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)

Please find below comments regarding DEEP's proposed General Permit

2.1 Eligible Activities & Discharges

The Council acknowledges that the draft General Permit does not authorize discharges to a publicly owned treatment works (POTW). However, it is suggested that a section on Wastewater Disposal Options be included in the General Permit indicating a 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 and such discharge would not adversely impact operations, or transported offsite, and that the discharge to a surface water or groundwater should be the last resort.

The suggestion noted above is consistent with the provisions of the following sections:

- Section 10.2.1.1 specifies that discharges of pressure washing wastewaters to groundwater should only be undertaken if discharge to a POTW is "*not technically feasible or practicable.*"
- Section 11.2.2.10 (b) states that "*all water recovered during the initial recovery of well rehabilitation wastewater shall, to the extent practical, be collected for off-site disposal at either a licensed waste facility, a POTW that has been approved by the Commissioner to accept over-the-road wastewater, or for disposal to a sanitary sewer.*"

2.2.3 Prohibitions

2.2.3.3 The discharge shall not increase the temperature of the receiving surface water above 85°F, or, in any case, raise the normal temperature of the receiving stream more than 4°F beyond any zone of influence allocated to that discharge in this general permit.

The Council notes that all of the wastewaters that are eligible for authorization to discharge to surface waters (boiler blowdown excluded) through this General Permit include the following provision: "*the temperature of the discharge shall not increase the temperature of the receiving water above 85°F for freshwaters and 83°F for marine waters, nor shall the discharge raise the temperature of the receiving stream more than 4°F at any time, except for marine waters during the months of July, August, and September, during which time the discharge shall not raise the temperature of the receiving waters by more than 1.5°F.*" It is unclear what the "*zone of*

influence" means since it is not defined, and it is suggested that Section 2.2.3.3 be modified to include the prohibition noted above that would be more consistent with the provisions identified in the General Permit and more protective of the receiving water from thermal pollution. Further, it is suggested that applicants consult with DEEP's Fisheries Division if such discharge might affect a receiving watercourse that has been identified by DEEP as a Cold Water Stream Habitat[1].

2.2.5 Endangered and Threatened Species
Such discharge does not threaten the continued existence of any species listed pursuant to section 26-306 of the Conn. Gen. Stat. 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 waters, it is suggested that the General Permit emphasize the need to protect habitat that is critical to any species. If the provisions of Section 2.2.6 do not allow for the consideration of critical habitat and species not listed as "endangered and threatened", it is suggested that a new section be added to the General Permit to emphasize the need to protect habitat that is critical to any species.

2.2.6 Aquifer Protection
Such discharge, if it is located within an aquifer protection area as mapped under section 22a-354b of the Conn. Gen. Stat., complies with regulations adopted pursuant to section 22a-354i of the Conn. Gen. Stat.

The Council strongly supports the provisions of the General Permit that protect aquifers and source drinking water.

3.1.1 Automatic Coverage—No Application Required
3.1.1.3 Fire Suppression System Test
a. Discharges to surface water or ground water.
3.1.1.4 Hydrant Flushing
a. Discharges to surface water or ground water.
3.1.1.6 Pressure Washing
a [sic] Discharges to surface water or ground water.

The Council notes that the sections noted above do not require an application even though the maximum discharge could be as much as 500,000 gallons per day (gpd) to either surface or groundwater. It is suggested that application under this General Permit should only be waived for smaller discharges of the wastewaters noted above and that the General Permit specify the maximum daily flow discharge that would not require the submission of an application.

3.1.1.8 Water Treatment Discharges
d. Discharges of water supply system tank and pipeline draining wastewater (including hydrostatic tests) which meet permit terms and conditions.
f. Potable Water System Maintenance tank or pipeline discharges to surface water or groundwater with a maximum daily flow of 500,000 gpd.

The Council notes that the section noted above does not require an application even though the maximum discharge could be as much as 2,000,000 gpd to surface waters or up to 500,000 gpd to groundwater via an infiltration basin. It is suggested that application under this General Permit should only be waived for smaller discharges for the identified Water Treatment Discharges and that the General Permit specify the maximum daily flow discharge that would not require the submission of an application under this General Permit.

[1] DEEP Cold Water-Stream-Habitat-Map https://portal.ct.gov/DEEP/Water/Inland-Water-Monitoring/Cold-Water-Stream-Habitat-Map.

