

# Connecticut Department of Energy and Environmental Protection



# Water Quality Standards Public Informational Meeting

May 7, 2013

9:00 AM Phoenix Auditorium



Connecticut Department of Energy and Environmental Protection

# Regulatory Process:

Conversion of Existing CT Water Quality Standards to Regulations as Required by 22a-426 C.G.S. Amendments

CT DEEP WPLR Planning and Standards Division



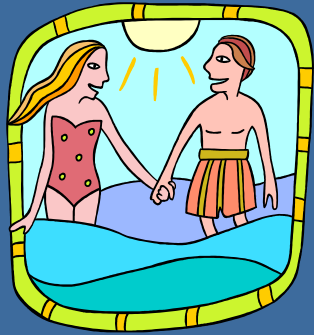
Connecticut Department of Energy and Environmental Protection

# Presentation Topics

- Background on Water Quality Standards
- Regulatory Conversion
  - Purpose & process
- Current vs. New Format
  - Reorganization
  - Regulatory conversion rules, wording
- Next Steps & Schedule
- Section by Section Review of New Format



# Background on WQS



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



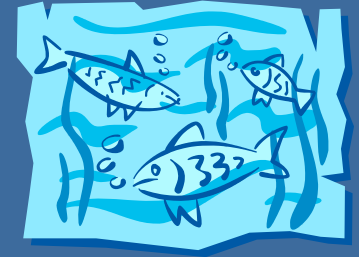
## WATER QUALITY STANDARDS



Bureau of Water Protection and Land Reuse  
Planning and Standards Division

Surface Water Quality Standards  
Groundwater Quality Standards

Effective February 25, 2011  
Effective April 12, 1996



# History

- 1967- 1<sup>st</sup> WQS
- 16 revisions since then
- 1980- groundwater standards established
- Feb 25, 2011- current standards



# Water Quality Standards

- Water Quality Blueprint for CT
- Foundation of Federal and CT CWAs
- Establishes CT Water Quality Policy & Goals
  - Designated Uses
  - Measures to Protect, Maintain & Restore WQ
- Water Pollution Control & Abatement Principles
- Environment, Human Health & Economic Harmony
- Surface Water Standards- mandated by Fed. CWA
- Groundwater Standards- state law



# WQS- 3 Elements

- Standards
  - Overall Goals & Policies
- Designated Uses & Criteria
  - Establishes existing and designated uses by class
  - Narrative & numeric criteria to sustain the use
    - chemical, physical, biological
- Classifications
  - Assignment of designated uses to specific waters
  - Water Quality Classification Maps





