



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

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Re: Comprehensive General Permit for Discharges to Surface and Ground Water (General Permit)

The Council on Environmental Quality (Council) provides the following comments regarding DEEP's proposed General Permit.

### **2.1 Eligible Activities & Discharges**

The Council suggests that a section on Wastewater Disposal Options be included in the General Permit indicating DEEP's preference that any discharge of wastewaters, authorized by this General Permit, located at a site served by a publicly owned treatment work's (POTW) sanitary sewer, be directed to the POTW's sanitary sewer, provided the POTW has the capacity for the wastewater, or transported offsite, and that the discharge to a surface water or groundwater should be the last resort.

### **2.2. Requirements for Authorization**

#### **Table 2.1—Authorized Discharge Locations Based on Category of Discharge**

Table 2.1 indicates that "Boiler Blowdown" is authorized for all Ground Water Classifications. However, Section 4.9.1.3 states "*All discharges of minor boiler blowdown wastewaters shall be discharged to ground water which, on the effective date of this general permit or the date the discharge is initiated, whichever is later, has an existing or future Water Quality Classification of GA or GB in the Connecticut Water Quality Standards adopted pursuant to section 22a-426 of the Connecticut General Statutes.*" The Council suggests that DEEP clarify which groundwater classification(s) is/are appropriate for Boiler Blowdown wastewater. The Council also suggests that DEEP define "minor boiler blowdown wastewaters" and provide guidance as to how the permittee would determine the "future Water Quality Classification".

Table 2.1 also indicates that hydrostatic pressure testing of natural gas and petroleum tanks/pipelines wastewaters are "not authorized" for discharges to groundwater for any water quality classification. However, Section 6 addresses the requirements for "Petroleum and Natural Gas Hydrostatic Pressure Testing Discharges to Ground Water". The Council suggests that DEEP clarify if discharges of petroleum and natural gas hydrostatic pressure testing wastewaters are permitted to groundwater and if so, the Council suggests that such discharges be restricted to protect drinking water sources (as noted below).

The Council also suggests that for discharges within an Aquifer Protection Area, or water supply watershed, or municipal groundwater protection overlay area that require a registration be submitted, the appropriate water utility, the Department of Public Health, Drinking Water

Section, and the chief elected official of the host municipality, be provided with a copy of the pending registration.

#### *2.2.4 Endangered and Threatened Species*

*Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the Connecticut General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species.*

The Council supports the protection of endangered and threatened species and their habitat. The Council also supports the protection of all critical habitat for all species. Given that the General Permit might allow for discharges to surface water, the Council encourages DEEP to revise section 2.2.4 to prohibit adverse modification of any critical habitat essential to any species.

#### *2.2.5. Aquifer Protection*

*Such activity, if it is located within an aquifer protection area as mapped under section 22a-354b of the Connecticut General Statutes, complies with regulations adopted pursuant to section 22a-354i of the Connecticut General Statutes.*

The Council strongly supports the provisions of the General Permit that protect aquifers and suggests that the General Permit also include provisions to protect public drinking water supply watersheds and any municipal groundwater protection overlay areas.

#### *2.2.7. Wild and Scenic Rivers Act*

*Such activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such activity must not have a direct and adverse effect on the values for which such river designation was established.*

The Council supports this provision and suggests that the word “direct” be removed so that any activity that could have an adverse effect, both direct and indirect, on the values for which such river designation was established, be prohibited.

