

# General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters

Permit No.: CTXXXXXX

Issuance Date:

Expiration Date:

Expiration Date:

This National Pollutant Discharge Elimination System General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters is issued in accordance with Section 22a 430 of Chapter 446k, Connecticut General Statutes (“CGS”), and Regulations of Connecticut State Agencies (“RCSA”) adopted thereunder, as amended, and Section 402(b) of the Clean Water Act (“CWA”), as amended, 33 USC 1251, et. seq., and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer a NPDES permit program. Persons 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.

This permit becomes effective on [To be determined date]. This permit and the authorization to discharge shall expire on [To be determined].

Issued: [To be determined]

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Emma Cimino  
Deputy Commissioner

# General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters

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# General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters

## 1. Authority

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes (General Statutes).

## 2. Authorization Under This General Permit

### 2.1. Eligible Activities:

Provided the requirements of Section 2.2. of this general permit are satisfied, this general permit authorizes the discharge of:

#### 2.1.1. Dewatering Wastewater

The discharge of dewatering wastewaters, as defined by this permit that are known or suspected to contain pollutants of concern to a surface water.

#### 2.1.2. Remediation Wastewater

The discharge of remediation wastewaters, as defined by this permit that are known or suspected to contain pollutants of concern to a surface water.

The discharge of any water, substance, or material into the waters of the state other than those specified in this section is not authorized by this general permit, and any person who or municipality which initiates, creates, originates, or maintains such a discharge must apply for and obtain authorization under section 22a-430 of the General Statutes prior to the occurrence of such discharge.

### 2.2. Requirements for Authorization

This general permit authorizes the discharge from each of the activities listed in Section 2.1. of this general permit provided:

#### 2.2.1. Approval of Registration

For all activities that are required to file a complete registration with the Commissioner under Section 3.1.2 of this general permit, an Approval of Registration issued by the Commissioner has been obtained.

#### 2.2.2. Coastal Area Management and Permitting

Such discharge is consistent with all applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes or if such activity is located, wholly or in part, waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the State or in tidal wetlands, the activity is authorized pursuant to sections 22a-359 through 22a-

363f, inclusive, or 22a-28 through 22a-35 of the General Statutes, inclusive.

### **2.2.3. 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.

### **2.2.4. Aquifer Protection**

Such discharge, if it is 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.

### **2.2.5. Conservation and Preservation Restrictions**

Such discharge, if located within a conservation or preservation restriction area, complies with section 47-42d of the General Statutes, by providing the following documentation to the Commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction.

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

Such discharge 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.

### **2.2.7. Antidegradation Standards**

Such discharge is consistent with the Antidegradation Standards of section 22a-426 of the RCSA.

### **2.2.8. Discharges to Impaired Surface Waters**

A discharge is not authorized to an impaired water listed in the most recent Connecticut Integrated Water Quality Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) unless the permittee provides to the Commissioner the following documentation to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard:

- For discharges of pollutants which cause or contribute to the impairment of a water body segment without an established Total Maximum Daily Load (TMDL), the permittee must provide data and other technical information to the Commissioner sufficient to demonstrate that the discharge of the pollutant identified as an indicator of the impairment will meet in-stream water quality criteria at the point of discharge to the waterbody. For discharges to waterbody segments impaired for Aquatic Life Uses, discharges shall not contain concentrations of any pollutants with a Water Quality Criteria (WQC) identified in Table 3 of section 22a-426-9 of

the RCSA in concentrations greater than the more restrictive of the chronic aquatic life criteria or applicable human health criteria.

- For discharges to waters with an established TMDL, the Commissioner must determine that there are sufficient remaining Waste Load Allocations (WLA) in the TMDL to allow the discharge and that existing dischargers to the waterbody are subject to additional permit conditions or compliance schedules designed to bring the waterbody into attainment with water quality standards.

#### **2.2.9. Other State and Local Authorization(s)**

Such activity obtains all other state and/or local authorization(s) required for such a discharge.

#### **2.2.10. Coastal Waters**

Such discharge does not physically disturb any tidal wetland or reduce the salinity of any tidal, navigable, or coastal water by more than five percent.

### **2.3. Geographic Area**

This general permit applies throughout the State of Connecticut.

### **2.4. Effective Date and Expiration Date of this General Permit**

This general permit is effective on the first day of the month following the issuance date and expires 5 (five) years after the issuance date. The general permit may be administratively continued in effect until the Department has reissued the permit.

### **2.5. Effective Date of Authorization**

#### **2.5.1. Short-Term Underground Storage Tank (UST) Discharges**

For short-term discharges, as defined by this permit, occurring as a result of petroleum Underground Storage Tank replacement, the date of authorization is the day the discharge is initiated.

#### **2.5.2. Emergency Discharges**

For emergency discharges as defined by this general permit, the date of authorization is the day the discharge is initiated. Emergency discharges lasting more than 30 days must file a registration with the Commissioner no more than 30 days after the discharge is initiated.

#### **2.5.3. Registration with Approval:**

Discharges for which an approval of registration is required under Section 2.2.1. of this general permit are authorized on the date the Commissioner issues an Approval of Registration (or Notice of Coverage) based on the information provided by the application.

#### 2.5.4. Existing Discharges

Discharges of dewatering or remediation wastewaters authorized under the *General Permit for the Discharge of Groundwater Remediation Wastewater*, effective on February 17, 2023, maintain permit coverage for a short period of time and are authorized to discharge on the effective date of this general permit in accordance with Section 3.1.3 registration requirements.

### 2.6. Transition to and from an Individual Permit

No person shall operate or conduct an activity resulting in a discharge authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

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

If a discharge as a result of an activity that 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.

#### 2.6.2. Transition from Authorization under this General Permit to an Individual Permit.

If a discharge as a result of an activity or operation that is authorized under this general permit and the Commissioner subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the Commissioner, the authorization issued under this general permit shall automatically expire.

## 3. Registration Requirements

### 3.1. Who Must File a Registration

#### 3.1.1. No Registration Required

A registration is not required for short-term discharges occurring as a result of petroleum UST replacement and emergency discharges lasting thirty (30) consecutive days or less.

#### 3.1.2. Registration Required

Any person or municipality seeking to discharge under the authority of this general permit shall file a complete registration with the Commissioner.

#### 3.1.3. Existing Discharges

Other than permittees identified in section 3.1.1 above, facilities with existing permit coverage as of February 17, 2023, authorized under the *General Permit for the Discharge of Groundwater Remediation Wastewater*, are eligible for continued permit coverage under

the general permit on an interim basis for up to 60 calendar days from the effective date of this general permit, provided a complete registration is filed with the Commissioner on or before 60 days of the effective date of this general permit. Authorization to discharge under this general permit shall be terminated 61 days after the effective date of the permit if the permittee fails to register their existing discharges in accordance with the requirements of this general permit.

### **3.2.Scope of Registration**

A permittee shall submit one registration form for all eligible discharges taking place at a single site for which the permittee seeks authorization under this general permit. Discharges taking place at more than one site may not be consolidated on one registration form.

### **3.3.Fees**

- 3.3.1. Except as provided in Sections 3.3.2. of this general permit, a registration fee of \$1,250 for any person and \$625 for any municipality shall be submitted with a registration form.
- 3.3.2. Discharges from a building used solely as a single-family residence shall be exempt from the fees required under Section 3.3.1. of this general permit.
- 3.3.3. A registration shall not be deemed complete, and the subject discharge shall not be authorized by this general permit unless the registration fee has been paid in full.
- 3.3.4. The registration fee shall be paid to the Department of Energy and Environmental Protection.
- 3.3.5. The registration fee is non-refundable.
- 3.3.6. A registration fee of \$500 for any person and \$250 for any municipality shall be submitted with a modified registration form.

