



Triennial Review of Connecticut Water Quality Standards

Final Report

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I. Introduction

The Triennial Review of the Connecticut Water Quality Standards Final Report is the culmination of the public process that the Connecticut Department of Energy and Environmental Protection (CT DEEP or the Department) initiated to review the Connecticut Water Quality Standards (WQS) in accordance with Section 303(c)(1) of the Federal Clean Water Act. The purpose of this report is to provide responses to those who provided comment on the WQS and to identify recommendations for future actions regarding revisions to the Connecticut WQS.

The Triennial Review Report is a representation of comments received as the result of the public review process. Throughout the report, comments received from the public are identified and discussed. Comments are paraphrased for brevity; however, every effort has been made to preserve the original intent of the comment. Where several comments addressed similar issues, the comments are combined and addressed collectively. References to comments within this document include an identifying number found in Appendix B of this report, so that the reader may refer to the original text if desired.

Steps and key dates for the public process are identified in Table 1.

Table 1: Public Notice Activity for Triennial Review of the Water Quality Standards

Date	Public Notice Activity
March 01, 2019	Public Notice of Intent to Conduct a Triennial Review of WQS was published on the Department’s public notice web site and emailed to municipal, environmental and regulatory communities (See Appendix A for Notice)
March 01, 2019	The Department’s web pages published regarding Triennial Review of WQS outlining both general process and notice of current Triennial Review public process
March 4, 2019 - April 5, 2019	Comment Period
April 10, 2019	Public Comments received during Triennial Review of WQS posted on the Department’s web site

II. Water Quality Standards

The Connecticut WQS form the foundation of Connecticut’s water management programs. The WQS articulate State policies regarding the designated uses and related classifications of Connecticut’s water resources, and the standards and criteria necessary to support such

designated uses. The WQS provide the context and underpinnings for environmental programs, informing actions such as National Pollution Discharge Elimination System (NPDES) permit issuance, water quality certification programs, remediation programs, as well as state-led monitoring and assessment programs and Total Maximum Daily Load development, among other programs and activities. The Surface WQS are required by Section 303(c) of the federal Clean Water Act. Connecticut has also established Ground Water WQS under Section 22a-426 of the Connecticut General Statutes (C.G.S.). While Triennial Review of the Ground Water WQS is not required under federal law, both the Ground Water and Surface WQS were open for review during this Triennial Review process.

III. Triennial Review

Under federal law the WQS must be adopted in accordance with Section 40 CFR 131 of the federal Clean Water Act. States are required to review and revise, as necessary, state WQS at least once every three years. States must submit to the U.S. Environmental Protection Agency (EPA) either a statement that revisions to the WQS are not necessary based on a review of the current standards or submit a plan for revision to the state WQS with supporting materials to identify proposed changes, provide the methods used and analyses conducted to support the proposed revisions and identify the scientific basis for the proposed revisions. Additionally, the proposal must provide for water quality criteria that are sufficient to protect designated uses of the waters as well as an Antidegradation Policy consistent with federal requirements. A public process must be held to provide for public participation and input into the revision process. The final proposed revisions to the WQS that are submitted to EPA for review and approval must be accompanied by a certification in accordance with 40 CFR 131.6 that the WQS were adopted pursuant to state law.

IV. CT DEEP Review of Water Quality Standards

In March 2019, the Department reviewed the existing WQS and identified several focus areas for public input. These focus areas were outlined in the public notice as topics that the Department was particularly interested in receiving comment on:

- **Updates to Numeric Water Quality Criteria-**
Since the WQS were last revised, EPA has updated recommendations for water quality criteria. The Department is currently reviewing the water quality recommendations from EPA and will either propose adoption of the federally recommended criteria or provide a reason for not doing so in accordance with section 304(a) of the federal Clean Water Act. These include updates to federal water quality criteria recommendations for toxics, bacteria and ammonia. Information about the current federal recommendations for water quality criteria can be found on the EPA web site at: <https://www.epa.gov/wqc>.

- Revise the Low Flow Statistic Applicable to Fresh Waters**

The 7Q10 flow is currently identified as the low flow condition in freshwater rivers and streams. It is the lowest 7-day average flow that is expected to occur once every 10 years on average. The Department intends to recommend changing the low flow statistic for fresh waters from the 7Q10 flow to the Q99 flow. The Q99 flow represents the daily low flow rate that is expected to occur approximately 1% of the time. For daily stream flows, the Q99 flow is roughly equivalent to the 7Q10. The benefit of using the Q99 flow is that information on Q99 flows for waterbodies in Connecticut is easily accessible through the USGS StreamStats web site for all locations, not just those served by gaging stations. The USGS StreamStats web site for Connecticut is available at: <https://water.usgs.gov/osw/streamstats/connecticut.html>.
- Extended Disinfection Period**

The current Water Quality Standards contain requirements for disinfection of treated sewage discharge to surface waters at section 22a-426-4(a)(9)(E) of the regulations. This section requires continuous disinfection for all sewage treatment plants located south of Interstate Highway I-95. Disinfection is currently required for all sewage treatment plants north of Interstate Highway I-95 from May 1 to October 1, unless an alternative schedule, including continuous disinfection, is approved to protect those using the waterbody. Based on public comments which identified contact recreational activities within Connecticut that occur outside the current disinfection period, the Department intends to propose an extension of the disinfection period for all sewage treatment plants located north of Highway I-95 to include the period from April 1 through November 1, unless an alternative schedule, including continuous disinfection, is approved to protect those using the waterbody.
- Define Highest Attainable Use**

Recent revisions to federal regulations pertaining to Water Quality Standards (40 CFR 131.3(m) and 131.10(g)) have included a new term, Highest Attainable Use. The Highest Attainable Use is evaluated during a study of how a waterbody is used and pertains to identifying the highest use level for a waterbody should environmental conditions permanently preclude certain uses of that resource. The Department is reviewing the recently revised federal regulations and anticipates proposing language to insure consistency with these federal requirements.
- Downstream Protection**

Water quality in a section of a waterbody may be affected by activities in the upstream watershed which contribute pollutants to the waterbody that are then transported downstream, affecting water quality in that downstream portion of the waterbody. The Clean Water Act requires consideration of these impacts on downstream waters when addressing water quality concerns. The Department believes that this concept is

currently included within the WQS but is reviewing federal recommendations and may propose changes to the regulations for clarification, as needed.