3.4.2 Site Information

3.4.2.5 Site Plan & Map: A plan of the site ("site plan") showing north meridian, property boundaries, all buildings, adjacent water bodies and roads, the location of the subject activity, monitoring location(s),and discharge location(s).

While Section 3.4.9 requires that for discharges to groundwater, "*a detailed description of all erosion and sediment controls and energy dissipation structures to be used in connection with the subject remedial measures*" be included in the application, it is suggested that Section 3.4.2.5 *Site Plan & Map* be modified to require the site plan to depict the type and location of all erosion and sediment control measures and energy dissipation structures that would be used on the applicant's site.

Since the General Permit includes requirements for minimum separation distances for the various discharges to a "*Public or Private Water Supply Well"* (not downgradient of an existing permitted wastewater disposal system) based on withdrawal rate, it is suggested that that Section 3.4.2.5 Site Plan & Map be modified to require the site plan to depict the location of any "*public or private water supply well*" within 200 feet of the proposed discharge. Further, it is suggested that the General Permit require the applicant to identify and notify the owner(s)/operator(s) of all public or private drinking water wells within 200 feet of the authorized discharge, the Connecticut Department of Public Health, and the local health department/district with jurisdiction.

3.4.2.9 A statement whether the site is located within a mapped Level A or B Aquifer Protection Area as defined in Sections 22a-354a though 22a-354bb of the Conn. Gen. Stat.

It is suggested that Section 3.4.2.9 also include the identification of 1) the potentially affected public water system (PWS), and 2) whether the Aquifer Protection Area is designated as level A or B.

3.4.3 Discharge Location

3.4.3.1 For each discharge outfall:

d. The waterbody classification of the receiving surface water body, whether it is listed as impaired in the most recent Connecticut Integrated Water Quality Report pursuant to Clean Water Act section 303(d) and 305(b), the cause of impairment, and name of TMDL, if applicable.

The Council notes that table 2.1 restricts the discharge of certain wastewaters to groundwater with a groundwater classification of GB or GC only; however, information regarding the groundwater classification is not required under Section 3.4.3 since it is specific to the "*surface water body*". It is suggested that Section 3.4.3.1 (d) be revised to include "*The classification of the groundwater at the point of discharge and immediately downgradient, or the receiving surface waters…"*

3.4.4 Discharge Information

3.4.4.6 A list of the substances used or added to the wastewater, including but not limited to those substances for which effluent limits are specified in Section 4 of this general permit and…

The Council notes that the numeric effluent limits for the discharges authorized by this General Permit begin in Section 5 and continue through Section 11.

3.4.7.4 For All Applicants:

d. If any of the following criteria are met, the applicant shall perform screening and submit the results with the application.

• If any pollutant identified as an emerging contaminant, as defined in this permit is reasonably known to be present, to have been handled, stored, released, or disposed of at the site where the subject wastewater originates.

It is suggested that the phrase "*is reasonably known to be present, to have been handled, stored, released, or disposed of at the site where the subject wastewater originates"* be revised to also include the adjacent site, as follows: "*at or adjacent to the site where the subject wastewater originates."* Further, it is suggested that the reference for emergent contaminants in the General Permit, which includes the Environmental Protection Agency's (EPA) "Emerging Contaminants and Federal Facility Contaminants of Concern" be revised to reference DEEP's website in the event that the EPA no longer provides such information.

3.5 Request an Amendment or Modification of Existing Permit Coverage
The Notice of Change must, at a minimum, contain a narrative of the proposed modification(s), how it is expected to affect the authorized discharge(s), supporting documentation and analytical data, if applicable, process flow diagrams, a timeline for implementation, and the expected completion of the proposed change(s).

Since the application must be certified by the Applicant (3.4.13.4), Qualified Professional (3.4.14), and/or Preparer (3.4.15), it is suggested that there be a provision for the certification of the "Notice of Change" for certain changes to the application or permit that could adversely impact the environment.

3.5.1 Treatment System Modification
…The Permittee shall notify the Commissioner at least fifteen (15) days prior to expanding or significantly altering its wastewater collection or treatment system, or its method of operation. Treatment system modifications do not require further DEEP approval, unless determined by the Commissioner.

It is suggested that the General Permit provide guidance, such as a definition or examples, to assist the permittee in determining what "*significantly altering*" its wastewater collection or treatment system means.