### **3.4.Contents of Registration**

A registration shall be filed on forms prescribed and provided by the Commissioner and shall include, but not be limited to, the following:

#### **3.4.1. Permittee information**

- 3.4.1.1. Legal name, address, telephone number, and email address of the registrant. If the permittee is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, the exact name as registered with the Connecticut Secretary of the State shall be provided.
- 3.4.1.2. Legal name, address, telephone number, and email address of the owner of the property on which the subject activity and discharge(s) are to take place.
- 3.4.1.3. Legal name, address, telephone number, and email address of the registrant's attorney or other representative, if applicable.
- 3.4.1.4. Legal name, address, telephone number, and email address of any consultant(s) or



engineer(s) retained by the permittee to prepare the registration or to design or construct the subject activity.

### 3.4.2. **Site information**

- 3.4.2.1. Name and address of the site with respect to which the registration is submitted.
- 3.4.2.2. The name and water quality classification of the surface water receiving the discharge.
- 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.
- 3.4.2.4. A statement whether the subject discharge will take place within ¼-mile of any public or private drinking water well.
- 3.4.2.5. A statement whether or not the subject discharge will take place at a site on the National Priority List, under CERCLA, that has been used for the disposal of hazardous materials or is subject to the reporting requirements of sections 22a-6u or 22a-134 of the General Statutes.
- 3.4.2.6. A detailed description of any erosion and sediment controls and energy dissipation structures to be used in connection with the subject remedial measures.

### 3.4.3. **Discharge Specific Information**

For each discharge, include:

- 3.4.3.1. The maximum daily flow, average daily flow, and number of hours per calendar day of the subject discharge.
- 3.4.3.2. The estimated dates or range of dates for the discharge.
- 3.4.3.3. A detailed description of the subject activity generating the discharge.
- 3.4.3.4. A detailed description of any wastewater treatment equipment used to achieve compliance with the effluent limits and conditions of this general permit. The description must identify flow monitoring equipment or techniques and devices used for recording total daily flow(s). Provide a list any chemical additives and their concentration(s). Include a statement indicating whether any such activities on the site will employ air stripping.
- 3.4.3.5. Wastewater quality analysis. An initial screening analysis shall be conducted prior to registering for authorization under this general permit. Screening analysis results shall be submitted on forms provided by the Commissioner with the registration form. Screening analysis required by this general permit shall conform to the following:

Samples shall consist of grab samples of the raw untreated wastewater.

Samples shall be representative of the waste stream(s), sampled and analyzed in accordance with Section 4.8 to determine the concentration or level therein of the following parameters:

- total volatile organic compounds
- TPH
- total copper
- total lead
- total mercury
- total zinc
- total iron
- total cadmium
- pH
- total nitrogen
- total phosphorus
- temperature
- total settleable solids
- total suspended solids

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).

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.

If any pollutant listed in Appendix B, Tables II, III, IV, or V of section 22a-430-4 of the RCSA; Appendix D of section 22a-430-4 of the RCSA; or any other pollutant that could cause or result in pollution, is reasonably known to have been handled, stored, released, or disposed of at or adjacent to the site where the subject wastewater originates, the subject wastewater shall also be analyzed to determine the concentration of such pollutant.

If any pollutant identified as an emerging contaminant, as defined in this permit is reasonably known 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 contaminants(s) using an approved 40 CFR 136 method or a method specified by DEEP.

#### **3.4.4. Certifications**

3.4.4.1. Qualified Professional: The registration must include a written certification which, at a minimum, complies with the following requirements:

3.4.4.1.1. such certification was signed by a Qualified Professional as defined in this general permit.

3.4.4.1.2. such certification is not the subject of an audit as described under

section 22a-430b of the General Statutes.

- 3.4.4.1.3. the Qualified Professional signing the certification has, at a minimum, completely and thoroughly reviewed this general permit and the following regarding the discharges to be authorized under this general permit: (i) all registration information provided in accordance with Section 3.4. of this general permit, (ii) the facility, based on a site inspection, (iii) compliance records, (iv) all wastewater collection, treatment systems, and monitoring equipment, including any plans and specifications, operating records, and any Department approvals required for such systems.
- 3.4.4.1.4. the Qualified Professional signing the certification has made an affirmative determination that any proposed treatment or Best Management Practices are adequate to assure that the activity to be authorized under this general permit will comply with the terms and conditions of such general permit. That all wastewater collection, treatment systems, and monitoring equipment: (i) have been designed and installed to control pollution to the maximum extent achievable using measures that are technologically available and economically practicable, (ii) will function properly as designed based on visual inspection, compliance, and operating records, and (iii) are adequate to ensure compliance with the terms and conditions of this general permit.
- 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. I am making this certification in connection with a registration under such general permit, submitted to the Commissioner by [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY]. I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3.4.4.1. of such general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination required in accordance with Section 3.4.4.1.2. of this general permit and that my signing this certification constitutes conclusive evidence of my having made such affirmative determination. I understand that this certification may be subject to an audit by the Commissioner in accordance with section 22a-430b of the General Statutes, and I agree to cooperate with the Commissioner should such an audit be required, including, but not limited to providing information as may be requested in writing by the Commissioner in connection with any such audit. I also

understand that knowingly making any false statement in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the General Statutes and any other applicable law."

3.4.4.2. Permittee and Registration Preparer: The permittee and any other individual or individuals responsible for preparing the registration submits to the Commissioner a written certification which, at a minimum, complies with the following requirements:

3.4.4.2.1. the permittee and any other individual or individuals responsible for preparing the registration and signing the certification has completely and thoroughly reviewed, at a minimum, this general permit and the following regarding the activities to be covered under such general permit: (i) all registration information provided in accordance with Section 3.4 of this general permit, (ii) the facility, based on a visual site inspection, (iii) compliance records, (iv) all wastewater collection and treatment systems and monitoring equipment, including any plans and specifications, operating records and any DEEP approvals regarding such wastewater collection and treatment systems and monitoring equipment;

3.4.4.2.2. the permittee has, based on the review described in Section 3.4.4 of this general permit, made an affirmative determination to: (i) comply with the terms and conditions of this general permit; (ii) maintain compliance with all plans and documents prepared pursuant to this general permit, and (iii) properly operate and maintain all wastewater collection and treatment systems and monitoring equipment in compliance with the terms and conditions of this general permit to protect the waters of the state from pollution;

3.4.4.2.3. 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 [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that such activity is eligible for authorization under such permit. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the Commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3.4.42. of such general permit, and based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I further certify that I have made the affirmative determination required in accordance with Section 3.4.4.2. of this general permit and that my

signing this certification constitutes conclusive evidence of my having made such affirmative determination.

I certify that our facility does not use products or chemicals that may result in a discharge of mercury.

I understand that the registration filed in connection with such general permit may be denied, revoked or suspended for engaging in professional misconduct, including but not limited to the submission of false or misleading information, or making a false or inaccurate certification. I understand that the certification made pursuant to Section 3.4.4.1. of this general permit may be subject to an audit by the Commissioner in accordance with section 22a-430b of the General Statutes, and that I will be required to provide additional information as may be requested in writing by the Commissioner in connection with such audit, and the registration filed in connection with such general permit may be denied, revoked or suspended as a result of such audit. As part of such audit, I understand the Commissioner may require that any information prepared in accordance with this general permit be independently certified by a Professional Engineer in accordance with this general permit and that such independent certification shall be at the registrant's expense. I understand that the reasonable cost of any such audit that reveals that a false certification was submitted to the Commissioner may be charged to the permittee for this general permit for which such certification was made. I also understand that knowingly making any false statement in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the General Statutes and any other applicable law.”

