

**TOWN OF NARRAGANSETT  
ENGINEERING DEPARTMENT  
WASTEWATER DIVISION**

**REQUEST FOR BIDS:  
WASTEWATER LABORATORY ANALYSIS**

Narragansett, Rhode Island  
02882



Susan W. Gallagher, Purchasing Manager  
Scott Goodinson, Wastewater Superintendent  
Jonathan Gerhard, P.E., Town Engineer

**Bid Opening: Friday, March 27, 2026 at 11:00 AM**

**VENDOR NAME SUBMITTING BID:** \_\_\_\_\_

## INVITATION TO BID

Separate sealed bids will be received by the **TOWN OF NARRAGANSETT, RHODE ISLAND** for **WASTEWATER LABORATORY ANALYSIS** on or before **11:00 AM on Friday, March 27, 2026** at the office of the Purchasing Manager, 25 Fifth Avenue, Narragansett, RI and at that time will be opened and read in public.

Specifications may be obtained at the Purchasing Office, 25 Fifth Avenue, Narragansett, Rhode Island between the hours of 8:30 a.m. and 4:30 p.m. **Monday through Friday** and are available on the Town of Narragansett website, [www.narragansettri.gov](http://www.narragansettri.gov).

All bids must be submitted on the bid form provided, in duplicate and clearly marked:

(Sealed Bid)

### **WASTEWATER LABORATORY ANALYSIS**

Bids must be enclosed in an opaque envelope addressed to "Purchasing Manager, Town Hall, 25 Fifth Avenue, Narragansett, Rhode Island 02882-3699", bearing the name and address of the bidder.

No bidder may withdraw his/her bid within ninety (90) days after the scheduled closing time for receipt of bid.

The Town of Narragansett reserves the right to reject any/all bids, waive any informalities in the bids received and to accept and award the bid to the lowest qualified bid deemed most favorable to the interest of the Town of Narragansett.

Individuals requesting interpreter services for the hearing impaired must notify the Finance Department (401)782-0644 three business days prior to the bid opening.

Susan W. Gallagher  
Purchasing Manager

**STANDARD INSTRUCTIONS TO BIDDERS**  
**DEPARTMENT OF FINANCE-PURCHASING DIVISION**  
**TOWN OF NARRAGANSETT, RHODE ISLAND**

**THESE INSTRUCTIONS ARE STANDARD FOR ALL PROPOSALS ISSUED BY THE PURCHASING DIVISION AND MAY BE DELETED OR MODIFIED BY INDICATING SUCH CHANGE BY "SPECIAL INSTRUCTIONS TO BIDDERS."**

1. Receipt and Opening of Proposal

Sealed proposals (bids) will be accepted in the office of the Purchasing Manager, Town of Narragansett, RI until the time indicated on the advertisement for bids, for the commodities, equipment or services designated in the specifications and will then be publicly opened and read.

2. Form of Bid

Proposal must be submitted on and in accordance with the forms attached hereto, blank places must be filled in as noted, no change shall be made in the phraseology of the proposal or in the item or items mentioned therein, must contain the name and proper address of the bidding firm, and must be signed by a responsible member of the firm with his/her signature and official title. Proposals that are not complete, or contain any omissions, erasures, alterations, additions or contain irregularities of any kind, may be rejected.

3. Submission of Bids

- a. Envelopes containing bids must be sealed and addressed to the office of the Purchasing Manager, Town Hall, Narragansett, RI 02882 and must be marked with the name and address of bidder, date and hour of opening, and name of bid.
- b. The Purchasing Manager will decide when the specified time has arrived to open bids, and no bid received thereafter will be considered.
- c. Any bidder may withdraw his/her bid by written request at any time prior to the advertised time for opening. Telephonic or emailed bids or withdrawals will not be accepted.
- d. Unless otherwise specified, no bid may be withdrawn for a period of ninety (90) days from the date of bid opening.
- e. Negligence on the part of the bidder in preparing the bid confers no rights for the withdrawal of the bid after it has been opened.
- f. Proposals received prior to the opening time will be securely kept unopened. No responsibility will attach to an officer or person for the premature opening of a proposal not properly addressed and identified.

- g. All bids or proposals that exceed \$500,000 must include an additional copy (beyond the number of copies specified in the Invitation to Bid, Bid Form, or elsewhere within these Contract Documents), submitted by the Bidder, which will be made available for public inspection pursuant to RIGL 37-2-18(j).

4. Prices

Bidders shall state the proposed price in the manner as designated in the Bid Proposal Form. If there is a discrepancy between the unit prices and the extended totals, the unit prices shall govern. In the event there is a discrepancy between the price written in words and written in figures, the prices written in words shall govern.

5. Terms

Cash discounts offered will be considered in determining awards. The discount period shall be computed from the date of delivery or from the correct invoice as received by Town Treasurer, whichever date is later. The date of delivery shall be construed to mean the date on which bid item is determined to meet the specifications and is therefore acceptable. Discounts for a period less than thirty (30) days may not be considered.

6. Rhode Island Sales Tax

The Town is exempt from the payment of R.I. Sales Tax under the 1956 General Laws of the State of Rhode Island, 44-18-30 Paragraph 1, as amended.

7. Federal Excise Taxes

The Town is exempt from the payment of any excise or federal transportation taxes. The price bid must be exclusive of taxes and will be so construed.

8. "Or Equal" Bidding

When the name of a manufacturer, a brand name, or manufacturer's catalogue number is issued as the bid standard in describing an item followed by "Or Equal" this description is used to indicate quality, performance and other essential characteristics of the article required.

If bidding on other than the make, model, brand or sample specified, but equal thereto, bidder must state so by giving the manufacturer's name, catalogue number and any other information necessary to prove that the intended substitution of a commodity is equal in all essential respects to the bid standard. Bidder must prove to the satisfaction of the Town personnel that the designated substitute is equal to the bid standard: otherwise, his/her bid will be declared "No Bid" insofar as the item in question is concerned.

9. Award and Contract

Unless otherwise specified, the Town reserves the right to make award by item or items, or by total, as may be in the best interest of the Town. A written award (or acceptance of bid) mailed (or otherwise furnished) to the successful bidder followed by a Town Purchase Order

shall, unless otherwise specified, be deemed to result in a binding contract without further action by either party.

10. Delivery

All prices must be on the basis of F.O.B. Delivery Point Narragansett, Rhode Island. The bid prices must include delivery and shipping to the Town. No additional shipping, handling, or fuel surcharge costs will be honored by the Town. Deliveries must consist only of new merchandise or equipment (unless otherwise specified) and shall be made between 8:30 a.m. and 3:00 p.m., Monday through Friday. No delivery shall become due or be acceptable without a written Purchase Order issued by the Town Purchasing Manager.

11. Equal Employment Opportunity Policy Statement

For the purposes of this Policy, the term “vendor” shall mean any and all individuals, companies, corporations, and business entities that provide goods or services to the Town of Narragansett pursuant to any and all relevant and appropriate Federal, State, and local purchasing rules, regulations, and procedures.

The Town of Narragansett is committed to the general policy and principle of Equal Employment Opportunity in terms of retaining vendors to provide the Town with goods and services necessary for routine and emergency operations. The Town will not discriminate against vendors as entities, or individual employees thereof on any legally recognized basis included, but not limited to, race, age, color, religion, sex, marital status, national origin, physical or mental disability, Veteran’s status, pregnancy, sexual orientation, genetic conditions, predisposition to certain diseases, or ancestry, except where a bona fide occupational qualification exists.

The Town of Narragansett’s bidding and procurement process encourages participation by Minority Owned and Women Owned businesses (MBE\WBE).

12. Towns Right to Reject

The Town reserves the right to reject any and all proposals, to waive any informality in the proposals received and to accept the proposal deemed to be most favorable to the best interests of the Town.

