



**National Pollutant Discharge Elimination System Permit
issued to**

Permittee:

Firstlight CT Hydro LLC
111 South Bedford Street, Suite 103
Burlington, MA 01803

Location Address:

Junction of Routes 169 and 97
Taftville, CT 06380

Permit ID: CT0030815

Receiving Water Body: Shetucket River

Issuance Date:

Receiving Water Body ID: CT6900-00_05

Effective Date:

Permit Expires:

SECTION 1: GENERAL PROVISIONS

- (A) This permit is issued in accordance with Section 22a-430 of Chapter 446k, Connecticut General Statutes (“CGS”), and Regulations of Connecticut State Agencies (“RCSA”) adopted thereunder, as amended, and Section 402(b) of the Clean Water Act (“CWA”), 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 a NPDES permit program.
- (B) **Firstlight CT Hydro LLC** (“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 subsections (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 to Comply
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (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
 - (s) Treatment Requirements
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under Section 22a-438 or 22a-131a of the CGS or in accordance with Section 22a-6, under Section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection (“Commissioner”). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least thirty 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 RCSA.

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.
- (B) In addition to the above, the following definitions shall apply to this permit:

“40 CFR” means Title 40 of the Code of Federal Regulations.

“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.

Connecticut Water Quality Standards means the regulations adopted under RCSA Sections 22a-426-1 through 22a-426-9, as amended.

“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.

“Dilution Factor” means the inverse of the “Instream Waste Concentration”.

“DMR” means Discharge Monitoring Report.

“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 (as a percent) of the effluent in the receiving water.

“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.

“No Observed Effect Concentration” (“NOEC”) means the highest concentration of an effluent or toxicant to which organisms are exposed in a life cycle or partial life-cycle test, that causes no observable adverse effects on the test organisms.

“Quarter” means the calendar quarter beginning at 12:00 AM on the first day of March, June, September, and December and ending at 12:00 AM on the first day of June, September, December, and March, respectively.

“Reporting Frequency” means the frequency at which monitoring results must be provided.

“Semiannual” when used as a sampling frequency in this permit, means sampling shall be conducted between April 1 and September 30 and October 1 and March 31. April through September data shall be reported on the September DMR. October through March data shall be reported on the March DMR.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that such discharge will not cause pollution of any of the waters of the state. The Commissioner’s decision is based on Application 202201758 for permit reissuance received on February 22, 2022, and the administrative record established in the processing of that application.
- (B) Upon the effective date of this permit and continuing until this permit expires or is modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of this permit, the information provided in Application No. 202201758, received by the Commissioner on February 22, 2022, and all modifications and approvals issued by the Commissioner or the Commissioner’s authorized agent, for the discharge and/or activities authorized by, or associated with this permit.

- (C) 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.
- (D) 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 the CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) The Permittee shall assure that the surface water affected by the subject discharge shall conform to the *Connecticut Water Quality Standards*.
- (B) 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.
- (C) 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.
- (D) The temperature of any discharge shall not increase the temperature of the receiving stream above 85 °F, or in any case, raise the temperature of the receiving stream by more than 4 °F.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The discharge is restricted by and shall be monitored in accordance with the following tables in this section. The wastewater discharge shall not exceed the effluent limitations in these tables and shall otherwise conform to the specific terms and conditions listed in the tables. The Permittee shall comply with the "Remarks" and "Footnotes" noted in the tables that follow. Such remarks and footnotes are enforceable like any other term or condition of this permit.
- (B) The wastewaters authorized/approved by this permit shall be collected, treated, and discharged in accordance with this permit and with any approvals issued by the Commissioner or his/her authorized agent for the discharges and activities authorized by or associated with this permit. Any wastewater discharges not expressly identified in these tables or otherwise approved to be discharged by this permit shall not be authorized by this permit.
- (C) All samples shall be comprised of only the wastewater described in these tables. Samples shall be collected prior to combination with receiving waters or wastewater of any other type, and after all approved treatment units, if applicable. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Collection of permit required effluent samples in any location other than the authorized location noted in this permit shall be a violation of this permit.
- (D) In cases where limits and sample type are specified but sampling is not required by this permit, the limits specified shall apply to all samples which may be collected and analyzed by the Department of Energy and Environmental Protection ("DEEP") personnel, the Permittee, or other parties.