3.4.4.2.4. any other individual or individuals responsible for preparing the registration 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 [INSERT NAME OF REGISTRANT] for an activity located at [INSERT ADDRESS OF PROJECT OR ACTIVITY] and that such activity is eligible for authorization under such permit. I certify that the registration filed pursuant to this general permit is on complete and accurate forms as prescribed by the Commissioner without alteration of their text. I certify that I have personally examined and am familiar with the information that provides the basis for this certification, including but not limited to all information described in Section 3.4.4.2. of this general permit, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining such information, that the information upon which this certification is based is true, accurate and complete to the best of my knowledge and belief. I understand that the registration filed in connection with

such general permit may be denied, revoked, or suspended for engaging in professional misconduct, including but not limited to the submission of false or misleading information, or making a false or inaccurate certification. I understand that knowingly making any false statement in the submitted information and in this certification may be punishable as a criminal offense, including the possibility of fine and imprisonment, under section 53a-157b of the General Statutes and any other applicable law.”

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 to ground waters with a Water Quality Classification designated as GAA, 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.

#### 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.

3.4.5.2. Discharges to a surface water identified to an impaired waters listed in the most recent Connecticut Integrated Water Quality Report pursuant to Clean Water Act section 303(d) and 305(b) must provide to the Commissioner the documentation required under section 2.2.8 of this general permit.

3.4.5.3. Line diagram of all wastewater treatment system(s) that clearly identifies i) intake source; ii) all treatment units, iii) all points of chemical addition to any treatment units, and iv) sample and flow meter locations.

3.4.5.4. A completed Connecticut DEEP NetDMR Subscriber Agreement.

### 3.5. Additional Information

The Commissioner may require an applicant or permittee to submit additional information, which the Commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

### **3.6. Where to File a Registration**

A registration shall be filed with the Commissioner at the following address:

Central Permit Processing Unit  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

### **3.7. Action by Commissioner**

#### **3.7.1. Application Denial or Revocation**

- 3.7.1.1. The Commissioner may deny or revoke permit coverage without prejudice if it is determined more than fifteen calendar days have elapsed since the Commissioner requested the permittee submit additional information to determine eligibility for permit coverage or authorization to discharge under this general permit.
- 3.7.1.2. The Commissioner may deny permit coverage if it is found that the subject activity or subsequent discharges are inconsistent with the requirements for authorization under Section 2 of this general permit, or for any other reason provided by law.
- 3.7.1.3. Denial of permit coverage under this subsection shall constitute notice to the permittee that the subject activity or subsequent discharge may not lawfully be conducted or maintained without the issuance of an individual permit in accordance with section 22a-430 of RCSA.
- 3.7.1.4. Rejection or denial of an authorization of coverage shall be in writing from the Commissioner.

#### **3.7.2. Approval with Conditions**

The Commissioner may approve a registration with reasonable permit conditions. If the Commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they are part of this general permit.

### **3.8. Modifications**

#### **3.8.1. Discharge or activity modification:**

The permittee shall notify the Commissioner with the submittal of a modified registration, at least 30 calendar days prior to any expansion, alteration, or modification that may result in (1) a change to the nature of the activity generating the discharge (2) the introduction of a new source of dewatering or remediation water; (3) the introduction of a new pollutant that was not present in a discharge at the time of registration; (4) an increase in the maximum daily flow, or (5) a relocation of the discharge to a different receiving water. Discharges or activities associated with such modifications may not be discharged without prior written approval from the Commissioner in the form of a Modified Approval of Registration.

A modified registration must contain at a minimum:

- Parts I, II, and III of the registration form.
- A description of the proposed modification(s) and how it is expected to affect the authorized discharge(s). Include a timeline for implementation and expected completion of the proposed changes.
- For discharges that required a qualified professional certification be submitted as part of their registration pursuant to Section 3.4.4.1. of this general permit, a new certification signed by a qualified professional stating the wastewater treatment system is still adequate to consistently meet the permit limits and conditions, as applicable.

### 3.8.2. Treatment system modification:

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. Treatment system modifications **do not** require DEEP approval. Information provided in the modified registration shall be emailed to DEEP at DEEP.IndustrialWastewaterGeneralPermits@ct.gov, clearly detail all modifications made, and include the following information:

- A detailed explanation of any changes made to or proposed for the existing wastewater collection or treatment system or its method of operation. Explain the need for implementing each change and the anticipated effects of those changes that will have on the authorized discharge(s).
- For any material substitutions or additional new treatment chemical, identify all new substances that include, or may break down into, pollutants listed in Appendix B or D of section 22a-430-4 of the RCSA that can be expected to be present in the authorized discharge(s) as a result of the modification.
- An updated treatment system line diagram.
- For discharges that required a qualified professional certification be submitted as part of the original registration per Section 3.4.4.1. of this general permit, a new certification signed by a qualified professional stating the modified wastewater treatment system is adequate to consistently meet the permit limits and conditions, as applicable.

### 3.9. Termination of Discharge

For discharges that require the submittal of a registration form, a certified Notice of Termination form shall be submitted to the Commissioner on a prescribed form within 14 days of the cessation of the discharge. Commissioner

### 4. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 2 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:



#### 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 body beyond any zone of influence allocated to that discharge in this general permit.
- 4.1.3. The discharge shall not increase the temperature of the receiving stream above 85F, or, in any case, raise the normal temperature of the receiving stream more than 4F beyond any zone of influence allocated to that discharge in this general permit.
- 4.1.4. There shall be no discharge of polychlorinated biphenyl (PCB) compounds.
- 4.1.5. The following discharges are expressly prohibited under this general permit.
  - 4.1.5.1. The discharge of any sludge and/or bottom deposits from any storage tank or basin.
  - 4.1.5.2. Wastewater from washout of concrete.
  - 4.1.5.3. Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
  - 4.1.5.4. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
  - 4.1.5.5. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown.
  - 4.1.5.6. Toxic or hazardous substances from a spill or other release.
  - 4.1.5.7. Radioactive material as defined by section 22a-148 of the CGS.
- 4.1.6. Dilution is expressly prohibited as a form of treatment.

#### 4.2. Numeric Effluent Limits and Permit Conditions

- 4.2.1. Wastewater discharged under the authority of this general permit shall not exceed and shall otherwise conform to the specific terms and conditions listed in Table A, below:

<b>Table A</b>			
<b>PARAMETER</b>	<b>UNITS</b>	<b>INSTANTANEOUS MONITORING</b>	
		<b>Instantaneous limit or Range</b>	<b>Minimum Level<sup>2</sup></b>
Aquatic Toxicity, Daphnia, Pulex <sup>1</sup>	%	90	Not applicable
Aquatic Toxicity, Pimephales promelas <sup>1</sup>	%	90	Not applicable
Aquatic Toxicity, Mysidopsis bahia <sup>1</sup>	%	90	Not applicable
Aquatic Toxicity, Menidia beryllina <sup>1</sup>	%	90	Not applicable
Ammonia	ug/l	1.5	Not applicable
Arsenic	ug/l	0.1	5.0

