

Response to Public Comments on the Proposed *General Permit for Discharges of Wastewaters from Significant Industrial Users*

On January 14, 2019, the Department of Energy and Environmental Protection (Department or DEEP) published notice of its tentative decision to issue the ***General Permit for Discharges of Wastewater from Significant Industrial Users*** (SIU GP). The notice was published in the Connecticut Post, the Hartford Courant, the New Haven Register, the New London Day, the Waterbury Republican American, and the Willimantic Chronicle. The notice as well as a draft copy of the SIU GP and a Fact Sheet for the general permit were concurrently posted on the Department's website.

The notice provided a thirty (30) day period for the public to comment on the draft SIU GP.

A timely and sufficient petition requesting a public hearing was submitted to the Department's Adjudications Division regarding the SIU GP. A status conference was held March 19, 2019, 1:00 PM at the Metropolitan District Commission's Training Center at 125 Maxim Road in Hartford, CT due to an anticipated large number of attendees.

This document presents the Department's response to comments regarding the SIU GP.

- 1) A commenter asked for a permit list, sorted by town, of all the current permittees in Connecticut who could be covered by the proposed SIU GP.

Response: The Department posted this list on its [Industrial Wastewater](#) webpage under the section for the proposed ***General Permit for Discharges from Miscellaneous Industrial Users*** (MIU GP). Within the table is a separate column with the heading SIU. Permittees with the acronym "SIU" listed in that column are those that DEEP believed to be Significant Industrial Users. No changes were made to the SIU GP in response to this comment.

- 2) A couple of commenters questioned why an independent third party certification of the registration is required for water treatment companies.

Response: The certification by the independent Qualified Professional Engineer or Qualified Certified Hazardous Materials Manager replaces what formerly had been a technical review and inspection by DEEP. This certification is required for all registrants under the SIU GP. The Qualified Professional Engineer and Qualified Certified Hazardous Materials Manager definitions have been modified such that, for municipalities only, a Qualified Professional Engineer or a Qualified Certified Hazardous Materials Manager may be a professional engineer or Certified Hazardous Materials Manager who currently provides engineering or environmental services for the Permittee by employ or by contract. No changes were made to the SIU GP in response to this comment.

3) A commenter requested that the Department provide justification for the \$6250 and \$3125 fees proposed for the dischargers of metal finishing wastewater under the Significant Industrial User General Permit.

Response: CGS 22a-430b allows the Department to set reasonable fees for registrations for discharges under general permits. The fees proposed are the same as the current fees under the Categorical Industrial User general permit and were deemed reasonable based on the estimated costs to the Department for application review and approval, compliance monitoring, and required annual inspections. No changes were made to the SIU GP in response to this comment.

4) Commenters asked that certain requirements at Section 4(c)(2)(T) and Section 5(e)(4)(B)(vi) pertaining to water treatment wastewaters be removed.

Response: These sections are not new language as they were carried over from the current Miscellaneous general permit. The requirements for a water treatment residuals management plan were agreed to during negotiations with the CT Section of the AWWA when revisions to the Miscellaneous general permit were finalized in August, 2017. The language remains in the general permit.

5) A commenter asked what the phrase “threatens pollution” at Section 5(a)(2)(A)(vi) means.

Response: This language is verbatim from Section 22a-430-4(t)(1)(F) of the Regulations of Connecticut State Agencies entitled “Discharges to POTWs—prohibitions.” No changes were made to the SIU GP in response to this comment.

6) One commenter believed that a permittee should not be required to begin NetDMR reporting until 120 days after the Department has issued approval of the facility’s registration.

Response: The Department has been timely in setting up NetDMR once a registration is approved, the permit is issued, and a sufficient subscriber agreement has been submitted. No change was made to the general permit; however, DEEP will no longer issue an Approval of Registration without first confirming that the submitted subscriber agreement is acceptable.

7) A commenter asked that we remove "Water Pollution Control Authority(ies)" at Section 5(c)(2) and “local WPCA” at Section 5(d)(1) and replace them with "POTW Authority" to be consistent with the rest of the General Permit.

Response: The Department agreed with this comment and the permit was modified accordingly.

