured at the USGS gauging station 01206900 located in Thomaston, CT.

(2) Chronic toxicity testing shall be performed on the discharge in accordance with the test methodology established in "Short term Methods For Estimating The Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms" (EPA-821-R-02-013) as referenced in 40CFR 136 for Cerio daphnia survival and reproduction and Fathead Minnow larval survival and growth.

(3) Chronic toxicity tests shall utilize a minimum of six effluent dilutions prepared using a dilution of 100% effluent, 64% effluent, 32% effluent, 16% effluent, 8% effluent, 4% effluent, 0 % effluent with both:

(a) Naugatuck River water collected immediately upstream of the area influenced by the discharge used as site water control (0% effluent) and dilutent, and

(b) A laboratory water control consisting of synthetic freshwater prepared in accordance with EPA-821-R-02-012 at a hardness of 50±5 mg/l.

(5) Daily composite samples of the discharge and grab samples of the Naugatuck River for use as site water control and dilution water shall be collected at a minimum of: day 0, for test solution renewal on day 1 and day 2 of the test; day 2, for test solution renewal on day 3 and day 4 of the test; and day 4, for test solution renewal on day 5, 6, and 7 of the test. Samples shall not be dechlorinated, pH or hardness adjusted, or chemically altered in any way.

(6) All samples of the discharge and the Naugatuck River water used in the chronic toxicity test shall, at a minimum, be analyzed and results reported in accordance with the provisions listed in Section 6(A) of this permit for the following parameters:

pH
Hardness
Alkalinity
Biological Oxygen Demand (5-day)
Conductivity
Chlorine (Total residual)
Cyanide (Total)
Nitrogen, Ammonia (Total as N)
Nitrogen, Nitrate (Total as N)
Nitrogen, Nitrite (Total as N)
Aluminum (Total recoverable and dissolved)
Copper (Total recoverable and dissolved)
Iron (Total recoverable and dissolved)
Lead (Total recoverable and dissolved)
Nickel (Total recoverable and dissolved)
Surfactants, Anionic
Total Suspended Solids
Zinc (Total recoverable and dissolved)

SECTION 7: LIMITATIONS FOR AQUATIC TOXICITY BASED ON ACTUAL FLOWS

(A) In lieu of demonstrating compliance with the specific Maximum Daily Toxicity Limits in Section 5 Tables B and D, the Permittee may recalculate the IWC based on actual flows provided:

(1) the Permittee maintains an accurate record of measured discharge flows and hours of operation for all days on which a discharge occurs; and

(2) the total daily flow for any single operating day does not exceed the average of the daily flows for the thirty consecutive operating days prior to the sampling date by more than 25 per cent.

(B) The In Stream Waste Concentration (IWC) shall be calculated as follows:

(1) The measured average daily flow in gallons per hour shall be tabulated for each of the prior 30 operating days and the arithmetic average for the 30 day period calculated.

(2) The IWC (in gallons per hour) specific for the thirty consecutive operating days prior to the sampling date shall be calculated by dividing the 30 day average hourly flow by the sum of the 30-day average flow and the zone of influence (ZOI) allocated to the discharge:

$$\text{IWC (\%)} = \frac{\text{30 day average hourly flow}}{\text{30 day average hourly flow + ZOI}} \times 100$$

(3) The alternative Maximum Daily Toxicity Limit shall be determined by the IWC calculated above:

(a) For IWC equal to or less than 5%, the LC50 value shall be greater than or equal to the IWC times 20.

(b) For IWC greater than 5%, and less than 15%, the NOAEL value shall be an NOAEL equal to the IWC times 6.7.

(c) For IWC equal to or greater than 15%, the NOAEL value shall be an NOAEL equal to 100%.

(d) Demonstration of compliance with these alternative Maximum Daily Limits shall be performed as specified in Section 6(B) of this permit.

(C) Compliance with the alternative Maximum Daily Toxicity Limits based on actual flows shall be determined as follows:

(1) For alternative limits expressed as a Minimum LC50 value in accordance with Section (7)(B)(3)(a) above, compliance shall be demonstrated when the LC50 value for a valid definitive Aquatic Toxicity Test, conducted pursuant to the requirements specified in Section (6)(B) of this permit, is greater than the alternative limit.