- **Water Quality Classification Maps**

The Department is evaluating the need to make changes in order to reconcile the water quality classification designation with shellfishing classification for specific water quality segments, as needed. Additionally, the Department expects to update ground water classification designations for consistency with Aquifer Protection Areas (wellhead protection areas for public water supply wells).

Additionally, The Department is closely following federal actions to amend the federal regulations regarding water quality and may propose other changes to Connecticut WQS for consistency with federal actions.

V. Specific Comments and Response there to on the Proposed Revisions to the Water Quality Standards

1. Updates to the Water Quality Numeric Criteria

A. Comment: If a federal water quality criteria recommendation is stricter or more complete than the current standard, so that it would better protect our water, it should be adopted. Any of EPA's standards that are less protective should not be adopted. (3) (4) (10) (11) (14) (15) (17)

Response: *The Department reviews the water quality criteria contained in the WQS and those recommended by EPA to ensure that the adopted criteria are based on the best available science and protect the goals of the waterbody and its designated uses. Revisions to the criteria are proposed when necessary to be consistent with new updated science. Updated science may indicate a need for a revision to criteria that lead to a lower or higher criterion value. In all cases, the Department will only propose to update water quality criteria if the supporting science is sound and the criteria is consistent with designated uses and the policies and standards contained in the WQS.*

B. Comment: Numeric water quality criteria should be updated to include criteria based on the Biotic Ligand Model for Copper in fresh and estuarine waters. (1) (16)

Response: *The Department does not have enough water quality data to evaluate and potentially propose adoption of copper criteria based on the use of the Biotic Ligand Model (BLM) at this time. The BLM requires information on water temperature, pH, dissolved organic carbon, calcium, magnesium, sodium, potassium, sulfate, chloride, alkalinity and sulfide. While some data is available for some parameters, we have not yet evaluated if the data is sufficient*

for application in the model. It was determined, however, that there is a marked lack of data for dissolved organic carbon. As dissolved organic carbon is one of the parameters that most affects model outcomes (Carleton, 2008*) on that basis alone it is not possible to develop copper criteria using the BLM at this time. However, the Department will consider inclusion of language in the Water Quality Standards to allow for the use of models such as the Biotic Ligand Model as a means to amend the numeric water quality criteria included in the regulations. Additionally, the Department will review the current water quality criteria for copper to determine if any other updates to those criteria are appropriate.

*Carleton, J.N (2008) *Spatial Trends in Water Chemistry and the Biotic Ligand Model*. Available at: <https://www.epa.gov/sites/production/files/2015-11/documents/spatial-trends-blm-copper.pdf>

C. Comment: Numeric water quality criteria should be updated to include criteria based on the Multiple Linear Regression Model for Aluminum which includes adjustments based on hardness and dissolved organic carbon in the water body. (1)(6)(16)

Response: *The Department does not have a sufficient amount of water quality data to evaluate and potentially propose adoption of aluminum criteria based on the use of the Multiple Linear Regression model at this time. However, the Department will consider inclusion of language in the Water Quality Standards to allow for the use of models such as the Multiple Linear Regression model as a means to amend the numeric water quality criteria included in the regulations. Additionally, the Department will review the current water quality criteria for aluminum to determine if any other updates to those criteria are appropriate.*

D. Comment: Additional parameters should be included in the table of water quality criteria in the WQS, such as Per- and Polyfluorinated Alkyl Substances (PFAS), microbeads, microfibers, sodium chloride from road salts, pharmaceuticals and other emerging contaminants (7) (13)

Response: *The WQS currently include numerical water quality criteria for chloride based on aquatic life protection. At this time, there is not sufficient information to derive criteria for the other parameters listed in this comment. The Department concurs that these parameters can affect water quality and impact designated uses. The WQS contain narrative standards, such as that contained at Section 22a-426-4(a)(5), which provide a general basis for addressing constituents which may affect water quality and designated uses.*

For PFAS, the Governor created an Interagency Task Force which is led by the Department of Public Health and the Department of Energy and Environmental Protection and contains representatives from a broad variety of state agencies. The Task Force developed a [PFAS Action Plan](#) at the Governor's request in order to develop a comprehensive strategy to 1) minimize human health risk for Connecticut residents; 2) minimize future releases of PFAS to the environment; and 3) identify, assess, and clean up historic releases of PFAS to the environment. The Action Plan contains various recommendations including the development of standards for PFAS in waters. The Water Quality Program at the Department is involved in that effort.

For microbeads, both the federal and Connecticut state governments have passed legislation banning the use of microbeads because of their detrimental impact on the environment. Microbeads are plastic, microscopic microspheres that have been used in cosmetics and personal care products. Information on the CT microbead ban enacted through Public Act 15-5 and signed by the Governor on June 30, 2015 can be found both on the Department's [Microbead webpage](#) and an associated [fact sheet](#).

Connecticut has also established a Microfiber Pollution Working Group, pursuant to Public Act 18-181. The purpose of this group is to develop consumer awareness and education programs for the public. Information on this initiative can be found at the [Microfibers webpage](#) on the Department's website.

E. Comment: Request that the Department specify the WQS considered for modification with justifications on why the changes are being proposed (12)

Response: *At this point in time, the Department is only soliciting comments on general topics regarding potential changes to the WQS. Updating the WQS for parameters for which newer information is available is a broad category of updates that is being considered. After reviewing the comments received, the Department will decide whether to proceed with this update and for which specific parameters. Any proposed changes to WQS for specific parameters, and the justification for the proposed changes, will be public noticed through the regulatory revision process.*

F. Comments: EPA supports the Department's intent to review updated federal water quality criteria recommendations including: (1) the national recommended 304(a) human health criteria for 94 chemical pollutants based on revised criteria input values for body weight, drinking water intake, fish consumption rate, health toxicity values, bioaccumulation factors, and relative source contribution as well as the nationally recommended methylmercury fish tissue based criterion; (2) the updated 2012 Recreational Water Quality Criteria; and (3) the updated national 304(a) recommended aquatic life criteria for ammonia, aluminum, cadmium, copper and selenium. Updates made to the federal water quality standard regulations (40 CFR 131.20(a)) in 2015 now require any state that chooses not to adopt new or revised criteria for any parameters for which the EPA has published new or updated criteria recommendations to explain its decision when reporting the results of its triennial review to the EPA. (16)

Response: *The Department will take EPA's recommendations into consideration while completing its review of numeric water quality criteria. The federal regulations (40CFR131.20(b)) require that any proposed water quality standards revision and supporting analyses be made available to the public prior to a hearing on the proposed changes. The Department will do so within the context of conducting a regulatory process to update the WQS. At that time, the Department will identify any proposed changes to water quality criteria and will provide supporting documentation. If the Department is not proposing to adopt any water*

quality criteria recommended by EPA under Section 304(a), the Department will clearly explain its rationale.