13. Insurance

The CONTRACTOR shall provide the following insurances in accordance with the General Conditions:

A. Professional Liability Insurance

The CONTRACTOR shall carry and maintain an insurance policy written in the name of the OWNER, its employees, servants and agents, and extended to include the interests of the Engineer, its employees, and agents; to protect the OWNER and the Engineer from any liability which might be incurred against them as a result of any operations of the CONTRACTOR or his/her subcontractors, or their employees. Such

insurance shall provide for a limit of not less than One Million Dollars (\$1,000,000) for all damages arising out of bodily injury and/or property damage. If Contractor's Professional Liability policy is subject to an Annual Aggregate, said Aggregate must be in multiples of the per occurrence limit of liability. The contract will provide evidence of its Professional Liability policy to the Town of Narragansett. The Contractor will provide evidence of its Professional Liability policy to the Town of Narragansett

B. Sub-Contractor(s) Insurance

The CONTRACTOR shall provide satisfactory evidence of similar insurance (each category as noted above) from each sub-contractor to be employed on the project.

14. Labor Regulations

The following paragraphs regarding nondiscrimination in employment shall be included and become part of these Specifications:

- A. The Contract for Work under this proposal will obligate the contractor and subcontractors not to discriminate in employment practices and conform with Executive Order No. 11246.
- B. Bidders must, if required, submit a compliance report concerning their employment practices and policies in order to maintain their eligibility to receive award of the Contract.
- C. Successful bidders must, if required, submit a list of all subcontractors who will perform Work on the Project, and written signed statements from authorized agents of labor pools with which they will or may deal with for employees on the Work, together with any information to the effect that such labor pools practices or policies are in conformity with Executive Order No. 11246; that they will affirmatively cooperate in or offer no hindrance to the recruitment, employment, and equal treatment of employment, and equal treatment of employees seeking employment and performing Work under this Contract; or a certification as to when such agents or labor pools have failed or refused to furnish them, prior to award of the Contract.

15. Wage Rates

Attention of the bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract. In conformity with the provisions of Chapter 13 of Title 37, General Laws, Rhode Island, 1956, as amended, the minimum wages for a day's work paid to all employees shall be not less than the customary and prevailing rate of wages for a day's work in the locality where the work is undertaken. Such a schedule of wages has been established on a minimum hourly basis and is in file in the office of the State Department of Labor. The Contractor shall comply with all provisions of Chapter 37-13 of the RIGL, as may be amended. Particular attention is called to Chapter 37-13-13, relative to posting and providing certified payroll records. For additional information, refer to the State of Rhode Island and Providence Plantations Division of Professional Regulations "Rules and Regulations Relating to Prevailing Wages".

16. Licenses and Certifications

At the time of the award, the CONTRACTOR and all of his/her sub-contractors shall possess and provide evidence of all licenses, trade certifications, trade registrations, etc. pertaining to the requirements of the project.

17. Smoke-Free Property

Per Town Council adopted Ordinance, all Town properties are smoke-free, and smoking is prohibited accordingly. This applies to the employees of the Town and all contractors, vendors, suppliers, guests, etc. All contractors are required and instructed to notify their employees and subcontractors of this law.

**Town of Narragansett  
Wastewater Division  
Contract Specifications for Laboratory Analysis  
RIPDES Permit # RI0100188**

The Town of Narragansett is requesting bids from laboratories certified by the State of Rhode Island to perform all necessary services in connection with analyzing and reporting on samples from the Scarborough Wastewater Treatment Facility and the Narragansett Pretreatment program. The samples will be collected by the Town and analyzed for the attached constituents (see Analysis Requirements). All samples will be picked up at an agreed upon time at the Scarborough Wastewater Treatment Facility, 990 Ocean Rd., Narragansett, R.I., unless noted otherwise.

**GENERAL REQUIREMENTS**

- 1) Must show proof of passing latest QA/QC testing for all parameters stated in bid. If the laboratory fails the QA/QC test, the Town reserves the right to void the contract.
- 2) Proof of Rhode Island State Licensing Program or application for State license and R.I. Dept. of Health certified for all parameters stated in the bid. Vendor shall include with their bid submission a list of test method(s) for which the laboratory holds R.I. Dept. of Health certification for all parameters that require testing under the contract and RIPDES permit.
- 3) Successful Bidder shall supply all sample bottles w/proper preservative, labels, chain of custody forms and pick up of samples. **NOTE:** Any and all sample pick-up and transportation charges shall be included within the bid price for each item. Based on two hundred sixty (260) pick-ups annually, the Laboratory shall provide sample pick-up daily, Monday through Friday, including any and all holidays (except as noted under item 15 below), unless other arrangements are made in advance.
- 4) List testing procedures, methods and sources for all parameters stated in the bid.
- 5) Must be able to achieve R.I. Dept. of Health Method Detection Limits (MDL), in reagent water and show proof thereof for all parameters stated in the bid.
- 6) Statement on laboratory reports that maintains 40 CFR 136/USEPA approved analytical methodologies and all NELAC requirements were used and met for all sampling and analysis.
- 7) The Town reserves the right to visit the lab to observe procedures, techniques, and types of instrumentation.
- 8) Scarborough WWTF Analysis Reports will be forwarded to the office of the Wastewater Superintendent. Attn: Scott Goodinson, 25 Fifth Avenue, Narragansett, RI 02882. The vendor shall forward all analysis reports to the Town within 10 calendar days of receiving samples.
- 9) Pretreatment Analysis Reports will be forwarded to the office of the Wastewater Superintendent, Attn: Scott Goodinson, 25 Fifth Avenue, Narragansett, RI 02882. The vendor shall forward all analysis reports to the Town within 10 calendar days of receiving samples.
- 10) The Town reserves the right to increase or decrease testing as necessary or as desired. The unit bid prices shall be honored and shall remain in effect regardless of the number of tests required and performed.
- 11) Additional tests will be at the bid prices throughout the bid period, including DMR QA/QC evaluations by laboratory.
- 12) **This agreement shall be for a one (1) year period, from the date of award** (tentatively April 20, 2026). The Town reserves the right to extend the contract length annually, upon agreement to same by the Vendor. Nothing herein shall obligate the Town to any such extension. All bid prices contained within the accepted proposal must be held for the original

and extended contract term or terms should said agreement to extend the term or terms take effect.

- 13) A copy of the current RIPDES permit is attached, lab testing requirements are identified. All laboratory tests shall be completed using a 40 CFR 136 approved method unless specifically noted otherwise.
- 14) The Laboratory must notify the Town immediately of any breach of analytical protocol(s) including, but not limited to procedures such as the collection of samples, transportation, permissible holding times, laboratory errors, changes or revision made by the lab to any submitted sample chain of custody, or any violation of the Town's RIPDES permit caused by any action of the Laboratory, etc. (see below for immediate notification contacts). The Town reserves the right to order the Laboratory to submit a written explanation of any such breach, along with a plan detailing methods to prevent the reoccurrence of such a breach.
- 15) The Laboratory shall provide immediate notification of any bacteriological exceedances to the individuals and in order listed below. If the first listed individual does not answer, a voice mail shall be left with a description of the exceedance, and the Laboratory shall call the next individual named on the list and then follow up with an e-mail to all three individuals.

