

EXHIBITS FOR

**FINAL LANGUAGE AND STATEMENT OF REASONS:
REVISIONS TO THE GROUNDWATER CLASSIFICATIONS OF
CERTAIN AREAS OF THE STATE OF CONNECTICUT**

**HEARING ON RECLASSIFICATION OF
GROUNDWATER AS PROVIDED FOR IN §22A-426-7(k)(3) OF
THE REGULATIONS OF CONNECTICUT STATE AGENCIES
HEARING DATE: JULY 14, 2021**

Exhibit 1

Click below for Hyperlink to:

**[Water Quality Standards Regulations](#)
RSCA §22a-426-1 et seq**

Exhibit 2:

Authorization to Hold a Public Hearing



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

AUTHORIZATION TO HOLD A PUBLIC HEARING

Kathleen Reiser is hereby authorized to act as hearing examiner to hold a public hearing in the matter of reclassification of certain Ground Waters of the State in accordance with Section 22a-426 of the Connecticut General Statutes and subsection 22a-426-7(k) of the Regulations of Connecticut State Agencies. The Hearing will be held on July 14, 2021 at 10:30 A.M. through Zoom, a remote online hearing platform. A link to the meeting will be posted on the DEEP Calendar of Events at www.ct.gov/deep/calendar and in the public notice for the hearing.

Betsy Wingfield

Betsy Wingfield
Deputy Commissioner
Environmental Quality Branch

June 7, 2021

Date

PUBLIC NOTICE OF HEARING FOR
GROUND WATER RECLASSIFICATION AND TENTATIVE DETERMINATION OF THE
COMMISSIONER

The Commissioner has made a tentative determination on a requested ground water quality reclassification. Donald W. Musial, P.E., Vice President, Ash Monofills, Wheelabrator Putnam, has submitted a request to the Commissioner pursuant to Section 22a-426-7(k)(3) of the Regulations of Connecticut State Agencies, which would lower the groundwater classification to Class GC beneath the proposed expansion area for the Putnam Ash Residue Landfill. Pursuant to Connecticut General Statutes § 22a-426, the Connecticut Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, will be conducting a public hearing to receive oral and written comments on this site-specific amendment to the groundwater quality classification maps.

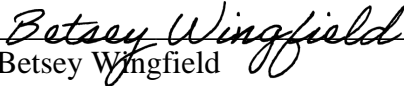
The proposed area to be reclassified extends south from the existing Class GC area and existing Putnam Ash Residue Landfill, encompassing the 68-acre expansion area and extending east to the Quinebaug River. A map of the proposed area to be reclassified is available upon request. Persons with questions regarding these proposals or who wish to examine the applications should contact the Department as set forth below.

The public hearing will be held on Wednesday, July 14, 2021 at 10:30 a.m. through Zoom, a remote online hearing platform. The hearing, which will be facilitated by a hearing officer from the Office of Adjudications, will commence at 10:30 am and continue until the last person present has commented. The hearing officer may close the hearing at that time, adjourn to a later date if needed or hold the record open for the submission of additional written comments. To register for the hearing, go to <https://ctdeep.zoom.us/meeting/register/tJcsdOiuRt4qHtdCS92hUZI1PTVQqV9Ar4DQ>. Or, go to the DEEP Calendar of Events at www.ct.gov/deep/calendar.

Persons who wish to submit written comments and anyone requiring more information should contact Ms. Corinne Fitting by email at corinne.fitting@ct.gov, or by mail at Department of Energy & Environmental Protection, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, Connecticut, 06106-5127. General information on the Water Quality Standards and Classifications is available on the Department's website at: <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-Standards-and-Classification>

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact corinne.fitting@ct.gov if you are seeking a communication aid or service, have limited proficiency in English, or require some other accommodation. If you wish to file an ADA or Title VI discrimination complaint, you may submit your complaint to Barbara Viadella, DEEP Office of Diversity and Equity at (860) 418-

5910 or via email at deep.accommodations@ct.gov. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.


