



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

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Re: General Permit for the Discharge of Dewatering and Remediation Wastewaters (General Permit)

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

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

#### **2.2.1. Wastewater Disposal Option**

*For any discharge of dewatering or remediation wastewaters authorized by this general permit located at a site served by a POTW's sanitary sewer, the discharge shall be directed to the POTW's sanitary sewer, unless the POTW's sanitary sewer is not available in the area. A discharge to a surface water shall only occur when the POTW's sanitary sewer is not available in the area.*

*The permittee is responsible for retaining appropriate documentation for the chosen disposal option utilized at the facility. Failure to connect to an available POTW, ~~if available~~, may result in the revocation of permit coverage under this general permit. Wastewater disposal options resulting in a discharge to a surface water shall be the final resort, as the other disposal options were evaluated and determined by a qualified professional to be technically infeasible. Should a connection to the POTW become available, the disposal option must be updated, and the discharge of dewatering or remediation wastewaters must be connected to POTW within two (2) years of the POTW connection becoming available.*

The Council suggests that the General Permit clarify 1) under what conditions a discharge would be located at the site served by the POTW's sanitary sewer, but the POTW's sanitary sewer would not be available in the area; 2) what standard is applied for "not available in the area" (for example, is there a specified distance or is it based on capacity?); 3) what does "technically infeasible" mean since many technical challenges are feasible, but might not be economical or practicable in a timely manner; and 4) what constitutes "appropriate documentation". The Council also suggests that a waste disposal option that involves the trucking of dewatering and/or remediation wastewater be included in section 2.2.1, and the timeframe for connection to a POTW be expedited (i.e. less than six months) from the date such connection to a POTW becomes available.

#### *2.2.4. Endangered and Threatened Species*

*Such discharge does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction of 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 discharge, if located within an aquifer protection area as mapped under section 22a- 354b of the General Statutes, complies with regulations adopted pursuant to section 22a- 354i of the 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. (see comment for section 3.4.4.3)

### *3. Registration Requirements*

#### *3.1.1. No Registration Required*

*A registration is not required for discharges occurring as a result of emergency discharges and short-term petroleum UST replacement lasting thirty (30) consecutive days or less. Emergency discharges lasting more than 30 days must file a registration with the Commissioner.*

The Council suggests that, if registration for this General Permit is not required for the discharges noted above, the entity responsible for such discharges should notify DEEP, the chief elected official of the municipality, the health department/district with jurisdiction, and the owner and operator of all public or private drinking water wells within ¼ mile of where such discharge is located, with the specific location, the amount of discharge, and the nature of the discharge. If the discharge could impact surface water resources in a neighboring municipality(s), the chief elected official and the health department/district for such municipality(s) should also be notified. The Council also suggests that the General Permit provide greater clarity whether wastewater discharges occurring as a result of emergency discharges and/or short-term petroleum UST replacement, lasting thirty (30) consecutive days or less, would be subject to the “numeric effluent limits” identified in section 4.2.1.

#### *3.4.2. Site information*

*3.4.2.3. A statement whether or not the subject discharge will take place within the coastal boundary, on Indian lands, in essential habitat of an endangered or threatened species, or in an aquifer protection area as defined in section 22a-354h of the General Statutes.*

The Council suggests that public water supply watersheds and any municipal groundwater protection overlay areas be added to the information requirements for section 3.4.2.3.

*3.4.2.4. A statement whether the subject discharge will take place within ¼-mile of any public or private drinking water well.*

The Council suggests that contact information for the owner(s)/operator(s) of all public or private drinking water wells within ¼-mile of the subject discharge, and the health department/district with jurisdiction, also be required.

#### *3.4.3. Discharge Specific Information*

*3.4.3.6.7. 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.*

It is unclear what wastewater quality analysis or screening analysis would be required for discharges specified in section 3.4.3.6.7.