3.6 Where to Submit an Application or Notice of Change
3.6.1 For Applications and Notices of Change:
3.6.1.4 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 application must be filed with the appropriate water utility and the Department of Public Health, Drinking Water Section via email at DPH.SourceProtection@ct.gov.

It is suggested that the phrase "*and such discharge has been approved in writing by the Department of Public Health, Drinking Water Section*" be added to the end of this subsection, as follows: "*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 application must be filed with the appropriate water utility and the Department of Public Health, Drinking Water Section via email at DPH.SourceProtection@ct.gov and such discharge has been approved in writing by the Department of Public Health, Drinking Water Section*." It is also suggested that "*a copy of the application*" be changed to "a copy of the completed application or Notice of Change" and that such completed application or Notice of Change be filed with the local health department or health district.

Section 4 Conditions of This General Permit Applicable to All Discharges
It is suggested that the following provisions be included for all eligible discharges:

- Wastewaters shall be discharged to surface waters only if a discharge to a municipal sanitary sewer, to a subsurface disposal system, or land application to the ground surface are not technically feasible or practicable.
- All wastewater discharges directly to surface waters shall be provided with controls such as check dams or temporary basins to prevent erosion or any visible discoloration and foaming of the receiving watercourse and to dissipate energy prior to discharge to mitigate scouring of the streambed and adverse impacts.
- Permittees shall insure that all discharges **do not** impact any drinking water sources.

- Stormwater runoff shall not be discharged to any wastewater treatment systems including but not limited to lagoons, beds, subsurface disposal systems, etc.
- Discharges of 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 Conn. Gen. Stat. 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.

4.12 Erosion and Sediment Controls

4.12.1.1 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 "Connecticut Guidelines for Soil Erosion and Sediment Control" (2024[sic], as revised),…

It is suggested that the phrase "most recently adopted" be added before "*Connecticut Guidelines for Soil Erosion and Sediment Control"* if the *"Guidelines"* are updated and such updates are adopted.

4.12.1.2 During the construction of any dewatering facility associated with the discharge, erosion and sediment control measures shall be installed and maintained to ensure that erosion of disturbed soils and discharge of eroded sediments to tidal wetlands, inland wetlands and watercourses are minimized or eliminated.

The General Permit does not authorize the discharges of dewatering wastewater. It is suggested that the General Permit clarify the appropriate wastewater discharge authorized through this General Permit.

5.1 Non-Contact Cooling and Geothermal Heat Pump Water Discharges to Surface Water

5.1.1 Permit Conditions

5.1.1.4 A discharge of non-contact cooling water or geothermal heat pump water to ground water shall be derived solely from once-through heat exchange systems or condensate which does not receive chemical additions of any kind and which uses on-site uncontaminated ground water, public water supply, or surface water as source water. (Also 5.2.1.1)

The Council notes that *"uncontaminated ground water"* is not defined, and it is suggested that the General Permit include a definition for *"uncontaminated ground water"* or revise the text to *"clean water*", which is defined in the General Permit, if appropriate. It is also suggested that the quality of the *"surface water"* as source water be specified, such as surface water with a water classification of AA or A, if appropriate.

Table 5.1.2.1 Instantaneous Maximum Effluent Limit or Range for Discharges of Non-contact Cooling Water and Geothermal Heat Pump Water to Surface Water

- *Temperature (marine & estuarine)*[4]
- *Temperature (freshwater)*[4]

The Council notes that the table appropriately identifies that the temperature of the discharge shall not exceed 85°F for freshwater and 83°F for marine waters. It is suggested that footnote number four (4) within the table reference the requirement in Section 5.1.1.3 and elsewhere in the General Permit that the discharge should not raise "*the temperature of the receiving stream more than 4°F at any time, except for marine waters during the months of July, August, and September, during which time the discharge shall not raise the temperature of the receiving waters by more than 1.5°F.*".

5.1.3.1 Monitoring Location

All samples shall be representative of the discharge, collected after all treatment, prior to mixing with any other waters, and before discharge to waters of the state.

It is suggested that the General Permit provide guidance regarding the monitoring location to determine the temperature of the receiving surface waters and/or marine water before and after the discharge to ensure compliance with the requirements of Section 5.1.1.3. The previous Comprehensive General Permit included more specific provisions under Section 4.1.3.3, and it is suggested that those provisions be included and expanded in the revised draft General Permit.