#### *2.2.10. Prohibited Discharges*

The Council supports the restriction on the discharge of wastewaters that contain polychlorinated biphenyl (PCB) compounds (Section 2.2.10.1) and mercury (Section 2.2.10.2). The Council suggests that DEEP explicitly list other pollutants/contaminants that could potentially be found in the wastewaters addressed by the draft general permit, including but not limited to:

- sludge and/or bottom deposits from any storage tank or basin.
- fuels, oils, or other pollutants;
- soaps, solvents, or detergents
- toxic or hazardous substances from a spill or other release

### *3. Registration Requirements*

#### *3.1.1. Discharges that Do Not Require a Registration*

##### *3.1.1.3 Water treatment*

*Discharges from well rehabilitation that comply with the Best Management Practices specified in this general permit.*

*Discharges to surface or ground water of potable water system maintenance of tanks/pipelines with a maximum daily flow of 500,00 gpd.*

The Council suggests that DEEP reference the specific section number that defines the Best Management Practices for discharges from well rehabilitation in the General Permit, and that DEEP clarify the maximum daily flow discharge of potable water system maintenance of tanks / pipelines.

*3.1.1.4 Potable water system maintenance of tanks or pipelines discharges to surface or ground water.*

The Council suggests that DEEP clarify if there is a maximum daily flow discharge, consistent with the Council's comments regarding the last bullet for section 3.1.1.3 noted above, and clarify the difference between 3.1.1.4 and the last bullet in 3.1.1.3.

*3.1.1.5 Fire suppression system test discharges to ground water or surface water.*

*3.1.1.6 Hydrant flushing discharges to surface or ground water.*

*3.1.1.8 Pressure washing discharges that do not contain chemical or biological additives to surface or ground water.*

The Council notes that sections 3.1.1.5 and 3.1.1.6 for discharges of fire suppression system testing and hydrant flushing wastewater, and section 3.1.1.8 for discharge of pressure washing wastewater do not require a registration even though the maximum discharge could be as much as 500,000 gallons per day (gpd). The Council questions if registration under this General Permit should only be waived for small discharges of the aforementioned wastewaters, and if so, the Council recommends that DEEP clarify the maximum daily flow discharge that would not be subject to registration under this General Permit.

**3.1.3.Existing Discharges**

*Authorization to discharge under this general permit shall be terminated 91 days after the issuance date of the permit if the Permittee fails to re-register their existing discharges in accordance with the requirements of this general permit.*

The Council notes that this language is unclear and suggests that the sentence be revised to indicate that "authorization to discharge under the 2018 general permit shall be terminated 91 days after the issuance date of 2025 general permit if the Permittee fails to re-register their existing discharges in accordance with the requirements of this general permit."

**3.4. Contents of Registration**

*3.4.2.8 For each discharge outfall location:*

The Council suggests that the following information also be provided for discharges to the groundwater:

- Water Quality Classification;
- distance to public and private drinking water wells;
- identification of river components and tributaries which have been designated as Wild and Scenic; and
- boundaries of an Aquifer Protection Area (APA), public drinking water watershed, or municipal aquifer protection overlay area, if applicable.

*3.4.4.Wastewater Screening*

*3.4.4.3 If any pollutant may be toxic, hazardous, or detrimental to any use of the watercourse designated pursuant to Connecticut's Water Quality Standards into which such wastewater is or will be discharged, or having the potential to bioaccumulate, bioconcentrate, or adversely affect aquatic life.*

The Council notes that this item does not have any requirement for action associated with it. For example, in the other subparagraphs under section 3.4.4, screening samples are to be "submitted," "tested," "analyzed," or "screening analysis will be conducted" and "submitted." The Council suggests that DEEP provide direction as to what action should be done relative to subparagraph 3.4.4.3.

*3.4.4.5 For existing water treatment plant wastewater, non-contact cooling water, and boiler blow down discharges to surface water, one (1) screening analysis will be conducted for pollutants believed present in the discharge prior to wastewater treatment and the results submitted with the registration form.*

The Council suggests that DEEP replace the phrase "pollutants believed present" with "pollutants of concern" and provide a reference that identifies "pollutants of concern" for the specific wastewater discharges authorized by this General Permit.

*3.4.6.2.3 Such permittee certifies to the following statement:*

*"I hereby certify that I am making this certification in connection with a registration under such general permit, submitted to the Commissioner by ..."*

The Council suggests that DEEP replace "such general permit" with "Comprehensive General Permit for Discharges to Surface and Ground Water".

