

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES**

**REGULATIONS FOR THE RHODE ISLAND POLLUTANT DISCHARGE
ELIMINATION SYSTEM**



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TABLE OF CONTENTS

	PAGE
RULE 1 - PURPOSE	1
RULE 2 - AUTHORITY	1
RULE 3 - DEFINITIONS	1
RULE 4 - SEVERABILITY.....	12
RULE 5 - APPLICATION OF THESE REGULATIONS.....	13
RULE 6 - GENERAL PROHIBITIONS	13
RULE 7 - CONFLICT OF INTEREST	14
RULE 8 - PERSONS REQUIRED TO APPLY FOR A RIPDES PERMIT.....	15
RULE 9 - ACTIVITIES WHICH DO NOT REQUIRE A RIPDES PERMIT.....	15
RULE 10 - SCHEDULE FOR SUBMISSION OF APPLICATIONS.....	16
RULE 11 - INFORMATION TO BE INCLUDED IN THE APPLICATION.....	16
RULE 12 - SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS.....	23
RULE 13 - CONTINUATION OF NPDES PERMITS AND EXPIRED RIPDES PERMITS.....	24
RULE 14 - CONDITIONS APPLICABLE TO ALL PERMITS	25
RULE 15 - ESTABLISHING LIMITATIONS, STANDARDS & OTHER PERMIT CONDITIONS.....	30
RULE 16 - CONDITIONS APPLICABLE TO SPECIFIC TYPES OF PERMITS.....	33
RULE 17 - CALCULATING RIPDES PERMIT CONDITIONS.....	38
RULE 18 - CALCULATING ADJUSTED RIPDES PERMIT CONDITIONS FOR CERTAIN PRACTICES	42
RULE 19 - DURATION OF PERMIT	43
RULE 20 - SCHEDULE OF COMPLIANCE.....	43
RULE 21 - EFFECT OF A PERMIT.....	45
RULE 22 - TRANSFER OF PERMITS	46
RULE 23 - MODIFICATION, OR REVOCATION AND REISSUANCE OF PERMITS	47
RULE 24 - TERMINATION OF PERMITS.....	49
RULE 25 - MINOR MODIFICATIONS OF PERMITS	50

RULE 26 - NONCOMPLIANCE AND PROGRAM REPORTING BY THE DEPARTMENT	50
RULE 27 - CONCENTRATED ANIMAL FEEDING OPERATIONS.....	53
RULE 28 - CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITIES	54
RULE 29 - AQUACULTURE PROJECTS.....	55
RULE 30 - SILVICULTURAL ACTIVITIES.....	55
RULE 31 - STORM WATER DISCHARGES.....	55
RULE 32 - GENERAL PERMITS.....	98
RULE 33 - CRITERIA AND STANDARDS FOR THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM.....	102
RULE 34 - PROCEDURES FOR ISSUING A RIPDES PERMIT	103
RULE 35 - APPLICATION REVIEW BY THE DEPARTMENT.....	104
RULE 36 - MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION PROCEDURES	105
RULE 37 - DRAFT PERMITS.....	106
RULE 38 - STATEMENT OF BASIS.....	106
RULE 39 - FACT SHEET	107
RULE 40 - ADMINISTRATIVE RECORD FOR THE DRAFT PERMITS.....	108
RULE 41 - PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD	108
RULE 42 - PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARINGS.....	111
RULE 43 - PUBLIC HEARINGS	112
RULE 44 - OBLIGATION TO RAISE ISSUES AND PROVIDE INFORMATION DURING THE PUBLIC COMMENT PERIOD.....	112
RULE 45 - REOPENING OF THE PUBLIC COMMENT PERIOD	112
RULE 46 - ISSUANCE AND EFFECTIVE DATE OF PERMIT.....	113
RULE 47 - RESPONSE TO COMMENTS.....	113
RULE 48 - ADMINISTRATIVE RECORD FOR FINAL PERMIT.....	114
RULE 49 - REQUESTS FOR AN ADJUDICATORY HEARING.....	114
RULE 50 - STAYS OF CONTESTED PERMIT CONDITIONS	116
RULE 51 - DECISION ON REQUEST FOR HEARING	117