Betsy Wingfield
Deputy Commissioner
Environmental Quality Branch

June 7, 2021
Date

Exhibit 4

Application and Supporting Documents

Wheelabrator Putnam

(These documents are very large. Please contact corinne.fitting@ct.gov for access.)

Exhibit 5

Testimony of Susan Eastwood on behalf of Sierra Club CT on the reclassification of waters

SECTION 401 WATER QUALITY CERTIFICATION – Pursuant to Section 401 of the Federal Clean Water Act

Application No. WQC-201903463

The Putnam ash landfill has applied to DEEP for authorization to expand the landfill to an adjoining 68 acres of woodland and open space that runs adjacent to the Quinebaug River. They have also requested that the groundwater under the proposed landfill site be reclassified as GC (it is currently GB so this would be a downgrade). This water discharges into the Quinebaug River which is classified as B.

Sierra Club CT objects to the expansion of the Putnam ash landfill for a number of reasons. We will address those in detail in our comments on the other permits needed for this expansion. Broadly, we have concerns about the public health of the area and how it may be impacted by the extension of the life of this ash landfill for another 25 years.

Incinerator ash is highly toxic, and a landfill of the ash has all the problems of leakage and toxicity that caused Connecticut to close its landfills many years ago, except that the incineration process has concentrated the toxins! To have had this ash landfill next to the Quinebaug River for 20 years raises many concerns about how it has impacted the water quality already, and we are glad to see that DEEP will be testing the Quinebaug and many CT waterways for the presence of PFAS contamination. [Note: A URI study of PFAS in the Quinebaug River was attempted but the samples were not useable, so we have no data at this point. There are fish advisories for rivers where the testing was successful, the Farmington, Willimantic/Natchaug and Shetucket]. To prolong the life of this landfill for another quarter of a century and allow it to extend to the edge of the river seems unwise for the health of the river and for the people of Eastern CT, who drink this water.

Downgrading the classification of the water from GB to GC is required for the water under an ash landfill, but it recognizes that the water will have a poorer quality, despite all the assurances from Wheelabrator, that the liner will not leak. Why is this? By changing the classification, DEEP is basically enabling this source of contamination to pass its monitoring tests because the acceptable bar has been lowered. How long will it take before that GC level of water contaminates the river? Will DEEP be asked to lower the Quinebaug's classification from GB to GC in ten years? Or 15?

By statute, expansion of the ash landfill is only to be permitted on the basis of need. I quote:

Pursuant to CGS Section 22a-208d the Commissioner of Energy and Environmental Protection ("Commissioner"), "...shall not issue a permit under section 22a-208a to

construct or expand ... a disposal area for ash residue generated by resources recovery facilities ... unless said commissioner makes a written determination that such ... disposal area is necessary to meet the solid waste disposal needs of the state and will not result in substantial excess capacity...”

DEEP has issued a tentative approval based on determination of need, however, we do not agree with that assessment. The statute specifically says that the “disposal area is necessary to meet the solid waste disposal needs **of the state** and will not result in substantial excess capacity...” And yet, in the Tentative Determination of Need, many regional incinerators, from all around New England) are listed as possible sources of ash to support the need for this expansion.

These are: (from DEEP’s Tentative Determination of Need)

“Current operations at the existing approximately 60 acre ash landfill include the receipt and disposal of ash generated by RRFs located both in and out of state. The following are RRFs currently disposing their ash residue at the Wheelabrator ash landfill located in Putnam, Connecticut:

- Wheelabrator Bridgeport LP (Bridgeport CT);
- Wheelabrator Lisbon, Inc. (Lisbon CT);
- Plainfield Renewable Energy, LLC (Plainfield CT);
- Covanta Southeastern Connecticut LP (Preston CT);
- Materials Innovation and Recycling Authority (“MIRA”), Connecticut Solid Waste System RRF (Hartford, CT); and
- Wheelabrator Westchester LP (Westchester NY).