G. Comment: CTDEEP adopted, and EPA approved, site specific freshwater aquatic life copper criteria for a specified list of stream segments. If the Department does not update the copper criteria to reflect EPA's most recent BLM-based criteria recommendations, EPA recommends that CTDEEP reevaluate the existing site-specific criteria to determine whether they remain protective of the aquatic life designated use. (16)

Response: *Comment noted. The Department will review the current water quality criteria for copper, including the site-specific criteria, to determine if any updates to those criteria are appropriate.*

H. Comment: There are 17 locations below sewage treatment plants with site specific standards for copper that are much higher than everywhere else. Has the technology advanced to the point that these sections of rivers can now be protected fully? (13)

Response: *The site-specific copper criteria are based on biological data indicating that the established values are protective of designated uses. The criteria are not based on treatment technologies. However, as noted in the response to other comments, the Department will undertake a review of the site-specific copper criteria.*

I. Comment: Are there any notification improvements in the EPA updates to human health water quality criteria for property owners along the North Branch Park River when sewage-laden flood waters disperse waste upon their lawns? (14)

Response: *The water quality criteria do not include any notification requirements for criteria exceedances. If water quality criteria are exceeded, the water may be impaired and identified as such on the Connecticut Integrated Water Quality Report. The North Branch Park River is identified as impaired for both aquatic life and recreational uses. TMDLs have been established for E. coli to address the recreational impairments. A public process is included in the development of the Integrated Water Quality Report and the TMDLs.*

2. Revise the Low Flow Statistic Applicable to Fresh waters

A. Comment: The 7Q10 flow should be changed to using the Q99 flow, because the Q99 flow is posted on the USGS website and is available for everyone to access. As to whether DEEP will use annual Q99, or seasonal or monthly Q99, I support using whichever value will most protect the rivers (3) (4) (10) (14) (15).

Response: *The Department is continuing our review of the use of the Q99 flow in place of the 7Q10 flow as the low flow statistic for non-tidal fresh waters. and*

will consider the best available science to protect the goals of the waterbody and its designated uses.

B. Comment: Request for any scientific information that the Department has developed or gathered that may be used as a basis for the change in low flow statistics. If the Q99 flow is considered, "roughly equivalent to the 7Q10" flow, the District would like to better understand why the proposed change is being made and what the specific impacts are to regulated entities that use the 7Q 10 flow condition as part of their planning and operations (12).

Response: *The Department has not yet determined whether or not to propose a change to the low flow statistic. We will provide supporting information to the public through the regulatory revision process if a change to the low flow statistic is proposed. Information about StreamStats and the various equations developed to support the Q99 and other flows are available on the [USGS website](#).*

C. Comment: The EPA recommends use of the 7Q10 as the critical low flow for implementing chronic aquatic life criteria and harmonic mean flow for implementing human health criteria. States may designate other critical low-flow values to implement the applicable criteria, provided they are scientifically justified as protective of applicable designated uses (16).

Response: *If the Department decides to change the low flow statistic away from 7Q10, it will put procedures in place to ensure consistency with EPA design flow recommendations. This information would be included in the documentation for the regulatory revision process.*

D. Comment: What time period would be used to calculate Q99? NOAA uses 30 years for their calculation of weather normal (17).

Response: *The Department has not yet determined the time period for calculating the Q99. That decision will be taken if the Department decides to adopt Q99 as the low for statistic. We would rely on advice from the U.S. Geological Survey and others to make this decision. This information would be included in the documentation for the regulatory revision process.*

E. Comment: An increased emphasis on groundwater recharge would be appreciated when considering freshwater low flow conditions. (14)

Response: *The Department agrees that the amount of groundwater recharge affects surface water flows under low flow conditions. Either of the low flow statistics being considered by the Department will address this factor.*

3. Extended Disinfection Period

A. Comment: The disinfection period for treatment plants north of I-95 should be extended. (3) (4) (5) (7) (9) (10) (11) (15) (16) (17).

Response: *Comment noted.*

B. Comment: The disinfection period for treatment plants north of I-95 should be extended to be required all year. (5)(7)(9)(17)

Response: *Comment noted.*

C. Comment: We support the extended period of disinfection for sewage treatment plants north of I-95. However, we do not believe this requirement should be based on current use, as current use may be less than its potential if a different disinfection schedule was in place. Determination for extended disinfection should be based on the watercourse's potential use and an expectation that those uses will be pursued outside of the shorter disinfection period (11).

Response: *Connecticut WQS do not reflect current use, but the goal for use of the waterbody, which is also called the designated use. Further, the goal for all waterbodies in the state, including waste-receiving streams, is "swimmable and fishable". Therefore, at a minimum, extension of the disinfections period is appropriate if the waterbody has a designated use for recreation.*

D. Comment: Non-chlorine disinfection should be required at sewage treatment plants. (3) (4) (5) (9) (15) (17)

Response: *This comment is beyond the scope of the WQS. The WQS specify the desired water quality conditions to support designated uses in a water body. The WQS do not specify the means for achieving this water quality. Disinfection can be achieved through multiple methods. The particular method that is used by a wastewater treatment facility depends on the other technology in use at the facility.*

E. Comment: The District (MDC) requests that the Department provide the detailed information regarding the proposed extension to the current disinfection season. A reference was made during the March 13, 2019 public presentation that the proposed changes are being developed, "In response to previous public comments". The District requests a copy of these public comments. Additionally, the District requests any scientific information the Department has developed or gathered that

may be used as basis for the disinfection season extension. The District requests that the financial burden placed upon all facilities be considered in the final decision-making process. The District estimates that the proposed two-month extension of the disinfection season will impact the water pollution control operating budget in excess of \$200,000 or nearly 1.5% increase, as well as increase maintenance and long-term capital costs. The District is strongly opposed to implementing year-round disinfection at any of its WPCFs as there is no scientific driver to do so. (12)

Response: *The Department is considering extension of the disinfection period to protect public health based on current or potential future uses of the water resources during that extended time period. We understand that the imposition of effluent controls carries a cost and will propose such an extension if necessary, to protect public health.*

Previous public comments pertaining to extended disinfection periods were submitted in response to a proposal to update the Water Quality Standards in 2009. The previous public comments were discussed in the Hearing Officer's Report for the Revisions to Connecticut WQS dated January 4, 2011. The pertinent section of that document is excerpted below. Links to the Hearing Officer's report and comments are also provided below.