Base Neutral and Acid Extractables (BNA)	ug/l	10.0	Not applicable
Beryllium	ug/l	0.4	1.0
Cadmium, total	ug/l	0.1	0.5
Chlorinated Herbicides	ug/l	50	Not applicable
Chlorine, total residual	ug/l	9.0	20.0
Chromium	ug/l	34.4	5.0
Chromium, Hexavalent	ug/l	0.8	10.0
Copper, total	ug/l	4.8	5.0
Cyanide, total	ug/l	4.3	10.0
Cyanide, amenable	ug/l	43	Not applicable
Lead, total	ug/l	1.0	5.0
Mercury	ug/l	ND	0.2
MTBE	ug/l	70.0	5.0
Nickel, total	ug/l	23.7	5.0
Organochlorine Pesticides	ug/l	ND	Not applicable
PCBs	ug/l	0.1	1.0
pH <sup>3</sup>	S.U.	6.0-8.5	Not applicable
Phenols	ug/l	5.0	Not applicable
Phthalate Esters	ug/l	100	Not applicable
Polynuclear Aromatic Hydrocarbons (PAHs)	ug/l	5.0	10.0
Selenium, total	ug/l	4.1	5.0
Silver	ug/l	ND	2.0
Total Petroleum Hydrocarbons	mg/l	5.0	Not applicable
Total Suspended Solids (TSS)	mg/l	30.0	Not applicable
Total Volatile Organics (VOCs)	ug/l	50.0	Not applicable
Zinc, total	ug/l	32.4	10.0

**Table Footnotes and Remarks:**

**Footnotes:**

- <sup>1</sup> The results of the Toxicity Tests are recorded in % survival.
- <sup>2</sup> Minimum Level refers to Section 4.8.2. of this general permit.
- <sup>3</sup> The pH of the discharge shall not be less than 6.0 or more than 8.5 S.U.

**Remarks:**

1. Samples taken for the purpose of determining compliance with the effluent limitations and monitoring requirements listed in this general permit shall be grab samples.
2. The effluent limits for all metals are for total recoverable metals unless otherwise indicated.
3. See Section 4.7 for monitoring frequency.
4. See Section 4.10 for reporting frequency.

**4.2.2. Flow**

The daily flow shall not exceed the maximum daily and average monthly flows specified in the general permit registration submitted by the permittee.

**4.2.3. Discharges to Impaired Waters**

Discharges to an impaired water listed in the most recent Connecticut Integrated Water Quality Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b) must comply with the requirements listed in section 2.2.8 of this general permit.

The Commissioner may require additional control measures for discharges to impaired waterbody segments or other sensitive areas.

**4.3. Pollutant Monitoring**

- 4.3.1. All discharges shall be monitored and values reported for the following parameters:
- Maximum daily flow,
  - Monthly average flow,

- pH,
  - Total suspended solids,
  - Total dissolved solids, and
  - Turbidity.
- 4.3.2. Discharges as a result of petroleum UST replacement shall monitor for the following parameters:
- All parameters identified in Section 4.2.1 above,
  - Lead,
  - Total Petroleum Hydrocarbons,
  - PAHs,
  - Volatile Organic Compounds (total), and
  - All additional pollutants that are known or suspected present or required by the Commissioner.
- 4.3.3. For all other discharges, the permittee shall monitor the discharge for the following:
- All parameters identified in Section 4.2.1 above,
  - All pollutants identified in the screening analysis conducted pursuant to Section 3.4.3.5. of this permit or any other analysis as present in the discharge at a concentration exceeding a limit contained in Section 4.1. of this general permit, and
  - All pollutants that are known or suspected present in the discharge.

#### **4.4.Sampling**

- 4.4.1. Samples taken for the purpose of determining compliance with the effluent limitations and monitoring requirements listed in this general permit shall be grab samples.
- 4.4.2. All samples shall be representative of the discharge, collected after all treatment, prior to mixing with any other waters and before discharged to waters of the state.
- 4.4.3. Individual samples shall be collected from each permitted discrete DSN.

#### **4.5.Flow Monitoring**

The permittee shall maintain at the facility a record of the total daily flow for each day of discharge and shall report the average daily flow and the maximum daily flow for each sampling month.

All discharges shall have flow monitoring equipment installed or implement techniques and devices capable of recording total daily flow. Appropriate flow measurement meters and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The meter shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. All other discharges shall implement flow-measuring procedures to adequately estimate flows.

#### **4.6.Startup Procedures**

- 4.6.1. A sample of each discharge must be collected for analytical analysis to determine compliance with permit limits the day the discharge is initiated. For discharges lasting longer than a week, a second sample of each discharge must be collected for analytical

analysis to determine compliance with permit limits during the second week of discharge.

- 4.6.2. For dewatering wastewater discharges, startup procedures must be performed each time the discharge is restarted after being discontinued for greater than sixty (60) days for any reason.
- 4.6.3. For remediation wastewater discharges, other than intermittent discharges of remediation wastewater, startup procedures must be performed each time the discharge is restarted after being discontinued for greater than twenty-four (24) hours for any reason.
- 4.6.4. Intermittent discharges of remediation wastewater, as defined by this general permit are not required to perform the startup procedures with each restart.

#### 4.7. Monitoring Frequency

After startup, monitoring to verify compliance with the effluent limitations of this general permit shall be performed according to the following schedule:

Table B	
Maximum Daily Flow	Effluent Monitoring Frequency
< 5,000 gallons per day	quarterly
≥ 5,000 gallons per day	monthly

If there is no discharge during a calendar month, then a sample must be collected the next month a discharge occurs.

#### 4.8. Sample Analysis

All sample analysis required by the application under this general permit shall be conducted by a laboratory certified in accordance with the certification requirements specified in section 19-29a of the General Statutes. All samples shall be analyzed using sufficiently sensitive test methods pursuant to the 40 CFR 136 unless an alternative method has been approved in writing by the Commissioner pursuant to 40 CFR 136.4 or as provided in section 22a-430-3(j)(7) of the RCSA. Chemicals which do not have methods of analysis defined in 40 CFR 136 shall be analyzed in accordance with methods specified by the Commissioner.

- 4.8.1. All metals analyses identified in this permit shall use analyses for Total Recoverable Metal as defined in 40 CFR 136 unless otherwise specified.
- 4.8.2. Mercury analysis shall be performed using EPA Method 1631E.
- 4.8.3. The Minimum Levels specified below represent the concentrations at which quantification must be achieved and verified during the chemical analyses for the parameters identified in Section 4 Table A. Analyses for these parameters must include check standards within ten percent of the specified Minimum Level or calibration points equal to or less than the

specified Minimum Level.

Parameter	Minimum Level
Arsenic	5.0 ug/l
Beryllium	1.0 ug/l
Cadmium, total	0.5 ug/l
Chlorine, total residual	20.0 ug/l
Chromium, total	5.0 ug/l
Chromium, hexavalent	10.0 ug/l
Copper, total	5.0 ug/l
Cyanide, total	10.0 ug/l
Lead, total	5.0 ug/l
Mercury	0.05 ug/l
Methyl Tertiary Butyl Ether (MTBE)	5.0 ug/l
Nickel, total	5.0 ug/l
Polychlorinated Biphenyls (PCBs)	1.0 ug/l
Polynuclear Aromatic Hydrocarbons (PAHs)	10.0 ug/l
Selenium, total	5.0 ug/l
Silver	2.0 ug/l
Zinc, total	10.0 ug/l

- 4.8.4. The value of each parameter for which monitoring is required under this permit shall be reported to the maximum level of accuracy and precision possible consistent with the requirements of this section of the permit.
- 4.8.5. Effluent analyses for which quantification was verified during the analysis at or below the minimum levels specified in this section and which indicate that a parameter was not detected shall be reported as "less than x" where 'x' is the numerical value equivalent to the analytical method detection limit for that analysis.
- 4.8.6. Results of effluent analyses which indicate that a parameter was not present at a concentration greater than or equal to the Minimum Level specified for that analysis shall be considered equivalent to zero (0.0) for purposes of determining compliance with effluent limitations or conditions specified in this permit.