RULE 52 - NOTICE OF HEARING	117
RULE 53 - CONDUCT OF ADJUDICATORY HEARING.....	117
RULE 54 - INDIVIDUAL PERMITS REQUIRED ON A CASE-BY-CASE BASIS.....	117
RULE 55 - CONDITIONS REQUESTED BY THE CORPS OF ENGINEERS AND OTHER GOVERNMENTAL AGENCIES CONCERNING RIPDES PERMITS.....	118
RULE 56 - VARIANCES UNDER THE STATE AND FEDERAL ACTS.....	118
RULE 57 - DECISIONS ON VARIANCES.....	121
RULE 58 - PROCEDURES FOR VARIANCES.....	122
RULE 59 - SPECIAL PROCEDURES FOR DECISIONS ON THERMAL VARIANCE UNDER SECTION 316(A)	122
RULE 60 - INCORPORATION BY REFERENCE.....	123
RULE 61 - SUPERSEDED RULES AND REGULATIONS	123
RULE 62 - EFFECTIVE DATE.....	124
APPENDIX A - TABLE I.....	125
TESTING REQUIREMENTS FOR ORGANIC TOXIC POLLUTANTS INDUSTRY CATEGORY.....	125
APPENDIX A - TABLE II.....	126
ORGANIC TOXIC POLLUTANTS IN EACH OF FOUR (4) FRACTIONS IN ANALYSIS BY GAS CHROMATOGRAPHY/MASS SPECTROSCOPY (GC/MS).....	126
APPENDIX A - TABLE III.....	127
OTHER TOXIC POLLUTANTS, METALS, CYANIDE, AND TOTAL PHENOLS.....	127
APPENDIX A - TABLE IV.....	128
CONVENTIONAL AND NON-CONVENTIONAL POLLUTANTS REQUIRED TO BE TESTED BY EXISTING DISCHARGERS IF EXPECTED TO BE PRESENT.....	128
APPENDIX A - TABLE V.....	129
TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES REQUIRED TO BE IDENTIFIED BY APPLICANTS IF EXPECTED TO BE PRESENT.....	129
APPENDIX B.....	131
CRITERIA FOR DETERMINING A CONCENTRATED ANIMAL FEEDING OPERATION	131
APPENDIX C.....	133
CRITERIA FOR DETERMINING A CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY.....	133
APPENDIX D.....	134
PRIMARY INDUSTRY CATEGORIES.....	134
APPENDIX E.....	140
EPA WATER QUALITY CRITERIA FOR THE 64 PRIORITY POLLUTANTS	140

APPENDIX F	145
NOMOGRAPHS FOR CALCULATING FROUDE NUMBERS AND DILUTION FACTOR.....	145
APPENDIX G	146
INCORPORATED PLACES IN RHODE ISLAND WITH POPULATIONS GREATER THAN 100,000 ACCORDING TO 1990 DECENNIAL CENSUS BY BUREAU OF CENSUS (40 CFR 122 APPENDIX G).....	146
APPENDIX H	147
INCORPORATED PLACES IN RHODE ISLAND LOCATED FULLY OR PARTIALLY WITHIN AN URBANIZED AREA.....	147
APPENDIX I	148
CENSUS DESIGNATED PLACES OUTSIDE OF URBANIZED AREAS.....	148
IN RHODE ISLAND.....	148
APPENDIX J	149
MAP OF URBANIZED AREAS (UAs), DENSELY POPULATED AREAS (DPAs), AND DIVIDED HIGHWAYS OUTSIDE OF UAs AND DPAs.....	149

Where P is the permit effluent limitation, E is the limitation derived by applying effluent guidelines to the total waste stream, N is the wastewater flow to be treated and discharged to surface waters of the State, and T is the total wastewater flow.