Scott Goodinson      (401) 678-8088      [sgoodinson@narragansettri.gov](mailto:sgoodinson@narragansettri.gov)

Phil Rattenni          (401) 450-5344      [prattenni@narragansettri.gov](mailto:prattenni@narragansettri.gov)

Kyle Brown            (401) 864-2807      [kbrown@narragansettri.gov](mailto:kbrown@narragansettri.gov)

- 16) The intent of the Town is to enter into a contract with the Laboratory for a one (1) year period, subject to the terms and conditions herein. However, failure by the Laboratory to adhere to the contract specifications or to established and/or regulated laboratory practices and protocols, including but not limited to procedures such as the collection of samples, transportation, permissible holding times, laboratory procedures, etc., or any action by the Laboratory that results in a violation of the Town's RIPDES permit shall be grounds for the Town, at its sole discretion, to terminate this contract for cause prior to the one (1) year period of time following the bid award. The Town shall retain the sole authority to determine the notice of termination time given to the Laboratory in the event of a failure by the Laboratory to fully comply with the contract specifications. Termination by the Town for convenience rather than for cause as noted above shall be provided in writing thirty (30) days in advance to the Laboratory.

Laboratory must be located within fifty (50) miles of the Scarborough Wastewater Treatment Facility, 990 Ocean Rd., Narragansett, R.I., and be able to provide sample collection and analysis 365 days per year, except on the following holidays: New Years Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving and Christmas.

## Analysis Requirements

### **Bid Item No. 1**

(Each bidder is to include a price per test breakdown along with the lump sum total.)

<b><u>Analysis</u></b>	<b><u>Type</u></b>	<b><u>Units</u></b>	<b><u>Quantity (Frequency)</u></b>
Ammonia total (as N)	Effluent	(mg/l)	12 (1 per Month)
Nitrite Total (as N)	Effluent	(mg/l)	12 (1 per Month)
Nitrate Total (as N)	Effluent	(mg/l)	12 (1 per Month)
Nitrogen Total Kjeldahl	Effluent	(mg/l)	12 (1 per Month)
Oil & Grease	Effluent	(mg/l)	36 per year (3 Grabs/1 Day Per Month)
Process Sludge (40CFR503) (7)	Sludge	(mg/l)	1 (Annually)
B.O.D Influent / Effluent	Influent/Effluent	(mg/l)	312, (3 per week for entire year-Mon,Wed and Fri.)
T.S.S Influent / Effluent	Influent/Effluent	(mg/l)	312, (3 per week for entire year-Mon,Wed and Fri.)
Salinity	Pretreatment	(mg/l)	As Needed
Bio-Assay (1) (1a)	Effluent	(Per Permit)	4 (Quarterly)
Metals (2)	Pretreatment	(ug/l)	As Needed
Specific Indicators (3)	Pretreatment		As Needed
TTO Pesticides & PCB's (EPA Method 608) (4)	Pretreatment	(ug/l)	As Needed
TTO Semi. VOC's & VOC's (EPA Method 624/625) (4)	Pretreatment	(ug/l)	As Needed
Enterococci (Permit Compliance)	Effluent	(MPN/100 mls)	3 per week for entire year (Tue, Wed and Thur.)
Fecal (Permit Compliance)	Effluent	(cfu/100 mls)	3 per week for entire year (Tue, Wed and Thur.)
3 <sup>rd</sup> Quarter Priority Pollutants	As listed in 40 CFR 122 Appendix D Tables II and III, in conjunction with the 3 <sup>rd</sup> Quarter Bio Assay		
Metals (5)	Effluent	(ug/l)	1 per quarter for each metal (see permit)
PFAS Analytes (1633) (6)	Influent/Effluent	(ng/l)	8 (1 each per quarter - see permit)
PFAS Analytes (1633) (6)	Sludge	(ng/l)	1 (Annually)
Enterococci (Storm/Groundwater) (8)	Water	(MPN/100 mls)	As needed (non-routine pickup)
Fecal (Storm/Groundwater) (8)	Water	(cfu/100 mls)	As needed (non-routine pickup)

### **(1) Bio-Assay Includes:**

LC 50 for Mysids performed on dechlorinated effluent Supporting chemistry performed on dechlorinated effluent split. Includes Specific Conductance, pH, Salinity, Total Solids, T.S.S., Total Organic Carbon, Available Cyanide via 40 CFR Part 136 approved test procedure (a.k.a. Cyanide Amenable to Chlorination), Total Phenols and Ammonia. Supporting chemistry performed on saltwater Diluent includes – Specific Conductance, pH, Salinity, Total Solids, T.S.S.

### **(1a) Species Sensitivity Screening Report.**

For four (4) quarters **beginning October 1, 2026**, the RIPDES permit chronic species sensitivity screening for the discharge. Species sensitivity screening for chronic toxicity shall include, at minimum, chronic toxicity testing for four consecutive calendar quarters using 40 CFR Part 136 approved methods for mysid (*Mysidopsis bahia*), sea urchin (*Arbacia punctulate*), and fish (*Menidia beryllina*). Samples shall be obtained from the dechlorinated effluent collected from Outfall 001A during dry weather periods (no rain within forty-eight (48) hours prior to or during sampling unless approved by RIDEM). Bioassay sensitivity screening analyses will be performed as needed at the discretion of the Superintendent prior to permit required testing date.

### **(2) Metals (Pretreatment) include:**

Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Silver, and Zinc.

**(3) Specific Indicators include:**

pH, Cyanide, Sulfate, Sulfide, Total Oil & Grease, and B.O.D.5

**(4) TTO EPA Method 608 & 624/625**

Analyze using EPA methods 608 Polychlorinated Biphenyl, 608 Organochlorine. 624 Volatile Organic compounds, 625 Semi-Volatile compounds. As specified in Federal Register 40 CFR 136.

**(5) Metals (Effluent)**

**Aluminum, Cadmium, Chromium, Copper, Lead, Nickel, and Zinc.** Analyze in conjunction with quarterly bioassay monitoring in accordance with RIPDES Permit for Scarborough WWTF (copy attached).

**(6) PFAS Analytes (Influent/Effluent/Sludge Grabs)**

Influent, effluent, and sludge sampling for the listed PFAS parameters listed in Attachment A. PFAS samples shall be analyzed using Clean Water Act wastewater draft **analytical method 1633** until a 40 CFR Part 136 approved test method for wastewater is approved.

**(7) Process Sludge**

Analyses as required under 40 CFR Part 503 annual sludge testing and reporting (Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Zinc, Beryllium, Total Solids, Fixed Solids, Volatile Solids, Full TCLP, pH).

**(8) Storm/Groundwater Samples**

Analyses as may be necessary for Illicit Discharge Detection Elimination testing of Fecal Coliform and Enterococci in stormwater and/or groundwater samples. Analyses shall be scheduled as needed at the discretion of the Superintendent. Sample pickups will be scheduled at time of sampling and may not coincide with regular routine permit compliance sampling pickups.

**Analysis Requirements (additional conditions)**

- A) Bio-Assay: Mysids, Definitive 48- hour, Acute Static (L.C. 50). Sensitive Species - See attached RIPDES Permit
- B) Bio-Assay reports will be in duplicate and bound, including chemistry. To be delivered no later than the 10th day of the following month. In the event an outside laboratory is contracted, it will be the contract laboratory's responsibility to provide the Bio-Assay report.
- C) Bio-Assay Scheduling will be at the discretion of the Superintendent and will have to be coordinated with the State User Fee Sampling program.
- D) Bio-Assay dilution water will be the contract laboratory responsibility to obtain.
- E) Metals and Cyanide- Reported in micrograms per liter (ug/l – Parts per Billion (PPB)), Cyanide shall be reported for Available Cyanide as determined via 40 CFR Part 136 approved test procedure (a.k.a. Cyanide Amenable to Chlorination).
- F) Priority Pollutants - As listed in tables II & III of appendix D of 40 CFR 122
- G) Detection limits for all analysis will be at or below the permit required method detection limit (MDL) - Refer to attached RIPDES Permit #RI-0100188
- H) All Bidders shall complete the Experience form and include with their bid form. Bids submitted without a completed Experience form will be deemed non-responsive.
- I) Any other question regarding analysis requirements - Refer to attached RIPDES Permit #RI-0100188

**BIDFORM  
WASTEWATER LABORATORY ANALYSIS**

Pursuant to and in compliance with the INVITATION TO BID, GENERAL CONDITIONS, and the INSTRUCTIONS TO BIDDERS relating thereto, the undersigned Bidder hereby states that he/she (they or it) has carefully examined the **CONTRACT DOCUMENTS** and the party understands the provisions, requirements, terms and conditions thereof, all of which are acknowledged to be part of the **BID PROPOSAL**.

