PRETREATMENT PERMIT

issued to

FRITO-LAY, INC.
1886 Upper Maple Street
Dayville, CT 06241

Location Address:

1886 Upper Maple Street
Dayville, CT

Permit ID: SP0000071

Permit Expires: DRAFT

SECTION 1: GENERAL PROVISIONS

(A) This permit is reissued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and a modified Memorandum of Agreement dated June 3, 1981, by the Administrator of the United States Environmental Protection Agency which authorizes the State of Connecticut to administer a Pretreatment Program pursuant to 40 CFR Part 403 (Title 40 of the Code of Federal Regulations, Part 403).

(B) FRITO-LAY, INC., ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsections (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

(a) Definitions
(b) General
(c) Inspection and Entry
(d) Effect of a Permit
(e) Duty
(f) Proper Operation and Maintenance
(g) Sludge Disposal
(h) Duty to Mitigate
(i) Facility Modifications; Notification
(j) Monitoring, Records and Reporting Requirements
(k) Bypass
(l) Conditions Applicable to POTWs
(m) Effluent Limitation Violations (Upsets)
(n) Enforcement
(o) Resource Conservation
(p) Spill Prevention and Control
(q) Instrumentation, Alarms, Flow Recorders
(r) Equalization

Section 22a-430-4 Procedures and Criteria

(a) Duty to Apply
(b) Duty to Reapply
(c) Application Requirements
(d) Preliminary Review
(e) Tentative Determination
(f) Draft Permits, Fact Sheets

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(g) Public Notice, Notice of Hearing
(h) Public Comments
(i) Final Determination
(j) Public Hearings
(k) Submission of Plans and Specifications. Approval.
(l) Establishing Effluent Limitations and Conditions
(m) Case by Case Determinations
(n) Permit issuance or renewal
(o) Permit Transfer
(p) Permit revocation, denial or modification
(q) Variances
(r) Secondary Treatment Requirements
(s) Treatment Requirements for Metals and Cyanide
(t) Discharges to POTWs - Prohibitions

(C) Violations of any of the terms, conditions or limitations contained in this permit may subject the Permittee to enforcement action, including but not limited to, penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA. Specifically, civil penalties of up to twenty-five thousand dollars ($25,000) may be assessed per violation per day.

(D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.

(E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection ("the Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner at least thirty (30) days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure by the transferee to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.

(F) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.

(G) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the RCSA.

SECTION 2: DEFINITIONS

(A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and sections 22a-430-3(a) and 22a-430-6 of the RCSA.

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

"----" in the limits column on the monitoring table means a limit is not specified but a value must be reported on the discharge monitoring report ("DMR").

"Average Monthly Limit" means the maximum allowable "Average Monthly Concentration" as defined in section 22a-430-3(a) of the RCSA when expressed as a concentration (e.g. mg/l). Otherwise, it means "Average Monthly Discharge Limitation" as defined in section 22a-430-3(a) of the RCSA.

"Daily Concentration" means the concentration of a substance as measured in a daily composite sample, or the arithmetic average of all grab sample results defining a grab sample average.

"Daily Composite" means either (1) a composite sample taken over a full operating day consisting of grab samples collected at equal intervals of no more than sixty (60) minutes and combined proportionally to flow, or (2) a composite sample continuously collected over a full operating day proportionally to flow. Upon submission of documentation by the applicant satisfactory to the Commissioner that a discharge is of consistent effluent quality, the commissioner may allow equal sampling intervals of up to four (4) hours for a daily composite sample.

"Daily Quantity" means the quantity of waste generated during an operating day.

"°F" means degrees Fahrenheit.

"gpd" means gallons per day.

"Grab Sample Average" or "GSA" means the arithmetic average of all grab sample analyses. Grab samples shall be collected at least once every four hours over a full operating day for as long as the discharge exists on that day (minimum of two grab samples per day).

“Instantaneous Limit” means the highest allowable concentration of a substance as measured by a grab sample, or the highest allowable measurement of a parameter as obtained through instantaneous monitoring.

"lb/day" means pounds per day.

"Maximum Daily Limit" means the maximum allowable "Daily Concentration" (defined above) when expressed as a concentration (e.g. mg/l). Otherwise, it means the maximum allowable "Daily Quantity" as defined above unless it is expressed as a flow quantity. If expressed as a flow quantity it means "Maximum Daily Flow" as defined in section 22a-430-3(a) of the RCSA.

