



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

August 26, 2026

Melissa Mostowy
Water Planning and Management Division
Bureau of Water Protection and Land Reuse
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
melissa.mostowy@ct.gov

Re: Consolidated General Permits for the Diversion of Water for Consumptive Use: Authorization required, Filing Only, Non-Filing, and Reauthorization Categories (General Permits).

Dear Melissa Mostowy,

Please find below comments regarding the Department of Energy and Environmental Protection's (DEEP) proposed General Permits.

The Council acknowledges that the General Permits share common language. Unless noted otherwise, the following comments may apply to one or more permits.

Section 2. Definitions

"Community Water System" means a public water system that serves at least twenty-five(25) residents."

The Council suggests that DEEP revise this definition to match Title 40 of the Code of Federal Regulations (40 CFR) Chapter I § 141.2 that defines a community water system as "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

Section 3. Authorization under this General Permit

(b) Requirements for Authorization

(2) Water Resources

Such diversion causes and will cause only minimal environmental effects when conducted separately and would cause only minimal cumulative environmental effects on the environment, including without limitation on wetlands and watercourses and fish and wildlife habitat.

The Council suggests that the General Permits define "minimal environmental effects" and categorize the severity of environmental effects that could result from a proposed diversion. The Council also questions whether allowing "minimal cumulative environmental effects" could threaten Connecticut's long-term environmental goals.

Timothy J. Bishop
Acting Chair

Linda Bowers

Christopher Donnelly

Cinzia Lettieri

Aimee Petras

Denise Rodosevich

William Warzecha

Paul Aresta
Executive Director

Section 4 Requirements for Authorization

(c) Contents of Request for Authorization

(2) Information Requirements

(vii) a description of all natural and manmade features, including wetlands, watercourses, fish and wildlife habitat, floodplains, and structures and appurtenances thereto, potentially affected by the subject diversion;

The Council supports the requirements of the General Permits which require information on wetlands, watercourses, and fish and wildlife habitats. The Council suggests that the General Permits require applicants to specifically identify and describe whether a proposed diversion would be within a Natural Diversity Database buffer area and/or critical habitat, which could adversely impact state-listed species; Fisheries Management Areas; and/or Cold-Water Stream Habitats.

(xviii) Low Flow Calculation

The requirements of this subsection shall only apply to that eligibility category described in Section 3(a)(1) of this general permit. A description of the 99 percent annual durational flow of the affected watercourse(s) and the calculations thereof. Such flow should be calculated using methodologies published in the Connecticut Water Resources Bulletin No. 34 or other method acceptable to the commissioner. However, where available, the preferred method shall be statistical determinations and regression equations as developed by the U.S. Geological Survey and available at <http://water.usgs.gov/osw/streamstats/connecticut.html>.

The Connecticut Water Planning Council notes in a recent report¹ that six out of 44 regional basins do not have a stream gauge or are not within the drainage of a downstream gauge, and that funding limitations have caused geographic holes in the stream flow monitoring network. Further, the Council notes that some streamflow gauges may be discontinued due to funding and/staffing issues,² which may be exacerbated by recent and future Federal policy changes. The Council suggests that the General Permits include provisions for additional low flow calculation methodologies, contingency plans, and other mechanisms to ensure that permittees do not exceed diversion restrictions due to the lack of data.

If withdrawal is from a lake, pond or basin, only the waterbody volume needs to be provided along with a description of how the waterbody volume was estimated.

To maintain consistency between diversions and reduce their impact on surface waterbodies, the Council suggests that the General Permits include specific methodologies, processes, and/or calculations for the determination of waterbody volume for surface waters, similar to those specified in *section (xviii) Low Flow Calculations*. Further, the Council suggests that the General Permits include provisions requiring diversions from lakes, ponds, or basins that are fed by rivers, streams, or other flowing waterbodies to utilize the low flow calculations of the source flowing waterbodies.

(d) Where to File a Request for Authorization (or Reauthorization)

A copy of such request for authorization shall also be filed with the municipal wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject diversion.

The Council suggests that the General Permits require that “A copy of such request for authorization shall also be filed with the” appropriate water utility(s) and local public health department(s).

¹ State of Connecticut. (2024, April). Report on the evaluation of the United States Geological Survey (USGS) data collection programs to support the recommendations of the State Water Plan. Connecticut Water Planning Council. [usgs-data-collection-workgroup-report_final.pdf](#)

² U.S. Geological Survey. (n.d.). *Endangered, discontinued and rescued streamgages mapper*. U.S. Department of the Interior. <https://water.usgs.gov/networks/fundingstability/U.S. Geological Survey Endangered, Discontinued and Rescued Streamgages Mapper>

Section 5 Conditions of This General Permit

(a) Operating Conditions

Restrictions

The Commissioner shall have the right to restrict the diversion authorized in this permit at any time the commissioner determines:

(A) a state declared drought necessitates curtailment of non-essential water uses,

The Council suggests that the General Permits include language that references the drought stages as identified by the State Drought Plan³ and the Connecticut Drought Information Center⁴. The Council also suggests that the General Permits include provisions that expand the Commissioner's discretion to restrict diversions or implement other measures to proactively protect the environment from excessive withdrawals, before a declared drought and that the General Permits indicate what constitutes "non-essential water uses".

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Aresta". The signature is fluid and cursive, with the first name "Paul" and last name "Aresta" clearly distinguishable.

Paul Aresta
Executive Director

³ Connecticut Water Planning Council. (2022, September 6). *Connecticut drought preparedness and response plan*. Connecticut Department of Energy and Environmental Protection. https://portal.ct.gov/-/media/water/drought/ct_state_drought_plan_2022-09-06.pdf

⁴ Connecticut Drought Information Center; <https://portal.ct.gov/water/drought/drought-home>