Further, he/she has become familiar with local conditions and the extent of work; has determined the required quality, quantity and sources of supply of all plant, equipment, materials, tools, supplies, labor and all other facilities and things necessary or proper or incidental to the continuous execution and completion of the work as required; and hereby agrees to perform the Contract in strict accordance with the **CONTRACT DOCUMENTS** within the time frame set forth herein.

**The undersigned Bidder hereby agrees that the BID PROPOSAL submitted shall remain in effect and binding upon the Bidder for a period of 90 calendar days, from the date and time Bids are received.**

The undersigned Bidder declares that his/her bid proposal in all respects is fair and made without collusion with any other person, firm, and/or corporation making a proposal for this work.

The undersigned Bidder, if awarded the Contract by the Town, hereby agrees to enter into a Contract for said project within 15 calendar days from the date of said Notice Of Award.

**\*NOTE: BIDDER MUST SUBMIT PROPOSAL (BID) IN DUPLICATE!!!!**

**BID ITEM NO. 1 (All Prices are Per Test)**

- a. Ammonia Total (as N) \$ \_\_\_\_\_
- b. Nitrite Total (as N) \$ \_\_\_\_\_
- c. Nitrate Total (as N) \$ \_\_\_\_\_
- d. Nitrogen Total Kjeldahl \$ \_\_\_\_\_
- e. Oil & Grease \$ \_\_\_\_\_
- f. Process Sludge (40CFR503) \$ \_\_\_\_\_
- g. B.O.D \$ \_\_\_\_\_
- h. T.S.S \$ \_\_\_\_\_
- i. Salinity \$ \_\_\_\_\_
- j. Bio-Assay (Mysids only) \$ \_\_\_\_\_
- k. Bioassay (Mysids & Sensitive Species) \$ \_\_\_\_\_

- l. Metals (Pretreatment) \$ \_\_\_\_\_
- m. Specific Indicators \$ \_\_\_\_\_
- n. TTO EPA Method 608 \$ \_\_\_\_\_
- o. TTO EPA Method 624/625 \$ \_\_\_\_\_
- p. Enterococci (Permit Compliance) \$ \_\_\_\_\_
- q. Fecal (Permit Compliance) \$ \_\_\_\_\_
- r. 3<sup>rd</sup> Quarter Priority Pollutants \$ \_\_\_\_\_
- s. Metals (Effluent) \$ \_\_\_\_\_
- t. PFAS 1633 (Influent or Effluent) \$ \_\_\_\_\_
- u. PFAS 1633 (Sludge) \$ \_\_\_\_\_
- v. Enterococci (Storm/Groundwater) \$ \_\_\_\_\_
- w. Fecal (Storm/Groundwater) \$ \_\_\_\_\_
- x. Fecal (emergency-after hours) \$ \_\_\_\_\_
- y. Enterococci (emergency-after hours) \$ \_\_\_\_\_

Note: Bids will be evaluated by applying the per test unit prices bid to the test quantities identified in the Analysis Requirements. "As Needed" tests quantity may be omitted or may be set to one (1) for the purposes of bid evaluation as deemed to the best interest of the Town. Bids failing to meet any reporting requirement on the Experience sheets may be rejected at the Town's discretion.

BUSINESS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

FIN: \_\_\_\_\_

(Federal ID Number)

## EXPERIENCE

The following experience sheet shall be completed by each Bidder. Information is required for the last three years of operation. Any Bid submitted without a fully completed Experience Sheet will be rejected by the OWNER. The Contractor may choose to attach supplemental statement of experience sheets in place of this sheet.

1. Has your firm ever failed to process BOD and/or TSS samples and return results within a contract required 10-day turnaround? If yes, provide date(s) and circumstances of the delay and how the conditions were corrected.

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2. Is there a backup power generator at your laboratory? If not, has your laboratory ever lost utility power and failed to complete sample analyses and/or reports for permit required testing for any clients (provided dates and circumstances)?

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3. Has your firm ever omitted a test from a chain of custody without notifying the client prior to sending the laboratory analysis report? If yes, provide date(s) and circumstances of the omission and why the client was not informed in advance.

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**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF WATER RESOURCES**  
235 Promenade Street, Providence, Rhode Island 02908

September 11, 2023

**CERTIFIED MAIL**

Mr. James Tierney  
Town Manager  
Town of Narragansett  
25 Fifth Avenue  
Narragansett, RI 02882

**RE: Scarborough Wastewater Treatment Facility Final Permit  
RIPDES Permit No. RI0100188**

Dear Mr. Tierney:

Enclosed is your final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit issued pursuant to the referenced application. State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the attached permit.

Also enclosed is information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning this permit, feel free to contact Cameron Murray of the State Permits Staff at (401) 222-4700, extension 2777274.

Sincerely,

Heidi Travers, P.E.  
Environmental Engineer IV

HET:CM

ecc: Scott Goodinson, Scarborough WWTF  
Crystal Charbonneau, DEM  
Sandy Mojica, EPA Region 1  
Nathan Chien, EPA Region 1  
Richard Carvalho, EPA Region 1

## RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMIT FOR THIS FACILITY; THEREFORE, NO RESPONSE WAS PREPARED.

## HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Mary Dalton, Clerk  
Department of Environmental Management  
Office of Administrative Adjudication  
235 Promenade Street  
3<sup>rd</sup> Floor, Rm 350  
Providence, RI 02908

Any request for a formal hearing must conform to the requirements of §1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

## STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with Rule 50, may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Joseph B. Haberek, P.E.  
Administrator of Surface Water Protection  
Office of Water Resources  
235 Promenade Street  
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of § 1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System (RI Code of Regulations; 250-RICR-150-10-1.50).

AUTHORIZATION TO DISCHARGE UNDER THE  
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended, the

**Town of Narragansett**  
Narragansett Town Hall  
25 Fifth Avenue  
Narragansett, Rhode Island

is authorized to discharge from a facility located at the

**Scarborough Wastewater Treatment Facility**  
990 Ocean Road  
Narragansett, Rhode Island

to receiving waters named

Rhode Island Sound (Waterbody ID: RI0010042E-02A)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

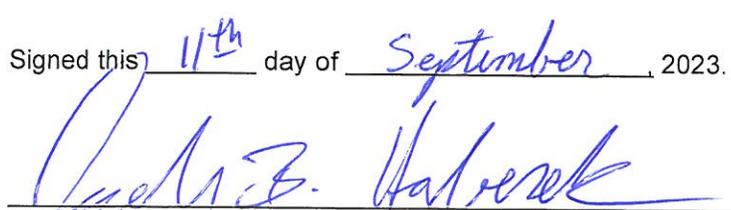
This permit shall become effective on October 1, 2023.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on August 30, 2017.

This permit consists of 20 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this 11<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Joseph B. Haberek, P.E., Administrator for Surface Water Protection  
Office of Water Resources  
Rhode Island Department of Environmental Management  
Providence, Rhode Island

**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Outfall 001A is the final discharge after dechlorination. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
Flow <sup>1</sup>	1.4 MGD	-- MGD				Continuous	Recorder
BOD <sub>5</sub> <sup>2</sup>	350	584	30 mg/l	45 mg/l	50 mg/l	3/Week	24-Hr. Comp.
BOD <sub>5</sub> - % Removal <sup>2</sup>			≥85%			1/Month	Calculated
TSS	350	584	30 mg/l	45 mg/l	50 mg/l	3/Week	24-Hr. Comp.
TSS - % Removal			≥85%			1/Month	Calculated
Settleable Solids <sup>1</sup>				--- ml/l	--- ml/l	1/Day	Grab

--- Signifies a parameter which must be monitored, and data must be reported; no limit has been established at this time.

