



National Pollutant Discharge Elimination System Permit

Issued to

FirstLight CT Hydro LLC
143 West Street, Suite E
New Milford, CT 06776

Location Address:

Old Creamery Road
Colebrook, CT 06021
Robertsville Generating Station

Permit Number: CT0030812

Issuance Date: [date of signature]

Receiving Water Body: Still River

Effective Date: [1st of the month]

Receiving Water Body ID: CT4303-00_02

Permit Expires: [5 years after effective]

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 National Pollutant Discharge Elimination System (“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
- (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
 - (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.

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

“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.

“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.

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

“Semiannual” when used as a sampling frequency in this permit, means that sampling is required to be conducted at least once during the period from April 1 to September 30 and at least once during the period from October 1 to March 31.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that the discharge will not cause pollution of the waters of the state. The Commissioner's decision is based on Application No. 202206300 for permit issuance received on May 18, 2022, and the administrative record established in the processing of that application.
- (B) Beginning on this permit's effective date 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. 202206300 received by the Department of Energy and Environmental Protection ("DEEP") on May 18, 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.
- (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.
- (E) There shall be no discharge of polychlorinated biphenyl (PCB) compounds.

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) 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 discharge during standard operating conditions. 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.
- (C) 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 DEEP personnel, the Permittee, or other parties.

Table A

Discharge Serial Number: DSN 101		Monitoring Location: 1
Wastewater Description: Turbine Leakage from Turbine Unit #1		
Monitoring Location Description: Turbine unit #1 leakage collection channel		
Discharge is to: Still River	Dilution Factor: None	Outfall Location: Latitude (41.966613°N) and Longitude (73.043254°W)

PARAMETER	NETDMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency	Sample Type or measurement to be reported
Flow, Maximum during 24-hr period ¹	50047	gpd	NA	3,000	Daily/Semi-annually	Total Daily Flow ²	NA	NR	NA
Oil & 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:

- For this parameter, the Permittee shall maintain a record of the Total Daily Flow for each operating day. The Permittee shall report on its DMR “Maximum Daily Flow” for each semi-annual period as defined in Remark 4.
- Total Daily Flow shall be an estimation of flow discharged over 24 hours.

Remarks:

- Abbreviations used for units are as follows: gpd means gallons 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 (unless sampling is conducted relative to Section 5(C) of this permit).
- 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.
- Analyses that indicate that a parameter was not detected or that was detected less than the noted ML shall be reported in accordance with Section 6(E).
- Semi-annual monitoring shall be conducted at least once between April 1 and September 30 and at least once between 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 B									
Discharge Serial Number: DSN 102							Monitoring Location: 1		
Wastewater Description: Turbine Leakage from Turbine Unit #2									
Monitoring Location Description: Turbine unit #2 leakage collection channel									
Discharge is to: Still River				Dilution Factor: None			Outfall Location: Latitude (41.966585°N) and Longitude (73.043299°W)		
PARAMETER	NETDMR CODE	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
			Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/Reporting Frequency	Sample Type or measurement to be reported
Flow, Maximum during 24-hr period ¹	50047	gpd	NA	3,000	Daily/Semi-annually	Total Daily Flow ²	NA	NR	NA
Oil & 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

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- For this parameter, the Permittee shall maintain a record of the Total Daily Flow for each operating day. The Permittee shall report on its DMR “Maximum Daily Flow” for each semi-annual period as defined in Remark 4.
- Total Daily Flow shall be an estimation of flow discharged over 24 hours.

Remarks:

- Abbreviations used for units are as follows: gpd means gallons 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 (unless sampling is conducted relative to Section 5(C) of this permit).
- 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.
- Analyses that indicate that a parameter was not detected or that was detected less than the noted ML shall be reported in accordance with Section 6(E).
- Semi-annual monitoring shall be conducted at least once between April 1 and September 30 and at least once between 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.
- (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. Detected concentrations less than the noted ML shall be reported on the Discharge Monitoring Reports (“DMRs”) as the concentration reported by the laboratory.
- (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.
- (B) 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.
- (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, as scheduled, indicating NODI Code C “NO DISCHARGE”. For those permittees whose required monitoring is discharge dependent (e.g., per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.
- (D) *NetDMR Reporting Requirements:* 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. Specific requirements regarding NetDMR, submittal of reports using NetDMR, and submittal of reports in hard copy form, are described below:
- (1) *Submittal of NetDMR Subscriber Agreement:* The Permittee will electronically submit the signed *Connecticut DEEP NetDMR Subscriber Agreement* to DEEP at deep.netdmr@ct.gov prior to using NetDMR.
 - (2) *Submittal of Reports Using NetDMR:* The Permittee and/or the signatory authority will electronically submit DMRs and applicable reports required under this permit to DEEP using NetDMR. DMRs will be submitted electronically no later than the last day of the months following the completed reporting period. The permittee will also electronically file any written report of noncompliance as an attachment in NetDMR. NetDMR is accessed from: <https://npdes-ereporting.epa.gov/net-netdmr>

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

- (A) 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.
- (B) 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 if the concentration or quantity of that substance exceeds two times the level listed in the application.

This permit is hereby issued on [insert signature date here].

Emma Cimino
Deputy Commissioner
Department of Energy and Environmental Protection

EC/JG