# Designated Uses of Waters

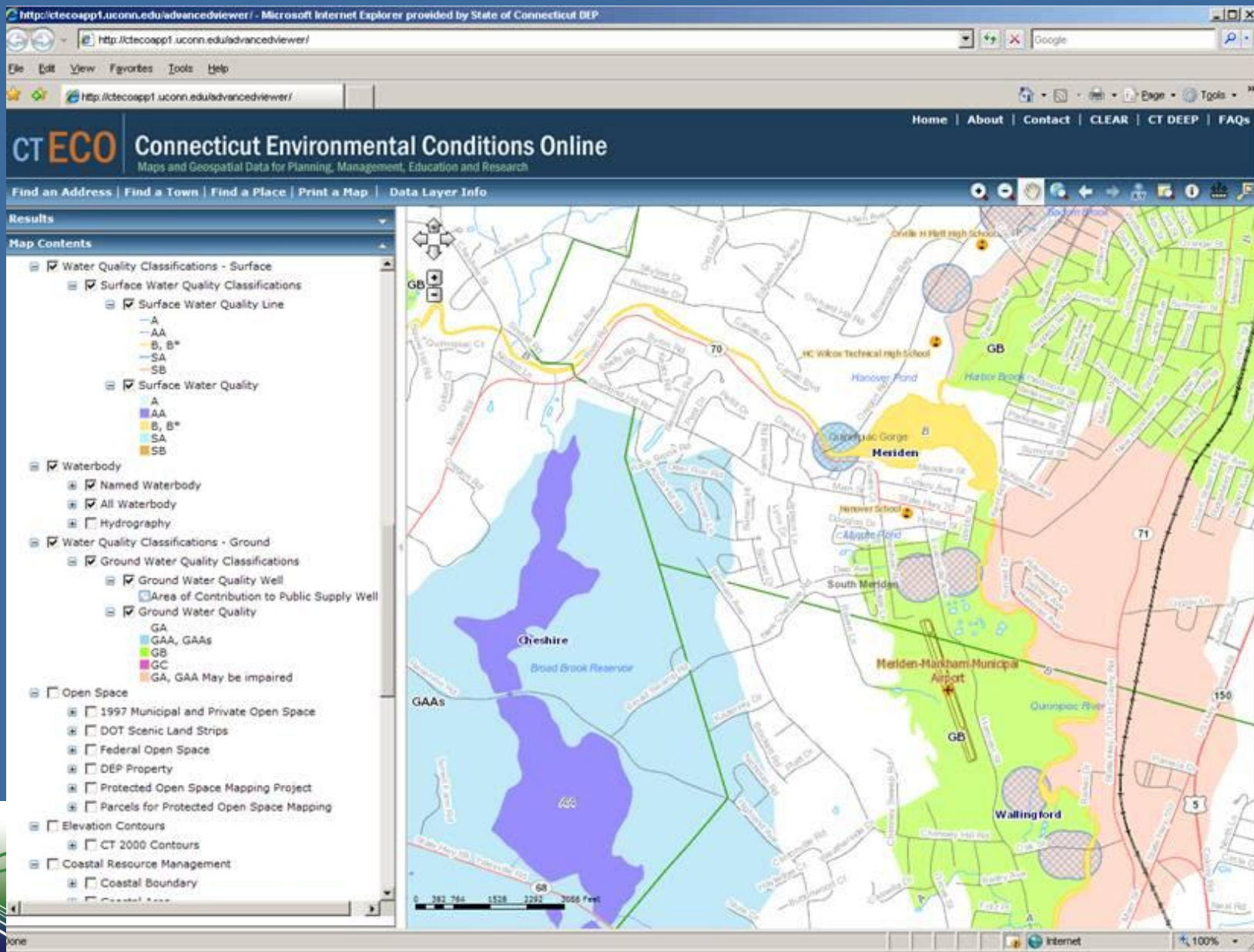
- **Surface Water**

- Healthy aquatic life and wildlife habitat
- Recreation (Fishing & Swimming)
- Fish and Shellfish Consumption
- Drinking Water
- Industrial & Agricultural Supply
- Waste Assimilation
- Navigation

- **Ground Water**

- Drinking Water Supply
- Baseflow for Surface Water Bodies
- Industrial & Agricultural Supply
- Waste Assimilation

# WQ Classification Maps



# Existing WQ Conditions vs. the WQS

## 2008 STATE OF CONNECTICUT INTEGRATED WATER QUALITY REPORT

FINAL – August 2008

This document has been established pursuant  
to the requirements of Sections 305(b) and 303(d)  
of the Federal Clean Water Act

    /s/ Betsy Wingfield                          08/29/08  
Betsy Wingfield, Chief                      Date  
Bureau of Water Protection and Land Reuse



STATE OF CONNECTICUT  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
79 Elm Street  
Hartford, CT 06106-5127  
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Gina McCarthy, Commissioner

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



## WATER QUALITY STANDARDS



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# Regulatory Conversion



Connecticut Department of Energy and Environmental Protection

# Conversion Purpose

- Required in 2010 by Public Act 10-158
- Amended CGS 22a-426 (WQS Statutes)
  - From statutory controlled adoption process
  - To regulatory controlled process (after March 2011)
- However
  - Left the “Classification procedure” in the statutory process
  - Existing WQS stay in place until new regulations



# Current Proposal

- Basic Translation of Current Standards to Regulatory Format
  - No Changes to Substance or Meaning
  - Codifying the standards
  - Some changes to organization and language were necessary to conform to regulation-formatting and to improve readability
- To provide a “Baseline” Regulation for Future Changes
- Annotated & Tracked Change Version is Available





# Codifying Standards into Regulations - Formatting

- Numbering structure is all new
- Titles for sections were added for ease of use.
- To the extent possible, all standards pertaining to a particular water quality classification were grouped together - some repetition of language
- To the extent possible, the exact original text of the existing WQS was utilized for these regulations
- Examples of the types of changes include the following:
  - Rephrasing for consistency with regulatory format
  - Writing out acronyms
  - Adding language to make a phrase into a complete sentence
  - Using proper regulatory citation language



# Regulation Adoption Process

- Additional Steps We Must Follow
  - Follow Chapter 54 Regs Adoption Process- UAPA
  - Fiscal Impact Note
  - Small Business Impact Statement
  - Legislative Commissioners Office Review (LCO)
  - Legislative Regulations Review Committee Approval (LRRC)





