



NORWALK RIVER WATERSHED  
ASSOCIATION, INC.

www.norwalkriver.org

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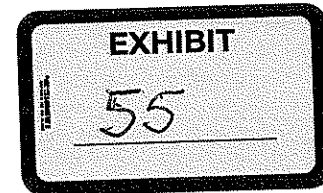
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DEPT. OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER



March 8, 2010

Ms. Amey Marrella, Acting Commissioner  
State of Connecticut  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

RE: Triennial Review of Water Quality Standards

Dear Ms. Marrella,

The Norwalk River Watershed Association is a 501 (c) (3) nonprofit organization whose members reside in the six Connecticut towns of the Norwalk River's watershed and beyond. Our members support NRWA's many efforts to protect the aquatic resources of the watershed.

We submit the following comments in response to the notice issued by the Connecticut Department of Environmental Protection ("DEP") dated December 22, 2009, and entitled Notice of Intent To Amend Connecticut Water Quality Standards And To Hold A Public Hearing, wherein DEP solicited comments to CTDEP Proposed Revisions To Connecticut Water Quality Standards, also dated December 22, 2009 (the "Proposed Revisions").

Comments

**The DEP's Revised Temperature Criteria for Class AA, A, and B Surface Waters seemingly fail to protect cold water fisheries**, including trout, and should be further revised accordingly

The Proposed Revisions contain criteria to support the designated and existing uses of Class AA, A and B waters. The water temperature criteria are found in a provision entitled "Temperature" (Revised Provisions at 9, 11 and 13) and in Appendix F. These revisions are important to NRWA, since the Norwalk River supports a population of wild, natural breeding trout, and is heavily stocked by DEP with various trout species.

I am very pleased to note that the proposed revisions to the water temperature criteria represent a protective and substantial improvement over DEP's current temperature criteria. There remains, however, one criterion that appears to be flawed and unprotective of cold water fisheries, including trout. This is the 4 degree Fahrenheit ( $^{\circ}$ F) allowable temperature increase criterion, which is set forth in all four Sections of

Appendix F of the Proposed Revisions, and which provides that “[i]n any case, the ambient instream temperature should not be raised by more than 4” degrees F.

The 4° F allowable temperature increase criterion is a holdover from DEP’s current water quality standards (“WQS”). It is NRWA’s understanding that DEP does not apply the 4° F criterion from a fixed baseline temperature, but rather, applies it cumulatively (i.e., incrementally). Nothing in the language of Appendix F indicates that this will not continue to be the case. In the long-term, however, the 4° F criterion fails to protect cold water fisheries if it is applied cumulatively, since this permits incremental increases in water temperature far beyond 4° F that are lethal to trout. A similar point can be made with reference to cool and warm water fisheries, covered by Sections F2 and F3. This adverse, unprotective consequence of the 4° F criterion can be avoided, however, if: (1) it is applied from a fixed temperature baseline; or (2) it is made clear in the Proposed Revisions that application of the 4° F criterion is limited by the other numeric criteria in Appendix F.

In sum, the proposed, revised temperature provisions do not provide the necessary assurance that the 4° F criterion will not be applied cumulatively, as in the past, to the serious detriment of cold water and other fisheries. This problem can be readily corrected, however, by modifying the relevant language in Appendix F as follows. “In any case, the ambient instream temperature should not be raised by more than 4 degrees Fahrenheit, and in no case may the ambient instream temperature be raised in excess of the numeric criteria cited above.”

We thank you for your consideration of our comments.

Sincerely,



Sara N. da Silva  
President, NRWA Board of Directors