Table A

Discharge Serial Number: **DSN 001-1** Monitoring Location: **1 (EXTERNAL OUTFALL)**

Wastewater Description: **Turbine Leakage from Turbine 4**

Monitoring Location Description: **Discharge pipe from the stuffing box of Turbine 4.**

Discharge is to: **Shetucket River**

Outfall Location: **Latitude 41.571190 Longitude -72.047165**

PARAMETER	NET DMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/ Reporting Frequency ¹	Sample Type or Measurement to be Reported	Instantaneous Limit or Required Range	Sample/ Reporting Frequency	Sample Type or Measurement to be Reported
Daily Flow	74076	gpd	NA	34,560	Daily/Semi- annually	Total Daily Flow ²	NA	NR	NA
Oil and Grease, Total	00556	mg/l	NA	NA	NR	NA	----	Semi- annually	Grab
pH, Day of Sampling	00400	SU	NA	NA	NR	NA	6.5-8.0	Semi- annually	Grab

TABLE A FOOTNOTES AND REMARKS

Footnotes:

¹ The first entry in this column is the “Sample Frequency”. If a “Reporting Frequency” does not follow this entry, then the “Reporting Frequency” is monthly.

² Total Daily Flow may be an estimation of flow discharged from this DSN over 24 hours.

Remarks:

1. Abbreviations used for units are as follows: gpd means gallons per day; g/day means grams per day; mg/L means milligrams per liter; SU means Standard Units. Other abbreviations are as follows: NA means Not Applicable; NR means Not Reportable.

2. If “---” is noted in the limits column in the table, this means that a limit is not specified but a value must be reported on the DMR.

3. Semi-annual monitoring shall be conducted between April 1 and September 30 and October 1 and March 31. April through September data shall be reported on the September DMR. October through March data shall be reported on the March DMR.

Table BDischarge Serial Number: **DSN 002-1**Monitoring Location: **1 (EXTERNAL OUTFALL)**Wastewater Description: **Turbine Leakage from Turbine 5**Monitoring Location Description: **Discharge pipe from the stuffing box of Turbine 5.**Discharge is to: **Shetucket River**Outfall Location: **Latitude 41.571190 Longitude -72.047165**

PARAMETER	NET DMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/ Reporting Frequency ¹	Sample Type or Measurement to be reported	Instantan- eous limit or required range	Sample/ Reporting Frequency	Sample Type or measurement to be reported
Daily Flow	74076	gpd	NA	34,560	Daily/Semi- annually	Total Daily Flow ²	NA	NR	NA
Oil and Grease, Total	00556	mg/l	NA	NA	NR	NA	----	Semi- annually	Grab
pH, Day of Sampling	00400	SU	NA	NA	NR	NA	6.5-8.0	Semi- annually	Grab

TABLE A FOOTNOTES AND REMARKS**Footnotes:**

¹ The first entry in this column is the “Sample Frequency”. If a “Reporting Frequency” does not follow this entry, then the “Reporting Frequency” is monthly.

² Total Daily Flow may be an estimation of flow discharged from this DSN over 24 hours.

Remarks:

1. Abbreviations used for units are as follows: gpd means gallons per day; g/day means grams per day; mg/L means milligrams per liter; SU means Standard Units. Other abbreviations are as follows: NA means Not Applicable; NR means Not Reportable.

2. If “----” is noted in the limits column in the table, this means that a limit is not specified but a value must be reported on the DMR.

3. Semi-annual monitoring shall be conducted between April 1 and September 30 and October 1 and March 31. April through September data shall be reported on the September DMR. October through March data shall be reported on the march DMR.

SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

- (A) All samples shall be collected, handled, and analyzed in accordance with the methods approved under 40 CFR 136, unless another method is required under 40 CFR subchapter N or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5. To determine compliance with limits and conditions established in this permit, monitoring must be performed using sufficiently-sensitive methods approved pursuant to 40 CFR 136 for the analysis of pollutants having approved methods under that part, unless a method is required under 40 CFR subchapter N or unless an alternative method has been approved in writing pursuant to 40 CFR 136.5. Monitoring parameters which do not have approved methods of analysis defined in 40 CFR 136 shall be collected, handled, and analyzed in accordance with the methods in Section 6(B), below.
- (B) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136, unless otherwise specified.
- (C) The term Minimum Level (ML) refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). MLs may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by the laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
- (D) 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.
- (E) Analyses for which quantification was verified to be at or below an ML, and which indicate that a parameter was not detected, shall be reported as “less than non-detect” where ‘non-detect’ is the numerical value equivalent to the ML for that analysis. If the Permittee is required to submit its DMRs through the NetDMR system, the Permittee shall report the non-detect value consistent with the reporting requirements for NetDMR.
- (F) Results of analyses which indicate that a parameter was not present at a concentration greater than or equal to the ML specified for that analysis shall be considered equivalent to zero for purposes of determining compliance with effluent limitations or conditions specified in this permit.
- (G) It is a violation of this permit for a Permittee or his/her designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed.
- (H) Analyses required under this permit shall be performed in accordance with CGS Section 19a-29a. An “environmental laboratory”, as that term is defined in the referenced section, that is performing analyses required by this permit, shall be registered and have certification acceptable to the Commissioner, as such registration and certification is necessary.