(2) For alternative limits expressed as an NOAEL value in accordance with Section (7)(B)(3)(b) above, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity Test, conducted pursuant to the requirements specified in Section (6)(B) of this permit, indicates greater than 50% survival in the undiluted effluent and 90% or greater survival in the effluent at a CTC equal to the alternative limit.

SECTION 8: 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. 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 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 Planning 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. Chronic toxicity reports shall be received within sixty (60) days of test completion.

Bureau of Water Planning and Land Reuse (Attn: Aquatic Toxicity)
Connecticut Department of Environmental Protection
79 Elm Street
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) For any table above that requires Total Toxic Organics (TTO) monitoring, the Permittee may, in lieu of analyzing for Total Toxic Organics, include a statement on the DMR, at the frequency required, certifying compliance with your Solvent Management Plan if such plan has been approved by the Commissioner in accordance with section 22a-430-4(l) of the RCSA and by 40CFR433 (Metal Finishing). If such approval has been granted and the reports include the compliance statement, the minimum frequency of sampling shall be reduced to semi-annually in the months of January and July.

SECTION 9: 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 Water Planning and Land Reuse (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 10: COMPLIANCE SCHEDULE

(A) On or before thirty (30) days after the date of issuance of this permit, the Permittee shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this section of the permit and shall, by that date, notify the Commissioner in writing of the identity of such consultants. The Permittee shall retain one or more qualified consultants acceptable to the Commissioner until the actions required by this section of the permit have been completed, and within ten (10) days after retaining any consultant other than one originally identified under this paragraph, Permittee shall notify the Commissioner in writing of the identity of such other consultant. The consultant retained to perform the studies and oversee any remedial measures required to achieve compliance with Section 5 limitations shall be a qualified professional engineer licensed to practice in Connecticut acceptable to the Commissioner. The Permittee shall submit to the Commissioner a description of a consultant's education, experience and training that is relevant to the work required by this permit within ten (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

(B) On or before one hundred eighty (180) days after the date of issuance of this permit, the Permittee shall submit a report for the Commissioner's review and written approval summarizing a study to determine the effectiveness of remedial actions taken to achieve compliance with the goals of Section 5(c)(1)(E)(i) of the *General Permit for the Discharge of Stormwater Associated with Industrial Activity*. At a minimum, such report shall:

(1) identify best management practices and remedial actions implemented in compliance with and in addition to the March 2000 *Stormwater Compliance Plan* and its addendums prepared for Summit Corporation by HRP Associates;

(2) provide analyses from a minimum of four (4) of the most recent consecutive sampling events, conducted according to the requirements of Section 5(c) of the *General Permit for the Discharge of Stormwater Associated with Industrial Activity*, of the discharge from DSNs 003-1 and 004-1; and based on the analyses presented,

(3) evaluate the need for implementing supplemental remedial measures to further improve site stormwater quality, and provide a schedule for the implementation of such measures.

(C) The Permittee shall achieve compliance with the effluent limitation for Total Nitrogen in Section 5, Tables A and C of this permit as soon as possible, but in no event later than August 1, 2009, in accordance with the following:

(1) On or before five hundred forty-five (545) days after the date of issuance of this permit, the Permittee shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes and evaluates alternative actions which may be taken by the Permittee to achieve compliance with the effluent limitation for Total Nitrogen in Section 5, Tables A and C of this permit. Such report shall:

(a) evaluate alternative actions to achieve compliance with Section 5, Table A and C limits for Total Nitrogen including, but not limited to, pollutant source reduction, process changes/innovations, chemical substitutions, recycle and zero discharge systems, water conservations measures, and other internal an/or end-of-pipe treatment technologies;

(b) state in detail the most expeditious schedule for performing each alternative;

(c) list all permits and approvals required for each alternative, including but not limited to any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes;

(d) propose a preferred alternative or combination of alternatives with supporting justification; and

(e) propose a detailed program and schedule to perform all actions required by the preferred alternative including but not limited to a schedule for submission of engineering plans and specifications on any internal and/or end of pipe treatment facilities, start and completion of any construction activities related to any treatment facilities, and applying for and obtaining all permits and approvals required for such actions.