# Adoption Schedule

- Public Notice 4/16/13
- Public Info Session 5/7/13
- Public Hearing 5/21/13
- Hearing Report (June)
- Attorney Gen Cert. (June)
- LRRC (August)
- File with Secretary of State (October)
- EPA Approval (October)



# Triennial Review of WQS

- Separate Process from Current Proposal
- Consists of review of WQS every three years
  - Required under the CWA
  - Evaluate existing WQS
  - Solicit public input on potential changes to WQS



# Triennial Review of WQS

- Current proposal to convert into regulatory format is not the triennial review
  - Keeping content stable at this time
  - Plan to conduct Triennial Review and solicit public comment end of 2013 in a separate process
  - Coming soon: New web page focused on Triennial Review



# Overview of New Regulatory Structure for the Water Quality Standards

Section 22a-426 of the Regulations of  
Connecticut State Agencies



Connecticut Department of Energy and Environmental Protection

# Current WQS vs. Proposed Regs Format

Current WQS
Preface
Introduction
Surface Water Quality Standards
Lake Trophic Categories
Ground Water Quality Standards
Appendix A: Definitions
Appendix B: Criteria for Sanitary Indicators
Appendix C: Dissolved Oxygen Criteria for Marine Waters
Appendix D: Numerical Water Quality Criteria
Appendix E: Antidegradation Implementation Procedures
Appendix F: Biological Condition Gradient

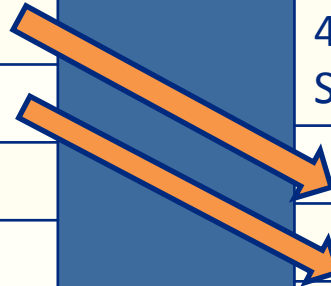
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3	Definitions
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6	Lake Trophic Category
7	Ground Waters
8	Antidegradation Standards and Antidegradation Implementation Procedures
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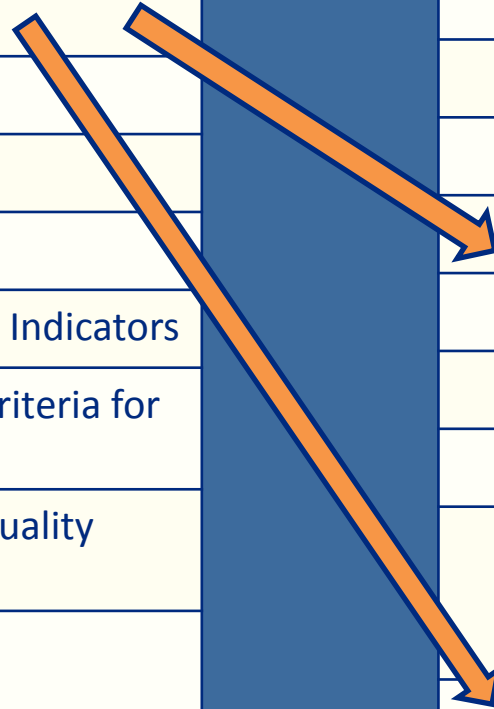
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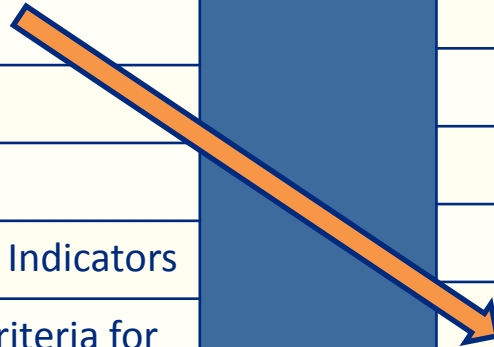
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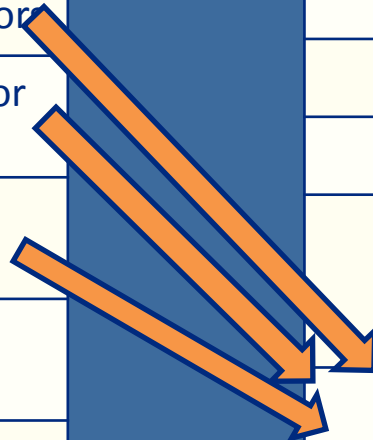
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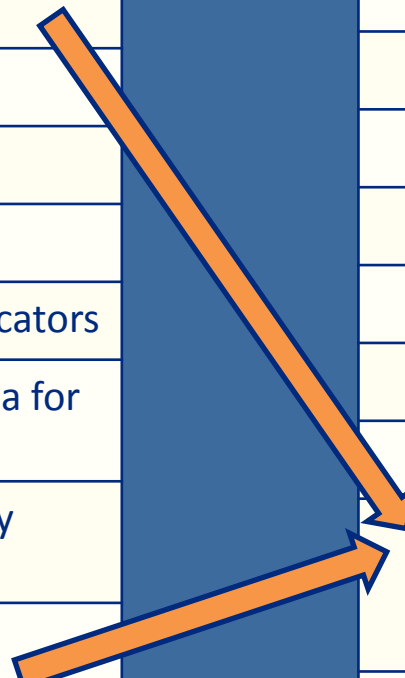
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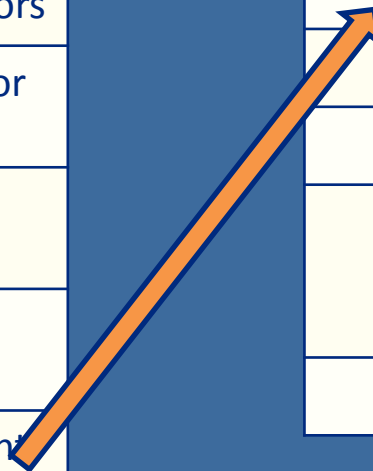
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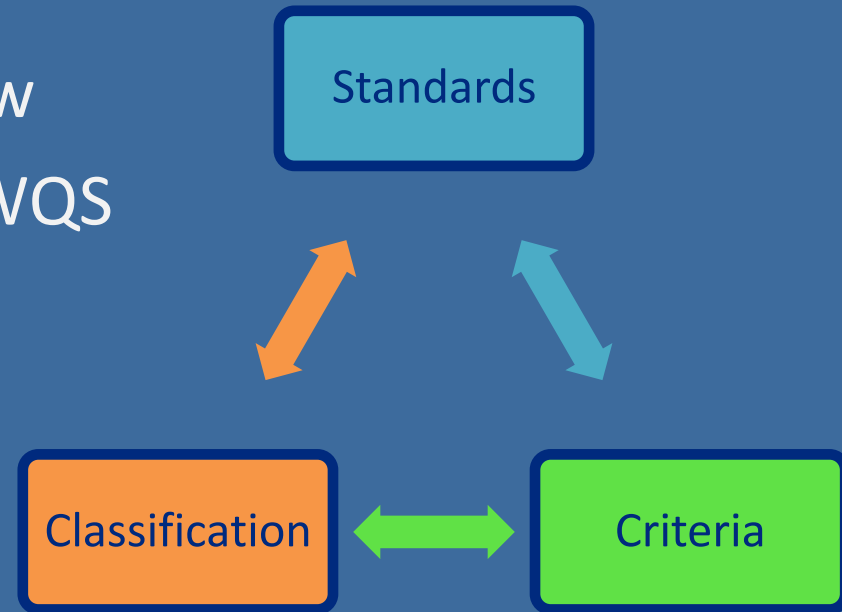
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# Section 1