SECTION 7: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required by this permit shall be submitted electronically using NetDMR. Monitoring results shall be reported at the monitoring frequency specified in this permit. Any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136, or another method required for an industry-specific waste stream under 40 CFR subchapter N, or other methods approved by the Commissioner, shall also be included on the DMR, or as an attachment, if necessary, and the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit. All aquatic toxicity reports shall also be included as an attachment to the DMR. A report shall also be included with the DMR which includes a detailed explanation of any violations of the limitations specified. DMRs, attachments, and reports, shall continue to be submitted electronically in accordance with Section 8(E) below. However, if the DMRs, attachments, and reports are required to be submitted in hard copy form, they shall be received at this address by the last day of the month following the month in which samples are collected:

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division (Attn: DMR Processing)
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- (B) 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 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.

- (C) NetDMR Reporting Requirements:

The Permittee shall report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports through a secure internet connection. The Permittee and/or the signatory authority shall electronically submit DMRs required under this permit to the Commissioner using NetDMR in satisfaction of the DMR submission requirements of Sections 5, 6, and 8 of this permit. All monitoring and monitoring records required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Commissioner as an electronic attachment to the DMR in NetDMR. The Permittee shall also electronically file any written report of noncompliance described in Section 8 of this permit as an attachment in NetDMR. DMRs shall be submitted electronically to the Commissioner no later than the last day of the month following the completed reporting period. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

SECTION 8: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS

- (A) *Noncompliance Notifications:*

- (1) In accordance with Section 22a-430-3(j)(8), 22a-430-3(j)(11)(D), 22a-430-3(k)(4), and 22a-430-3(i)(3) of the RSCA, the Permittee shall notify the Commissioner of the following actual or anticipated noncompliance with the terms or conditions of this permit within two hours of becoming aware of the circumstances. All other actual or anticipated violations of the permit shall be reported to the Commissioner within 24 hours of becoming aware of the circumstances:

- (a) A noncompliance that is greater than two times an effluent limitation;

- (b) A noncompliance of any minimum or maximum daily limitation or excursion beyond a minimum or maximum daily range;
 - (c) Any condition that may endanger human health or the environment, including but not limited to noncompliance with WET limitations;
 - (d) Any condition that may endanger the operation of a POTW, including sludge handling and disposal;
 - (e) A failure or malfunction of monitoring equipment used to comply with the monitoring requirements of this permit;
 - (f) Any actual or potential bypass of the Permittee's collection system or treatment facilities; or
 - (g) Expansions or significant alterations of any wastewater collection, treatment facility, or its method of operation for the purpose of correcting or avoiding a permit violation.
- (2) Notifications shall be submitted via the Commissioner's online Noncompliance Notification Form: <https://portal.ct.gov/deep/water-regulating-and-discharges/industrial-wastewater/compliance-assistance/notification-requirements>.
- (3) Within five days of any notification of noncompliance in accordance with Sections 8(A)(a) through 8(A)(f) of this permit, the Permittee shall submit a follow-up report using the Commissioner's online Noncompliance Follow-up Report Form: <https://portal.ct.gov/deep/water-regulating-and-discharges/industrial-wastewater/compliance-assistance/notification-requirements>.
- The follow-up report shall contain, at a minimum, the following information: (i) A description of the noncompliance and its cause; (ii) the period of noncompliance, including exact dates and times; (iii) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and (iv) steps taken or planned to correct the noncompliance and reduce, eliminate and prevent recurrence of the noncompliance.
- (4) Within 30 days of any notification of facility modifications reported in accordance with Section 8(A)(g) of this permit, the Permittee shall submit a written follow-up report by submitting a "Facility and Wastewater Treatment System Modification Request for Determination" for the review and approval of the Commissioner. The report shall fully describe the changes made to the facility and reasons therefor.
- (5) Notification of an actual or anticipated noncompliance or facility modification does not stay any term or condition of this permit.
- (B) In accordance with Section 22a-430-3(j)(11)(E) of the RSCA, the Permittee shall notify the Commissioner within 72 hours and in writing within 30 days when he or she knows or has reason to believe that the concentration in the discharge of any substance listed in the application, or any toxic substance as listed in Appendix B or D of RSCA Section 22a-430-4, has exceeded or will exceed the highest of the following levels: (1) One hundred micrograms per liter; (2) Two hundred micrograms per liter for acrolein and acrylonitrile, five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony; (3) An alternative level specified by the Commissioner, provided such level shall not exceed the level which can be achieved by the Permittee's treatment system; or (4) A level two times the level specified in the Permittee's application.