8) A request was made that POTWs also receive a copy of the detailed written explanation, required at

Section 5(d)(3), of any violation of effluent limitations or general permit conditions.

Response: The Department agreed with this comment and the permit was modified accordingly.

- 9) One commenter believes the requirement to prepare an Operation and Maintenance Plan at Section 5(e)(2)(A) should only be required if the wastewater requires treatment, beyond settling, to meet the effluent limits in the General Permit. The same commenter believes the requirement at Section 5(e)(2)(B) to prepare a Spill Prevention and Control Plan for the activity should only be required if the facility meets the applicability requirements identified in 40 CFR Part 112.

Response: The Operation and Maintenance Plan and Spill Prevention and Control Plan are required of all Significant Industrial Users authorized by the SIU General Permit. The commissioner has the right to request an Operation and Maintenance Plan and Spill Prevention and Control Plan pursuant to RCSA 22a-430-3(f). The complexity and associated cost of each plan will be based on the complexity of the facility's operations.

Applicability requirements identified at 40 CFR Part 112 only cover Spill Prevention and Control Plans for petroleum products. Manufacturing facilities and others in Connecticut whose wastewater discharges will be authorized by the SIU GP contain many other chemicals besides petroleum products that should be included in a Spill Prevention and Control Plan. No changes were made to the SIU GP in response to this comment.

- 10) One commenter indicated that at Section 5(e)(3)(A) & (B), in addition to notifying the Department, the permittee should also notify the POTW prior to any expansion, alteration, increase in wastewater discharge flow or after the permittee has expanded or significantly altered its wastewater collection or treatment system or its method of operation.

Response: The Department agreed with this comment and modified the general permit accordingly.

- 11) One commenter indicated that the requirement at Section 5(e)(4)(B)(vi) should be removed and that the facility should be able to determine what percent solids are best for the discharge system to the POTW. This may differ for different facilities based on the facility configuration.

Response: The Department disagrees with this comment because the requirement at Section 5(e)(4)(B)(vi) speaks specifically to a Best Management Practice that prevents the accumulation of too much solids in a holding tank. No changes were made to the SIU GP in response to this comment.

- 12) One commenter indicated that Food Processing Wastewater facilities generating less than 1,000 gpd should be required to take an initial sample for Total Fats, Oils and Grease. If the sample is greater

than 100 mg/l, the facility should be required to monitor the discharge quarterly. Vehicle maintenance facilities should be required to take an initial sample for Oil and Grease, TPH. If the sample is greater than 100 mg/l, the facility should be required to monitor the discharge quarterly.

Response: A facility that is required to register under the SIU GP will monitor its wastewater at the discharge point before the discharge line connects with the sanitary sewer. Any Food Processing Wastewater from the site with a flow between 5,000 gpd and 25,000 gpd will require annual monitoring. A POTW Authority can require a permittee to monitor for Total Fats, Oils and Grease.

Although vehicle maintenance wastewater is not a discharge category that a registrant is required to monitor, a POTW Authority can require a permittee to monitor for Oil and Grease, TPH. No changes were made to the SIU GP in response to this comment.

- 13) One commenter indicated that the language at Section 5B(c)(3) should contain more details from the ***General Permit for the Discharge of Wastewater Associated with Food Service Establishments*** (FOG General Permit), specifically Section 5(d) of the FOG General Permit for FOG Management Equipment Maintenance.

Response: The General Permit for the Discharge of Wastewater Associated with Food Service Establishments (FOG General Permit) is a separate general permit that regulates waste streams of different strength and volume. The FOG General Permit is administered through local authorities and the Department recommends standardized treatment technologies for statewide consistency. The SIU GP relies upon the professional engineer to determine a treatment system that can meet the effluent limit of 100 mg/l for total fats, oils, and grease. The Water Permitting and Enforcement Division has no plans to incorporate requirements from the FOG General Permit into the SIU GP.

- 14) One commenter requested that the SIU GP at Section 5B(c)(11)(B) require an annual analysis of water treatment residuals instead of semi-annually.

Response: The Department modified the permit such that water treatment residuals will require an annual analysis.