#### **4.9. Whole Effluent Toxicity (WET) Limits**

- 4.9.1. Discharges lasting longer than 30 calendar days must conduct quarterly WET testing.
- 4.9.2. Acute aquatic toxicity monitoring shall be performed using the NOAEL protocol specified in section 22a-430-3(j)(7)(A) of the RCSA and as prescribed in the reference document *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA-821-R-02-012), or the most current version, with any exceptions or clarifications noted below.
- 4.9.3. Sample collection and handling
- 4.9.3.1. All samples collected to determine compliance with aquatic toxicity limits in this

general permit shall be grab samples.

- 4.9.3.2. Grab samples shall be chilled immediately following sample collection. Samples shall be held at 0 - 6 °C until aquatic toxicity testing is initiated.
- 4.9.3.3. Samples used for aquatic toxicity analysis shall not be dechlorinated, filtered, or modified in any way prior to testing, except for samples which require salinity adjustment. For salinities between 5 ppt and 15 ppt, the salinity of the effluent may be adjusted to 15 ppt using artificial sea salts.

#### 4.9.4. Analytical Testing

- 4.9.4.1. Toxicity tests shall be initiated within 24 hours of sample collection.
- 4.9.4.2. Toxicity tests shall be 48 hours in duration.
- 4.9.4.3. Copper, lead, iron, zinc, total residual chlorine, pH, temperature, salinity, hardness, alkalinity, specific conductance, and appearance shall be measured in the undiluted effluent sample and in the dilution (control) water at the beginning of the test and at test termination. If total residual chlorine is not detected at test initiation, it does not need to be measured at test termination.
- 4.9.4.4. For salinity less than 5 ppt toxicity tests shall employ neonatal (less than 24-hours old) *Daphnia pulex* and juvenile (1-14 days old, with no greater than a 24-hour range in age) *Pimephales promelas* as test organisms.
- 4.9.4.5. For salinity greater than or equal to 5 ppt toxicity tests shall utilize neonatal (1-5 days old with no more than 24-hours range in age) *Mysidopsis bahia* and juvenile (9-14 days old, with no greater than a 24-hour range in age) *Menidia beryllina* as test organisms.
- 4.9.4.6. Synthetic freshwater prepared with deionized water adjusted to a hardness of 50 mg/L ( $\pm 5$  mg/L) as  $\text{CaCO}_3$  shall be used as dilution water.
- 4.9.4.7. All effluent concentrations and the control(s) used in the test shall have the same salinity. If the effluent requires salinity adjustment to a standard salinity, this shall be accomplished by adding a minimum amount of commercial sea salts as described in EPA-821-R-02-012.
- 4.9.4.8. Organisms shall not be fed during the tests, except for *Mysidopsis bahia*. *Mysidopsis bahia* may be fed.
- 4.9.4.9. Copper nitrate shall be used as the reference toxicant.
- 4.9.4.10. Dissolved oxygen, pH, and temperature shall be measured in the control and in all test concentrations at the beginning of the test, daily thereafter, and at test termination.

- 4.9.5. Compliance with aquatic toxicity limits shall be demonstrated when the results of a valid pass/fail aquatic toxicity test indicates there is 90% or greater survival in the undiluted

effluent.

- 4.9.6. Should either of the below conditions occur, a second sample of the discharge must be collected and analyzed for aquatic toxicity within 30 days of the previous test.
  - 4.9.6.1. The survival of the test organisms was less than 90% in the average of the test chambers containing undiluted effluent. Note if survival of the test organisms was less than 90% in the average of the test chambers containing undiluted effluent, the result is interpreted as a permit limit exceeded.
  - 4.9.6.2. The survival of test organisms was less than 90% in each replicate control test chamber or test conditions were not achieved as specified in section 22a-430-3(j)(7)(A) of the RCSA, such as maintenance of appropriate environmental controls. Note: if the survival of test organisms was less than 90% in each replicate control test chamber or test conditions were not achieved as specified in section 22a-430-3(j)(7)(A) of the RCSA, the toxicity test is interpreted as an invalid test.
- 4.9.7. If any two consecutive test results or any three test results in a twelve-month period indicate that an aquatic toxicity limit has been exceeded, the Permittee shall immediately take all reasonable steps to eliminate toxicity wherever possible and submit a Toxicity Evaluation Report, for the review, and if necessary written approval of the Commissioner, which describes in detail the steps taken or shall be taken to eliminate the toxic impacts of the discharge on the receiving water. The report shall also include a proposed schedule for implementation. Such report shall be submitted within 30 days of the last exceedance. The Permittee shall implement all actions in accordance with the approved report and schedule.

## **4.10. Reporting and Record Keeping**

### **4.10.1. Record Keeping**

- 4.10.1.1. The permittee shall retain copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least five (5) years from the date of the report or application. Records required by this general permit shall be retained on-site, or at the permittee's principal place of business in Connecticut, as required by section 22a-430-3(j).
- 4.10.1.2. Permittees must provide copies of all monitoring data upon DEEP request within five (5) business day of the request.
- 4.10.1.3. The Commissioner may extend this period as he or she deems necessary upon written notice to the permittee, and this period is automatically extended for as long as a permittee is under an active order from the Commissioner under Chapter 446K of the Connecticut General Statutes or if the permittee is in litigation for any violation of any permit or order issued by the Commissioner under Chapter 446K of the Connecticut General Statutes.

### **4.10.2. Reporting**

- 4.10.2.1. The results of chemical analyses and any aquatic toxicity test required by this permit will be submitted electronically using NetDMR as prescribed below in section 4.10.2.6 of this general permit. Any monitoring required more frequently than monthly will be reported on an attachment to the DMR, and any additional

monitoring conducted in accordance with 40 CFR 136, or another method required for an industry-specific waste stream under 40 CFR subchapter N or O, or other methods approved by the Commissioner, will also be included on the DMR, or as an attachment, if necessary, and the results of such monitoring will be included in the calculation and reporting of the data submitted in the DMR.

- 4.10.2.2. All aquatic toxicity analytical reports must be included as an attachment to the DMR.
- 4.10.2.3. If permit noncompliance occurred in the monitoring period, the report required in Section 6.2 of this general permit detailing the violation of the any limitation or permit condition will be included as an attachment with the DMR.
- 4.10.2.4. Note: The Department is currently updating its methodology for receiving the following information and this language maybe modified in the final permit. Complete and accurate aquatic toxicity test data, including percent survival of test organisms in each replicate test chamber, 95% confidence intervals for definitive test protocols, and all supporting chemical/physical measurements performed in association with any aquatic toxicity test, shall be entered on the Aquatic Toxicity Monitoring Report form (ATMR) and sent to the Bureau of Water Protection and Land Reuse at the following address. The ATMR shall be received at this address by the last day of the month following the month in which samples are collected.

Bureau of Water Protection and Land Reuse (Attn: Aquatic Toxicity)  
Connecticut Department of Energy and Environmental Protection  
79 Elm St.  
Hartford, CT 061065127

- 4.10.2.5. If this permit requires monitoring of a discharge on a calendar basis (e.g. Monthly, quarterly, etc.), but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR and ATMR, as scheduled, indicating "NO DISCHARGE".

