



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

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Executive Director

Stephen Edwards  
Environmental Engineer III  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy & Environmental Protection (DEEP)  
79 Elm Street, Hartford, CT 06106-5127  
[steve.edwards@ct.gov](mailto:steve.edwards@ct.gov)

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

Please find below comments regarding DEEP's proposed General Permit.

**2.1 Eligible Activities & Discharges**

*This General Permit authorizes the discharge of waters, as defined in this permit, from the categories of activities listed below to the surface waters and ground waters of the State of Connecticut, subject to the conditions and limitations of this permit.*

*Any person or municipality which initiates, creates, originates, or maintains such a discharge shall apply for and obtain authorization under Section 22a-430 of the Conn. Gen. Stat. prior to the occurrence of such discharge.*

It is suggested that the text in Section 2.1 be revised to clarify that the General Permit authorizes the discharge of wastewaters and that "such a discharge" be more specific since the General Permit specifies that an application is not required for discharges from single family residences, emergency wastewater discharges, and short-term petroleum underground storage tank (UST) replacement wastewater discharges lasting thirty (30) consecutive days or less (see Section 3.1.1).

**2.2.1 Wastewater Disposal**

*Should the sanitary sewer become an available option, the permittee must obtain permit coverage under the appropriate permit, and the discharge of wastewater must be connected to the POTW within two (2) years, unless a qualified professional has determined it to be impracticable.*

It is suggested that the timeframe for connection to a publicly owned treatment works (POTW) be expedited (i.e. within six months) from the date such connection to a POTW becomes available.

**2.2.4 Prohibitions**

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

#### **4.7 Pollutant Monitoring**

*4.7.2 Discharges as a result of petroleum UST replacement, oil or an oily sheen is visible in the water to be discharged, or the source of the contamination being remediated is petroleum oil, including remediation of a petroleum spill at a residence, shall also be monitor for the following parameters:*

The General Permit prohibits discharges that contain or cause a “*visible oil sheen*”; however, Section 4.7 identifies requirements for pollutant monitoring for discharges with an oily sheen or contaminated with petroleum oil from an underground storage tank (UST) replacement, which are prohibited under Section 2.2.4.1. The Council supports pollutant monitoring, and it is suggested that the General Permit clarify that discharges that cause an oil sheen are prohibited.

*2.2.4.15 The following requirements apply to any discharge of treated groundwater remediation wastewater to groundwaters*

*b. For discharges directed to groundwaters with a Water Quality Classification designated as Class GAA, or within an aquifer protection area, treatment shall at a minimum incorporate technologies certified by the NSF for the treatment of drinking water for the removal of the pollutants of concern, and be designed for the flows anticipated.*

The Council strongly supports the provisions of the General Permit that protect aquifers, and it is suggested that the requirement for wastewater treatment that incorporates “*technologies certified by the NSF for the treatment of drinking water for the removal of the pollutants of concern*” apply to all such discharges directed to groundwaters that could serve as a drinking water supply without treatment (GAA and GA) and /or within a public water supply watershed to better protect public and private drinking water supplies. Further, it is suggested that the General Permit require that the wastewater resulting from such treatment, using the certified technologies, also meet drinking water protection criteria.

*2.2.4.3 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 supports provisions of the General Permit that address possible thermal pollution. It is unclear what “*zone of influence*” means in this context since it is not defined in this General Permit. It is suggested that the General Permit include a definition for “*zone of influence*”; that temperature (°F) be added to the provisions of Section 4.7.1; and that applicants consult with DEEP’s Fisheries Division if such discharges might affect a receiving watercourse that has been identified by DEEP as a Cold Water Stream Habitat<sup>1</sup>.

#### **2.2.6 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. and will not result in the destruction of adverse modification of habitat designated as essential to such species.*

The Council strongly 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 that could have an adverse impact on critical habitat, 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 any species not listed as “*endangered and threatened*”, it is suggested that a new section be added to the General Permit to better protect habitat that is critical to any species.

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<sup>1</sup> DEEP Cold Water-Stream-Habitat-Map <https://portal.ct.gov/DEEP/Water/Inland-Water-Monitoring/Cold-Water-Stream-Habitat-Map>.

### **2.2.7 Aquifer Protection**

*Such discharge, if 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 it is suggested that the General Permit emphasize the need to better protect source drinking water including, but not limited to, public drinking water supply watersheds and any municipal groundwater protection overlay areas.