(2) Implementation of Approved Actions. The Permittee shall perform the approved actions in accordance with the approved schedule, **but in no event shall the approved actions be completed later than August 1, 2009**. Within fifteen (15) days after completing such actions, the Permittee shall certify to the Commissioner in writing that the actions have been completed as approved.

(D) The Permittee shall achieve compliance with the effluent limitations contained in Section 5, Tables C and D of this permit as soon as possible, but in no event later than the Final Compliance Date, in accordance with the following:

(1) Scope of Study. On or before nine (9) months after the date of issuance of this permit, the Permittee shall submit for the Commissioner's review and written approval a scope of study for the investigation of its ability to consistently achieve compliance with the effluent limitations contained in Section 5,

Tables C and D of this permit. Such scope shall include proposed sampling and analytical measures to supplement the aquatic toxicity monitoring required under Section 5, Table B of this permit during the investigation, and a schedule for conducting the investigation required by this paragraph and a date by which the report required by Section 10(D)(3) of this permit will be submitted to the Commissioner.

(2) Performance of Investigation. The Permittee shall perform the investigation and other actions specified in the approved scope of study and the approved schedule.

(3) Investigation Report and Implementation Plan. In accordance with the schedule approved by the Commissioner pursuant to Section 10(D)(1) of this permit but no later than one (1) year and six (6) months after the date of issuance of this permit, the Permittee shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes in detail the investigation performed pursuant to Section 10(D)(2) of this permit and which:

(a) compiles the aquatic toxicity monitoring data generated from investigations and monitoring performed and made publicly available by the Commissioner or performed by the Permittee after the date of issuance of this permit, and assesses the Permittee's ability to comply with the effluent limits of Section 5, Tables C and D, including verification of whether the Permittee is achieving compliance with the Maximum Instantaneous Limits of Section 5, Table D. Should such investigation reveal that the Permittee is unable to meet aquatic toxicity limits, then the report shall include for the review and approval of the Commissioner a Toxicity Reduction Evaluation (TRE) performed in accordance with *Methods of Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures (2nd Edition)*;

(b) evaluates alternative actions to achieve compliance with such limits including, but not limited to, pollutant source reduction, process changes/innovations, chemical substitutions, recycle and zero discharge systems, water conservation measures, and other internal and/or end-of-pipe treatment technologies;

(c) states in detail the most expeditious schedule for performing each alternative;

(d) lists all permits and approvals required for each alternative, including but not limited to, any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368, 22a-430 or 22a-430b of the Connecticut General Statutes;

(e) proposes a preferred alternative or combination of alternatives with supporting justification; and

(f) proposes a detailed program and schedule to perform all actions required by the preferred alternative including but not limited to a schedule for submission of engineering plans and specifications on any internal and/or end-of-pipe treatment facilities, start and completion of any construction activities related to any treatment facilities, and applying for and obtaining all permits and approvals required for such actions.

(g) proposes a study that shall be the basis of the report required under Section 10(D)(6), evaluating the effectiveness of remedial actions performed. Such proposal shall at a minimum include four sampling events, taken a minimum of one month apart, analyzed in accordance with this permit.

(4) Progress Reports. The Permittee shall submit to the Commissioner quarterly status reports beginning sixty (60) days after the date of approval of the report referenced in Section 10(D)(3) above. Status reports shall include, but not be limited to, a summary of all effluent monitoring data collected by the Permittee during the previous ninety (90) day period and a detailed description of progress made by the Permittee in performing actions required by this section of the permit in accordance with the approved schedule including, but not limited to, development of engineering plans and specifications,

construction activity, contract bidding, operational changes, preparation and submittal of permit applications, and any other actions specified in the program approved pursuant to Section 10(D)(3) above.