"mg/l" means milligrams per liter.

"NA" as a Monitoring Table abbreviation means "not applicable".

"NR" as a Monitoring Table abbreviation means "not required".

"Range During Sampling" or "RDS", as a sample type, means the maximum and minimum of all values recorded as a result of analyzing each grab sample of; 1) a Composite Sample, or 2) a Grab Sample Average. For those permittees with continuous monitoring and recording pH meters, Range During Sampling shall mean the maximum and minimum readings recorded with the continuous monitoring device during the Composite or Grab Sample Average sample collection.

"Range During Month" or "RDM", as a sample type, means the lowest and the highest values of all of the monitoring data for the reporting month.

"Sub-discharge" means a discharge of a specific waste stream prior to combining with any other waste stream, or the discharge from an individual treatment unit prior to receiving any additional treatment. DSN 001-A in monitoring table B is a sub-discharge.

"S.U." means Standard Units.

"Twice per Month" when used as a sample frequency shall mean two samples per calendar month collected no less than twelve (12) days apart.

"ug/l" means micrograms per liter.

SECTION 3: COMMISSIONER'S FINAL DETERMINATION

(A) The Commissioner has made a final determination and found that the continuance of the existing system to treat the discharge will protect the waters of the state from pollution. The Commissioner's determination is based on Application No. 200900598 for permit reissuance received on February 27, 2009 and the administrative record established in the processing of that application.

(B) (1) From the issuance of this permit through and including [LAST DAY OF MONTH, MONTH OF PERMIT REISSUANCE], the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. SP0000071, issued by the Commissioner to the Permittee on August 26, 2004, the previous application submitted by the Permittee on March 31, 2003, and all modifications and approvals issued by the Commissioner or the Commissioner’s authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. SP0000071, issued by the Commissioner to the Permittee on August 26, 2004.

(2) From [FIRST DAY OF MONTH, MONTH FOLLOWING PERMIT REISSUANCE] until this permit expires or is

modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. SP0000071, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application No. 200900598 received by the Department on February 27, 2009, and all modifications and approvals issued by the Commissioner or the Commissioner's authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. SP0000071, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE].

(C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions that may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

(A) The discharges shall not exceed and shall otherwise conform to the specific terms and conditions listed below. The discharges are restricted by, and shall be monitored in accordance with, the tables below.

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Table A

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

Wastewater Description: Process wastewaters consisting of food processing wastewater, contaminated stormwater, process cooling water, non-contact cooling water from high pressure condensate pump seal, deaerator sample cooling water, intermittent blowdown (quench), conductivity probe cleaning wastewater, air compressor condensate, generator condensate, quality control laboratory wastewater.

Monitoring Location Description: At the final effluent flume (before combining with sanitary and other wastewaters which are covered under General Permits).

Discharge is to: The Town of Killingly Publicly Owned Treatment Works

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency [2]	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/ Reporting Frequency[2]	Sample Type or measurement to be reported
Ammonia (as N)	mg/l	NA	-----	Monthly	Daily Composite	NA	NR	Grab
Biochemical Oxygen Demand 5-Day	lb/day	13,000	16,900	Weekly	Daily Composite	NA	NR	Grab
Flow Rate, (Average Daily)[1]	gpd	1,400,000	NA	Daily	Total Flow	NA	NR	NA
Flow, Maximum during 24 hr Period[1]	gpd	NA	1,600,000	Daily	Total Flow	NA	NR	NA
Flow Total (Day of Sampling)	gpd	1,400,000	1,600,000	Weekly	Total Flow	NA	NR	NA
Linoleic Acid	mg/l	-----	-----	Weekly	Grab Sample Average	NA	NR	Grab
Nitrates	mg/l	NA	-----	Monthly	Daily Composite	NA	NR	Grab
Nitrites	mg/l	NA	-----	Monthly	Daily Composite	NA	NR	Grab
Oleic Acid	mg/l	-----	-----	Weekly	Grab Sample Average	NA	NR	Grab
Oil and Grease, Total	mg/l	100.0	100.0	Weekly	Grab Sample Average	150.0	NR	Grab
Oil and Grease, Total	lb/day	600.0	600.0	Weekly	Grab Sample Average	NA	NR	Grab
pH, Day of Sampling	S.U.	NA	NA	NR	NA	5.0 – 11.0	Monthly	RDS
pH, Minimum	S.U.	NA	NA	NR	NA	5.0	Continuous	Continuous
pH, Maximum	S.U.	NA	NA	NR	NA	11.0	Continuous	Continuous
Phosphorus, Total	mg/l	-----	-----	Monthly	Daily Composite	NA	NR	Grab
Surfactants (MBAS)[3]	mg/l	-----	-----	Monthly	Daily Composite	NA	NR	Grab
Temperature	°F	NA	NA	NR	NA	95.0	Weekly	Grab
Total Dissolved Solids	mg/l	-----	-----	Monthly	Daily Composite	NA	NR	Grab
Total Suspended Solids	lb/day	6,000	6,500	Weekly	Daily Composite	NA	NR	Grab
Zinc, Total	mg/l	NA	1.5	Monthly	Daily Composite	1.5	NR	Grab