### **2.6.1 Transition from an Individual Permit to Authorization under this General Permit**

*If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or activity authorized by such permit, the permittee shall surrender its permit in writing to the Commissioner. In either event, such permittee's individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.*

It is unclear that a permittee with an existing individual permit must submit an application for activities authorized under this General Permit. It is suggested that the phrase by indicating on an application required under Section 3.1 be added to this section as follows: "...the Permittee shall surrender its permit in writing to the Commissioner by indicating on an application required under Section 3.1." Such language is also consistent with the language provided in the draft Comprehensive General Permit for Discharges to Surface and Ground Water.

### **2.6.3 Transition from this General Permit to the SIU General Permit**

*DEEP will deny any application for authorization under this general permit for any activity that is also eligible for coverage under the SIU general permit. Such activities must register for and obtain coverage under the SIU general permit, as they are ineligible for authorization under this general permit.*

It is suggested that discharges that are eligible for coverage under the Significant Industrial Users (SIU) General Permit be added to Section 2.2.4 - Prohibitions.

### **3.1.1 Automatic Coverage - No Application Required**

*An application 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 and short-term petroleum UST discharges lasting more than thirty (30) days must file an [sic] application with the Commissioner.*

*An application is also not required for discharges from a building used solely as a single-family residence.*

It is suggested that, if an application for authorization through this General Permit is not required for the discharges noted above, the entity responsible for such discharges should still 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 200 feet 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 that municipality(s) should also be notified. It is also suggested that the General Permit provide greater clarity whether discharges from single family residences, emergency wastewater discharges, and short-term petroleum underground storage tank (UST) replacement wastewater discharges lasting thirty (30) consecutive days or less, would be subject to the "numeric effluent limits" identified in Section 4.

### **3.4.2 Site information**

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

Since Section 2.2.4.15 includes requirements for minimum separation distances “*between any point of a disposal system that accepts an authorized discharge, and any potable water supply well*”, it is suggested that there be a requirement to depict the location of any potable water supply well within 200 feet of an authorized discharge on the site plan. 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 subject discharge, the Connecticut Department of Public Health, and the health department/district with jurisdiction.

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

It is suggested that Section 3.4.2.6 be modified to require the identification and contact information for the owner/operator of any public supply wells within ¼-mile of the subject discharge.

*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 through 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 a level A or B.

### **3.4.7 Wastewater Screening**

*3.4.7.1 An initial screening analysis shall be conducted prior to ~~registering~~ applying [sic] for authorization under this general permit. Screening analysis results shall be submitted on forms provided by the Commissioner with the application form.*

*3.4.7.4 If the authorized discharge is the result of an emergency response, unexpected release, or underground storage tank release, the initial screening analysis shall be submitted within thirty (30) days of start of the discharge.*

It is unclear if the submission of the “*initial screening analysis*” only applies to discharges required to submit an application for authorization through this General Permit. As noted in the General Permit, discharges from single family residences, emergency wastewater discharges, and short-term petroleum underground storage tank (UST) replacement wastewater discharges lasting thirty (30) consecutive days or less need not register or submit an application for authorization so the initial screening “*prior to registering*” would never happen. It is suggested that the General Permit clarify if initial screening is required for discharges associated with “*an emergency response, unexpected release, or underground storage tank release*” and how/when such initial screening would be done

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

*a. If raw untreated wastewater is reasonably expected to be impacted by petroleum compounds other than gasoline, samples of untreated wastewater shall also be analyzed for Polynuclear Aromatic Hydrocarbons (PAHs).*

*b. If raw untreated wastewater is reasonably expected to be impacted by gasoline, the samples of untreated wastewater shall be analyzed for gasoline oxygenates, including TBA, MTBE, TAME, and related compounds known to be added to the gasoline released. Analysis shall be by EPA Method 624, or other methodology approved pursuant to 40 CFR 136.*

*d. If any pollutant identified as an emerging contaminant, as defined in this general permit, is reasonably known or suspected to be present, or to have been handled, stored, released, or disposed of at the site where the subject wastewater originates, the subject wastewater shall also be analyzed to determine the concentration of such emerging contaminant(s) using an approved 40 CFR 136 method or a method specified by DEEP.*

It is unclear if discharges from single family residences, emergency wastewater discharges, and short-term petroleum underground storage tank (UST) replacement wastewater, which could be “*reasonably expected to be impacted by petroleum compounds*” would require screening since no application would be required and therefore there would be no “*applicant*”. It is suggested that the General Permit specify if the criteria identified in Section 3.4.7.3 apply to all discharges, including discharges from single family residences, emergency wastewater discharges, and short-term petroleum underground storage tank (UST) replacement wastewater.