\*Values in parentheses () are to be reported as Minimum/Maximum for the reporting period rather than Average Monthly/Maximum Daily.

<sup>1</sup>Sampling for Flow and Settleable Solids shall be performed Sunday-Saturday.

<sup>2</sup>Influent and effluent sampling is required for TSS and BOD<sub>5</sub>. Sampling for TSS and BOD<sub>5</sub> influent and effluent shall be performed Sunday, Tuesday, and Thursday with appropriate allowances for hydraulic detention (flow-through) time.

**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Outfall 001A is the final discharge after dechlorination. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
Enterococci			35 cfu/100 ml <sup>1</sup>		276 cfu/100 ml <sup>1</sup>	3/Week	Grab
Fecal Coliform			--- MPN/100 ml <sup>1</sup>		--- MPN/100 ml <sup>1</sup>	3/Week	Grab
Total Residual Chlorine (TRC) <sup>3</sup>			325 µg/l <sup>2</sup>		325 µg/l <sup>2</sup>	3/Day	Grab
pH <sup>3</sup>			(6.0 SU)		(9.0 SU)	2/Day	Grab

--- Signifies a parameter which must be monitored, and data must be reported; no limit has been established at this time.

\*Values in parentheses ( ) are to be reported as Minimum/Average/Maximum for the reporting period rather than Average Monthly/Average Weekly/Maximum Daily.

<sup>1</sup>Two (2) of the three (3) Enterococci samples are to be taken on Tuesday and Thursday at the same time as one of the TRC samples. The Fecal Coliform samples shall be taken at the same time as the Enterococci samples. The Geometric Mean shall be used to obtain the "monthly average" values. The facility shall immediately report to RIDEM, verbally, any fecal coliform sample result that exceeds 400 MPN/100 ml.

<sup>2</sup>The use of a continuous TRC recorder after chlorination and prior to dechlorination is required to provide a record that proper disinfection was achieved at all times. Compliance with these limitations shall be determined by taking three grab samples per day, Monday - Friday (except holidays), equally spaced over one (1) eight (8) hour shift with a minimum of three hours between grabs. On Saturdays, Sundays, and holidays by taking at least two (2) grab samples each day with a minimum of two (2) hours between grabs. The maximum daily and average monthly values are to be computed from the averaged grab sample results. The following methods may be used to analyze the grab samples: (1) DPD Spectrophotometric, EPA No. 330.5 or Standard Methods (18<sup>th</sup> Edition) No. 4500-CI G; (2) DPD Titrimetric, EPA No. 330.4 or Standard Methods No. 4500-CI F; (3) Amperometric Titration, EPA No. 330.1 or Standard Methods No. 4500-CI D or ASTM No. D1253-86(92).

<sup>3</sup>Sampling for pH and Chlorine Residual shall be performed Sunday-Saturday.

## PART I

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (final discharge after dechlorination). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
Copper, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Cyanide, Free Available <sup>1, 2</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Cadmium, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Lead, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Chromium, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Zinc, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Nickel, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.
Aluminum, Total <sup>1</sup>			--- µg/l		--- µg/l	1/Quarter	24-Hr. Comp.

--- Signifies a parameter which must be monitored, and data must be reported; no limit has been established at this time.

\*Values in parentheses () are to be reported as Minimum/Maximum for the reporting period rather than Average Monthly/Maximum Daily.

<sup>1</sup>Monitoring data may be obtained in conjunction with bioassay testing required in Part I.B of the permit.

<sup>2</sup>Composite shall be obtained by taking three (3) grab samples per day spaced over one (1) day, with a minimum of three (3) hours between grabs and preserved immediately upon collection. All three (3) samples shall be composited then analyzed for free available Cyanide.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (final discharge after dechlorination). Such discharges shall be monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
Oil and Grease					--- mg/l	1/Month	3 Grabs <sup>1</sup>
TKN (as N)			--- mg/l		--- mg/l	1/Month	24-Hr. Comp.
Nitrate, Total (as N)			--- mg/l		--- mg/l	1/Month	24-Hr. Comp.
Nitrite, Total (as N)			--- mg/l		--- mg/l	1/Month	24-Hr. Comp.
Nitrogen, Total (TKN + Nitrate + Nitrite, as N)	-- lb/day		-- mg/l		--- mg/l	1/Month	Calculated

--- signifies a parameter which must be monitored, and data must be reported; no limit has been established at this time.

<sup>1</sup>Three (3) grab samples shall be equally spaced over the course of one (1) eight (8) hour shift with a minimum of three (3) hours between grab samples. Each grab sample must be analyzed individually, and the maximum values reported.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Outfall 001A is the final discharge after dechlorination. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
<i>Mysidopsis bahia</i> <sup>1</sup> LC50 <sup>2</sup>					≥100%	1/Quarter	24-Hr. Comp.

<sup>1</sup>Testing may be conducted using *Americamysis bahia*.

<sup>2</sup>LC<sub>50</sub> is defined as the concentration of wastewater that causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.

Samples taken in compliance with the monitoring requirements in accordance with Part I.B. of the permit.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A. Outfall 001A is the final discharge after dechlorination. Such discharges shall be monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity – lbs./day		Concentration – Specify Units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)		
PFAS Analytes <sup>1</sup>					--- ng/L	1/Quarter	Grab <sup>2</sup>

--- signifies a parameter which must be monitored, and data must be reported; no limit has been established at this time.

<sup>1</sup>Influent and effluent sampling for the listed PFAS parameters listed in Attachment A shall begin on January 1 with the first sampling results are due on April 15, 2024. PFAS shall be analyzed using Clean Water Act wastewater draft analytical method 1633 until a 40 CFR Part 136 approved test method for wastewater is approved. Report in NetDMR the results of all PFAS analytes required to be tested as part of the method as shown in Attachment A.

<sup>2</sup>Influent samples taken in compliance with the monitoring requirements specified above shall be taken at the facility headworks at the same sampling location where influent BOD<sub>5</sub> and influent TSS are sampled. Effluent samples shall be taken after the chlorination contact tank.

7. Prior to acceptance, the permittee shall notify DEM of the following:
  - a. Any new introduction of pollutants into the Permittee's treatment facility from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the Permittee's treatment facility by a source that was discharging pollutants into the facility at the time of permit issuance.
  - c. Notice shall include information on:
    - (i) the quality and quantity of effluent introduced into the Permittee's treatment facility, and
    - (ii) any anticipated impact of the change on the quantity and quality of effluent to be discharged from the Permittee's treatment facility.
8.
  - a. The pH of the effluent shall not be less than 6.0 nor greater than 9.0 standard units at any time unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
  - b. The discharge shall not cause visible discoloration of the receiving waters.
  - c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
  - d. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and 5-day biochemical oxygen demand. The percent removal shall be based on monthly average values.
  - e. When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the designed flow, the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.
  - f. The permittee shall analyze its effluent annually for the EPA Priority Pollutants as listed in 40 CFR 122, Appendix D, Tables II and III. The results of these analyses shall be submitted to the Department of Environmental Management by October 15<sup>th</sup> of each year. All sampling and analysis shall be done in accordance with EPA Regulations, including 40 CFR, Part 136; grab and composite samples shall be taken as appropriate.
  - g. This permit serves as the State's Water Quality Certificate for the discharges described herein.