#### **3.4.4. Certifications**

*3.4.4.3. If such discharge is directed to surface waters with a Water Quality Classification designated as Class AA or any tributary thereof, or an Aquifer Protection Area, a copy of the registration has been filed with the appropriate water utility and the Department of Public Health, Drinking Water Section via email at [DPH.SourceProtection@ct.gov](mailto:DPH.SourceProtection@ct.gov), and such discharge has been approved in writing by the Department of Public Health, Drinking Water Section.*

The Council strongly supports the requirement for prior written approval when there is a discharge directed to surface waters with a Water Quality Classification designated as Class AA or any tributary thereof, or an Aquifer Protection Area. The Council suggests that notification also be provided to the chief elected official of the municipality and that the requirements of this section also apply to discharges within a public water supply watershed or groundwater protection overlay area.

*3.4.4.1.5. such Qualified Professional certifies, provided it is true and accurate, to the following statement: "I hereby certify that I am a Qualified Professional as defined in the General Permit for the Discharge of Groundwater Remediation Wastewater.*

The Council suggests that the name of the General Permit be revised to “General Permit for the Discharge of Dewatering and Remediation Wastewaters”.

#### **3.4.5. Supporting Documents**

*3.4.5.1. A plan of the site ("site plan") showing its boundaries, the location of the subject wastewater that will be generated, the location of existing and planned recovery, soil venting, and drinking water wells thereon; the location from which the subject discharge leaves the site; the location(s) from which the subject discharge enters the surface water; the location of all monitoring wells and other places where chemical, physical, or biological monitoring does or will take place; the existing or planned treatment system for the subject wastewater; and the location, if any, of all tidal wetlands and of all inland wetlands and watercourses.*

The Council questions what “the location of existing and planned recovery” means? The Council suggests that any aquifer protection areas also be identified on the site plan, if applicable.

#### **4.1. Effluent Limitations, Permit Conditions, and Prohibitions Applicable to All Discharges**

*4.1.1. No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids; or cause visible discoloration or foaming.*

*4.1.2. No discharge shall cause acute or chronic toxicity in the receiving water.*

The Council questions if there is a distinction between the terms surface water, receiving stream, and receiving water? Since the definition of “surface water” in section 9 includes streams, the Council suggests that surface water be used for consistency and clarity throughout the General Permit.

#### **4.11.4. Erosion and Sediment Controls**

*If authorized activities create a potential for pollution due to the erosion of soil; erosion and sediment control measures shall be installed and maintained in compliance with the standards set forth in the “2002 Connecticut Guidelines for Soil Erosion and Sediment Control” as revised, established pursuant to section 22a-328 of the General Statutes.*

The Council suggests that the General Permit reference the Connecticut Guidelines for Soil Erosion and Sediment Control, effective March 30, 2024, as amended.

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

*The permittee shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit.*

The Council questions if the permittee need only comply with the provisions of section 22a-430 of the RCSA, even though there are other provisions of the RCSA that are referenced in the General Permit

## **6.2. Reporting Violations**

### **6.2.1 Noncompliance with permit terms or Conditions**

*The permittee shall, within two (2) hours of becoming aware of the circumstances, or at the start of the next business day; but no more than 24 hours from when he or she becomes aware of the circumstances outside normal business hours, notify the Commissioner of any actual or anticipated noncompliance with permit terms or conditions if (i) the noncompliance is greater than two times the permitted level except for violations of any limitation for a surface water discharge, in which case all violations shall be reported or (ii) the condition may endanger human health, the environment or the operation of a POTW, including sludge handling and disposal.*

The Council suggests that notification, within the specified timeframes, also be provided to the operator of the POTW if the condition may endanger the operation of a POTW, including sludge handling and disposal, and DEEP, and the state and local health departments/districts with jurisdiction if the condition may endanger human health and/or the environment.

## **9. Definitions**

In previous comments, the Council has identified words or phrases that might need to be better defined. In addition to those, the Council suggests that definitions be added to this section for the following abbreviations, words, and phrases:

Aquatic Life Uses (see section 2.2.9.2)  
MTBE (see section 3.4.3.6.4)  
National Priority List (see section 3.4.2.5)  
NetDMR (see section 3.4.5.4)  
Parameters of concern (see section 3.4.3.6.9)  
Pollutants of concern (see sections 4.3.2, 4.3.3, 4.3.3, 4.11.3.3)  
Professional misconduct (see section 3.4.4.2.3, 3.4.4.2.4)  
TAME (see section 3.4.3.6.4)  
TBA (see section 3.4.3.6.4)

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

Sincerely,



Paul Aresta,  
Executive Director