(5) Implementation of Approved Actions. The Permittee shall perform the approved actions in accordance with the approved schedule, **but in no event shall the approved actions be completed later than two (2) years and six (6) months after the date of issuance of this permit.** Within fifteen (15) days after completing such actions, the Permittee shall certify to the Commissioner in writing that the actions have been completed as approved.

(6) Evaluation of Approved Actions. On or before six (6) months from the completion of all approved remedial actions taken pursuant to Section 10(D)(5), the Permittee shall submit a report based on the study required under Section 10(D)(3)(g) summarizing the effectiveness of such remedial actions. After completing this study, and until the Final Compliance Date, the Permittee shall continue to evaluate the effectiveness of such remedial actions by sampling and analyzing this discharge for the parameters identified in Section 5, Table D on a bimonthly or other schedule more frequent than required by this permit and by reporting the results in the Permittee's DMR and ATMR in accordance with section 22a-430-3(j)(6) of RCSA and Sections 8 and 9 of this permit.

(E) Approvals. The Permittee shall use best efforts to submit to the Commissioner all documents required by this section of the permit in a complete and approvable form. If the Commissioner notifies the Permittee that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Permittee shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this Compliance Schedule, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this section of the permit. Nothing in this paragraph shall excuse noncompliance or delay.

(F) Dates. The date of submission to the Commissioner of any document required by this section of the permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this section of the permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this section of the permit means calendar day. Any document or action which is required by this section only of the permit, to be submitted, or performed, by a date which falls on, Saturday, Sunday, or, a legal Connecticut or federal holiday, shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or legal Connecticut or federal holiday.

(G) Notification of noncompliance. In the event that the Permittee becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this section of the permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates that may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

(H) Notice to Commissioner of changes. Within fifteen days of the date the Permittee becomes aware of a change in any information submitted to the Commissioner under this section of the permit, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Permittee shall submit the correct

or omitted information to the Commissioner.

(I) Submission of documents. Any document, other than a discharge monitoring report, required to be submitted to the Commissioner under this section of the permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Michelle L. Gore
Department of Environmental Protection
Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division
79 Elm Street
Hartford, CT 06106-5127

This permit is hereby issued on

DRAFT
Gina McCarthy
Commissioner

GM/mlg

DATA TRACKING AND TECHNICAL FACT SHEET

Permittee: Summit Corporation of America *PAMS Company I.D.: 23617*

PERMIT, ADDRESS, AND FACILITY DATA

PERMIT #: CT0001180 *APPLICATION #: 200401067* *FACILITY I.D. 140-011*

Mailing Address:						**Location Address:**					
Street:	*1430 Waterbury Road*					**Street:**	*1430 Waterbury Road*				
City:	*Thomaston*	**ST:**	*CT*	**Zip:**	*06787*	**City:**	*Thomaston*	**ST:**	*CT*	**Zip:**	*06787*
Contact Name:	*Mark Conti*					**DMR Contact:**	*Jim Murphy*				
Phone No.:	*(860) 283-4391, ext. 273*					**Phone No.:**	*(860) 283-4391, ext. 215*				

