



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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March 19, 2019

Oswald Inglese, Jr.
Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT

Re: Comments to General Permitting Approach

Dear Ozzie:

The purpose of this letter is to provide the Connecticut Department of Energy and Environmental Protection (DEEP) with EPA's comments to the following documents:

- General Permit for the Discharge of Wastewaters from Significant Industrial Users (SIU)
- Environmental Permitting Fact Sheet - General Permit for the Discharge of Wastewaters from Significant Industrial Users (SIU)
- General Permit for Discharges of Miscellaneous Sewer Compatible (MISC) Wastewater from Industrial Users
- Environmental Permitting Fact Sheet - General Permit for Discharges of Miscellaneous Sewer Compatible (MISC) Wastewater from Industrial Users (IU)

EPA is aware that both of these documents were placed on public notice on January 14, 2019. As follow up to that notice, EPA participated on two conference calls on February 20 and March 14, 2019 with DEEP staff so that EPA would be apprised of the overall permitting approach while resolving any initial issues raised by EPA. I found this discussion very helpful in clarifying DEEP's overall approach to the general permitting process. Since many of my initial questions have been previously addressed, the contents of this letter will focus on EPA's overall position regarding these general permits. Based on our understanding of DEEP's general permits for both SIUs and IUs, as explained during the aforementioned conference calls, we are generally supportive of both of these initiatives. Our comments are as follows:

General Permit for Non Significant Industrial Users (IU) - EPA believes that this approach is consistent with the federal pretreatment regulations at 40 CFR 403. EPA is aware that commenters may interpret this approach as a delegation to the local Publicly Owned Treatment Works (POTW). EPA would disagree with this interpretation since there is no federal requirement mandating the issuance of a permit for non significant industrial users. However, it has been well established that control authorities (ie. POTWs and States) have always had the authority to issue general permits for non significant industrial users. All POTWs are required to locate and identify any industrial users that have the potential to cause pass through and/or interference regardless of a delegated pretreatment program. POTWs should have the authority to permit, sample, inspect, and enforce against, if applicable, all industrial users discharging to their sewer collection system. The General Permit approach the state is taking with regard to industrial users should be seen as no different than a local POTW's approach to other industrial sectors and programs such as controlling waste from restaurants by means of a Fats, Oil and Grease Program (FOG).

EPA does not see any specific mandate being placed upon POTWs as a result of this initiative. POTWs have always had the authority and obligation to provide oversight to its industrial users. The issuance of a permit to IUs is a very effective way to control discharges into the sewer system. While the regulatory oversight requirements are not as prescriptive for non-SIUs as they are for SIUs, there are still minimum regulatory requirements that must be met for non-SIU oversight.

Specific comments on the content of the General Permit are as follows:

- While the General Permit contains state wide standards, Appendix F1 does reference specific limits that IUs must also comply with in order to be protective of the POTW. Industrial users should be aware of these site-specific limits otherwise known as local limitations.
- The General Permit contains limits for pH in the range of 5.0 – 12.0 Standard Units. While this range is acceptable, EPA would recommend providing a note that POTWs may have a more stringent local limitation contained with its local Sewer Use Ordinance. Given that, IUs should not only comply with the pH limits contained in the General Permit, but must also comply with any other limitations that are found within a local Sewer User Ordinance for all parameters.

General Permit for Significant Industrial Users (SIU) - Provided that DEEP has the necessary legal authority, it may issue a general control mechanism for a group of SIUs that meet certain minimum criteria for being considered substantially similar. For example, SIUs falling under the 40 CFR 433 Metal Finishing Standards would meet this criteria. EPA understands that the general permit option does not preclude a SIU from requesting a site-specific permit should the SIU chooses to explore that option in discussion with DEEP.

I believe these comments are in line with conversations between EPA and DEEP as discussed during our previously mentioned conference calls. However, if you have any questions related to the contents of this letter, or any other matter, please feel free to contact me at (617) 918-1531.

Sincerely,



Justin Pimpare
Regional Pretreatment Coordinator

cc. Mark Spinale, EPA New England