72 hour initial notifications shall be submitted via the Commissioner's online Noncompliance Notification Form. 30 day follow-up reports shall be submitted via the Commissioner's online Noncompliance Follow-up Report Form. The Forms are available at the Commissioner's website, here: <https://portal.ct.gov/deep/water-regulating-and-discharges/industrial-wastewater/compliance-assistance/notification-requirements>.

- (C) In addition to any other written reporting requirements, the Permittee shall report any instances of noncompliance with this permit with its DMR. Such reporting shall be due no later than the last day of the month following the reporting period in which the noncompliant event occurred. The information provided in the DMR shall include, at a minimum: the type of violation, the duration of the violation, the cause of the violation, and any corrective action(s) or preventative measure(s) taken to address the violation.

This permit is hereby issued on:

Emma Cimino
Deputy Commissioner
Department of Energy and Environmental Protection

EC/ PB

Draft

National Pollutant Discharge Elimination System Factsheet

SECTION 1 FACILITY SUMMARY

APPLICANT	Firstlight CT Hydro LLC
PERMIT NO.	CT0030815
APPLICATION NO.	202201758
DATE APPLICATION RECEIVED	February 22, 2022
LOCATION ADDRESS	Junction of Routes 169 and 97 Taftville, CT 06380
FACILITY CONTACT	Daniel Timlake Office Phone: 860-350-3617 Email: Daniel.timlake@firstlightpower.com
MAILING ADDRESS	111 South Bedford Street, Suite 103 Burlington, MA 01803
DMR CONTACT	Daniel Timlake Office Phone: 860-350-3617 Email: Daniel.timlake@firstlightpower.com
SECRETARY OF STATE BUSINESS ID	1304725
PERMIT TERM	5 Years
PERMIT CATEGORY	Minor National Pollutant Discharge Elimination System (NPDES)
SIC & NAICS CODE(S)	4911, 2221111
APPLICABLE EFFLUENT GUIDELINES	N/A
PERMIT TYPE	Issuance
OWNERSHIP	Private
RECEIVING WATER	001-002 Shetucket River
WATERBODY SEGMENT ID'S	CT3800-00_02
WATERBODY CLASSIFICATION	B
DISCHARGE LOCATIONS	DSN 001 & 002 Latitude 41.571190 Longitude -72.047165 *All discharge points are with 20 feet of each other
COMPLIANCE ACTIONS	NA
DEEP STAFF ENGINEER	Patrick Bieger Phone: 860-424-3805 Email: patrick.bieger@ct.gov

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1.1 PERMIT FEES

Application Fee:

Filing Fee	Invoice No.: DEP384995	Amount: \$1,300	Date Paid: 2/22/2022
Processing Fee	Invoice No.: NA	Amount: NA	Date Paid: NA

Annual Fee:

	WASTEWATER CATEGORY (Per RCSA Sec. 22a-430-7)	FLOW CATEGORY	DSN	ANNUAL FEE (Per RCSA Sec. 22a-430-7 and CGS Sec. 22a-6f)
	<i>Turbine Leakage</i>	69,120 gpd	001-002	\$0
TOTAL				\$0

1.2 OTHER PERMITS

The Permittee has no other discharge permits.

1.3 APPLICATION SUBMITTAL INFORMATION

On February 22, 2022, the Department of Energy and Environmental Protection (“DEEP”) received an application (Application 202201758) from FirstLight CT Hydro LLC (“Permittee”, “Applicant”) in Taftville, for the issuance of its NPDES Permit No. CT0030815. Consistent with the requirements of Section 22a-6g of the Connecticut General Statutes (“CGS”), the Applicant caused a Notice of Permit Application to be published in The Bulletin newspaper on February 11, 2022. On April 4, 2022, the application was determined to be timely and administratively sufficient.

The Permittee seeks authorization for the following in Application 202201758:

DSN	PROPOSED AVERAGE DAILY FLOW (gpd)	PROPOSED MAXIMUM DAILY FLOW (gpd)	PROPOSED WASTESTREAMS	TREATMENT TYPE	DISCHARGE TO
001	----	34,560	Turbine Leakage from turbine 4	None	Shetucket River
002	----	34,560	Turbine Leakage from turbine 5	None	Shetucket River

1.4 DESCRIPTION OF INDUSTRIAL PROCESS

FirstLight CT Hydro LLC is a business that performs hydroelectric generation. Wastewater from this process is discharged to Shetucket River by way of DSN 001 and 002 under this proposed permit.