Wheelabrator identifies the following RRFs that potentially may dispose of ash residue at the Wheelabrator Putnam, Inc. Ash Landfill:

- Wheelabrator Millbury, Inc. (Millbury MA);
- Covanta Bristol, Inc. (Bristol CT);
- Community Eco Power, LLC Springfield RRF, (Agawam MA, formerly. Covanta Springfield, LLC);
- Wheelabrator Saugus, Inc. (Saugus MA);
- Wheelabrator North Andover, Inc. (North Andover MA);
- Covanta SEMASS (Wareham, MA);
- Wheelabrator Concord, Inc. (Concord NH); and
- Wheelabrator Hudson Falls, LLC (Hudson Falls NY).”

[Note: Putnam Wheelabrator is already accepting ash from one NY incinerator!]

New England may need a landfill of this size in the future, but CT does not. We are closing the largest incinerator in the state in 2022, and the others are aging as well. We have begun to revise our waste management strategies with more emphasis on composting of organic waste and a revitalized Bottle Bill. Yes, we have a long way to go, but all these efforts together will reduce our waste stream significantly. It is

inconceivable that Connecticut will generate the 22 million tons of ash planned for this expanded landfill. This landfill expansion may meet the needs of New England, but at what cost to Connecticut residents in their health, water, and environmental quality, not to mention the taxes they will pay to clean up the mess!

The expansion is not needed, at least not for such a huge capacity of toxic ash. We will be submitting comments on the other permits, but it seems premature to reclassify the waters for a project that is not yet approved, and is not needed, and that will continue to pollute the waters of Eastern CT. The statute limitations indicate caution, and specify that such a use is only to be approved for the needs of Connecticut. This should be enough to stop this proposal as it is currently planned.

Thank you for your attention.

Susan Eastwood

Chapter Chair, Sierra Club CT

Exhibit 6

Adelheid Koepfer
35 Whiffle Tree Road
Wallingford, CT 06492
Koepfer@gmx.net

8/14/2021

Department of Energy & Environmental Protection, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, Connecticut, 06106-5127

Please do not allow to reclassify the land under the proposed ash landfill in Putnam down to GC

To whom it may concern:

I am writing to voice my strong opposition to the requested ground water quality reclassification for the area beneath the proposed land fill expansion for the Putnam Ash Residue Landfill.

- I ask that the ash landfill expansion (as the reason for the reclassification) not be allowed in that area, and not in CT at all:

The area is currently classified as “base flow for hydraulically-connected water bodies” - it will remain hydraulically connected and so any contaminant will reach Quinebaug River. The toxins won't stay put only because we choose to reliable the area.

The groundwater area abuts the Quinebaug River, any contaminated leakage would go right into the river and endanger trout hatcheries, wildlife and other water users downstream and in the Long Island Sound.

This is also an Environmental Justice issue, as the CT Quiet Corner and the communities in and around Putnam are already burdened with ash landfill, fracked gas energy plants etc. As MIRA announced the closing of the Hartford Incinerator plant, the need for ash landfill will drastically fall, and the need to reduce our waste (by avoiding, reusing, composting, recycling etc.) was never more imminent. We (and Wheelabrator) need to address the waste issue in a different and more sustainable way than producing concentrated toxins in as landfills. The waste-to-energy strategy has failed, it is time for new ways that to not poison our land and water.

- I ask that the groundwater not be reclassified preemptively:

The explicit goal of CT Water Standards is maintain and improve or restoring water quality, which means limit allowed polluting discharges to secure drinking water supply, aquatic life and recreational use as well as fishing and shell fishing industries, instead of preemptively allowing discharge.

The plans for the expansion do not include monitoring for and management of “forever chemicals” (PFAS) and other toxins in the waste water treatment plans, and discharge would directly affect the Quinebaug river and all its downstream neighbors.

The area should not be downgraded to GC without demonstrating proof of HOW existing hydrogeology and hydrologic setting provides safeguard to adjacent resources like the Quinebaug River?