## **B. BIOMONITORING REQUIREMENTS AND INTERPRETATION OF RESULTS**

### **1. General**

Beginning on the effective date of the permit, the permittee shall perform four (4) acute toxicity tests per year on dechlorinated effluent samples collected from discharge Outfall 001A. The permittee shall conduct the tests during dry weather periods (no rain within forty-eight (48) hours prior to or during sampling unless approved by RIDEM) according to the following test frequency and protocols. Acute data shall be reported as outlined in Section 9. The State may require additional screening, range finding, definitive acute or chronic bioassays as deemed necessary based on the results of the initial bioassays required herein. Indications of toxicity could result in requiring a Toxicity Reduction Evaluation (TRE) to investigate the causes and to identify corrective actions necessary to eliminate or reduce toxicity to an acceptable level.

2. Test Frequency

On four (4) sampling events, (one (1) each calendar quarter) the permittee will conduct forty-eight (48) hour acute definitive toxicity tests on the species listed below, for a total of four (4) acute toxicity tests per year.

Species	Test Type	Frequency
Mysids ( <i>Mysidopsis bahia</i> )	One (1) Species Test Four (4) Times Annually  Definitive 48-Hour Acute Static (LC <sub>50</sub> )	Quarterly

3. Testing Methods

Acute definitive toxicity tests shall be conducted in accordance with protocols listed in 40 CFR Part 136.

4. Sample Collection

For each sampling event a twenty-four (24) hour flow-proportioned composite effluent sample shall be collected at a location after dechlorination during a dry weather (no rain forty-eight (48) hours prior to or during sampling unless approved by RIDEM). This sample shall be kept cool (at 4°C), and testing shall begin within twenty-four (24) hours after the last sample of the composite is collected. In the laboratory, the sample will be split into two (2) subsamples, after thorough mixing, for the following:

- A: Chemical Analysis
- B: Acute Toxicity Testing

All samples held overnight shall be refrigerated at 4°C. Grab samples must be used for pH and temperature.

5. Salinity Adjustment

Prior to the initiation of testing, the effluent must be adjusted to make the salinity of the effluent equal to that of the marine dilution water. The test solution must be prepared by adding non-toxic dried ocean salts to a sufficient quantity of 100% effluent to raise the salinity to the desired level. After the addition of the dried salts, stir gently for thirty (30) to sixty (60) minutes, preferably with a magnetic stirrer, to ensure that the salts are in solution. It is important to check the final salinity with a refractometer or salinometer. Salinity adjustments following this procedure and in accordance with EPA protocol will ensure that the concentrations (% effluent) of each dilution are real and allow for an accurate evaluation with the acute permit limit and acute monitoring requirements.

6. Dilution Water

Dilution water used for marine acute toxicity analyses should be of sufficient quality to meet minimum acceptability of test results (Section 7). Natural seawater shall be used as the dilution water. This water shall be collected from Narragansett Bay off the dock at the URI's Graduate School of Oceanography on South Ferry Road, Narragansett. It is noted that the University claims no responsibility for the personal safety on this dock. The permittee shall observe the rules posted at the dock. If this natural seawater diluent is found to be, or suspected to be toxic or unreliable, an alternate source of natural seawater or, deionized water mixed with hypersaline brine or artificial sea salts of known quality with a salinity and pH similar to that of the receiving water may be substituted AFTER RECEIVING WRITTEN APPROVAL FROM RIDEM.

7. Effluent Toxicity Test Conditions for Mysids (*Mysidopsis bahia*)

Test conditions are required to be compliant with 40 CFR 136 using the following effluent concentrations:

Six (6) dilutions plus a control: 100%, 50%, 25%, 12.5%, 6.25%, and 0% effluent.

8. Chemical Analysis

The following chemical analysis shall be performed for every sampling event.

Parameter	Effluent	Saline Diluent	Detection Limit (mg/l)
pH	√	√	--
Specific Conductance	√	√	--
Total Solids and Suspended Solids	√	√	--
Total Ammonia	√		0.1
Total Organic Carbon	√		0.5
Free Available Cyanide	√		0.01
Total Phenols	√		0.05
Salinity	√	√	PPT (0/00)

During the first, second, and fourth calendar quarter bioassay sampling events the following chemical analyses shall be performed:

Total Metals	Effluent	Saline Diluent	Detection Limit (µg/l)
Total Cadmium	√	√	0.1
Hexavalent Chromium	√	√	20.0
Total Copper	√	√	1.0
Total Lead	√	√	1.0
Total Zinc	√	√	5.0
Total Nickel	√	√	1.0
Total Aluminum	√	√	5.0

The above analyses may be used to fulfill, in part or in whole, monitoring requirements in the permit for these specific metals.

During the third calendar quarter bioassay sampling event, the final effluent sample collected during the same twenty-four (24) hour period as the bioassay sample, shall be analyzed for priority pollutants (as listed in Tables II and III of Appendix D of 40 CFR 122). The bioassay priority pollutant scan shall be a full scan and may be coordinated with other permit conditions to fulfill any priority pollutant scan requirements.

9. Toxicity Test Report Elements

A report of results will include the following:

- Description of sample collection procedures and site description.
- Names of individuals collecting and transporting samples, times, and dates of sample collection and analysis.

- General description of tests: age of test organisms, origin, dates and results of standard toxicant tests (quality assurance); light and temperature regime; dilution water description; other information on test conditions if different than procedures recommended.
- The method used to adjust the salinity of the effluent must be reported.
- All chemical and physical data generated (include detection limits).
- Raw data and bench sheets.
- Any other observations or test conditions affecting test outcome.

Toxicity test data shall include the following:

- Survival for each concentration and replication at time twenty-four (24) and forty-eight (48) hours.
- LC<sub>50</sub> and 95% confidence limits shall be calculated using one of the following methods in order of preference: Probit, Trimmed Spearman Karber, Moving Average Angle, or the graphical method. All printouts (along with the name of the program, the date, and the author(s)) and graphical displays must be submitted. When data is analyzed by hand, worksheets should be submitted. The report shall also include the No Observed Acute Effect Level (NOAEL), which is defined as the highest concentration of the effluent (in % effluent) in which 90% or more of the test animals survive.
- The Probit, Trimmed Spearman Karber, and Moving Average Angle methods of analyses can only be used when mortality of some of the test organisms are observed in at least two (2) of the (percent effluent) concentrations tested (i.e., partial mortality). If a test results in a 100% survival and 100% mortality in adjacent treatments ("all or nothing" effect), an LC<sub>50</sub> may be estimated using the graphical method.

10. Special Condition

Due to the fact that the suggested dilution water for this facility to use in conducting the bioassays is from the end of the dock at the URI's Narragansett Bay Campus, a Letter of Agreement must be signed and submitted to the Graduate School of Oceanography granting authorization to collect samples. Requests to use another source of dilution water will have to be approved by the Department of Environmental Management, Office of Water Resources.

11. Species Sensitivity Screening Report.

For four (4) quarters of the permit beginning October 1, 2026, the permittee shall conduct a chronic species sensitivity screening for the discharge. Species sensitivity screening for chronic toxicity shall include, at minimum, chronic toxicity testing for four consecutive calendar quarters using 40 CFR Part 136 approved methods for mysid (*Mysidopsis bahia*), sea urchin (*Arbacia punctulate*), and fish (*Menidia beryllina*). Samples shall be obtained from the dechlorinated effluent collected from Outfall 001A during dry weather periods (no rain within forty-eight (48) hours prior to or during sampling unless approved by RIDEM).

If only a single species in the species sensitivity screening testing exceeds 1 chronic Toxic Unit (TUc) (as 100/NOEC), then that species shall be established as the most sensitive species. If there are more than one species that exceed 1 TUc (as 100/NOEC), then the species with the highest TUc (as 100/NOEC) shall be established as the most sensitive species. DEM shall have final discretion to determine which species is the most sensitive considering the test results from the species sensitivity screening.