1.5 FACILITY DESCRIPTION

The Applicant’s facility is a Federal Energy Regulatory Commission (FERC) licensed hydroelectric generation plant located at the junction of Routes 169 and 97 in Taftville, Connecticut. This hydroelectric generation plant is a run-of-river station and operates at a frequency determined by water levels and flow from the Shetucket River. The turbines were placed into operation in 1906. The facility consists of five water powered turbines, with a total capacity of 1,780 kilowatts. There have been no major construction or changes to the facility since 1906; however, supplemental modernization improvements have occurred on the turbines. This facility is located on a shared property with other tenants.

Turbine 1 is located in an independent building adjacent to the dam and has not operated in the last year. Turbines 2 and 3 are located on the eastern side of the power canal adjacent to the office buildings. Turbines 4 and 5 are located beneath the shared building complex along the eastern side of the power canal. Based on the configuration and construction of turbines 1-3 there is no leakage or cooling water discharged from these turbines and therefore do not need coverage under this permit. All water consists of river water that is contained within the turbines. Turbines 4 and 5 both contain two locations where turbine leakage collects and discharges below the building and through the floor to the river below. Discharges from turbines 4 and 5 are comprised of waters collected from the containment structures surrounding the stuffing box of the turbine. This water leaks from the containment box above and below the headcover, and discharges below the turbines via dedicated outlets.

The waters from below and above the headcover are characteristically the same. For this reason, the discharge locations from each turbine are represented by a single DSN in the permit. Representative sampling can occur from either the stuffing box or head cover leakage discharge pipe since the leakage from both sources are coming from the same turbine unit and are consistent in quality. Each turbine discharge has a proposed average flow of 15,969 gallons per day (gpd) and a proposed max daily flow of 17,280 gpd. DSN 001 represents the discharges from turbine 4 and DSN 002 represents the discharges from turbine 5. The discharge and sampling location of both turbines 4 and 5 currently require a confined space entry permit.

1.6 FACILITY CHANGES

This is a new permit, hence there were no requested changes to the facility for this permit issuance.

1.7 TREATMENT SYSTEM DESCRIPTION

The discharge consists of only turbine leakage made solely of river water. There is no treatment system at the facility.

1.8 COMPLIANCE HISTORY

Is the Permittee subject to an ongoing enforcement action? ☒ Yes ☐ No

Consent Order Number WC5435 ("the order"), issued November 9, 2006, required FirstLight to investigate all discharges from hydroelectric facilities, including Taftville Station, and submit discharge permit applications for all facilities with unpermitted wastewater discharges. DEEP received the report "Investigation and Remediation of Discharges at Ten Hydroelectric Stations" on June 6, 2008, and an addendum "Investigation and Remediation of Discharges at Ten Hydroelectric Stations Addendum" required by Paragraph B.2.d of the order on November 2, 2009, and a subsequent report with an updated monitoring plan on March 29, 2024. DEEP issued an approval on May 2, 2024, indicating that FirstLight was in compliance with Paragraph B.2.d. of the order. The reports identified the discharges of turbine and building leakage from this facility.

1.9 GENERAL ISSUES RELATED TO THE APPLICATION

1.9.1 FEDERALLY RECOGNIZED INDIAN LAND

As provided in the permit application, the site is not located on federally-recognized Indian land.

1.9.2 COASTAL AREA/COASTAL BOUNDARY

The activity is not located within a coastal boundary as defined in CGS 22a-94(b).

1.9.3 ENDANGERED SPECIES

As provided in the permit application, the site is not located within an area identified as a habitat for endangered, threatened or special concern species.

1.9.4 AQUIFER PROTECTION AREAS

As provided in the permit application, the site is not located within a protected area identified on a Level A or B map.

1.9.5 CONSERVATION OR PRESERVATION RESTRICTION

As provided in the permit application, the property is not subject to a conservation or preservation restriction.

1.9.6 PUBLIC WATER SUPPLY WATERSHED

As provided in the permit application, the site is not located within a public water supply watershed,

SECTION 2 RECEIVING WATER BODY INFORMATION

The water classification of section CT3800-00_02 of the Shetucket River is B. Class B waters are designated for habitat for fish and other aquatic life and wildlife; recreation; navigation; and industrial and agricultural water supply.

There are no applicable TMDLs for the receiving waterbody.

SECTION 3 PERMIT CONDITIONS AND EFFLUENT LIMITATIONS

3.1 EFFLUENT GUIDELINES

No categories found under the Effluent Limit Guidelines and Standards of Title 40 Code of Federal Regulations (CFR) Chapter 1 Subchapter N match the description of wastewaters discharged by DSNs 001-002. The Steam Electric Power Generating Point Source Category under 40 CFR Part 423 was reviewed for applicability as the facility is a hydroelectric power plant. Under the Applicability in 423.10, it was determined that this category applies to electricity resulting primarily from fossil-type fuels or nuclear fuel. The Applicant uses water turbines to generate electricity; therefore, this activity would not fall under 40 CFR Part 423. There is no applicable federal effluent limit guideline for the proposed discharges.