- Short Title and Description
  - Required for Regs adoption
  - Provides high level overview
  - Generally introduces that WQS have 3 parts
    - Standards
    - Criteria
    - Classifications



# Section 2

- Purpose, Goals and Applicability
  - Information taken from Introduction Section of Current WQS
    - Subsection (a): Purpose and Goals
    - Subsection (b): Applicability



# Section 3

- Definitions
  - Formerly Appendix A to the WQS
  - Currently defined terms in Appendix A
    - Edits made only for consistency with regulatory drafting requirements
    - Proper references to other statutes or regulations
  - Lake Trophic Status terms
    - Currently defined terms but not in Appendix A
    - Moved to Section 3 and put into definition format





# Section 4

- Surface Waters

- Comprehensive compilation of all that pertains to Surface Water

- Structure

- General Standards of SW Quality (a)
- Classifications
- Designated Uses
- Allowable Discharges

- Zone of Influence (l)

- Critical Low Flow (m)

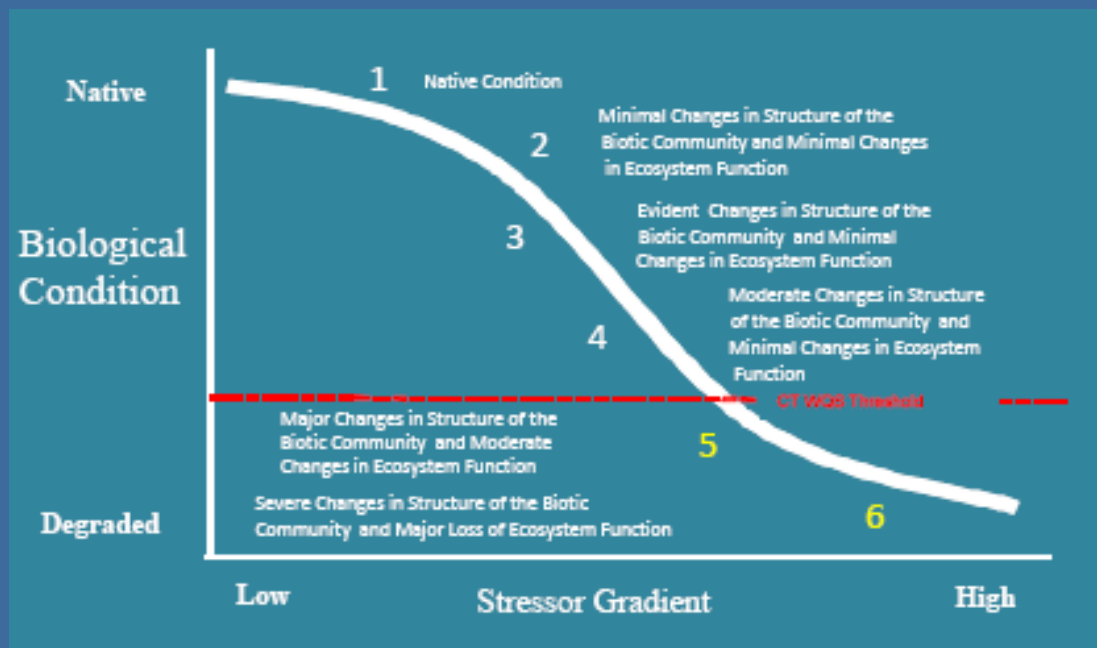
- SW Reclassification (n)

Classification	Designated Uses	Allowable Discharges
AA	(b)	(c)
A	(d)	(e)
SA	(f)	(g)
B	(h)	(i)
SB	(j)	(k)



# Section 5

- Biological Condition Gradient
  - Formerly in Appendix F of the WQS
  - Contains BCG Model and Definitions of BCG Tiers



# Section 6

- Lake Trophic Categories
  - Formerly pages 18-20 of the WQS
  - Contains Table showing Trophic status and associated indicator parameters
  - Includes consideration of aquatic macrophytes



# Section 7

- Ground Waters

- Comprehensive compilation of all that pertains to Ground Water

- Structure

- General Standards & Policies for GW Quality (a)
- Classifications
- Designated Uses
- Allowable Discharges

- Zones of Influence (j)

- Ground water reclassification (k)

Classification	Designated Uses	Allowable Discharges
GAA	(b)	(c)
GA	(d)	(e)
GB	(f)	(g)
GC	(h)	(i)



# Section 8

- Antidegradation Standards  
& Antidegradation  
Implementation Policies
  - This section pertains only to surface waters
  - Antidegradation standards for ground waters is in the general policies subsection for ground water



# Section 8 Continued

- Antidegradation Standards:

formerly Standards 2-5, now (a)

- Antidegradation Implementation Policies:

formerly Appendix E, now (b) – (i)

Antidegradation Implementation	Regulatory Subsection
General Policies	(b) – (de)
Tier 1	(f)
Tier 2	(g)
Tier 3	(h)
Public Participation	(i)



# Section 9

- Environmental Criteria
  - Includes Narrative and Numeric Criteria from:
    - WQ Classification Tables
    - Dissolved Oxygen Standards (formerly Appendix C)
    - Bacteria Criteria (formerly Appendix B)
    - Numerical Criteria for Chemical Constituents (formerly Appendix D)



# Information on Public Process for WQS Regulatory Proposal



Connecticut Department of Energy and Environmental Protection



# Updated WQS Web Pages

[www.ct.gov/deep/wqsc](http://www.ct.gov/deep/wqsc)

- Gateway for all information on CT Water Quality Standards
- Background on WQS
- Links to current and past WQS
- Links to [current Regulatory Proposal](#)





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- [Wetlands](#)
- [Regulating Water Usage and Water Discharges](#)
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## Water Quality Standards and Classifications

The Connecticut Water Quality Standards form the foundation of Connecticut's water management programs. Required by Section 303(c) of the federal Clean Water Act, the Water Quality Standards articulate State policies regarding designated uses and related classifications of Connecticut's water resources, addressing both surface and ground waters, and the standards and criteria necessary to support such designated uses. The Water Quality Standards provide the context and underpinnings for environmental programs, informing actions such as National Pollution Discharge Elimination System (NPDES) permit issuance, water quality certification programs, remediation programs, as well as state-led monitoring and assessment programs and Total Maximum Daily Load development, among other programs and activities.