6.1 Hydrostatic Pressure Testing Discharges of Petroleum and Natural Gas to Surface Water
6.1.1 Conditions

It is suggested that the following provision be added to Section 6.1.1 – "Hydrostatic wastewater shall be discharged to a surface water only if a discharge to a municipal sanitary sewer or to a subsurface disposal system or land application to the ground surface are not available as an option." This new provision would be consistent with the provisions of the General Permit for fire suppression system testing wastewater (7.1.1.6), hydrant flushing wastewaters (8.1.1.6), and pressure Washing Wastewater (10.1.1.6).

6.1.1.3 The temperature of the discharge shall not increase the temperature of the receiving water above 85ºF for freshwaters and 83ºF for marine waters…

It is suggested that *Table 6.1.2.1 - Instantaneous Maximum Effluent Limit or Range for Discharges of Petroleum and Natural Gas Hydrostatic Pressure Testing Water to Surface Water* include a requirement to test or measure the temperature of the discharge to ensure compliance with the provision of Section 6.1.1.3.

6.1.2 Numeric Effluent Limits
6.1.2.1 A discharge of petroleum and natural gas hydrostatic pressure testing wastewater to surface water shall comply with the following limits in Tables 6.1.2.1 and 6.1.2.2 below.

The Council notes that "Oil & Grease, Non-polar Material" is identified as a parameter in several tables with a maximum effluent limit of 5.0 milligrams per liter (mg/l). However, it is unclear if "Oil & Grease, Non-polar Material" would include the types of pollutants that might be present in discharges that are authorized through this General Permit, especially for discharges of petroleum and natural gas hydrostatic pressure testing wastewater. And while "*Oil and petroleum*" is defined in the General Permit, "*non-polar material*" is not. It is suggested that the General Permit include a definition for "*Non-polar Material*" and that the tables that identify the numeric effluent limits explicitly state which contaminants should be analyzed including, but not limited to, hydrocarbons, organic and inorganic compounds, and treatment chemicals.

6.2.1.4 … All steps must be taken to avoid discharging when the ground surface is frozen.

The Council questions if "all steps" include the cessation of the discharge. If so, it is suggested that the phrase, <u>including the cessation of an authorized discharge</u> be added to the end of the sentence in this section.

Table 9.1.3. Boiler Blowdown Discharge Parameter Monitoring Frequency and Reporting
Permitted Maximum Daily Flow (gallons per day) - 501 to 500,000

The Council notes that Table 2.1 establishes the "*Maximum Daily Flow to Ground Water (GPD)*" for "*Boiler Blowdown*" at 50,000 GPD. It is suggested that the "*Maximum Daily Flow to Ground Water (GPD)"* for *"Boiler Blowdown" in* Table 9.1.3 be modified to <u>501- 50,000.</u>

9.1.3.1 Monitoring Location
All samples be representative of the discharge, collected after all treatment, prior to mixing with any other waters, and before discharged to waters of the state.

The Council notes that discharges from boiler blowdown are not authorized at any volume to surface waters of the state. To avoid confusion, it is suggested that the General Permit specify before being discharged to groundwater, or land applied, or to a subsurface disposal system.

Sections 10.1.1.8, 10.1.1.9, and 10.1.1.10 of the General Permit identify restrictions for "*pressure washing discharges*". It is suggested that the General Permit specify if another General Permit or individual permit would apply to such discharges of pressure washing wastewater.

11.2 Water Treatment Wastewater Discharges to Ground Water
11.2.2. Permit Conditions
11.2.2.2 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.

Given the projected increases in precipitation and sea level rise associated with climate change, it is suggested that the General Permit include the 500-year base flood elevation, if available, for any new or modified berms/lagoons.

Definitions
The Council notes that "Pollutant" and "Parameter" share the same definition, which is "*any water, substance or material for which the permit in question specifies an effluent limitation*." However, there might be a substance or material that might adversely impact the environment, which could be considered a pollutant, for which the "*permit in question*" **does not** specify an effluent limitation.

It is suggested that the General Permit include definitions for the following terms:
Non-polar Material (Table 5.1.2.1)
Notice of Coverage (2.2.1)
Oil & Grease, Non-polar Material (Table 5.1.2.1)
Parameters of concern (3.4.7.5)
Pollutant (see above)
Significantly altering (3.5.1)
Structural practices (6.2.1.4)
Waste stream (5.2.3.1)
Zone of influence (2.2.3.3)

Thank you for your consideration of these comments.

Sincerely,

Paul Aresta,
Executive Director