Summarized Comments from the 2011 Hearing Officers Report:

- *CTDEP should re-examine the policy that uses I-95 as a barrier to divide wastewater treatment plants between those that should continuously treat their effluent and those that need to provide seasonal treatment. This policy is not based on science. CTDEP should consider using geographic features or latitudes to make this distinction. (44)*
- *Connecticut should adopt sewage treatment plant standards similar to Massachusetts which require treatment of effluent from April 1 through October 31. Many recreational groups use the rivers during periods when disinfection is not currently required in Connecticut. The proposed standards prevent these individuals from safely using the river to its full capacity. (44)*
- *The absence of any applicable bacteria standard from October 2 through April 30 for waters affected by sewage treatment plants located north of I-95 is not sufficiently protective of recreational uses. There are various school groups using portions of these waters for activities such as crew teams during the period when disinfection is not required. Additionally, it is noted that the Water Quality Standards provide for continuous disinfection in other portions of the state to protect shellfishing resources. Standard 23B should be modified to require year-round application of bacteria criteria. This standard could be further amended to allow for seasonal disinfection, at the discretion of the Commissioner, if that is sufficient to protect designated uses on a case by case basis. Seasonal*

disinfection should be required for a period of time, sufficient to protect uses of the water body, a period longer than currently employed. (53)

CTDEEP Response from the 2011 Hearing Officer's Report:

- *No change is proposed to Standard 23 as the CTDEP did not provide notice to the general public that this provision of the Water Quality Standards was under consideration for modification and this issue requires further public process. However, the public comments identify important concerns regarding the duration of disinfection periods for sewage treatment plants within Connecticut. As each permit comes up for renewal, CTDEP will re-evaluate the current level of recreational use of the receiving water body to determine if the current permitted period of disinfection is sufficient to protect uses of the river or whether an expansion of the disinfection period is warranted. Addressing this concern through the permitting process will allow for site-specific review and provide a means for public review and comment.*

Links to Documents from the 2011 Hearing Officer's Report:

- 2009 Triennial Review Comments from Earthplace:
https://www.ct.gov/deep/lib/deep/water/water_quality_standards/triennial_reviews/earthplace_ct_wqs.pdf
- 2009 Triennial Review Comments from Norwalk River Watershed Association:
https://www.ct.gov/deep/lib/deep/water/water_quality_standards/triennial_reviews/norwalk_river_watershed_association_ct_wqs.pdf
- Revisions to Connecticut Water Quality Standards hearing Officer's Report January 4, 2011:
https://www.ct.gov/deep/lib/deep/water/water_quality_standards/surface_wq_updates/hearing_officers_report_wqs_jan_4_2011final.pdf
- 2010 Comments on Proposed Water Quality Standards from Connecticut River Watershed Council:
https://www.ct.gov/deep/lib/deep/water/water_quality_standards/wqs_comments/wqs_44.pdf
- 2010 Comments on Proposed Water Quality Standards from the United States Environmental Protection Agency:
https://www.ct.gov/deep/lib/deep/water/water_quality_standards/wqs_comments/wqs_53.pdf

F. Comment: The Mattabassett District POTW, is located north of Highway I- 95, and currently discharges treated effluent to the Connecticut River at the Cromwell/Middletown town line. The District is currently required to disinfect between the months of May 1 to October 15th. In 2018, the District annual cost for disinfection was approximately over \$4,500. The District therefore, respectfully requests the Department to consider our concern for saving operational dollars by not extending the disinfection period where it is not warranted (18).

Response: *The Department is considering extension of the disinfection period to protect public health based on current or potential future uses of the water resources during that extended time period. We understand that the imposition of effluent controls carries a cost and will propose such an extension if necessary to protect public health.*

4. Define Highest Attainable Use

A. Comment: Highest attainable use should be an absolute standard of total purity, and should remain the goal, even of now-polluted rivers (3) (4) (10) (11) (12) (14) (15) (17).

Response: *In response to the comments received, the Department has decided not to add the definition of highest attainable use to the WQS. The WQS already set appropriate goals and standards for usage of the state's water resources. The designated uses for water bodies in the WQS are independent of current water quality and establish the water quality goal for the water body.*

5. Downstream Protection

A. Comment: The goal of downstream protection should always be to preserve the purity of the river at its source; all segments downstream should stay that pure. The standard should be to prohibit introduction of contaminants anywhere on the watercourse (3).

Response: *The concept of downstream protection in WQS will add additional protections to water quality in both downstream and upstream areas, which is consistent with the point of this comment.*

B. Comment: At first glance, this concept seems fine of course pollution should not be allowed that would degrade downstream segments of that water body. But this concept should not be used to imply that a lowered standard for water quality can be used for an upstream segment where water quality is already degraded downstream (4) (10) (11) (15).

Response: *Adding downstream protection standards in WQS would not change the current standard for water quality in the upstream segments. If necessary, water quality and implementation measures in upstream segments may be made more protective if necessary to protect water quality in downstream water bodies, which is consistent with this point of this comment.*

C. Comment: Downstream protection. As was illustrated best by the Aquarion company's recent request to withdraw 1 million gallons per day from the Norwalk River, there was no concern or issues addressed by that action in Norwalk and the Norwalk Harbor. According to what was being requested, it looked as if the Norwalk River stopped at the Wilton / Norwalk border. The river is a critical source for dissolved oxygen during August, Sept. and early October to the upper harbor (9).

Response: *This comment provides a good example of why downstream protection standards would provide helpful clarification within the WQS. The Department will review the existing WQS to determine if these protections are already incorporated sufficiently or if changes are needed.*

D. Comment: Park Watershed highly recommends increased downstream protections. While 68% of the North Branch Park River watershed is within the Town of Bloomfield and 14% within the Town of West Hartford; property owners in the northwestern neighborhoods of Hartford, while only 11% of the watershed, are disproportionately confronted with sewage-laden flood waters dispersing waste onto their properties. Park Watershed has been working with North Central Conservation District to reduce stormwater runoff from area parking lots, yet clearly there needs to be increased regulations on upstream development – and a comprehensive stream corridor plan to reduce further downstream erosion and flooding, and incentivize revitalization of the stream corridor wetlands (14).