“Acceptable discharge” should be seen from a drinking water protection standpoint, not from an industry perceived need. A discharge containing heavy metals, PFAS, and other toxins contained in incinerator ash can not really be declared acceptable? Especially if there are other

ways to treat our waste problem that do not require incineration and ash landfills. Our water is too precious.

The willingness of CT DEEP to downgrade groundwater should not be an up-front step in allowing the expansion of the Putnam ash landfill which is wrong per se. As stated before, the goal is to use the Water Standards to upgrade and restore water quality, not to allow more pollution and toxins to be declared "acceptable".

Please deny the requested downgrading of groundwater quality under the proposed area. At the very least, please ensure any discharge (from waste water treatment plant or other) is treated for PFAS and other toxins.

Respectfully,

Adelheid Koepfer

Exhibit 7

From: [Edmund McWilliams](#)
To: [Fitting, Corinne](#)
Subject: Lowering Ground Water Classification Near Putnam
Date: Saturday, June 12, 2021 5:40:37 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ms. Fitting:

I am a property owner on Alexander's Lake, co-owning a cottage there with my brother since 1965 (215 North Shore Road).

I wish to register my opposition to plans for a reclassification which would lower ground water to class GC to accomodate expansion of the Putnam Ash Residue Landfill. The poroposed area of expansion would extend to the Quinebaug river. That river runs less than a mile west of Alexander's Lake. I am concerned that poluting the Quinebaug would inevitably present a pollution hazard to the aquifers through which the Quinebaug flows, to include the aquifer which feeds Alexander's lake.

I also am concerned about fate of the Quinebaug, an iconic river at the heart of "Connecticut's last Green Valley." It is a recreational river, offering paddling, fidhing and other opportunities. It is also a source of clean water for local agriculture.

I strongly oppose lowering the ground water quality classification to service the Putnam Ash Residue Landfill.

Edmund McWilliams
mcwilliamsedmund@gmail.com

Exhibit 8

From: [H OSHAUGHNESSY](#)
To: [Fitting, Corinne](#)
Subject: Application No. WQC-201903463
Date: Wednesday, July 21, 2021 12:26:26 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Fitting:

RE:

**Reference: SECTION 401 WATER QUALITY CERTIFICATION – Pursuant to Section 401 of the Federal Clean Water Act
Application No. WQC-201903463**

I am deeply concerned about the recent proposal to downgrade the water quality requirement from GB to GC in support of the Wheelabrator Putnam CT proposed landfill expansion.

My biggest concern is that fauna in the local area will now only have dirty water to drink as a result of the further degradation of the water quality. Our local animal and birds are in a fragile ecosystem, and as we can see by the local outbreak of a mysterious bird illness on the entire East Coast, that fragile ecosystem can only take so much before it collapses.

I encourage you to read what happened to the flora and fauna in Southeast Asia when water quality was downgraded.

<https://southasiawaterpollution.weebly.com/flora-and-fauna.html>

Their paper lists a bibliography at the end, which includes peer reviewed research.

By allowing the lowering of the water classification, you will be opening the door to further contamination of local groundwater, which affects not only plants and wildlife, but humans consuming local drinking water. Here is a paper that discussed this scenario fully: <https://onlinelibrary.wiley.com/doi/10.1111/wej.12664>

I hope you and key leadership take human health and the destruction of fish, birds and other wildlife seriously before approving this request by the Wheelabrator corporation.

Thank you for considering my concerns.

Sincerely, Hope O'Shaughnessy



June 21, 2021

Dear Corinne Fitting:

On behalf of Sierra Club and our 40,000 members and supporters here in the state, we appreciate the opportunity to testify in opposition to Wheelabrator's permit applications, modifications, and 401 certification referenced below to expand the Putnam Ash Landfill. This expansion is dangerous to the residents and environment of Putnam and surrounding areas, and it is not necessary for current and future Connecticut waste disposal needs.

Referencing applications for:

SOLID WASTE PERMIT - Pursuant to CGS Section 22a-208a.