It is suggested that the phrase in subsection (d) “*is reasonably known or suspected to be present, or 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: “*or disposed of at or adjacent to the site where the subject wastewater originates...*” It is also suggested that the provisions of subsection (d) be expanded to specifically include PFAS, since it is unclear if PFAS would be considered “*an emerging contaminant*” and that testing be consistent with the provisions of section 4.14. 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.

### ***3.4.15 Request an Amendment or Modification of Existing Permit Coverage***

*3.4.15.1 A Notice of Change form shall be submitted by the Permittee to DEEP on the Notice of Change form prescribed by the Commissioner if any of the following conditions are met:*

The previous draft General Permit included a provision for the permittee to “*notify the Commissioner with the submittal of a Modified Registration, at least thirty (30) calendar days prior to any expansion, alteration, or modification...*” It is suggested that the General Permit specify when a Notice of Change form should be submitted to DEEP for the conditions specified in Section 3.4.15.1 (see Section 3.4.16.1).

### ***3.4.16 Treatment System Modification***

*3.4.16.1 This general permit authorizes the permittee to expand or alter the existing wastewater collection or treatment system in order to meet permit limits and conditions. The authorization does not relieve the industrial user of the obligation to meet any other permit condition or effluent limit contained within this general permit.*

*The permittee shall notify the Commissioner at least thirty (30) days prior to expanding or significantly altering its wastewater collection or treatment system, or its method of operation.*

The entity creating the discharge might not be an “*industrial user*” and “*industrial user*” is not defined in the General Permit. It is suggested that “*industrial user*” be revised to permittee and that the General Permit clarify if a proposed “Treatment System Modification” requires 1) the use of a Notice of Change form, and 2) if the information specified in Section 3.4.15.2 a-d would also be required.

### ***3.7 Additional Information***

*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](mailto:DPH.SourceProtection@ct.gov).

The previous draft General Permit included a requirement that “such discharge has been approved in writing by the Department of Public Health, Drinking Water Section” at the end of the sentence. It is suggested that the phrase 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](mailto: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”; that such completed application or Notice of Change be filed with the Department of Public Health Drinking Water Section and the local health department or health district; and that the notice requirements of this section also apply to discharges within a public water supply watershed or groundwater protection overlay area.

#### **Section 4 Conditions of This General Permit**

##### **4.1 Discharge to Class AA**

*If the discharge is directed to a waterbody or tributary to any waterbody that contributes to a source of public drinking water, treatment shall at a minimum incorporate technologies certified by the NSF for the treatment of drinking water for the removal of the pollutants of concern, and be designed for the anticipated flows.*

The term “waterbody” is not defined in the General Permit, but “surface water(s)” and “watercourse” is; consequently, it is suggested that “waterbody” be replaced with “surface water(s)” or “watercourse” where appropriate in the document or alternatively, provide a definition for “waterbody” in the General Permit. The Council strongly supports the provisions of the General Permit that protect sources of public drinking water, and it is suggested that the wastewater, resulting from such treatment using the NSF certified technologies, also meet the most restrictive drinking water protection criteria.

##### **6.18 Bypass**

###### **6.18.3 Notification to DEEP**

It is suggested that if a bypass occurs proximate to a public or private drinking water well, an Aquifer Protection Area, a water supply watershed, or a groundwater protection overlay area, and such bypass might adversely impact source drinking water, notification should also be required as soon as possible to the Department of Public Health, the owner/operator of the private or public drinking water well, the appropriate water utility, and/or local health department or district.

**9. Definitions** -It is suggested that definitions be added to this section for the following phrases:

*Aquatic Life Uses* (see section 2.2.12.2)

*Parameters of concern* (see section 3.4.7.5)

*Pollutant* (see section 3.4.7.3)

*Pollutants of concern* (see sections 2.1.1, 2.1.2, 2.2.4.15, 4.1, 4.7.2, 4.7.3, 4.7.4, 4.18.3.3)

*Zone of influence* (2.2.4.3)

Thank you for your consideration of these comments.

Sincerely,



Paul Aresta, Executive Director