#### 4.10.2.6. NetDMR Reporting Requirements

4.10.2.6.1. The Permittee shall report electronically using NetDMR, a web-based tool that allows permittees to electronically submit Discharge Monitoring Reports (DMRs) and other required reports through a secure internet connection. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR.

#### 4.10.2.6.2. Submittal of Reports Using NetDMR

The Permittee and/or the signatory authority shall electronically submit DMRs and reports required under this permit to the DEEP using NetDMR in satisfaction of the DMR submission requirement of Section 4 of this permit. DMRs shall be submitted electronically to the DEEP no later than the last day of the month following the



completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring shall be submitted to the DEEP as an electronic attachment to the DMR in NetDMR. The Permittee shall also electronically file any written report of noncompliance described in Section 6 of this permit as an attachment in NetDMR. NetDMR is accessed at <https://npdes-ereporting.epa.gov/net-dmr>.

#### **4.11. Water Treatment System Operation and Maintenance**

- 4.11.1. The permittee must maintain treatment necessary to meet permit effluent limits and conditions of the general permit and Approval of Registration at all times.
- 4.11.2. The permittee shall treat the discharge for any pollutant identified as present in the wastewater at a concentration exceeding the limits of this general permit or the limitations specified in an Approval of Registration issued pursuant to Section 2.2.1.2 of this general permit.
- 4.11.3. The wastewater treatment system must be maintained at all times as described in the registration.
  - 4.11.3.1. Treatment systems shall be inspected and maintained at regularly scheduled intervals as determined by manufacturer specifications, site specific conditions and best professional judgment. The permittee shall conduct routine inspections of all equipment associated with the discharges authorized by this general permit. Inspections shall be conducted as necessary to insure proper operation of all equipment.
  - 4.11.3.2. A log shall be maintained on-site documenting the date of inspection, inspector's name, verification of operation of critical equipment, and a summary of any work or change in equipment associated with the discharges authorized by this 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.

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 is minimized or eliminated.

Erosion and sediment control measures shall be installed and maintained to ensure that discharge energies are sufficiently dissipated to prevent the erosion of soil and the discharge of eroded sediments to tidal wetlands, inland wetlands and watercourses.

## **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.

### **5.1.Section 22a-430-3**

Subsection (b) General  
Subsection (c) Inspection and Entry  
Subsection (d) Effect of a Permit  
Subsection (e) Duty to Comply  
Subsection (f) Proper Operation and Maintenance  
Subsection (g) Sludge Disposal  
Subsection (h) Duty to Mitigate  
Subsection (i) Facility Modifications, Notification  
Subsection (j) Monitoring, Records and Reporting Requirements  
Subsection (k) Bypass  
Subsection (m) Effluent Limitation Violations  
Subsection (n) Enforcement  
Subsection (o) Resource Conservation  
Subsection (p) Spill Prevention and Control  
Subsection (q) Instrumentation, Alarms, Flow Recorders  
Subsection (r) Equalization

### **5.2.Section 22a-430-4**

Subsection (a) Duty to Apply  
Subsection (o) Permit or Application Transfer  
Subsection (p) - Revocation, Denial, Modification  
Appendices

## **6.Duty to Correct, Record, and Report Violations**

### **6.1.Corrective Actions**

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

### **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 the noncompliance is greater than two times the permitted level. Additionally, these notification requirements

apply if the condition may endanger human health or the environment. Consult <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Compliance-Assistance/Industrial-Wastewater-Discharge-Permit-Compliance-Information> for information regarding noncompliance notification timeframes, prescribed forms, and contact information.

Note: The Department has developed a web-based Noncompliance Notification platform to report instances of noncompliance.

#### 6.2.2. Five (5) Day Follow Up Report

A five (5) day follow up noncompliance report shall be submitted and contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Notification of actual or anticipated noncompliance does not stay any permit term or condition.

Note: The Department has developed a web-based Noncompliance Notification platform to report instances of noncompliance and the 5 day follow up report.

#### 6.2.3. Additional Notification Requirements

The permittee shall notify the Director within seventy-two hours and in writing within thirty days when he or she knows or has reason to believe that the concentration in the discharge of any listed substance or any toxic substance has exceeded or will exceed the highest of the following levels:

- 6.2.3.1. One hundred micrograms per liter; or
- 6.2.3.2. Two hundred micrograms per liter for acrolein and acrylonitrile, five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony.
- 6.2.3.3. An alternative level specified by the Commissioner, provided such level shall not exceed the level which can be achieved by the permittee's treatment system.
- 6.2.3.4. A level two times the level specified in the permit application.

### **7. Standard Conditions**

The following standard conditions have been included in this general permit for the convenience of the permittee and are generally duplicative of the incorporated regulations in section 8 of this general permit. If there is conflicting requirements, the stricter shall be applied.

#### **7.1. Inspection and Entry**

The Commissioner or his or her authorized representative may take any actions authorized by sections 22a-6 (5), 22a-425 or 22a-336 of the CGS as amended.

## **7.2.Submission of Documents**

Any document, other than a DMR, required to be submitted to the Commissioner under this section of the permit will, unless otherwise specified in writing by the Commissioner or through this general permit, be directed to:

[DEEP.waterpermittingenforcement@ct.gov](mailto:DEEP.waterpermittingenforcement@ct.gov)

With the subject line: “ATTN: General Permit for the Discharge of Dewatering and Remediation Wastewaters to Surface Waters”

## **7.3.Violations**

Violations of any of the terms, conditions, or limitations contained in this permit may subject the permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the General Statutes and RCSA.

## **7.4.Enforcement**

The Commissioner may take any enforcement action provided by law, including but not limited to seeking injunctions, penalties and forfeitures as provided in sections 22a-6, 22a-7, 22a-430, 22a-432, 22a-435, 22a-438 and 22a-471 of the General Statutes as amended, for any violations or acts of noncompliance with chapter 446k of the General Statutes or any regulation, order, permit or approval issued there under.

## **7.5.Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

## **7.6.No Assurance**

No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the permittee pursuant to this permit will result in compliance or prevent or abate pollution.

## **7.7.Relief**

Nothing in this permit shall relieve the permittee of other obligations under applicable federal, state and local law.

## **7.8.Duty to Provide Information**

The Commissioner may require any permittee to provide within a reasonable time (30 days) any information which the Commissioner may request to determine whether cause exists for modifying or revoking the permit or to determine compliance with the permit, including but not limited to copies of records required to be kept by the permittee.

## **7.9.Duty to Comply**

The permittee shall comply with all terms and conditions of the permit. Any permit noncompliance constitutes a violation of Chapter 446k of the Connecticut General Statutes. Permit noncompliance is grounds for enforcement action, permit revocation or modification, or denial of a permit renewal application.

The permittee shall comply with effluent limitations, standards or prohibitions established under section 307 (a) CWA which are adopted in subsection (l) of section 22a- 430-4 of the Regulations of Connecticut State Agencies for toxic substances upon adoption, even if the permit has not yet been modified to incorporate the requirement.

Except for any toxic effluent standards and prohibitions imposed under section 307 CWA, compliance with a permit during its term shall constitute compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403 and 405 of the Clean Water Act.

The Commissioner may modify or revoke a permit during its term for cause as provided in section 22a-430-4 of the RCSA.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

## **7.10.Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit or any discharge which has a reasonable likelihood of adversely affecting human health or the environment.