3.2 POLLUTANTS OF CONCERN

The following pollutants are included as monitoring pollutants in the permit for the reasons noted below:

POLLUTANT	REASON FOR INCLUSION			
	POLLUTANT WITH AN APPLICABLE TECHNOLOGY-BASED LIMIT	POLLUTANT WITH A WASTE LOAD ALLOCATION FROM A TMDL	POLLUTANT IDENTIFIED AS PRESENT IN THE EFFLUENT THROUGH SAMPLING	POLLUTANT OTHERWISE EXPECTED TO BE PRESENT IN THE EFFLUENT
pH			X	
Oil and Grease				X

3.3 BASIS FOR LIMITS

Technology and water-quality based requirements are considered when developing permit limits. Technology-based limits represent the minimum level of control imposed under the Clean Water Act ("CWA"). Industry-specific technology-based limits are set forth in 40 CFR 405 – 471 (EPA's Effluent Limitation Guidelines) and in RCSA Section 22a-430-4(s)(2).

Water quality-based limits are designed to protect water quality and are determined using the procedures set for in EPA's *Technical Support Document for Water Quality-Based Toxics Control*, 1991 ("TSD"). When both technology and water quality-based limits apply to a particular pollutant, the more stringent limit would apply. In addition, water quality-based limits are required when any pollutant or pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) is or may be discharged at a level that causes, has reasonable potential to cause, or contributes to an excursion above any water quality criteria. Numeric water quality criteria are found in RCSA Section 22a-429-9 of the *Connecticut Water Quality Standards*.

3.4 Zone of Influence

A zone of influence has not been allocated in this permit.

3.5 REASONABLE POTENTIAL ANALYSIS

Pursuant to CWA Part 301(b)(1)(C) and 40 CFR Part 122.44(d)(1), NPDES permits must contain any requirements in addition to Technology Based Effluent Limits (“TBELs”) that are necessary to achieve water quality standards established under Part 303 of the CWA. *See also* 33 U.S.C. Part 1311(b)(1)(C). In addition, limitations “must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including State narrative criteria for water quality.” 40 CFR Part 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any Water Quality Standards (“WQSs”), EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 CFR Part 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain Water Quality Based Effluent Limitations (“WQBELs”) or require additional monitoring if there is insufficient data to develop a WQBEL, for that pollutant. *See* 40 CFR Part 122.44(d)(1)(i).

There are no parameters found present in the discharge that have a reasonable potential to cause or contribute to an excursion above the WQSs; however, monitoring for pH and Oil and Grease is included in the permit to further characterize the discharges.

3.6 WATERBODY AMBIENT CONDITIONS

Parameter	Value
7Q10	49.337 cfs

The 7Q10 was found by using Cervione’s regression equation:

$7Q10 = 0.67Asd + 0.01Atill$, where Asd and Atill are the drainage areas of stratified drift and till covered bedrock.

Using USGS’s StreamStats, the stratified drift was 13% and the drainage area at the location of discharge is 515 square miles.

3.7 WHOLE EFFLUENT TOXICITY

The Permittee shall comply with effluent standards or prohibitions established by CWA Part 307(a) and RCRA Section 22a-430-4(l) and may not discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life.

If toxicity is suspected in the effluent, DEEP may require the Permittee to perform acute or chronic whole effluent toxicity testing. Toxicity is not expected in the effluent due to the characteristics of the discharge. The wastewater is comprised mainly of turbine leakage and turbine dewatering. Both these waters are taken from the Shetucket River upstream of the discharge. No chemicals or other substances are added to the waters while they are in the turbine. Therefore, the water discharged from the turbines are characteristically similar to the Shetucket River.

3.8 WATER QUALITY BASED EFFLUENT LIMITATIONS

The CWA and federal regulations require that effluent limitations based on water quality considerations be established for point source discharges when such limitations are necessary to meet state or federal water quality standards that are applicable to the designated receiving water. This is necessary when less stringent TBELs would interfere with the attainment or maintenance of water quality criteria in the receiving water. See CWA Part 301(b)(1)(C) and 40 CFR Part 122.44(d)(1), 122.44(d)(5), 125.84(e) and 125.94(i).

The Water Quality Standards for a Class B surface water is 6.5-8.0 S.U. This limit has been applied as an end-of-pipe limit in the permit.