- 15) One commenter requested that the report submittal date at Section 5B(c)(11)(C) for the water treatment residuals analysis be changed to March 31, since there are several other annual reports due to DEEP by January 31.

Response: The Department changed this date to March 31.

- 16) One commenter asked for further guidance regarding the effective date of authorization for eligible activities previously permitted by other general permits.

Response: For facilities meeting the definition of a Significant Industrial User whose discharges were previously authorized by the **General Permit for the Discharge of Wastewaters from Categorical Industrial Users to Publicly Owned Treatment Works** or the **General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater** (Miscellaneous GP), authorization for the discharge of those wastewaters will continue on October 31, 2020 under the SIU GP provided the facility is compliant with the terms and conditions of the SIU GP and a sufficient registration under the SIU GP is submitted to DEEP by January 29, 2021.

For facilities that do not meet the definition of Significant Industrial User but were previously registered under the Miscellaneous GP, authorization for the continued discharge of their Miscellaneous wastewaters will continue on October 31, 2020 under the **General Permit for Discharges from Miscellaneous Industrial Users** (MIU GP) provided the facility submits notification to the applicable POTW Authority(ies) of their intent to discharge to their POTW(s) by January 29, 2021. The SIU GP was revised accordingly in response to this comment.

- 17) One commenter expressed their belief that the SIU GP should not require a Spill Prevention and Control Plan for discharges of water treatment wastewater because spill prevention was included in the original design reviewed by the Department of Public Health.

Response: The Spill Prevention and Control Plan is required of all Significant Industrial Users authorized by the SIU General Permit. The commissioner has the right to request a Spill Prevention and Control Plan pursuant to RCSA 22a-430-3(f). The Department of Public Health and the Department of Energy and Environmental Protection do not commonly share documents submitted to their respective agencies. A spill prevention plan submitted to the Department of Public Health can serve as a foundation for a SPCP to be submitted under the SIU GP to the Water Permitting and Enforcement Division of CT DEEP. No changes were made to the SIU GP in response to this comment.

- 18) One commenter did not realize that the SIU GP would still be regulating process and non-process wastewater flows of less than 25,000 gpd for facilities that are Significant Industrial Users.

Response: The use of the term Significant Industrial User in Section 3(a) 'Eligible Activities' only defines who may use the SIU GP in place of an individual permit. However, once a facility meets the definition of Significant Industrial User and chooses to use the SIU GP to authorize their industrial wastewater discharges, all discharges of any flow of process and non-process wastewater must comply with the SIU GP. A facility that the Department determines meets the definition of an SIU cannot use the MIU GP to authorize the discharge of their facility's wastewaters. No changes were made to the SIU GP in response to this comment.

- 19) One commenter requested that the draft be modified to more clearly define the sampling

requirements for obtaining a waiver.

Response: Appendix E of the SIU GP specifies the sampling requirements for obtaining a waiver. Also, Attachment K from the **General Permit Registration Form for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW)** also specifies the sampling requirements. A similar attachment to the registration form for the SIU GP provides the same guidance. No changes were made to the SIU GP in response to this comment.

- 20) One commenter requested that language be inserted clarifying whether DEEP expects a notification even if the facility modifications do not meet any of the three conditions listed in Section 5(e)(3)(A).

Response: A facility whose modification does not meet the three conditions listed at Section 5(e)(3)(A) does not have to submit a modification to their registration. DEEP changed the language at Section 5(e)(3)(A) such that any increase in flow above the flow indicated in the most recent Approval of Registration requires submittal of a modification. The reasons for this change are: 1) to ensure the POTW has approved the requested flow increase, and 2) to update EPA's data system with the approved increased flow limits, thus preventing erroneous flagging of flow violations.

- 21) One commenter indicated their belief that the draft general permit should include a definition for "treatment" such that all municipalities have a clear and unified understanding of the term. The commenter wondered if DEEP considered pH adjustment as "treatment".

Response: A definition for treatment was added to Appendix A. DEEP does consider pH adjustment as "treatment".

- 22) One commenter asked for a clarification as to whether maintenance wastewater is considered a 'process wastewater' under this draft general permit, noting that such wastewaters are included in the 'process wastewater' definition in the Fact Sheet but not elsewhere in the draft SIU general permit.