PERMIT INFORMATION

DURATION *5 YEAR x* *10 YEAR ___* *30 YEAR _____*

TYPE *New ___* *Reissuance x* *Modification ____*

CATEGORIZATION *POINT (x)* *NON-POINT ( )* *GIS # ___*

NPDES (x) *PRETREAT ()* *GROUND WATER(UIC) ( )* *GROUND WATER (OTHER) ( )*

NPDES MAJOR (MA) ___x___
NPDES SIGNIFICANT MINOR or PRETREAT SIU (SI) _____
NPDES or PRETREATMENT MINOR (MI) _____

PRETREAT SIGNIFICANT INDUS USER (SIU) _____
PRETREAT CATEGORICAL (CIU) _____

POLLUTION PREVENTION MANDATE ___ *ENVIRONMENTAL EQUITY ISSUE ___*

COMPLIANCE ISSUES

COMPLIANCE SCHEDULE *__x__YES* *NO ___*

POLLUTION PREVENTION ___ *TREATMENT REQUIREMENT___* *WATER CONSERVATION ___*

WATER QUALITY REQUIREMENT x *REMEDIATION ___* *OTHER _____*

IS THE PERMITTEE SUBJECT TO A PENDING ENFORCEMENT ACTION? NO x YES ___

OWNERSHIP CODE

Private x *Federal ___* *State ___* *Municipal (town only) ___* *Other___*

DEP STAFF ENGINEER *Michelle L. Gore*

PERMIT FEES

Discharge Code	DSN	Annual Fee
101035Z	*DSN 001-1*	*$8,175.00*
101035N	*DSN 001-A*	*$0.00*

DSN 001-A is an internal discharge, therefore, no fee is charged.

FOR NPDES DISCHARGES

Drainage basin Code: 6900 *Present/Future Water Quality Standard: C/B*

NATURE OF BUSINESS GENERATING DISCHARGE

Summit Corporation of America's Thomaston facility specializes in the plating of machined parts and thin metal strip. Manufacturing processes performed here include cleaning, stripping, masking, and plating of copper, bronze, nickel, silver, gold, tin, palladium, tin-lead, and lead.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 001-A: Cyanide bearing wastewaters are pretreated for cyanide by alkaline chlorination before discharging to DSN 001-1 for final wastewater treatment. Ion exchange columns are used to recover gold wastes for off-site recovery.

DSN 001-1: This discharge consists of up to 400,000 gallons per day of treated metal finishing and building maintenance and scrubber wastewaters to the Naugatuck River. Treatment includes silver and nickel precipitation, dechlorination, neutralization, flocculation, clarification, and sludge dewatering.

RESOURCES USED TO DRAFT PERMIT

x *Federal Effluent Limitation Guideline 40CFR Part 433 Metal Finishing*

_ *Federal Development Document*

_ *Treatability Manual*

x *Department File Information*

x *Connecticut Water Quality Standards*

x *Anti-degradation Policy*

_ *Coastal Management Consistency Review Form*

x *Other – Explain:*

- *"Total Maximum Daily Load Analysis for the Upper Naugatuck River, Thomaston, CT", March 2005, CT DEP, with supporting documents.*
- *"A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound", December 2000, CT DEP and NYS DEC.*
- *"Water Quality Analysis of the Upper Naugatuck River", February 1988, CT DEP.*

BASIS FOR LIMITATIONS, STANDARDS OR CONDITIONS

x *Best Practicable Technology (BPT)*
(See General Comments)
DSN 001-1: pH

x *Best Available Technology (BAT)*
(See General Comments)
DSN 001-1: Silver (maximum daily concentration limit)
DSN 001-A: Amenable cyanide

x *Case-by-Case Determination based on the criteria of Best Professional Judgement*
(See Other Comments)
DSN 001-1: Anionic surfactants, indium, palladium, chloroform, TTO

x *Section 22a-430-4(s) of the Regulations of Connecticut State Agencies*
(See General Comments)
DSN 001-1: Concentration-based limits for aluminum, cadmium, chromium, amenable cyanide, fluoride, gold, iron, oil and grease, silver (average monthly), tin, TSS, zinc

x *In order to meet in-stream water quality*
(See General and Other Comments)
DSN 001-1: Ammonia, Aquatic toxicity, BOD_5, cadmium (mass limit), chlorine (total residual), copper, cyanide (total), lead, nickel, nitrogen (total), silver (mass limit), zinc (mass limit)

GENERAL COMMENTS

In developing the permit's concentration limits for those substances not subject to in-stream water quality standards, EPA Metal Finishing Categorical Limits (40 CFR Part 433: BPT and BAT) and section 22a-430-4(s)(2) of the Regulations of Connecticut State Agencies (RCSA) limits were compared. The Connecticut limits were found to be more stringent and thus incorporated into the permit, except for amenable cyanide, for which an internal limit was applied post-cyanide treatment per 40 CFR Part 433.14(b), pH, and the maximum daily concentration limit for silver.