### **3.8. Modifications**

#### *3.8.2. Treatment system modification*

*This general permit authorizes the permittee to expand or alter the existing wastewater collection or treatment system to meet the permit limits and conditions. The permittee shall notify the Commissioner at least 30 days prior to expanding or significantly altering its wastewater collection or treatment system, or its method of operation.*

The Council suggests that DEEP provide guidance or a reference to assist the permittee in determining what "significantly altering" its wastewater collection or treatment system means.

#### **4.1. Non-Contact Cooling and Geothermal Heat Pump Water Discharges to Surface Water**

##### *4.1.3.3 Ambient Temperature Monitoring for Non-contact Cooling Water Discharges to Surface Water*

*4.1.3.3.2 During each monitoring event the permittee shall measure the temperature of the receiving water body at one point upstream of the discharge and at another point a sufficient distance downstream of the discharge outfall to allow for initial mixing. The background and downstream in-waterbody temperature sample locations shall be described in the Monitoring Plan submitted with the registration.*

The Council suggests that DEEP provide guidance or a reference to assist the registrant to determine what would be "sufficient distance downstream" for the ambient temperature monitoring. The Council suggests that a minimum or maximum distance could also be provided to assist permittees with the monitoring requirements.

#### **4.2. Non-Contact Cooling and Geothermal Heat Pump Discharges to Ground Water**

##### *4.2.3.1 Monitoring Location*

*All samples shall be representative of the waste stream and from a location prior to comingling with any other waste stream and prior to entering the applicable groundwater.*

The Council suggests that DEEP define "waste stream" in this context.

#### **4.4. Water Treatment Wastewater Discharges to Ground Water**

##### *4.4.2. Permit Conditions*

*4.4.2.3 For any lagoon constructed, installed, modified or expanded after May 1, 1995, that is used to treat or convey water treatment wastewater, the minimum elevation of the top of the berm of the lagoon shall be constructed and maintained above the 100- year base flood elevation.*

The Council suggest that DEEP consider revising this provision for the 500-year base flood elevation, potentially for any new or modified berms/lagoons.

*4.4.2.8 Discharges of water treatment wastewater land applied to the ground or to a subsurface disposal system shall not interfere with another subsurface disposal system (permitted in accordance with section 19a-36 or 22a-430 of the Connecticut General Statutes and the regulations adopted thereunder) and its treatment of wastewater, or render a drain field or subsurface disposal system incapable of infiltration, or cause such drain field or subsurface system to exceed its hydraulic capacity. Permittees treating low flow water treatment wastewater should consult the local Director of Health if soil or ground water conditions provide uncertainty about placement of the water treatment wastewater dispersal structure.*

The Council strongly supports this provision, and suggests that this provision apply to all discharges to groundwater so that such discharges do not interfere with another subsurface disposal system and its treatment of wastewater, or render a drain field or subsurface disposal system incapable of infiltration, or cause such drain field or subsurface system to exceed its hydraulic capacity.

*4.4.4.3.1 Within 36 months of the effective date of this general permit, permittees who discharge more than 50,000 gpd of water treatment wastewater must submit a plan for the installation of monitoring wells to assist in the evaluation of ground water quality...*

*4.4.4.3.2 Within 54 months of the effective date of this general permit, permittees must install the monitoring wells described in the plan required in section 4.4.4.3.1 of this general permit...*

*4.4.4.3.3 Beginning 60 months after the effective date of this general permit, permittees shall monitor all groundwater monitoring wells for the parameters in Table 4.4.3.2 semi-annually...*

The Council suggests that DEEP review the proposed schedule for groundwater monitoring (Section 4.4.4.3) and clarify if the timeframes are applicable to the effective date of the General Permit, or the approval date of the registration for the General Permit for specific discharges, if appropriate. The Council notes that the permit would be expiring at the same time monitoring is scheduled to commence, no doubt leading to uncertainty for the permittee and enforcement difficulty for DEEP.