3.9 TECHNOLOGY BASED EFFLUENT LIMITATIONS

Technology-based treatment requirements represent the minimum level of control that must be imposed under CWA Part 301(b) and 402 to meet best practicable control technology currently available (BPT) for conventional pollutants and some metals, best conventional control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants. See 40 CFR Part 125 Subpart A and RCSA Section 22a-430-4(l)(4)(A).

Subpart A of 40 CFR Part 125 establishes criteria and standards for the imposition of technology-based treatment requirements in permits under Part 301(b) of the CWA, including the application of EPA promulgated Effluent Limitation Guidelines (ELGs) and case-by-case determinations of effluent limitations under CWA Part 402(a)(1). EPA promulgates New Source Performance Standards (NSPS) under CWA Part 306 and 40 CFR Part 401.12. See also 40 CFR Part 122.2 (definition of “new source”) and 122.29.

In the absence of published technology-based effluent guidelines, the permit writer is authorized under CWA Part 402(a)(1)(B) and RCSA Section 22a-430-4(m) to establish effluent limitations on a case-by-case basis using best professional judgment (BPJ).

There are no federal TBELs for hydroelectric generation wastewaters.

3.10 COMPARISON OF LIMITS

After preparing and evaluating applicable TBELs and WQBELs, the most stringent limits are applied in the permit. Pollutants of concern that only require monitoring without limits are not included in the below table.

PARAMETER	UNITS	LIMITS	
		WATER QUALITY <i>Water Quality Standards</i>	
		pH Minimum	pH Maximum
pH	S.U	6.5	8.0

3.11 SAMPLING FREQUENCY, TYPE, AND REPORTING

Sample Type	Sample Frequency	Parameter	Reason
Grab Sample	Semi-Annually	pH	RCSA Section 22a-430-4(l)(4)(A) and 22a-430-4(m) Source: River Water
		Oil and Grease	RCSA Section 22a-430-4(l)(4)(A) and 22a-430-4(m) Source: Possible oil leakage, machine failure, or maintenance issue

3.12 OTHER PERMIT CONDITIONS

NA

3.13 COMPLIANCE SCHEDULE

This permit does not contain a compliance schedule.

3.14 ANTIDEGRADATION

Implementation of the Antidegradation Policy follows a tiered approach pursuant to the federal regulations (40 CFR 131.12) and consistent with the Connecticut Antidegradation Policy included in the Connecticut Water Quality Standards (Section 22a-426-8(b-f) of the RCSA). Tier 1 Antidegradation review applies to all existing permitted discharge activities to all waters of the state. Tiers 1 and 2 Antidegradation reviews apply to new or increased discharges to high quality waters and wetlands, while Tiers 1 and 3 Antidegradation reviews apply to new or increased discharges to outstanding national resource waters.

This discharge is an existing discharge, and the Permittee does not propose an increase in volume or concentration of constituents. Therefore, only the Tier 1 Antidegradation Evaluation and Implementation Review was conducted to ensure that existing and designated uses of surface waters and the water quality necessary for their protection are maintained and preserved, consistent with Connecticut Water Quality Standards, RCSA Sec.22a-426-8(a)(1). This review involved:

- An evaluation of narrative and numeric water quality standards, criteria and associated policies;
- The discharge activity both independently and in the context of other dischargers in the affected waterbodies; and
- Consideration of any impairment listed pursuant to Part 303d of the federal Clean Water Act or any TMDL established for the waterbody.

The Applicant and its discharges have existed since 1906 with minor modifications to the turbines and the facility. The source water for the Applicant's facility is the Shetucket River upstream, and the Applicant does not add chemicals nor alter the water prior to it discharging back to the Shetucket River. DEEP has determined the discharges will not have a negative impact on the water quality of the Shetucket River.

DEEP has determined that the discharges and activities associated with this permit are consistent with the maintenance, restoration, and protection of the existing and designated uses of the Shetucket River.

3.15 ANTI-BACKSLIDING

This is the first permit for the facility and its wastewater discharges; hence an anti-backsliding evaluation is not required to be performed.

3.16 CATEGORICAL DISCHARGE CONDITIONS

There are no applicable federal or state categorical discharge regulations for these discharges.

3.17 VARIANCES AND WAIVERS

The Permittee did not request a variance or a waiver.

3.18 E-REPORTING

The Permittee is required to electronically submit documents in accordance with 40 CFR Part 127.

SECTION 4 SUMMARY OF NEW PERMIT CONDITIONS AND LIMITS FROM THE PREVIOUS PERMIT

This facility has not previously been regulated by a NPDES permit.

SECTION 5 PUBLIC PARTICIPATION PROCEDURES

5.1 INFORMATION REQUESTS

The application has been assigned the following numbers by DEEP. Please use these numbers when corresponding with this office regarding this application.