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Table Footnotes:

Footnotes:

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

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

[3] Surfactants shall be measured using the Methylene Blue Active Substances (MBAS) procedure. The Permittee shall collect the daily composite sample after a process equipment clean-out event takes place to better capture the concentration of Surfactants in the wastewater effluent.

Table B

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

Wastewater Description: Combined oily wastewaters from potato and corn processing

Monitoring Location Description: Oily waste clarifier (T-106) effluent

Discharge is to: 10,000 gallons neutralization tank (T1) of the DSN 001-1 treatment system

PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING		
		Average Monthly Limit	Maximum Daily Limit	Sample/Reporting Frequency [1]	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/ Reporting Frequency [1]	Sample Type or measurement to be reported
Linoleic Acid	mg/l	-----	-----	Weekly	Grab Sample Average	NA	NR	Grab
Oleic Acid	mg/l	-----	-----	Weekly	Grab Sample Average	NA	NR	Grab
Oil and Grease, Total	mg/l	-----	-----	Weekly	Grab Sample Average	-----	NR	Grab

Table Footnotes:

Footnotes:

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

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(B) All samples shall be comprised of only those wastewaters described in this schedule. Therefore, samples shall be taken prior to combination with wastewaters of any other type and after all approved treatment units, if applicable. All samples taken shall be representative of the discharge during standard operating conditions.

(C) In cases where limits and sample type are specified but sampling is not required, the limits specified shall apply to all samples which may be collected and analyzed by the Department of Energy and Environmental Protection personnel, the Permittee or other parties.

(D) The Permittee shall clean out its process equipment to remove oil residues before washing the equipment, and collect all spent vegetable oils used for the frying and cooking and dispose of these materials through a licensed hauler in a manner acceptable to the Commissioner.

(E) The Permittee shall properly operate and maintain all starch recovery systems at all times. The Department considers the starch recovery systems part of the wastewater treatment system.

(F) The Permittee shall collect all silver nitrate waste from its quality control laboratory activities and ship the waste to a permitted disposal facility, using a licensed hauler.

SECTION 5: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES AND REPORTING REQUIREMENTS

(A) Chemical analyses to determine compliance with effluent limits and conditions established in this permit shall be performed using the methods approved by the Environmental Protection Agency pursuant to 40 CFR 136 unless an alternative method has been approved in writing in accordance with 40 CFR 136.4 or as provided in section 22a-430-3(j)(7) of the RCSA. Chemicals which do not have methods of analysis defined in 40 CFR 136 shall be analyzed in accordance with methods specified in this permit.

(B) All metals analyses identified in this permit shall refer to analyses for total recoverable metal as defined in 40 CFR 136 unless otherwise specified.

(C) The results of chemical analysis required above shall be entered on the DMR, provided by this office, and reported to the Water Permitting and Enforcement Division at the address below. Except for continuous monitoring, any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136 or other methods approved by the Commissioner shall also be included on the DMR, or as an attachment, if necessary. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received at the address below by the last day of the month following the month in which samples are taken.

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

(D) If this permit requires monitoring of a discharge on a calendar basis (e.g., monthly, quarterly) but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR as scheduled, indicating "NO DISCHARGE". For those permittees whose required monitoring is discharge dependent (e.g., per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.