Test No.	Quarter Screening is to be Performed
1	October 1, 2026 – December 31, 2026
2	January 1, 2027 – March 31, 2027
3	April 1, 2027 – June 30, 2027
4	July 1, 2027 – September 30, 2027

The final Species Sensitivity Screening Report shall include all the elements required under Part I.B.9 for each quarterly test and shall be submitted to DEM December 31, 2027.

12. Reporting of Bioassay Testing

Bioassay Testing shall be conducted as follows:

Quarter Testing to be Performed	Report Due No Later Than	Results Submitted on DMR for
January 1 – March 31	April 15	March
April 1 – June 30	July 15	June
July 1 – September 30	October 15	September
October 1 – December 31	January 15	December

Reports shall be maintained by the permittee and shall be made available upon request by RIDEM.

**C. Industrial Users**

1. Within 90 days of the effective date of the permit, the Permittee shall submit an evaluation the name of any Industrial User (IU) subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N (Parts 405-415, 417-430, 432, 447, 449-451, 454, 455, 457-461, 463-469, and 471 as amended) who discharge to the facility. New dischargers shall be submitted 30 days prior to discharge.

This reporting requirement also applies to any other IU who is classified as a Significant Industrial User which discharges an average of 25,000 gallons per day or more of process wastewater into the facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the facility; or is designated as such by the Control Authority as defined in 40 CFR § 403.3(f) on the basis that the industrial user has a reasonable potential to adversely affect the wastewater treatment facility's operation, or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

2. Monitoring and Reporting for Emerging Contaminants

Starting January 1, 2024, the Permittee shall commence annual sampling of the below-listed types of industrial discharges into the POTW. PFAS shall be analyzed using Clean Water Act wastewater draft analytical method 1633 until a 40 CFR Part 136 approved test method for wastewater is made available to the public.

- Platers/Metal Finishers
- Paper and Packaging Manufacturers
- Tanneries and Leather/Fabric/Carpet Treaters
- Manufacturers of Parts with Polytetrafluorethylene (PTFE) or Teflon type coatings (i.e. bearings)
- Landfill Leachate
- Centralized Waste Treaters
- Contaminated Sites
- Fire Fighting Training Facilities

- Airports
- Any Other Known or Expected Sources of PFAS

Until there is an analytical method approved in 40 CFR Part 136 for PFAS, monitoring shall be conducted using Draft Method 1633. Sampling shall be for the PFAS analytes required to be tested in Method 1633, as shown in Attachment A.

The industrial discharges sampled, and the sampling results (including the full lab report) shall be summarized and submitted as an electronic attachment to the March discharge monitoring report due April 15th of the calendar year following the testing. In the case that there are no relevant dischargers, the annual submittal must include a description of the process used to determine that there were no relevant dischargers.

#### **D. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM**

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

2. Infiltration/Inflow

The permittee shall minimize infiltration/inflow to the sewer system. A summary report of all actions taken to minimize infiltration/inflow during the previous two (2) years shall be submitted to RIDEM, Office of Water Resources, by the 15<sup>th</sup> day of January every other year.

3. Resiliency Planning

Within one year of the effective date of this permit, the Town shall submit a Resiliency Plan and schedule of short-term and long-term actions that will be taken to maintain, operate, and protect key collection and treatment system assets. The plan shall be consistent with the most recent version of DEM's Guidance for the Consideration of Climate Change Impacts in the Planning and Design of Municipal Wastewater Collection and Treatment Infrastructure and include consideration of the findings of the 2017 DEM report Implications of Climate Change for Rhode Island Wastewater Collection and Treatment Infrastructure. The Resiliency Plan shall include, but not be limited to: (i) an assessment of current and projected impacts from natural hazards on critical components within the Town's collection and treatment systems, as well as on the systems themselves; (ii) a plan to adapt and protect vulnerable components and systems; (iii) an analysis that provides justification for selected adaptation methods, including relevant cost-benefit analyses. The overall analysis must consider component and system design life and sea-level rise projections. For the purpose of this Resiliency Plan, critical components are considered those necessary to ensure the forward flow and treatment of wastewater in accordance with the limits set forth in this permit. The Resiliency Plan shall also consider impacts – such as debris carried on high winds – on the Town's treatment facility and wastewater collection system from neighboring facilities during high hazard events. This Plan shall be subject to DEM review and approval. If DEM determines that modifications need to be made to the Plan, DEM shall notify the permittee in writing which elements of the Plan need to be modified and the reason for the needed modification. This notification shall include a schedule for making required changes. After such notification from the DEM, the permittee shall make changes to the Plan and submit the revisions to the DEM for their approval.

4. Outfall Inspection

a. The outfall pipe and associated effluent diffuser shall be maintained to ensure proper operation. Proper operation means that the outfall pipe be intact, operating as designed,

and have unobstructed flow. The plumes from each discharge port should be balanced relative to each other. Maintenance may include dredging in the vicinity of the diffuser, removal of solids and debris in the diffuser header pipe, and repair/replacement.

- b. To determine if maintenance will be required, the Permittee shall inspect and videotape the operation of the outfall pipe/diffuser either remotely or using a qualified diver or marine contractor within one (1) year of the effective date of this Permit, the Permittee shall inspect and videotape the operation of the outfall pipe/diffuser and submit to the DEM a video of the diffuser/outfall pipe inspection along with copies of reports summarizing the results of the inspection. Where it is determined that maintenance will be necessary, the Permittee shall provide the proposed schedule for maintenance along with the results of the inspection.
- c. Any necessary maintenance dredging must be performed only after receiving all necessary permits from DEM, Coastal Resources Management Council, U.S. Coast Guard, U.S. Army Corps of Engineers, and other appropriate agencies.

#### **E. SLUDGE**

The permittee shall conform and adhere to all conditions, practices and regulations as contained in the State of Rhode Island Rules and Regulations for Sewage Sludge Management (250-ICR-150-10-3). The permittee shall comply with its RIDEM Order of Approval for the disposal of sludge.

#### **F. DETECTION LIMITS**

All analyses of parameters under this permit must comply with the National Pollutant Discharge Elimination System (NPDES): *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting* rule. Only sufficiently sensitive test methods may be used for analysis of parameters under this permit. The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below. All sludge testing required by this permit shall be in conformance with the method detection limits found in 40 CFR 503.8. In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the RIPDES program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test which must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be submitted along with the monitoring reports.

If, after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be submitted along with the monitoring report. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent or sludge as outlined in 40 CFR Part 136, Appendix B.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", less than the reagent water MDL, or less than an effluent or sludge specific MDL. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR Part 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

- a. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;
- b. results reported as less than the MDL shall be included as zeros.



### OTHER TOXIC POLLUTANTS

	MDL µg/l (ppb)
Antimony, Total	3.0
Arsenic, Total	1.0
Beryllium, Total	0.2
Cadmium, Total	0.1
Chromium, Total	1.0
Chromium, Hexavalent	20.0
Copper, Total	1.0
Lead, Total	1.0
Mercury, Total	0.2
Nickel, Total	1.0
Selenium, Total	2.0
Silver, Total	0.5
Thallium, Total	1.0
Zinc, Total	5.0
Asbestos	**
Cyanide, Free Available	10.0
Phenols, Total	50.0
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0
Aluminum, Total	5.0

\*\* No Rhode Island Department of Environmental Management (RIDEM) MDL

#### NOTE:

The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For Methods 624 and 625 the laboratory must on an ongoing basis, spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

#### G. MONITORING AND REPORTING

The monitoring program in the permit specifies sampling and analysis, which will provide continuous information on compliance and the reliability and effectiveness of the installed pollution abatement equipment. The approved analytical procedures found in 40 CFR Part 136 are required unless other procedures are explicitly required in the permit. The Permittee is obligated to monitor and report sampling results to the DEM within the time specified within the permit.

Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

1. **Submittal of DMRs Using NetDMR**  
The permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to DEM no later than the 15th day of the month electronically using NetDMR. When the permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to DEM.
2. **Submittal of Reports as NetDMR Attachments**  
Unless otherwise specified in this permit, the permittee must submit electronic copies of documents in NetDMR that are directly related to the DMR. These include the following:
  - DMR Cover Letters
  - Below Detection Limit summary tables
  - Monthly Operating Reports

*All other reports (i.e. I/I reports, Priority Pollutant Scans, etc.) should be submitted to DEM hard copy via regular US mail (see Part I.F.4 below).*

3. **Submittal of Requests and Reports to DEM**  
The following requests, reports, and information described in this permit shall be submitted to the DEM.
  - A. Transfer of Permit notice
  - B. Request for changes in sampling location
  - C. Request for reduction in testing frequency
  - D. Request for reduction in WET testing requirement
  - E. Report on unacceptable dilution water / request for alternative dilution water for WET testing

These reports, information, and requests shall be submitted to DEM by hard copy mail to the following address:

Rhode Island Department of Environmental Management  
RIPDES Program  
235 Promenade Street  
Providence, Rhode Island 02908

4. **Submittal of Reports in Hard Copy Form**  
The following notifications and reports shall be submitted as hard copy with a cover letter describing the submission. These reports shall be signed and dated originals submitted to DEM.
  - A. Written notification required under Part II (as needed)
  - B. Notice of unauthorized discharges, including Sanitary Sewer Overflow (SSO) reporting (as needed)
  - C. Priority Pollutant Scan results (October 15 each year)
  - D. Species Sensitivity Report (December 31, 2027)
  - E. Inflow/Infiltration Reports (January 15 every even year)
  - F. Resiliency Plan (October 1, 2024)
  - G. Outfall Inspection Report (October 1, 2024)
  - H. PFAS Industrial Users Sampling Results (April 15 each year)

This information shall be submitted to DEM at the following address:

Rhode Island Department of Environmental Management  
RIPDES Program  
235 Promenade Street  
Providence, RI 02908

5. Verbal Reports and Verbal Notifications  
Any verbal reports or verbal notifications, if required in Parts I and/or II of this permit, shall be made to the DEM. This includes verbal reports and notifications which require reporting within 24 hours. (See Part II(I)(5) General Requirements for 24-hour reporting) Verbal reports and verbal notifications shall be made to DEM at (401) 222-4700 or (401) 222-3070 at night.

**PART II**

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DEFINITIONS

## GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with 250-RICR-150-10-1.12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-4700 or (401) 222-3070 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.
- (2) Notice.
  - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
  - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in 250-RICR-150-10-1.14(R) of the RIPDES Regulations.
- (3) Prohibition of bypass.
  - (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
    - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
    - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (b) The permitted facility was at the time being properly operated;
  - (c) The permittee submitted notice of the upset as required in 250-RICR-150-10-1.14(R) of the RIPDES Regulations; and
  - (d) The permittee complied with any remedial measures required under 250-RICR-150-10-1.14(E) of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 235 Promenade Street, Providence, Rhode Island 02908. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with 250-RICR-150-10-1.16 and 250-RICR-150-10-1.24 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of 250-RICR-150-10-1.50 of the RIPDES Regulations.

**DEFINITIONS**

1. For purposes of this permit, those definitions contained in the RIPDES Regulations, and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M <sup>3</sup> /day	cubic meters per day
mg/l	milligrams per liter
µg/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH <sub>3</sub> -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO <sub>3</sub> -N	nitrate nitrogen as nitrogen
NO <sub>2</sub> -N	nitrite nitrogen as nitrogen
NO <sub>3</sub> -NO <sub>2</sub>	combined nitrate and nitrite nitrogen as nitrogen
C <sub>12</sub>	total residual chlorine

**Attachment A PFAS Analyte List**

Target Analyte Name	Abbreviation	CAS Number
<b>Perfluoroalkyl carboxylic acids</b>		
Perfluorobutanoic acid	PFBA	375-22-4
Perfluoropentanoic acid	PFPeA	2706-90-3
Perfluorohexanoic acid	PFHxA	307-24-4
Perfluoroheptanoic acid	PFHpA	375-85-9
Perfluorooctanoic acid	PFOA	335-67-1
Perfluorononanoic acid	PFNA	375-95-1
Perfluorodecanoic acid	PFDA	335-76-2
Perfluoroundecanoic acid	PFUnA	2058-94-8
Perfluorododecanoic acid	PFDoA	307-55-1
Perfluorotridecanoic acid	PFTTrDA	72629-94-8
Perfluorotetradecanoic acid	PFTeDA	376-06-7
<b>Perfluoroalkyl sulfonic acids</b>		
<b>Acid Form</b>		
Perfluorobutanesulfonic acid	PFBS	375-73-5
Perfluoropentanesulfonic acid	PFPeS	2706-91-4
Perfluorohexanesulfonic acid	PFHxS	355-46-4
Perfluoroheptanesulfonic acid	PFHpS	375-92-8
Perfluorooctanesulfonic acid	PFOS	1763-23-1
Perfluorononanesulfonic acid	PFNS	68259-12-1
Perfluorodecanesulfonic acid	PFDS	335-77-3
Perfluorododecanesulfonic acid	PFDoS	79780-39-5
<b>Fluorotelomer sulfonic acids</b>		
1H,1H, 2H, 2H-Perfluorohexane sulfonic acid	4:2FTS	757124-72-4
1H,1H, 2H, 2H-Perfluorooctane sulfonic acid	6:2FTS	27619-97-2
1H,1H, 2H, 2H-Perfluorodecane sulfonic acid	8:2FTS	39108-34-4
<b>Perfluorooctane sulfonamides</b>		
Perfluorooctanesulfonamide	PFOSA	754-91-6
N-methyl perfluorooctanesulfonamide	NMeFOSA	31506-32-8
N-ethyl perfluorooctanesulfonamide	NEtFOSA	4151-50-2
<b>Perfluorooctane sulfonamidoacetic acids</b>		
N-methyl perfluorooctanesulfonamidoacetic acid	NMeFOSAA	2355-31-9
N-ethyl perfluorooctanesulfonamidoacetic acid	NEtFOSAA	2991-50-6
<b>Perfluorooctane sulfonamide ethanols</b>		
N-methyl perfluorooctanesulfonamidoethanol	NMeFOSE	24448-09-7
N-ethyl perfluorooctanesulfonamidoethanol	NEtFOSE	1691-99-2
<b>Per- and Polyfluoroether carboxylic acids</b>		
Hexafluoropropylene oxide dimer acid	HFPO-DA	13252-13-6
4,8-Dioxa-3H-perfluorononanoic acid	ADONA	919005-14-4
Perfluoro-3-methoxypropanoic acid	PFMPA	377-73-1
Perfluoro-4-methoxybutanoic acid	PFMBA	863090-89-5
Nonafluoro-3,6-dioxaheptanoic acid	NFDHA	151772-58-6

Target Analyte Name	Abbreviation	CAS Number
<b>Ether sulfonic acids</b>		
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	756426-58-1
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	763051-92-9
Perfluoro(2-ethoxyethane)sulfonic acid	PFEESA	113507-82-7
<b>Fluorotelomer carboxylic acids</b>		
3-Perfluoropropyl propanoic acid	3:3FTCA	356-02-5
2H,2H,3H,3H-Perfluorooctanoic acid	5:3FTCA	914637-49-3
3-Perfluoroheptyl propanoic acid	7:3FTCA	812-70-4