Response: *It is important to distinguish between establishing downstream protection standards in the WQS for upland waterways and regulating upstream development. For the former, water quality-based requirements have been and would be evaluated for activities in upstream water bodies if necessary to protect downstream designated uses. The Department continues to believe that the existing WQS provides these protections for downstream waters. However, adding further clarity on this point within the WQS would assist water quality-based implementation programs in protecting water quality throughout watersheds in our state. However, that process is not the same as providing the Department with authority to regulate land development in the upper watershed. The authority for land use zoning and regulation rests with the municipalities.*

E. Comment: The EPA supports the Department's intention to provide additional regulatory clarity about how the State protects downstream waters in establishing water quality standards, consistent with 40 CFR §131.10 (b) (16).

Response: *The Department will review the existing WQS to determine if these protections are already incorporated sufficiently or if changes are needed.*

F. Comment: Downstream protections are currently only specified for discharge to wetlands and impairments due to nitrogen and phosphorus. The state of Connecticut should take this opportunity to develop stronger narrative and numerical criteria to protect downstream waters (17).

Response: *Comment noted.*

6. Water Quality Classification Maps

A. Comment: Two areas of contribution to public supply wells (blue hashed circles) no longer exist (2).

Response: *Thank you, this will be corrected.*

B. Comment: Aquifer Protection Areas should have the appropriate groundwater designation. (3, 11, 17)

Response: *The Department agrees that Aquifer Protection Areas (APAs) are areas tributary to public water supplies and should therefore be designed Class GAA to be consistent with the WQS, and the WQS Maps should reflect this.*

C. Comment: While revising aquifer protection maps, it is important that the classification of river segments adjacent to or immediately upstream of public water supply wells be the highest possible (3, 10, 11).

Response: *The Department agrees that the corresponding surface water classifications should be the highest possible, and that is always the goal. However, the surface water designations of streams that intersect APAs are not directly pertinent to the groundwater classification. For example, the Connecticut River Receives wastewater from numerous wastewater treatment plants within the state as well as from other New England states. It is therefore a Class B stream. Several APAs intersect the Connecticut River, however, we cannot make the portions of the river Class A or AA because it isn't feasible to prevent the upstream waste-receiving river from flowing through the APA. Further, it is not the goal to utilize the river for public water supply, so that surface water designation would be inconsistent with the goal.*

D. Comment: Current and potential shellfishing areas are an important part of the state's economy and should be protected as SA. Quality shellfisheries are economically beneficial to both commercial fisherman and recreational users (3, 11).

Response: *The Department will work with the Department of Agriculture to update and refine the classifications of the shellfishing areas.*

E. Comment: The EPA reminds the Department that federal regulations prohibit removal of existing uses. In addition, removal of a designated use specified in section 101(a)(2) of the Clean Water Act, including shellfishing, must be supported by a use attainability analysis demonstrating that the use cannot be fully attained due to one or more of the six factors at 40 CFR § 131.10(g). When a 101(a)(2) designated use is removed, federal regulations also require identification and adoption of the highest attainable use (16).

Response: *Comment noted.*

F. Comment: Water-quality policy and related designations are unclear in some cases due to the loss of the slash-goal designations. For example, if there has been a successful shellfishery in a given location from 1950 to 2017, in SA water; but the fishery has closed, and the water is now of lower quality, can DEEP give it the equivalent of SB/SA? If not, how can we promote high quality, economically beneficial waters. (3) (4) (15)

Response: *The “slash classifications” created a great deal of confusion for the regulated community. The Department carefully considered the implications of the designations when the WQS were revised to remove the slash classifications in 2011. At that time, the “current use/goal classification” (e.g. SB/SA) was changed to just the “goal classification” for water use (so an SB/SA classification became SA.) The Department is not considering returning to the slash designations because of the confusion and misrepresentation that occurred. Additionally, it is important to remember that water quality classifications are based on designated uses and are not reflective of water quality.*

G. Comment: Note that the classification of surface waters east of the North Branch between Albany and Farmington Avenues as GB is not entirely consistent with the site conditions, especially south of Albany Avenue to Woodland Drive where a woodland forest surrounds the stream corridor. The North Branch Park River Watershed Management Plan found that water quality actually improved slightly within this area. Can there be a more detailed assessment of this site on the Water Quality Classification Map, so as to clarify the value of conserved landscapes along stream corridors, and the need for increasing municipal commitment to strengthening stream buffer regulations (14)

Response: *The ground water classification in the area described is consistent with a GB Classification. The area and upgradient (east and northeast of the wooded area) of it are*

historically mixed urban land uses that are likely to have degraded the ground water quality, the ground water is not in use for drinking, and there is no potential for future use for drinking here. The GB Classification does not speak to the value of conserved landscapes. And, the policies for GB areas (RCSA Section 22a-426-7(a)(4)), which seek to improve water quality over time and limit discharges such that it doesn't impact the surface water, are consistent with the Watershed Management Plan.

7. Comments Unrelated to Proposed Triennial Review Topics

A. Comment: CTDEEP should also adopt the USEPA approach for establishing allocated zones of influence (ZOI) for human health (HH) based water quality criteria (USEPA TSD for Water Quality-Based Toxics Control, March 1991, pages 87 thru 89) in NPDES permits. An acceptable alternative to the USEPA approach is the method proposed in the CTDEEP "Technical Support Information for Proposed Revisions to the CT WQ Stds: Ambient Water Quality Criteria, January 28, 2010, Page 9. The approach that CTDEEP NPDES permit engineers are currently using, setting HH criteria permit limits using a "zero "ZOI", is not consistent with these methods, and is not justified technically or environmentally. Inclusion of these methods for establishing ZOIs for HH criteria in NPDES permits would require amending narrative items 10, 11 and 12 in the Surface Water Quality Standards (pages 2 thru 4). Once adopted, all NPDES permits using the "ZERO " ZOI approach should be amended by CTDEEP.