(E) NetDMR Reporting Requirements

1. Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit DMRs and other required reports through a secure internet connection. Unless otherwise approved in writing by the Commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit, the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR, and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

a. Submittal of *NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's DMRs ("Signatory Authority") as described in section 22a-430-3(b)(2) of the RCSA shall contact the Department at deep.netdmr@ct.gov and initiate the NetDMR subscription process for electronic submission of DMR information. Information on NetDMR is available on the Department's website at www.ct.gov/deep/netdmr. On or before ninety (90) days after issuance of this permit, the Permittee shall submit a signed and notarized copy of the ***Connecticut DEEP NetDMR Subscriber Agreement*** to the Department.

b. Submittal of Reports Using NetDMR

Unless otherwise approved by the Commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall begin electronically submitting DMRs and reports required under this permit to the Department using NetDMR in satisfaction of the DMR submission requirement of Section 5(C) of this permit.

DMRs shall be submitted electronically to the Department no later than the thirtieth (30th) day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR. Once the Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to the Department. The Permittee shall also electronically file any written report of non-compliance described in Section 6 of this permit as an attachment in NetDMR. NetDMR is accessed from: http://www.epa.gov/netdmr.

c. Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting DMRs and reports, the Commissioner may approve the submission of DMRs and other required reports in hard copy form ("opt-out request"). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date the Permittee would be required under this permit to begin filing DMRs and other reports using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at deep.netdmr@ct.gov:

Attn: NetDMR Coordinator
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

(F) Copies of all DMRs shall be submitted concurrently to the Killingly Publicly Owned Treatment Works ("POTW").

SECTION 6: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS

(A) If any sample analysis indicates that an effluent limitation specified in Section 4 of this permit has been exceeded, a second sample of the effluent shall be collected and analyzed for the parameter(s) in question and the results reported to the Water Permitting and Enforcement Division (Attn: DMR Processing) within thirty (30) days of the exceedance.

(B) The Permittee shall immediately notify the Water Permitting and Enforcement Division and the Killingly POTW of all discharges that could cause problems to the POTW, including but not limited to slug loadings of pollutants which may cause a violation of the POTW's NPDES permit, or which may inhibit or disrupt the POTW, its treatment processes or operations, or its sludge processes, use or disposal.

(B) In addition to the notification requirements specified in Section 1(B) of this permit, if any sampling and analysis of the

discharge performed by the Permittee indicates a violation of limits specified in Section 4 of this permit, the Permittee shall notify the Water Permitting and Enforcement Division within twenty-four (24) hours of becoming aware of the violation.

SECTION 7: COMPLIANCE CONDITIONS

In accordance with 40 CFR 403.8(f)(2)(viii), the Commissioner may provide public notification, in a newspaper of general circulation in the area of the respective POTW, of permittees that at any time in the previous twelve (12) months were in significant noncompliance with the provisions of its permit. For the purposes of this provision, a permittee that is a Significant Industrial User is in significant noncompliance if its violation(s) meet(s) one or more of the following criteria:

- **Chronic violations:** Those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) the average monthly, maximum daily, or maximum instantaneous limit(s).

- **Technical Review Criteria violations:** Those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the Average Monthly, Maximum Daily, or Maximum Instantaneous Limit(s) multiplied by 1.4 for biochemical oxygen demand, total suspended solids or fats, oil and grease, or 1.2 for all other pollutants except pH.

- **Monitoring Reports:** Failure to provide, within forty-five (45) days after the due date, required reports such as DMRs.

- **Compliance Schedule:** Failure to meet within ninety (90) days after the schedule date, a compliance schedule milestone contained in or linked to a respective permit for starting construction, completing construction or attaining final compliance.

- **Noncompliance Reporting:** Failure to accurately report noncompliance in accordance with provisions identified in Section 6 of this permit.

- **Discretionary:** Any other violation of an effluent limit that the Department determines has caused, alone or in combination with other discharges, a violation of the POTW's NPDES permit, inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal.

- **Imminent Endangerment:** Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Department's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

- **Best Management Practices ("BMPs"):** Any other violation or group of violations, which may include a violation of BMPs, which the Department determines will adversely affect the operation or implementation of the pretreatment program.

This permit is hereby issued on

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Michael Sullivan
Deputy Commissioner
Department of Energy and Environmental Protection

MS/EMW

cc: The Town of Killingly POTW

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