#### *4.5.2. Numeric Effluent Limits*

The Council suggests that *Table 4.5.2.1. “Instantaneous Maximum Effluent Limit or Range for Discharges of Petroleum and Natural Gas Hydrostatic Pressure Testing Water to Surface Water”* also include aromatic / volatile organic compounds as a “Parameter” with an appropriate “Limit” and “Minimum Level”.

#### **4.6. Petroleum and Natural Gas Hydrostatic Pressure Testing Discharges to Ground Water**

*4.6.1.6 Discharges shall be seventy-five feet from any private well and two-hundred feet from any public well.*

Per the comment above regarding Table 2.1, the Council is unclear if the discharges authorized through Section 4.6 of the General Permit are applicable. If so, the Council notes that the provisions of section 4.6.1.6 do not consider the water supply well withdrawal rate specified in Table 4.6.1.7 for private water supply wells. The Council also notes that the same section might be inconsistent with the intent of section 4.6.1.8 that requires “the minimum separating distance between any point of the disposal system and any downgradient potable water supply well shall be 1,000 feet.”

#### **4.14. Flow Monitoring**

*4.14.2. For discharges greater than 5,000 gallons per day to a surface water body, the permittee shall use either:*

- *A flow meter which measures, visually indicates and records instantaneous and total daily flow; or*
- *a method which a Qualified Professional has determined will measure and record total daily flow during all periods of discharge.*

The Council questions why flow monitoring for discharges greater than 5,000 gpd is limited to surface waters. The Council suggests that DEEP consider providing some guidance regarding flow monitoring for

discharges to groundwater since there are maximum discharge limits for such discharges detailed in the General Permit.

The Council suggests that for discharges to groundwater for all the authorized discharge categories identified in Table 2.1, the following provisions be included in the requirements:

- Erosion and sediment controls shall be utilized when necessary, and structural practices must be implemented to divert flows away from exposed soils, retain the discharges where they will infiltrate the ground, and otherwise limit the discharge of sediment and pollutants from the site into surface waters. All steps must be taken to avoid land application to the ground when the ground surface is frozen.

#### *5.1. Corrective Actions*

*Immediately upon learning of a violation of a condition of this general permit, the permittee shall immediately take all reasonable actions to determine the cause of the violation, correct the violation, mitigate the impact of the violation, and prevent its recurrence.*

For enforceability, the Council suggests that DEEP specify the parameters it will consider as to when the Permittee has knowledge of a violation. For example, if a member of Permittee's management knows but does not tell the Permittee, will that knowledge be imputed to the Permittee? Or, what if the Permittee's consultant or contractor knows but does not tell the Permittee?

#### *6. Regulations of Connecticut State Agencies Incorporated into this General Permit*

*Unless specific conditions, terms or limitations within this general permit are more restrictive, the permittee shall comply with the following Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein:*

This section lists out various subsections of 22a-430-3 and -4. Since these regulations could be amended during the life of the permit, it is suggested that a "as may be amended" clause be added.

The Council notes that "land applied" is used throughout the General Permit for various discharges, and "'Land application" is defined as "the discharge of partially treated wastewater directed to the surface of the ground that is wholly absorbed by the soil and infiltrates into groundwater". The Council questions if the land application of wastewaters is directed to a specific outfall location or meant to be distributed over a larger land area.

The Council suggests that DEEP review the "Minimum Horizontal Separating Distances" for discharges to groundwater, identified in the Tables for all wastewater categories, to determine if the separating distance from any point of a disposal system to a watercourse, with a water classification of AA or A, should be the same as the separating distance to a public water supply reservoir, and if the horizontal distance to a subsurface sewage disposal system should be greater than 10 feet given that the maximum daily flow for many of the wastewater categories is 500,000 gpd.

Thank you for your consideration of the Council's comments.

Sincerely,



Paul Aresta,  
Executive Director