## **7.11.Sludge Disposal**

The permittee shall dispose of screenings, sludges, chemicals, and oils and any solid or liquid wastes resulting from the wastewater treatment processes at locations approved by the Commissioner for disposal of such materials, or by means of a waste hauler licensed under the provisions of the General Statutes

## **7.12.Resource Conservation**

All permittees shall implement and maintain practices and/or facilities which, to the maximum extent practicable, result in the minimum amount of wastewater discharged. Such results may be achieved by methods including but not limited to water conservation, resource recovery, waste recycling, wastewater reuse, and material or product substitution. Excessive use of water or the addition of water to dilute an effluent in order to meet any permit limitations or conditions is prohibited.

## **7.13.Spill Prevention and Control**

The permittee shall maintain practices, procedures and facilities designed to prevent, minimize and control spills, leaks or such other unplanned releases of all toxic or hazardous substances

and any other substances as the Commissioner deems necessary to prevent pollution of the waters of the state. Such requirements shall, unless otherwise allowed by the Commissioner, apply to all facilities used for storing, handling transferring, loading, or unloading such substances, including manufacturing areas.

The requirements of this section do not apply to facility components or systems already covered by plans prepared or approved under the Resource Conservation and Recovery Act and the Spill Prevention, Control and Countermeasure program.

#### **7.14.Duty to Reapply**

The permit shall be effective for a fixed term not to exceed five years.

#### **7.15.Equalization**

All treatment facilities shall be designed to prevent upsets, malfunctions or instances of noncompliance resulting from variations in wastewater strength or flow rate, and shall include, as the Commissioner deems necessary, equalization facilities separate from the treatment facilities.

#### **7.16.Effect of an Upset**

An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- An upset occurred and that the permittee can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The permittee submitted notice of the upset timely as required in Section 6.2 of this general permit; and
- The permittee complied with all remedial measures.

#### **7.17.Bypass**

The permittee shall not at any time bypass the collection system or treatment facilities or any part thereof unless such bypass is unanticipated, unavoidable, and necessary to prevent loss of life, personal injury or severe property damage, and there were no feasible alternatives to the bypass, including but not limited to the use of auxiliary or back-up treatment facilities, retention of untreated wastes, stopping the discharges, or maintenance during normal periods of equipment downtime; or the permittee receives prior written approval of the bypass from the Commissioner in order to perform essential maintenance, and the bypass does not cause effluent limitations to be exceeded

7.17.1. In the event such a bypass is necessary, the permittee shall to the extent possible minimize or halt production and/or all discharges until the facility is restored or an alternative method of treatment is provided.

7.17.2. In order to prevent a bypass, the permittee may schedule maintenance during periods when no discharge is occurring or employ any necessary means, including but not limited to

duplicate units and systems or alternative collection and treatment or pretreatment schemes. Any such means shall insure that the effluent limitations specified in the permit are achieved; be approved by DEEP in writing prior to its use, which approval shall include an alternative schedule for monitoring if appropriate; and be discontinued upon completion of the performance of the essential maintenance.

- 7.17.3. The permittee shall provide notice to DEEP not less than twenty-four (24) hours prior to the use of any alternative scheme and monitor and record the quality and quantity of the discharge in accordance with permit terms and conditions or an approved alternative schedule. Such monitoring shall be submitted with the next monitoring report required by the permit and shall not be used to meet routine scheduled monitoring report requirements of the permit.
- 7.17.4. If any bypass occurs or may occur, the permittee shall, within two hours of becoming aware of such condition or need, notify DEEP during normal business hours ((860) 424-3021), and the department's Emergency Response Unit at all other times ((860) 424-3338 or (866) 337-7745) and submit within five days a written report including the cause of the problem, duration including dates and times and corrective action taken or planned to prevent other such occurrences.
- 7.17.5. In addition, if the permittee has reason to believe that any effluent limitation specified in the permit may be violated, the permittee shall immediately take steps to prevent or correct such violation, including but not limited to employing an alternative scheme of collection or treatment, and/or control the production of the wastewater and shall monitor and record the quality and quantity of the discharge in accordance with the permit terms and conditions or an approved alternative schedule. Such monitoring shall be submitted with the next monitoring report required by the permit and shall not be used to meet the routine monitoring requirements of the permit.

## **7.18. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems and parts thereof for wastewater collection, storage, treatment and control which are installed or used by the permittee to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, and adequate operator staffing and training, including the employment of certified operators as may be required by the Commissioner pursuant to sections 22a-416-1 through 22a-416-10 of the RCSA, as amended, and adequate laboratory and process controls, including appropriate quality assurance procedures.

In accordance with sections 22a-416 through 22a-471 of the General Statutes as amended, the permittee is required to install and operate a back-up or auxiliary facilities or similar systems or the inventory of spare parts and appurtenances.

## **7.19. Instrumentation, Alarms, and Flow Records**

Except for batch treatment systems unless required by the Commissioner, process wastewater treatment systems shall include instrumentation to automatically and continuously indicate, record and/or control those functions of the system and characteristics of the discharge which the Commissioner deems necessary to assure protection of the waters of the state.

## 7.20. Signatory Requirements

- 7.20.1. All permit applications and permit modification requests submitted to the Commissioner shall be signed as follows:
  - 7.20.1.1. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - 7.20.1.2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - 7.20.1.3. For a municipality, State, Federal, or other public agency; by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 7.20.2. All reports required by permits, and other information submitted to the Commissioner shall be signed by a person described in Section 7.20.1 of this general permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 7.20.2.1. The authorization is made in writing by a person described in Section 7.20.1 of this general permit,
  - 7.20.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position or equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
  - 7.20.2.3. The written authorization is submitted to the Commissioner.
- 7.20.3. If an authorization under this subsection is no longer accurate because a different individual or position has assumed the applicable responsibility, a new authorization satisfying the requirements of this section must be submitted to the Commissioner prior to or together with any reports or other information to be signed by an authorized representative.
- 7.20.4. Any person signing a document under this section shall make the following certification.



“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a- 6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

### **7.21.Date of Filing**

For purposes of this general permit, the date of filing with the Commissioner of any document is the date such document is received by the Commissioner.

### **7.22.False Statements**

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

### **7.23.Correction of Inaccuracies**

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commissioner. Such information shall be certified in accordance with Section 7.20.4 of this general permit.

### **7.24.Transfer of Authorization**

Any authorization under this general permit shall be transferable.

### **7.25.Other Applicable Law**

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state, and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

### **7.26.Other Rights**

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

## **8. Commissioner's Powers**

### **8.1. Abatement of Violations**

The Commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The Commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the RCSA. Nothing herein shall be construed to affect any remedy available to the Commissioner by law.

The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the General Statutes or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or the General Statutes or regulations adopted thereunder which are then applicable.

### **8.2. General Permit Revocation, Suspension, or Modification**

The Commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

### **8.3. Permit Actions**

The Commissioner may modify or revoke a permit during its term for cause as provided in subsection (p) of section 22a-430-4 of the RCSA.

Notification of facility modifications does not stay any permit term or condition.

### **8.4. Filing of an Individual Permit Application**

If the Commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the Commissioner's notice. While such application is pending before the Commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the Commissioner's power to revoke a permittee's authorization under this general permit at any time.

## 9. Definitions

As used in this general permit:

“7Q10 flow (seven-day, ten-year low flow)” means the lowest seven consecutive day mean stream flow with a recurrence interval of ten years.

“Approval of Registration” or “AoR” means an approval issued under Section 3 of this general permit.

“Aquifer protection area” means aquifer protection area as defined by section 22a-354h of the General Statutes.

"Authorized activity" means any activity authorized by this general permit.

“Best Management Practice” or “BMP” means a practice, procedure, structure, or facility designed to prevent or minimize environmental damage or to maintain or enhance environmental quality. BMPs include without limitation, facilities to reduce pollutants in wastewater and practices or structures to minimize the generation of waste, to control runoff, drainage, spillage, or leaks of contaminated material, to protect sources of drinking water and drinking water wells, and to protect stream flows and aquatic life.