Response:

The referenced CTDEEP 2009 technical support document provided information on the procedures the Department recommends relating a Zone of Influence established based on 7Q10 conditions to flows associated with the appropriate exposure periods for human health protective water quality criteria. That focused guidance does not address the development of the Zone of Influence, which must be done consistent with the provisions outlined within the Water Quality Standards (22a-436-4(l)). The first sentence in that section of the regulations is:

The Commissioner may, on a case-by-case basis, establish zones of influence when authorizing discharges to surface waters under sections 22a-430 and 22a-133(k) of the Connecticut General Statutes in order to allocate a portion of the receiving surface waters for mixing and assimilation of the discharge.

This indicates that a zone of influence may or may not be allocated for assimilation of a discharge when the considerations included in the remaining portion the WQS are evaluated. This is consistent with the USEPA Technical Support Document for Water Quality-Based Toxics Control (TSD).

The EPA TSD describes the concepts and application for establishing mixing zones in various locations throughout the document. The TSD acknowledges that states set the policy for and implement the establishment of mixing zones through the state Water Quality Standards, that there are multiple conditions to consider when or if to establish a mixing zone and that mixing zones should be tailored to the specific conditions at the discharge site and the quality of the effluent. In multiple places, both within the pages of the TSD that you referenced (pgs 87-89) and in other places, including pages 70-72, EPA acknowledges that the establishment of a mixing zone is not appropriate in all situations.

Both the CT Water Quality Standards and the EPA Technical Support Document identify that there are times when allocating a zone of influence for particular parameter or a particular discharge may not be appropriate, when considering the state requirements for setting Zones of Influence.

B. Comment: My home's easterly property boundary runs along the middle thread of the North Branch of the Park River (NBPR) for approx. 225 feet. My property and my family's enjoyment of the NBPR has been adversely impacted by unenforced and weak water quality standards permitting upstream contaminants including raw sewage to flow downstream which routinely cause polluted and poor water quality. 1. Please require the MDC to close the CSO's on the NBPR as required by C.O. WC5434. 2. Please strengthen and enforce the Water Quality Standards for all of our betterment and to sustain our environment. (8)

Response: *This comment is beyond the scope of this Triennial Review. Combined sewer overflows (CSOs) are managed through permit conditions because they are a discharge to surface waters of the state. The Department is actively engaged with the Metropolitan District Commission on the Long-Term Control Plan for its CSOs. The Department actively enforces WQS violations and updates the WQS within available resources and based on available information, including the best available science.*

C. Comment: Testing for and monitoring the presence of anthropogenic pharmaceuticals has not been done. As the Norwalk River is one of over 60 rivers and streams that flow into Long Island Sound, this could have an impact on the life in Long Island Sound as has been proven in other areas in Canada as well as the US. With an active shellfish industry, and their filtering of water, it might bio amplify in those species. With background information on the levels of pharmaceuticals, guidelines for acceptable levels can be achieved and we can address the potential sources (9).

Response: *The Department shares your concerns about emerging contaminants, in general, and pharmaceutical and personal care products, in particular. Unfortunately, there are hundreds of thousands of these chemicals in use now and the number is constantly growing and changing. As resources allow, the Department conducts special studies for emerging contaminants or engages with partners at academic institutions to gather information on these chemicals. We*

also track the actions taken by other states and the federal agencies to establish criteria for these new chemicals. Through these studies and networking with other states, the Department is able to determine when there is credible information on occurrence, exposure, and risk such that it should act to establish water quality criteria for emerging contaminants. In the meantime, the existing narrative standards within the WQS provides sufficient basis for the Department to evaluate and manage contaminants not specifically identified within the WQS.

D. Comment: Continued and expanded monitoring of the numerous discharge pipes going into the Norwalk River. During rain events, there should be periodic testing for organic hydrocarbons, as well as heavy metals. We do not know what extent I 95 has on the Norwalk River water and the sediments versus other potential sources (9).

Response: *This comment is beyond the scope of this Triennial Review. Monitoring requirements are not specified in the WQS. The primary tool for monitoring and managing discharges to surface water are permits issued under the NPDES permit program. This includes permits for stormwater. In Connecticut, all permits typically contain requirements for monitoring of discharge quality to be conducted by dischargers. These permits have been developed to include limitations, monitoring and sometimes other requirements as needed to ensure that such discharges are protective of water quality.*

E. Comment: DNA investigation as to the species of origin for the bacteria testing in the Norwalk River. There are numerous outflows that have been "hot" with bacteria for decades, yet we do not know if it is mammalian, avian, or anything else. This could help us address the financial as well as human resources we have doing any monitoring (9).

Response: *This comment is beyond the scope of the WQS. Monitoring requirements are not specified in the WQS. Using DNA testing to determine the source of bacteria in a river is a complex testing procedure that is not available at state laboratory facilities.*

F. Comment: The definition of BMPs is weak. The definition is used widely and should be more precise. What does "institutional feasibility" mean? Could we have an example? Basically, this definition says: BMPs are anything the commissioner says they are if so long as they reduce pollution by at least a little bit (13).

Response: *From the definitions in the WQS (Section 22a-426-1(7)), best management practices "means those practices which reduce pollution and which have been determined by the Commissioner to be acceptable based on, but not limited to, technical, economic and institutional feasibility." This definition needs to be flexible because new and better management practices are always being developed. The term "institutional feasibility" in this context refers to the feasibility for the institution responsible for the practice to implement it successfully.*

G. Comment: Throughout, I have difficulty understanding when a water quality standard is describing an existing condition, when it is describing a goal, and when it is describing "projected" conditions, which could be higher or lower than existing condition, unless perhaps by "projected" you mean "projected as a goal" (13).

Response: The WQS identify the uses of Connecticut's water resources and the environmental conditions and requirements necessary to support those uses. The actual water quality within our surface waters is assessed through monitoring of ambient conditions and reported to EPA and the public every two years through the Integrated Water Quality Report. This report identifies if water quality within a specific water body is sufficient to meet the uses for that water body, consistent with the WQS.

H, Comment: Should thermal characteristics be added to Total Phosphorus, Total Nitrogen, Chlorophyll-a, and Secchi Disk Transparency when assessing the trophic state of a lake (13)?