- (b) Paragraph (a) of this section shall not apply to the extent that promulgated effluent limitations guidelines:
 - (1) Control concentrations of pollutants discharged but not mass; or
 - (2) Specify a different specific technique for adjusting effluent limitations to account for well injection, land application, or disposal into POTWs.
- (c) Paragraph (a) of this section does not alter a discharger's obligation to meet any more stringent requirements established under Rule 14, 15 and 16.

RULE 19 - DURATION OF PERMIT

- (a) A permit shall be effective for a fixed term not to exceed five (5) years.
- (b) A permit may be issued for a full term if the permit includes effluent limitations and a compliance schedule to meet the requirements of Section 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act, whether or not applicable effluent limitations guidelines have been promulgated or approved.
- (c) A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under paragraph (b) of this section is not conclusive in that industrial category for any other purposes, and does not prejudice any rights to challenge or change that inclusion at the time that a permit based on that determination is formulated.
- (d) The term of a permit shall not be extended by modification beyond the duration specified in subsection (a) above.
- (e) The Director may issue any permit for a duration that is less than the full allowable term under this section.

RULE 20 - SCHEDULE OF COMPLIANCE

- 20.01 General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the State and Federal Acts and all other applicable authority for these regulations.
- 20.02 Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.
 - (a) For discharges to surface water or groundwater, schedules of compliance shall require compliance not later than the applicable statutory deadline under State and Federal law, and shall be subject to State and Federal regulations.

- (b) The first RIPDES permit issued to a new source, a new discharger, which commenced discharge after August 13, 1979, or a recommencing discharge, or a recommencing discharger, may not contain a schedule of compliance under this section. Within the shortest feasible time of issuance of the new sources new dischargers recommencing discharge permit (not to exceed 90 days) the owner or operator must meet permit conditions.

20.03 Interim dates. Except as provided in paragraph (a)(2) of Rule 20.04, if a permittee establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

- (a) The time between interim dates shall not exceed one year.
- (b) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date. Examples of interim requirements include: (1) submit a complete step I construction grant (for POTWs); (2) get a contract for construction of required facilities; (3) commence construction of required facilities; and (4) complete construction of required facilities.
- (c) Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Department in writing of its compliance or noncompliance with the interim or final requirements.

20.04 Alternative schedules of compliance. A RIPDES permit application or permittee may cease conducting activities regulated by the State Act rather than continue to operate and meet permit requirements as follows:

- (a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:
 - (1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 - (2) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
- (b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure compliance no later than the statutory deadline in the Clean Water Act.
- (c) If the permittee is undecided whether to cease conducting regulated activities, the Department may issue or modify a permit to contain two schedules as follows:
 - (1) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient

time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

- (2) One schedule shall lead to timely compliance with applicable requirements and shall be no later than the statutory deadline in the Clean Water Act;
 - (3) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements, and shall be no later than the statutory deadline in the Clean Water Act;
 - (4) Each permit containing two schedules shall include a requirement that after the permittee has made final decision under paragraph (c)(1) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.
- (d) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a solemn public commitment satisfactory to the Department, such as a resolution of the board of directors of a corporation.

20.05 A publicly owned treatment works (POTW) required to develop a pretreatment program shall have a pretreatment program compliance schedule incorporated into the RIPDES permit at the time of issuance, reissuance, or modification of the permit. The compliance schedule shall require the development of an approvable POTW pretreatment program no later than the time prescribed by 40 CFR Part 403.8 and Rule 10 of the Rhode Island Pretreatment regulations, whichever is more stringent.

20.06 New sources or new dischargers or sources which recommence discharging after terminating operations and those sources which had been indirect dischargers which commence discharging into surface waters of the State do not qualify for compliance schedules under this section.

20.07 All permittees shall provide a report indicating the status of compliance in accordance with Rule 14.

RULE 21 - EFFECT OF A PERMIT

- (a) Except for any toxic effluent standards and prohibitions imposed under Section 307 of the Clean Water Act, compliance with a permit during its term constitutes compliance for purposes of enforcement under the Clean Water Act and Chapter 46-12 of the General Laws of Rhode Island. A permit, however, may be modified, revoked and reissued, or terminated during its term for cause as set forth in these regulations.
- (b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- (c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal, State or local law or regulations.