“CERCLA” means Comprehensive Environmental Response, Compensation, and Liability Act.

“Certified Hazardous Materials Manager” or “CHMM” means a person who has gained recognition as a certified hazardous materials manager in accordance with the requirements developed and administered by the Institute of Hazardous Materials Management.

“CFR” means the Code of Federal Regulations.

“CGS” means Connecticut General Statutes.

“Coastal boundary” means coastal boundary as defined by section 22a-94 of the General Statutes.

"Commissioner" means Commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” means the calendar day.

"DEEP" means the Department of Energy and Environmental Protection.

“Dewatering wastewater” means wastewater generated from activities such as, pumping accumulated stormwater or groundwater from an excavation, pumping water from a cofferdam, wastewater generated by removing/replacing an underground storage tank, or pumping surface water that has been diverted onto a construction site. These activities include the removal of wastewaters from excavations, trenches, foundations, vaults, cofferdams, or other similar points of accumulation.

“DMR” means Discharge Monitoring Report.

“DSN” means discharge serial number designating each discreet discharge consisting solely of wastewater authorized by this general permit.

“Effluent” means the wastewater authorized to be discharged by this general permit after treatment and prior to mixing with liquid from any other source.

“Effluent limitation” means an effluent limitation established in this general permit, including limitations specified Section 5.1. of this general permit.

“Emergency discharge” means a discharge resulting from an emergency response, unexpected release, or underground storage tank release, that occurs to avoid imminent endangerment to human health, public safety, property, or the environment.

“Emerging contaminants” means an emerging contaminant is a chemical or material characterized by a perceived, potential, or real threat to human health or the environment or by a lack of published health standards. A contaminant also may be "emerging" because of the discovery of a new source or a new pathway to humans.

“Endangered or threatened species” means endangered or threatened species as defined by section 26-304 of the General Statutes.

“EPA” means the United States Environmental Protection Agency.

“General Statutes” means the Connecticut General Statutes.

“gpd” means gallons per day.

“Grab Sample ” means an individual sample collected in less than fifteen (15) minutes.

“Impaired Waters ” means those surface waters of the state designated by the Commissioner as impaired pursuant to Section 303(d) of the federal Clean Water Act and as identified in the most recent State of Connecticut Integrated Water Quality Report within categories 4 or 5, including any subdivisions of these categories.

"Individual permit" means a permit issued to a named permittee under section 22a-430 of the General Statutes.

“Influent” means the groundwater to be discharged prior to any treatment except for the implementation of BMPs at pump intakes for the control of solids.

“Inland wetlands” means wetlands as defined by section 22a-38 of the General Statutes.

“Intermittent discharges of remediation wastewater” means a discharge that occurs less than once every thirty (30) calendar days or activities such as groundwater monitoring, site investigation, groundwater pump tests, or related activities. Discharges that temporarily cease due to treatment system shutdown, lack of available groundwater or other unscheduled reasons, are not intermittent as defined by this general permit.

“Licensed Environmental Professional” or “LEP” means an environmental professional licensed pursuant to the requirements of section 22a-133v of the General Statutes.

“mg/l” means milligrams per liter.

“Minimum Level” or “ML” represent the concentrations at which quantification must be achieved and verified during the chemical analyses for the parameters identified in Section 5 Table 1. Analyses for these parameters must include check standards within ten percent of the specified Minimum Level or calibration points equal to or less than the specified Minimum Level.

“Monitoring requirement” means the requirements specified in Sections 4 of this general permit for the evaluation of wastewaters being discharged.

“Monthly” means calendar month.

“Municipality” means a city, town, or borough of the state.

“ND” or “non-detect” refers to a sample result where the concentration of a parameter is determined to be less than the detection level of the analytical method.

“NOAEL” or “no observable acute effect level of greater than or equal to 100%” means that a sample of non-diluted effluent analyzed by a toxicity test conducted pursuant to section 22a-430-3(j)(7)(A) of the RCSA, demonstrates 90% or greater survival for each test organism.

“Oxygenates” means fuel additives (alcohols and ethers) that contain oxygen which can boost gasoline’s octane quality, enhance combustion, and reduce exhaust emissions.

“Permittee” means a person or municipality which has filed authorized to discharge under this general permit.

“Person” means person as defined by section 22a-2(c) of the General Statutes.

“Pollutants of concern” means pollutants that may impair water quality that warrant monitoring and limiting in a discharge to the waters of the state.

“Professional engineer” or “P.E.” means a professional engineer licensed by the Connecticut Department of Consumer Protection.

“Qualified professional” means a P.E., LEP, or CHMM who has, for a minimum of eight years, engaged in the design, installation, operation, and maintenance of systems for the collection and treatment of sanitary, industrial, commercial, or remediation wastewaters including, but not limited to, a minimum of four years in responsible charge of design, installation, operation, and maintenance of such systems.

“Quarterly” means a calendar quarter. When used as a sampling or monitoring frequency in this permit, it means that sampling or monitoring will be performed from January 1<sup>st</sup> to March 30<sup>th</sup>, April 1<sup>st</sup> to June 30<sup>th</sup>, July 1<sup>st</sup> to September 30<sup>th</sup>, and October 1<sup>st</sup> to December 31<sup>st</sup>.

“RCSA” means the Regulations of Connecticut State agencies.

“Recovery well” means a well-used to collect and pump contaminated groundwater.

“Registrant” means a person who, or municipality which, files a registration pursuant to Section 4 of this general permit.

"Registration" means a registration form filed with the Commissioner pursuant to Section 4 of this general permit.

"Remediation wastewater" means wastewater generated during remediation activities in connection with investigating pollution or remediating polluted groundwater, sediment, or soil.

"Screening analysis" means an analysis performed to satisfy the registration requirements of Section 4 of this permit for the evaluation of groundwater prior to treatment for the removal of pollutants.

"Short-term Discharge" refers to discharges lasting no more than 30 consecutive days, which are then terminated and will not be re-started.

"Site" means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

"S.U." means standard units.

"Sufficiently sensitive" means using a sufficiently sensitive analytical method as defined in 40 CFR §122.44(i)(1)(iv).

"Surface water(s)" means the waters of Long Island Sound, its harbors, embayments, tidal wetlands and creeks; rivers and streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, federal jurisdictional wetlands, and other natural or artificial, public or private, vernal or intermittent bodies of water, excluding groundwater.

"Tidal wetland" means wetland as defined by section 22a-29 of the General Statutes.

"Total petroleum hydrocarbons analysis" means analysis conducted in accordance with 40 CFR 136 to determine the concentration of gross oil or hydrocarbon in a substance or material.

"Toxic" means having the ability to adversely affect the survival, growth, or reproduction of organisms or humans through either direct contact or consumption.

"Toxicity reduction evaluation" or "TRE" means an evaluation intended to determine those actions necessary to achieve compliance with the Whole Effluent Toxicity limits specified in Section 4.9.7. of this general permit.

"Treatment Facility" means a system or any part thereof, the purpose of which is to improve the chemical, physical or biological quality of a waste or wastewater discharge.

"µg/l" means micrograms per liter.

"Volatile organic compound" or "VOC" means volatile organic compound as defined in 40 CFR 51.100(s).

"Watercourse" means watercourse as defined in section 22a-38 of the General Statutes, including those waters designated as Coastal Waters as defined by section 22a-93 of the General Statutes.

“WET” means Whole Effluent Toxicity

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