Response: *The trophic status of a lake is a measure of the biological productivity of the lake and focuses on the amount of nutrients (nitrogen and phosphorus) in the water, the transfer of those nutrients to the lower levels of the lake food chain such as plants and algae as well as any subsequent effects on water quality. Chlorophyll A, which is used by plants for photosynthesis, is included in the evaluation of trophic state since it provides a measurement of the amount of algae in the water column. Transparency is also included in the evaluation of trophic state since it provides a measure of how much light can penetrate the water column and it is affected by higher level of nutrients or increased amounts of algae. Temperature, while an important water quality parameter, is not directly related to the biological productivity of a lake. Temperature will influence the type of fish, for example, that live in a lake, but that is not related to biological productivity within the plant and algae communities.*

I. Comment: In the ground water portion of the WQS, carcinogenic risk is identified as the concentration of a carcinogen associated with a 1×10^{-6} excess cancer risk. Is this still a reasonable way to describe carcinogen risk? What if it's only a probable human carcinogen? What about fish that swim in the water that came from the ground (13)?

Response: *The Department utilizes generally accepted toxicological methods for assessing risk from exposure to carcinogens. The evidence with the scientific literature regarding the potential for a chemical to be carcinogenic is considered when setting standards. Carcinogenicity of chemicals that are classified as known, probable or possible carcinogens would be evaluated while setting standards or developing other requirements. While fish and wildlife do develop cancers, there is not a published classification system similar to that for human health to describe potential carcinogenicity to ecological receptors. The standards for ground water*

within the WQS identify that ground water quality should be maintained sufficient to support water quality within the surface waters to which the ground water discharges.

J. Comment: Has CT designated any Outstanding National Resource Waters? Should more be so designated if it will better protect them (13)?

Response: *Connecticut has not designated any Outstanding Natural Resource Waters. As needed, on a case by case basis, a determination is made, typically during implementation activities, as to whether a water body is a high quality water or an Outstanding Natural Resource Water, so that appropriate protections to the water body can be provided. These considerations are made to ensure consistency with the Antidegradation policy and implementation procedures within the WQS.*

K. Comment: Park Watershed has repeatedly requested that the City of Hartford and the State of Connecticut develop a comprehensive plan for the impaired North Branch Park River stream corridor (~5.4 miles) that would address site specific opportunities to improve water quality in relationship to other concerns such as flood control, safe public access and wildlife habitat. For this reason, Park Watershed looks forward to the May/June Integrated Water Resource Management Update, the purpose being "water quality planning effort to identify water quality issues and associated water bodies for the development of Action Plans to restore or protect water quality". Please consider hosting discussion or public comment specifically focused on inland urban-suburban water resource management issues (14).

Response: *Comment noted. The Department was thankful for participation by representatives from the Park River watershed at the Integrated Water Resource Management event in the fall of 2019.*

L. Comment: In waste-receiving streams such as the Quinnipiac River in the South Central CT basin, there are detectable chemicals with impact to biological life, as demonstrated in testing by Dr. Courtney McGinnis and Dr. Pylypiw and their respective teams at Quinnipiac University. The Department should consider setting a standard for phenothiazine, an endocrine disrupting toxin, found in 2015 and the plasticizer and phthalate bis (2-ethylhexyl) phthalate, found in 2018 (15).

Response: *Comment noted. See response to Comment "C" above in this section of comments and responses.*

M. Comment: The EPA would like to continue coordination with CTDEEP during standards revisions and is committed to providing any technical expertise requested by the State in the

future development and revision of the State's WQS. The EPA also encourages CTDEEP to continue to work with other agencies such as the U.S. Fish and Wild life Service and National Marine Fisheries Service (16).

Response: *Comment noted. The mutual assistance and support of our federal partners is critical to the success of our federal and state programs.*

N. Comment: Thermal limits need to be better integrated into Connecticut's Water Quality Standards to be truly protective of cold water fish species and healthy river ecology. Despite threats from climate change exacerbated by land use changes that continue to degrade our high quality waters, Connecticut has not updated or even considered updating its temperature criteria. High quality headwater streams and tributaries not under the protection of public water supply are at the mercy of the strength or weakness of wetland and zoning ordinances that can differ greatly in 169 town halls of Connecticut. Since Connecticut's last triennial review, four members of DEEP's own staff in partnership with USGS published, "Summer Thermal Thresholds of Fish Community Transitions in Connecticut Streams." I encourage DEEP to take this research into consideration to update and better integrate thermal limits (17).

Response: *Comment noted. As part of the review of water quality criteria for consistency with federal water quality criteria and current science, the Department will review the existing temperature criteria to determine if an update to these criteria are recommended and if there is sufficient information to propose updated criteria for inclusion in the WQS. In the meantime, the Department continues to monitor water temperature at dozens of locations in Connecticut. These data are shared with the [SHEDS Stream Temperature Database](#) to facilitate research within the region. Recently, the Department conducted an analysis of its data and developed a [map of cold water stream habitat](#) in the state. This map is meant to be used for planning purposes only and is not part of the WQS. However, the data collection and analysis continue as does the Department's commitment to understanding water temperature and developing temperature-related standards and practical tools for resource managers.*

VI. Plan Forward

The Department has solicited and considered public comment on potential changes to the WQS through the Triennial Review process. As a result, the Department will propose amendments to the Connecticut WQS which will address the following:

- Maintain consistency of the Connecticut WQS with federal water quality criteria established in accordance with section 304(a) of the federal Clean Water Act; and if the Department is not proposing to adopt any water quality criteria recommended by EPA under Section 304(a), the Department will clearly explain its rationale;

- Provide for an extension of the wastewater disinfection period; and
- Make updates to the Classification Maps in response to the specific comments received during the Triennial Review.

Additionally, the Department will:

- Consider inclusion of language in the Water Quality Standards to allow for the use of models such as the Biotic Ligand Model for copper and the Multiple Linear Regression model for aluminum as a means to amend the numeric water quality criteria included in the regulations and review the current water quality criteria for copper (including site-specific criteria) and aluminum to determine if any other updates to those criteria are appropriate;
- Conduct a study with the U.S. Geological Survey to determine whether it is beneficial to change the low flow statistic currently used in the Connecticut WQS from the 7Q10 flow to the Q99 flow for consistency between regulations;
- Review the WQS to determine if additional provisions for downstream waters protection need to be added;
- Complete an evaluation of surface water classification of certain shellfishing areas as needed to ensure consistency with allowable shellfishing activities, coordinating with the Department of Agriculture, Bureau of Aquaculture as appropriate; and
- Continue to monitor actions to amend federal regulations regarding WQS.