Application No. 201903454

Permit ID No. SW-1160391 (Permit to Construct) and 1160430-PO (Permit to Operate)

SECTION 401 WATER QUALITY CERTIFICATION – Pursuant to Section 401 of the Federal Clean Water Act

Application No. WQC-201903463

PERMITS FOR THE FOLLOWING DISCHARGES INTO THE WATERS OF THE STATE OF CONNECTICUT - Pursuant to CGS Section 22a-430

1. Permit to Discharge into the Sanitary Sewer

Application Nos. 201500823 and 201903451

Permit ID No. SP0002303

Receiving Waters Name and Location: Quinebaug River via Putnam Water Pollution Control Facility ("WPCF")

2. Modification of Permit to Discharge into the Groundwater

Application No. 201903452

Permit No.: LF0000055

Facility No. 116-068

Receiving Waters Name and Location: Groundwater adjacent to the Quinebaug, River, Putnam, Connecticut

The application is to expand the existing sixty (60) acre ash residue landfill by an additional sixty eight (68) acres over the next 25 years. This expansion would stretch into woodlands and open space adjacent to the Quinebaug River. Wheelabrator has also requested the groundwater quality rating under the landfill be downgraded. This groundwater discharges in the Quinebaug River.

Sierra Club Connecticut objects to the expansion of the Putnam Ash Landfill for the following reasons:

- 1) We have serious concerns about the public health of the area and how it will be impacted by the ash landfill for another 25 years. Incinerator ash is highly toxic and landfills have historically had problems with leakage.



SIERRA CLUB

Connecticut Chapter
P.O. Box 270595
West Hartford, Connecticut 06127
connecticut.sierraclub.org

- 2) This landfill would be right next to the river and we are concerned about the water quality. The permit asks for a downgrade of the groundwater underneath the landfill, which discharges into the Quinebaug. How long before the river quality is downgraded as well? The Quinebaug's condition in Putnam is already designated as impaired for aquatic life.¹ The Quinebaug River Trail, a designated National Recreation Trail, goes right through Putnam. The people of Putnam deserve a safe and healthy river for boating, fishing, and other recreation. The proposed expansion threatens this.
- 3) This landfill expansion proposal is also counterproductive to the Governor's and DEEP's goal of providing healthier drinking water and protecting the health of residents. State agencies plan to begin testing more drinking water and waterways for PFAS and other contaminants. To allow this expansion, which will impact groundwater, destroy wetlands, and potentially pollute with PFAS and other contaminants from waste incineration is not in line with these goals.
- 4) There is also no need for this expansion to the landfill to fulfill Connecticut's needs. The biggest incinerator in the state (MIRA in Hartford) is set to shut down in 2022. Statute clearly states that landfill expansion should be based on need for Connecticut.² The list on the permit application states that their plan for expansion is based on getting ash from out-of-state incinerators. They receive ash from an out-of-state incinerator currently. Putnam and the surrounding areas should not have to bear the burden of regional ash.
- 5) Expanding the current system of waste management also goes against the goals of the Connecticut Coalition for Sustainable Materials Management, (headed by DEEP commissioner, Katie Dykes) that met this year and put forth recommendations. The Coalition's recommendations for significantly reducing our waste stream in Connecticut, if adopted and implemented, will negate the need for the landfill expansion. Sustainable, zero-waste solutions are what is needed, not more incineration.
- 6) The impacts of trash incineration and waste management in the state have historically been disproportionately borne by environmental justice communities. Putnam is considered an environmental justice community. To ask them to continue to bear this burden is unjust.

Thank you for your time and consideration of our testimony today. We strongly oppose this expansion to the Putnam Ash Landfill and urge you to reject the permit application.

Sincerely,

Ann Gadwah
Advocacy and Outreach Organizer

¹ <https://mywaterway.epa.gov/community/Putnam.%20CT/overview>

² https://www.cga.ct.gov/current/pub/chap_446d.htm#sec_22a-208d