For substances other than those affected by Total Maximum Daily Load (TMDL) requirements: Water quality based discharge limitations were included in this permit for consistency with Connecticut Water Quality Standards and criteria, pursuant to 40 CFR Part 122.44(d). Each parameter was evaluated for consistency with the available aquatic life criteria (acute and chronic) and human health (fish consumption only) criteria, considering the zone of influence allocated to the facility where appropriate. The statistical procedures outlined in the EPA Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001) were employed to calculate the limits. The most restrictive of the water quality limitations, aquatic life acute, aquatic life chronic, and human health, was compared with limitations developed according to State and Federal Best Available Technology (BAT). For total cyanide, silver, and cadmium, the water quality based limitations were more restrictive than BAT, therefore the water quality based limitation was included in the permit as a mass limit in addition to either the State or BAT concentration limit.

On August 17, 2005, EPA approved a TMDL for the Upper Naugatuck River near Thomaston, CT. The TMDL reallocated the wasteloads of four facilities in the study area (Thomaston POTW, Quality Rolling and Deburring, Whyco, Inc., and Summit Corporation) for whole effluent toxicity. The permit limits provided in Table D for toxicity are consistent with the requirements of this TMDL. Water quality-based mass-loading limits provided in Tables C and D for copper, lead, nickel, and zinc were calculated according to the allocation methodology outlined in the June 7, 2006 interdepartmental memo regarding "Final Recommendations/Metals Allocations" and the corresponding August 29, 2006 interdepartmental memo regarding "Naugatuck TMDL – MOS Allocation". The permit contains an enforceable

compliance schedule which requires the Permittee to become compliant with such limits within three years and six months of the date of permit issuance.

Limits for BOD_5 and ammonia are included in this permit according to the requirements set forth in the February 1988 report entitled "Water Quality Analysis of the Upper Naugatuck River" and the June 16, 2006 interdepartmental memo regarding "Upper Naugatuck Waste Load Allocation-BOD".

OTHER COMMENTS

Monitoring and limits for indium, palladium, and TTO are consistent with the previous permit.

Limits in Tables C and D for toxicity, copper, lead, nickel, and zinc are a result of the Total Maximum Daily Load Analysis for the Upper Naugatuck River, which was approved by EPA on August 17, 2005. The permit provides a schedule this facility must follow in order to obtain full compliance with these limits within three years and six months of the date of permit issuance. The interim average monthly and maximum daily concentration limits provided in Tables A and B for copper, lead, and nickel, as well as the concentration limits of Tables C and D for these same substances, are based on performance using the 95th and 99th percentiles, respectively. Interim performance-based limits were not included for zinc as effluent concentrations of zinc already meet TMDL requirements. Interim mass limits provided in Tables A and B for copper, lead, nickel and zinc are consistent with those provided by the previous permit.

A requirement to monitor DSN 001-1 for chloroform has been added to the permit based on a review of over five years of CT DEP sampling results which show elevated levels of chloroform in this discharge.

A requirement to monitor DSN 001-1 for surfactants has been added to the permit based on the use of alkaline cleaning agents in wastewater generating processes at this facility.

Monitoring with limits for total oil and grease has been added to the permit per the BPT effluent limit guidelines given in 40 CFR Part 433.13 (a).

This permit outlines a schedule allowing the Permittee to obtain compliance with monitoring requirements and limitations for total nitrogen mass loading to the Naugatuck River, which have been added to the permit to satisfy the goals of the Long Island Sound (LIS) TMDL for dissolved oxygen. The LIS TMDL identifies nitrogen as the primary limiting nutrient for the algal growth that causes low dissolved oxygen in LIS, and sets forth a schedule for industrial point sources to achieve a 63.5% reduction (from 1990 baseline loading) in nitrogen discharged by August 2014.

Because earlier nitrogen-series data was not recorded for this discharge, the 2009 and 2014 goals were established based on nitrogen data obtained from DEP toxicity testing of the discharge performed from 2000 – 2004. This data yields a baseline of 73.3 lb-N/day and mass loading goals of 38.4 lb-N/day by 2009 and 26.8 lb-N/day by 2014. The average daily total nitrogen limit presented in Tables A and C of this permit represents the 2009 goal.