APPLICATION NO. 202201758 PERMIT ID NO. CT0030815

Interested persons may obtain copies of the application from Daniel Timlake, 143 West Street, Suite E, New Milford CT, 860-350-3617 or Daniel.timlake@firstlightpower.com.

The application is available for inspection by contacting Patrick Bieger at Patrick.bieger@ct.gov, at the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 - 4 :30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.

5.2 PUBLIC COMMENT

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed to Patrick Bieger, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or Patrick.bieger@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby and shall hold a hearing upon receipt of a petition signed by at least twenty-five (25) persons. Notice of any public hearing shall be published at least thirty (30) days prior to the hearing.

Petitions for a hearing shall be submitted within thirty (30) days from the date of publication of this public notice and should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. The Office of Adjudications will accept electronically-filed petitions for hearing in addition to those submitted by mail or hand-delivered. Petitions with required signatures may be sent to deep.adjudications@ct.gov; those mailed or delivered should go to the DEEP Office of Adjudications, 79 Elm Street, Hartford, CT 06106. If the signed original petition is only in an electronic format, the petition must be submitted with a statement signed by the petitioner that the petition exists only in that form. Original petitions that were filed electronically must also be mailed or delivered to the Office of Adjudications within 30 days of electronic submittal. Additional information can be found at www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act (ADA). If you are seeking a communication aid or service, have limited proficiency in English, wish to file an ADA or Title VI discrimination complaint, or require some other accommodation, including equipment to facilitate virtual participation, please contact the DEEP Office of Diversity and Equity at 860-418-5910 or by email at deep.accommodations@ct.gov. Any person needing an accommodation for hearing impairment may call the State of Connecticut relay number - 711. In order to facilitate efforts to provide accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program, or event.



**NOTICE OF TENTATIVE DECISION
INTENT TO ISSUE A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR
THE FOLLOWING DISCHARGES INTO THE WATERS OF THE STATE OF CONNECTICUT**

TENTATIVE DECISION

The Commissioner of Energy and Environmental Protection ("the Commissioner") hereby gives notice of a tentative decision to issue a permit based on an application submitted by **Firstlight CT Hydro LLC** ("the Applicant") under Section 22a-430 of the Connecticut General Statutes ("CGS") for a permit to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that the discharge would not cause pollution of the waters of the state and the Commissioner proposes to issue a permit for the discharge to Shetucket River.

The proposed permit, if issued by the Commissioner, will require that the wastewater meets applicable effluent limitations and periodic monitoring to demonstrate that the discharge will not cause pollution.

APPLICANT'S PROPOSAL

Firstlight CT Hydro LLC proposes to discharge a maximum daily flow of 69,120 gallons per day of turbine leakage to the Shetucket River from operations at a hydroelectric power generation facility in Taftville.

The name and mailing address of the permit applicant are:

Firstlight CT Hydro LLC
111 South Bedford Street, Suite 103
Burlington, MA 01803

The activity takes place at:

Junction of Routes 169 and 97
Taftville, CT 06380

REGULATORY CONDITIONS

Type of Treatment

DSN 001, 002: No treatment

Effluent Limitations

This permit contains effluent limitations applicable to the external outfalls consistent with case-by-case determination using the criteria of Best Professional Judgement. These effluent limits will prevent an exceedance of the Water Quality Standards when the Applicant complies with all permit requirements.

In accordance with Section 22a-430-4(l) of the Regulations of Connecticut State Agencies, the permit contains effluent limitations for pH and monitoring requirements for oil and grease. Refer to the fact sheet for additional information.

COMMISSIONER'S AUTHORITY

The Commissioner is authorized to approve or deny such permits pursuant to Section 402(b) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, et. seq. and Section 22a-430 of the CGS and the Water Discharge Permit Regulations (Section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies).

INFORMATION REQUESTS

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

APPLICATION NO. 202201758

PERMIT ID NO. CT0030815

Interested persons may obtain copies of the application from:

Daniel Timlake
Firstlight CT Hydro LLC
111 South Bedford Street, Suite 103
Burlington MA, 01803
Daniel.timlake@firstlightpower.com
Phone No.: (860) 350-3617

The application is available for inspection by contacting Patrick Bieger at 860-424-3805 or patrick.bieger@ct.gov, at the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 AM to 4:30 PM, Monday through Friday.

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PUBLIC COMMENT

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed to Patrick Bieger, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 061065127 or Patrick.bieger@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty -five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

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A handwritten signature in dark ink, appearing to read 'Audra', with a long, sweeping horizontal stroke extending to the right.

Audra Dickson, Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection

Dated: September 30, 2014