

From: [rivers Alliance of CT](#)
To: [DEEP WQS](#)
Cc: ["Tony Mitchell"; alicea@riversalliance.org; "Rose Guimaraes"](#)
Subject: Rivers Alliance of CT comments regarding Water Quality Standards Triennial Review
Date: Wednesday, April 03, 2019 6:04:57 PM

Here are our comments on the topics under consideration for revision within the WQS Regulations, taken from your website at <https://www.ct.gov/deep/cwp/view.asp?q=534238>. *What DEEP says about these revisions is in italics **on the left***, with Rivers Alliance's comments next to them **on the right**.

(They may be easier to read on our website at http://www.riversalliance.org/Topics/Water_Quality.php#wqs than in an email)

Topics under Consideration for Revision within the WQS Regulations

Updates to Numeric Water Quality Criteria	
<i>DEEP Discussion</i>	RA Comments
<p><i>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</i></p>	<p>If a federally recommended criterion is stricter or more complete than the current standard, so it would protect Connecticut's water better, by all means adopt it.</p> <p>Any of EPA's recommendations that are less protective should not be adopted.</p>

at: <https://www.epa.gov/wqc>.

Revise the Low Flow Statistic Applicable to Fresh Waters

DEEP Discussion	RA Comments
<p><i>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.</i></p>	<p>Because the US Geological Survey Stream Stats is being used by more and more people every year, Rivers Alliance agrees with this change.</p> <p>But will DEEP use a river's annual Q99, as in its power-point presentation, or seasonal or monthly Q99s (as used in the Streamflow Regulations) ? We urge DEEP to use the Q99 for whatever time period will best protect that river.</p>

Extended Disinfection Period

DEEP Discussion	RA Comments
<p><i>The current Water Quality Standards contain requirements for disinfection of treated</i></p>	

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.

Of course the disinfection period should be extended. We want people to be safe on and in our rivers all the time.

"...unless an alternative schedule, including continuous disinfection, is approved to protect those using the waterbody." Does this mean that people who use a river when effluent is not being disinfected should let DEEP know?

We hope however that non-chlorine disinfection will be required whenever possible.

Define Highest Attainable Use

DEEP Discussion

RA Comments

Recent revisions to federal regulations pertaining to Water Quality Standards (40 CFR 131.3(m) and

"...Highest Attainable Use is evaluated during a study of how a waterbody is used..."

This has the potential

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.

to eliminate improvement of polluted waterways. People stay away from rivers they know are polluted by unpermitted or permitted effluents. This means those rivers will not be used for any higher use during a study. If Connecticut DEEP is mandated by the federal government to revise Highest Attainable Use to mean only what its use is now, maybe we need to address this at the federal level.

Downstream Protection

DEEP Discussion

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

RA Comments

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.

to the regulations for clarification, as needed.

Water Quality Classification Maps

DEEP Discussion

RA Comments

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.

Yes. Aquifer Protection Areas should have the appropriate groundwater designation. But since some public water supply wells and their recharge areas are immediately adjacent to rivers, shouldn't the upstream river segments also be classified as A or as having the goal of being A.

Shellfisheries are important to the state's economy and require as much clean water as possible. All existing and potential shellfisheries should have an SA classification or a goal of SA.

General 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 should be able to give the equivalent of SB/SA? If not, how can we promote high-quality, economically beneficial waters?