Response: The determination of whether building maintenance wastewater is a process wastewater depends on where the building maintenance wastewater was produced and whether the building wastewater comingles with process wastewater. For example, building maintenance wastewater that results from the washing of walls or floors in a manufacturing setting might be considered a process wastewater because it "comes into direct contact with, or results from the production, use or handling of any process, raw material or intermediate or final product, byproduct or waste product." (quoted content is from the 'process wastewater' definition in the SIU GP). No changes were made to the SIU GP in response to this comment.

- 23) One commenter asked about the requirement at Section 5(c)(3) that all individual analytical results be submitted as an attached table when submitting DMRs.

Response: The submittal of individual sample results as an attachment to NetDMR reporting is current practice in the Categorical GP and was carried into the SIU GP. While reporting in NetDMR occurs monthly, some monitoring for the Categorical GP occurs weekly or twice per month. When this occurs, permittees have been placing their individual results into an Excel table and submitting the table as an attachment to their monthly DMR. For non-categorical discharges where sampling occurs once per month or less, individual sample results need only be submitted in a separate table when more than one sample per month is obtained. In addition, the general permit was modified to clarify when data needs to be attached. For example, it will be necessary for a permittee to submit total daily flow and concentration from the sample to verify compliance with the mass daily limit or to submit individual grab sample results when a grab sample average is reported. No changes were made to the SIU GP in response to this comment.

- 24) One commenter asked about the language at Section 5(d)(2)(B) requiring the submission of the results of a second sample when the first sample indicated that an effluent limit had been violated.

Response: The results of this second sample following a violation of the pollutant concentration limits can be submitted in paper form, electronically by email, or preferably as an attachment to the next NetDMR reporting as long as the submittal is within 30 days of the violation. There is no specific form for this second sampling. The reason for the manual submission is that NetDMR is set up to expect sample results on a regular frequency. Nothing can be set up in NetDMR that would know when to expect a second sample because of a violation. No changes were made to the SIU GP in response to this comment.

- 25) One commenter asked about what must be included in the Operation and Maintenance Plan and Spill Prevention and Control Plan required at Section 5(e)(1) and (2) when no treatment of a discharge is required.

Response: A definition for treatment was added to the definitions in Appendix A which reads, "*Treatment*" means to improve the chemical, physical or biological quality of a waste or wastewater discharge, including pretreatment prior to discharging to a POTW. If no treatment of the wastewater is necessary to meet the effluent limits and conditions of the SIU GP, an Operation and Maintenance Plan is still required for the wastewater collection, storage, and control systems. For example, what is the frequency and procedure for the cleanout of collection trenches and sumps? What is the frequency and procedure for calibrating probes and meters? Appendix B indicates the requirements for the Operation and Maintenance Plan and Appendix C indicates the requirements for the Spill Prevention and Control Plan. No changes were made to the SIU GP in response to this comment.

- 26) One commenter asked if the requirements for double-walled construction or 110% secondary

containment for above-ground wastewater holding tanks at Section 5(e)(4)(B)(i) could allow for third party tank inspection based on Steel Tank Institute or similar standards for tanks installed before a certain date.

Response: The Department clarified for the commenter that Section 5(e)(4)(B)(i) pertains to above-ground wastewater holding tanks to store wastewater prior to transport to a POTW. Third party tank inspection based on Steel Tank Institute standards is not a substitute for the requirements at Section 5(e)(4)(B)(i). The requirement at Section 5(e)(4)(B)(i) that above-ground tanks have 110% secondary containment is a requirement that currently exists in the Miscellaneous General Permit. No changes were made to the SIU GP in response to this comment.

27) One commenter asked that the definition of “tumbling or cleaning of parts wastewater” be modified to remove the reference to the use of “acid solutions with a pH less than 4.5 standard units... are used or present in the process.”

Response: A key section of this definition is the phrase “in the process” meaning the process that produces the wastewater that is being authorized by the SIU GP. If the registrant can demonstrate that acid solutions are not used in any process that could contribute contaminants to the wastewater being discharged under the SIU GP, this acid reference in the definition is irrelevant. No changes were made to the SIU GP in response to this comment.