The Department will follow state requirements to propose regulatory changes to address the topics identified above and will provide the public with information to support any proposed changes. Other topics may be included in the proposed regulatory changes to the WQS if sufficient information is available to support a change. The Department expects to bring these changes to the public during 2021.

VII. Conclusion

The Department has completed a triennial review of the Connecticut WQS. Regulatory changes to the WQS have been identified and will be pursued during 2020 and 2021.



Jennifer Perry, Director

December 14, 2020

Date

VIII. Appendices

Appendix A: Notice of Intent to Amend Connecticut Water Quality Standards and to Hold a Hearing

2019 Triennial Review of the Connecticut Water Quality Standards

The Connecticut Department of Energy and Environmental Protection (Department) is initiating a review of Connecticut Water Quality Standards (“WQS”). This review is being conducted to evaluate the need to update or revise the WQS in order to remain consistent with State and federal law and to ensure that Connecticut’s WQS continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state.

With this notice the Department is requesting input from all interested parties on any aspect of the WQS that a person believes the Department should consider for potential revision. The comment should include the topic of concern, whether it is currently covered by the WQS, and if so where, any suggested revision and the basis for the suggested revision. Any technical information or reports supporting the comment should be included. Comments on the WQS will be accepted from March 4, 2019 through April 5, 2019. Comments should be provided via email to DEEP.WQS@ct.gov.

While the Department will accept comments on any provision of the WQS, the Department is particularly interested in comments on the portions of the WQS which the Department is evaluating for revision. The need to revise the WQS to address these topics was identified during the previous Triennial Review which was conducted in 2014. Prior to proposing formal changes to the Water Quality Standards, the Department is once again providing an opportunity for public review and comment on the current WQS through this Triennial Review process. After reviewing any comments received during this Triennial Review, the Department will develop recommended updates to the WQS and initiate a formal regulatory revision process.

The topics under consideration for change within the WQS are identified below. Additional topics may be identified during this Triennial Review process and included in subsequent proposed changes to the WQS. The regulatory process to revise the WQS also includes a formal public review and comment process.

Topics under Consideration for Revision within the WQS Regulations

Updates to Numeric Water Quality Criteria

Since the WQS were last revised, EPA has updated recommendations for water quality criteria. The Department is currently reviewing the water quality recommendations from EPA and will either propose adoption of the federally recommended criteria or provide a reason for not doing so in accordance with section 304(a) of the federal Clean Water Act. These include updates to federal water quality criteria recommendations for toxics, bacteria and ammonia. Information about the current federal recommendations for water quality criteria can be found on the EPA web site at: <https://www.epa.gov/wqc>.

Revise the Low Flow Statistic Applicable to Fresh Waters

The 7Q10 flow is currently identified as the low flow condition in freshwater rivers and streams. The Department intends to recommend changing the low flow statistic for fresh waters from the 7Q10 flow to the Q99 flow. The Q99 flow represents the daily low flow rate that is expected to occur approximately 1% of the time. For daily stream flows, the Q99 flow is roughly equivalent to the 7Q10. The benefit of using the Q99 flow is that information on Q99 flows for waterbodies in Connecticut is easily accessible through the USGS StreamStats web site for all locations, not just those served by gaging stations. The USGS StreamStats web site for Connecticut is available at: <https://water.usgs.gov/osw/streamstats/connecticut.html>.

Extended Disinfection Period

The current Water Quality Standards contain requirements for disinfection of treated sewage discharge to surface waters at section 22a-426-4(a)(9)(E) of the regulations. This section requires continuous disinfection for all sewage treatment plants located south of Interstate Highway I-95. Disinfection is currently required for all sewage treatment plants north of Interstate Highway I-95 from May 1 to October 1, unless an alternative schedule, including continuous disinfection, is approved to protect those using the waterbody. Based on public comments which identified contact recreational activities within Connecticut that occur outside the current disinfection period, the Department intends to propose an extension of the disinfection period for all sewage treatment plants located north of Highway I-95 to include the period from April 1 through November 1, unless an alternative schedule, including continuous disinfection, is approved to protect those using the waterbody.

Define Highest Attainable Use

Recent revisions to federal regulations pertaining to Water Quality Standards (40 CFR 131.3(m) and 131.10(g)) have included a new term, Highest Attainable Use. The Highest Attainable Use is evaluated during a study of how a waterbody is used and pertains to identifying the highest use level for a waterbody should environmental conditions permanently preclude certain uses of that resource. The Department is reviewing the recently revised federal regulations and anticipates proposing language to insure consistency with these federal requirements.

Downstream Protection

Water quality in a particular section of a waterbody maybe affected by activities in the upstream watershed which contribute pollutants to the waterbody that are then transported downstream, affecting water quality in that downstream portion of the waterbody. The Clean Water Act requires consideration of these impacts on downstream waters when addressing water quality concerns. The Department believes that this concept is currently included within the WQS but is reviewing federal recommendations and may propose changes to the regulations for clarification, as needed.

Water Quality Classification Maps

The Department is evaluating the need to make changes in order to reconcile the water quality classification designation with shellfishing classification for specific water quality segments, as needed. Additionally, the Department expects to update ground water classification designations for consistency with Aquifer Protection Areas.

Appendix B: List of Persons Providing Comment in Response to the Notice of Intent to Revise Water Quality Standards

Links to comments provided below.

Notice of Intent to Revise Water Quality Standards	
Comment Number	Comments Provided by:
1	Jay Kulowiec , Industrial Water/Wastewater Consultancy, LLC
2	William Milardo , Durham Health Department
3	Hugh Rogers
4	Rivers Alliance of Connecticut
5	Richard Harris
6	Amy Valasquez , South Central Connecticut Regional Water Authority
7	Louise Washer , Norwalk River Watershed Association, Inc.
8	Ken Lerman
9	Joseph Schnierlein , Norwalk Mayor's Water Quality Committee
10	Valerie Rossetti , Save Our Water Connecticut
11	Patricia Sesto , Town of Greenwich
12	Thomas Tyler , The Metropolitan District
13	Margaret Miner & Tony Mitchell , Rivers Alliance of Connecticut 2
14	Mary Rickell Pelletier , Park Watershed
15	Mary Mador & Mary Mushinsky , River Advocates of South Central Connecticut
16	Ralph W. Abele , EPA Region 1

17	Alicea Charamut , Connecticut River Conservancy
18	Arthur G. Simonian , The Mattabassett District