The initial development of the Connecticut Water Quality Standards in 1967 by the Water Resources Commission predates the formation of the federal and state environmental protection agencies.

The Connecticut Water Quality Standards are reviewed and updated every three years as required by federal law through a process called the Triennial Review. The Triennial Review provides an opportunity to solicit public comment on the Standards, to update the Standards to include the latest scientific understanding of water pollution effects, and to accommodate changes in state and federal law.

The current Connecticut Water Quality Standards and Classifications are:

- [2011 Connecticut Water Quality Standards and Classifications](#) (PDF) adopted February 25, 2011

**NEW** - The Commissioner of the Department of Energy and Environmental Protection proposes to codify Connecticut's established Water Quality Standards into regulations. The regulations are being proposed under the authority of Section 22a-426 of the Connecticut General Statutes. The proposed Connecticut Water Quality Standards Regulations codify the existing Standards into a regulatory format in fulfillment of the



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## 2013 Proposed Connecticut Water Quality Standards Regulations

The Water Quality Standards set the overall policy for management of surface water and ground water quality in accordance with the state and federal clean water programs. They designate use goals, define allowable discharges, and identify measures necessary to maintain the chemical, physical, and biological integrity of Connecticut's waters, provide for the protection and propagation of fish, shellfish, and wildlife, for recreation in and on the water, and to protect public and private drinking water supplies.

The established Water Quality Standards go through a public review process in accordance with state statute and federal law. The most recent revision of the Standards was finalized February 25, 2011.

These regulations are being proposed by the Commissioner of the Department of Energy and Environmental Protection under the authority of section 22a-426 of the Connecticut General Statutes (CGS). This section of the CGS was recently amended to require the promulgation of the state's Water Quality Standards as regulations. The proposed regulations codify the existing Standards into a regulatory format in fulfillment of the statute's requirements.

*Note: There are no substantive changes to the existing standards proposed as part of this rulemaking exercise. Substantive changes to the Water Quality Standards Regulations may be made as part of the formal triennial review process anticipated to begin in the Fall of 2013. The Department intends to solicit public comments on future changes to the Connecticut Water Quality Standards Regulations after completion of the proposed conversion to regulations.*

The proposed regulations will be known as the Connecticut Water Quality Standards Regulations.

The proposed regulations include, but are not limited to, provisions regarding: (1) short title and description; (2) purpose, goals and applicability; (3) definitions; (4) surface waters; (5) biological condition gradient

# Stay Current on WQ Issues

- Sign Up for [Water Quality Planning ListServ](#)
- Information on WQ based programs at CT DEEP, such as
  - WQS
  - TMDLs
  - Monitoring & Assessment
  - Watershed Management
  - 319
  - Aquifer Protection





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## Water Quality Planning ListServ

The Connecticut Department of Energy and Environmental Protection uses the Department's web site to provide information about topics pertaining to water quality based programs within Connecticut. These updates may include information on the Water Quality Standards, TMDLs, Monitoring and Assessment, Watershed Management, Non-Point Source and 319 Programs, Aquifer Protection and other water quality programs or projects. If you would like to receive notice of water quality program updates by e-mail, please subscribe to the WQPlanning listserv.

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- Send an e-mail message to [imailsrv@list.state.ct.us](mailto:imailsrv@list.state.ct.us)
- Leave the subject line blank. In the body of the message type:  
**Subscribe DEP-WQPlanning FirstName\* LastName\*** (\*Substitute with your first and last name)
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- You will receive an e-mail confirmation that you have been removed from the listserv.
- Requests to unsubscribe must be sent from the same email account used when subscribing to the email list.



# Important Dates

Important Public Participation Dates	Date
Public Comment Period Opens	4/16/2013
Public Information Session	5/7/2013
Public Hearing	5/21/2013
Deadline to Submit Comments Per Public Notice	5/21/2013

## Public Hearing

May 21, 2013

9:00 a.m. - until all comments have been heard

Phoenix Auditorium, 5th Floor

Department of Environmental Protection

79 Elm Street, Hartford, Connecticut







15.6.2010