This permit includes a stormwater compliance requirement which supplements that provided in the previous permit. Samples of stormwater runoff from this site have a history of toxicity and copper concentrations above the target levels identified in the industrial stormwater general permit.

A treatment system modification approval was issued April 13, 2006 while the permit renewal application underwent technical review. This approval authorized the Permittee to install equalization for the collection of spent soap solutions.

The Permittee was provided a copy of the draft permit on January 22, 2007. The Permittee responded to the draft permit January 26, 2007 with written comments regarding the permit's revised pH limits. DEP staff addressed these comments with the Permittee during an April 26, 2007 site visit. As a result of this meeting, the Permittee understands that the permit's pH limits are consistent with the categorical standards and is in acceptance of the draft permit.

The draft permit was revised as a result of pre-hearing negotiation discussions with Connecticut Fund for the Environment and the Permittee. Specifically, the draft permit's original five year compliance schedule was revised to require the Permittee to become compliant with the final effluent limits of Tables C and D within three years and six months of permit issuance. The revised schedule also requires the Permittee to supplement the aquatic toxicity monitoring required under Section 5, Table B of the permit with additional monitoring in order to determine compliance with instantaneous limits for aquatic toxicity and final effluent limits.

The permit was also revised by DEP to correct the following errors discovered during the pre-hearing review period:

- *The equation cited in Footnote 5 of Tables A and C to calculate Total Nitrogen erroneously included the addition of Ammonia-Nitrogen. As TKN is equal to the sum of Ammonia-Nitrogen and Organic Nitrogen, the equation was corrected to calculate Total Nitrogen as the sum of TKN, Nitrate, and Nitrite.*

- *Section 10(B)(2) of the permit's compliance schedule was clarified to require the Permittee to provide sample analyses from a minimum of four of the most recent consecutive stormwater sampling events. These events may or may not occur during the specified 180-day schedule.*

- *The minimum level for Total Residual Chlorine was changed from 10 ug/l to 20 ug/l.*

Summit Corporation of America
Application Number 200401067
Stipulation and Agreed Draft Decision
Attachment B

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

IN THE MATTER OF : APPLICATION NO. 200401067

SUMMIT CORPORATION OF AMERICA : DECEMBER [__], 2007

FINAL DECISION

The above-captioned application matter concerns renewal of the National Pollutant Discharge Elimination System Permit No. CT0001180 ("Permit") authorizing the applicant, Summit Corporation of America, to discharge wastewaters into the Naugatuck River from its facility at 1430 Waterbury Road in Thomaston, Connecticut. After the hearing officer's ruling granting party status to the intervenor, Connecticut Fund for the Environment, the parties in this matter submitted a Stipulation and Agreed Draft Decision seeking to resolve all issues in controversy by agreement ("Agreed Draft Decision"). Regs. Conn. State Agencies §§ 22a-3a-6(l)(3)(A). After the hearing, the hearing officer acted on and accepted the Agreed Draft Decision for my consideration.[1]

I find that the Agreed Draft Decision satisfactorily conveys the findings of fact and assessments of applicable law necessary to support this conclusion. I therefore adopt the parties' agreement as my Final Decision and authorize renewal of the Permit, as set forth in the Agreed Draft Decision (Attachment A).

~~/s/Gina McCarthy~~
Gina McCarthy
Commissioner

[1] See Regs. Conn. State Agencies §§ 22a-3a-6(d)(2)(I), 22a-3a-6(l)(3)(A)(ii), 22a-430-4(i). By written stipulation pursuant to Conn. Gen. Stat. § 4-179(d), the parties and the agency waived compliance with the proposed final decision requirements and the hearing officer did not issue a proposed final decision in this matter under Regs. Conn. State Agencies § 22a-3a-6(y).

PARTY LIST

In the Matter of Summit Corporation of America
Application No. 200401067

PARTY	*REPRESENTED BY*
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INTERVENOR	
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