



# **National Pollutant Discharge Elimination System General Permit for the Discharge of Stormwater Associated with Commercial Activity Fact Sheet**

Permit No.: CTR010000

This fact sheet sets forth the significant factual, legal, and policy considerations examined during preparation of this draft general permit. This action has been prepared in accordance with the Connecticut State Statutes and its implementing regulations, the Regulations of Connecticut State Agencies. Issuance of a general permit serves to simplify and streamline the National Pollutant Discharge Elimination System (“NPDES”) and state groundwater permitting process for similar types of discharges; in lieu of each facility having to obtain an individual permit. This general permit provides permit conditions and limitations to protect waters of the State from pollution.

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# General Permit for the Discharge of Stormwater Associated with Commercial Activity 2025 Reissuance Fact Sheet

## 1.0 General Permit History & Authority

### 1.1 Regulatory Authority

In 1965, the Connecticut Clean Water Task Force was commissioned to investigate the condition of rivers and harbors in Connecticut. In 1966, the Connecticut Clean Water Task Force developed an action program called Clean Water for Connecticut. Then, in 1967, Connecticut's Clean Water Bill was signed into law, inaugurating the state's modern water pollution control program. And, in 1970, the Connecticut Water Quality Standards were first approved by the federal government. The U.S. Environmental Protection Agency ("U.S. EPA") was created in 1971 and Congress began writing the federal legislation for the first national Clean Water Act – using Connecticut's Clean Water Act as a guide.

Congress passed the Federal Water Pollution Control Act of 1972 ("Clean Water Act" or "CWA") on October 18, 1972, 33 U.S.C. 1251 et seq., with the objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (section 101(a), 33 U.S.C. 1251(a)). To help achieve this objective, the CWA provides that "the discharge of any pollutant by any person shall be unlawful" except in compliance with other provisions of the statute, CWA section 301(a), 33 U.S.C. 1311(a).

The Water Quality Act of 1987 amended the CWA, adding section 402(p) which required implementation of a comprehensive program for addressing municipal stormwater discharges, industrial stormwater discharges, and any other stormwater discharge (or category of discharges) determined to contribute to a violation of an instream water quality standard or is a significant contributor of pollutants to waters of the United States. EPA was instructed to develop stormwater regulations in two phases and promulgated the Phase I and II Stormwater Rules in 1990 and 1999, respectively. In recent years, the authority granted by the CWA to designate additional stormwater discharges or categories of discharges not expressly included in the CWA has become known as Residual Designation Authority ("RDA").

### 1.2 Delegation and Permitting

The Connecticut Department of Energy and Environmental Protection ("DEEP" or "Department") is a delegated authority to implement the federal National Pollutant Discharge Elimination System ("NPDES") Program. In accordance with this delegation, DEEP has been provided the authority to promulgate regulations and issue permits in accordance with the Connecticut General Statutes ("CGS") and Regulations of Connecticut State Agencies ("RCSA").

DEEP first issued the *General Permit for the Discharge of Stormwater Associated with Commercial Activity* ("Commercial Stormwater GP" or "general permit") on August 1, 1995 under Section 22a-430b of the CGS in response to public concern about the environmental impact of big box and warehouse stores which were beginning to expand into the state. The purpose of the general permit is to protect the waters of the state from pollution originating from stormwater run-off associated with commercial activities. The Commercial Stormwater GP has been reissued multiple times without modifications, most recently on September 29, 2023. For discharges that enter a separate storm sewer system prior to discharge, the first waters of the state to which the permittee discharges is the waterbody

that receives the stormwater discharge from the separate storm sewer system. Interconnections shall be treated similarly to outfalls throughout the general permit.

### 1.3 Residual Designation Authority

In recent years, several states have exercised RDA to regulate stormwater discharges from properties in specific watersheds based on the activity conducted on the property and the amount of impervious surface on the property; many made the decision to exercise RDA following a petition from the Conservation Law Foundation (“CLF”). In December 2021, CLF filed a petition in Connecticut requesting DEEP make a determination that stormwater from privately-owned commercial, industrial, and institutional (“CII”) properties with half an acre or more of impervious surface were contributing to water quality impairments in watersheds located in Torrington and Winchester and exercise RDA to regulate these discharges.

DEEP responded to CLF’s petition in March 2022 acknowledging that increased impervious cover presents a documented threat to water quality pursuant to the findings of the *Connecticut Watershed Response Plan for Impervious Cover* (CTDEEP, 2015), but that such threat did not necessarily equate to the parcel size stated in the petition. DEEP pointed to existing efforts by the Department to address stormwater discharges from large impervious areas – namely the conditions of this general permit and the *General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems* – and provided information regarding plans to modify these general permits. In April 2022, CLF responded to DEEP by emphasizing several regional and national court rulings stating that the existence of other regulatory programs in the stormwater sector is not sufficient to justify a decision against exercising Residual Designation Authority. DEEP has continued protect water quality from discharges of stormwater using a systematic process to identify potential sources of pollution.

The Connecticut Department of Energy and Environmental Protection (DEEP) continues to exercise its federal and state discretionary Clean Water Act (CWA) residual designation authority (RDA) under CWA § 402(p)(2)(E) and implementing regulations. Under this authority, DEEP designates for National Pollutant Discharge Elimination System (NPDES) permitting certain stormwater discharges from commercial properties with five (5) acres or more of impervious surface, as identified by specific Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes.

In this iteration of the General Permit, DEEP is proposing to reconcile differences between the (2) two classification systems, close known loopholes used by the regulated community, and expand permit coverage to other activities with similar characteristics —specifically, properties with large amounts of impervious surface and/or outdoor storage of materials and products. These additions are intended to ensure that activities with comparable potential for stormwater pollutant loading are subject to the same control measures.

Pursuant to 40 C.F.R. §§ 122.26(a)(1)(v) and (a)(9)(i)(C)-(D), the Director (or, in states with approved NPDES programs, either the Director or the EPA Regional Administrator) may require stormwater controls for discharges based on:

1. Waste load allocations within Total Maximum Daily Loads (TMDLs) that address the pollutant(s) of concern; or
2. A determination that the discharge, or a category of discharges within a geographic area, either:
  - o Contributes to a violation of water quality standards; or

- o Is a significant contributor of pollutants to waters of the United States.

Extensive scientific research and national water quality modeling—including findings in Connecticut Watershed Response Plan for Impervious Cover (CTDEEP, 2015)—demonstrate a clear relationship between impervious surface area and stormwater pollutant loading. As impervious cover increases, so does the volume of stormwater runoff, which in turn elevates the loading of pollutants such as phosphorus, nitrogen, and bacteria to state waters. (Shaver et al., 2007; Center for Watershed Protection, 2003; Schueler, 2011; Chen et al., 2017). Published impervious cover studies performed here in CT indicate areas with more than 11% impervious cover present documented threats to water quality, but that it does not necessarily equate to the individual parcel size (as suggested by commenters).

The 2019 CT Nonpoint Source Management Program Plan (NPSMPP) identifies nonpoint source pollution as the most probable cause of pollution resulting in the greatest number of water quality impairments in Connecticut. Section 1.2 of the NPSMPP states, land use/land cover can strongly influence water quality and is a useful indicator of existing and potential NPS pollution. In Connecticut, analysis of land cover data from 1985 to 2015 by UConn's Center for Land Use and Education Research (CLEAR), as part of the ongoing “Connecticut’s Changing Landscape” project, shows the dramatic changes in land cover that have occurred in Connecticut over the past several decades. . . . The link between land use, landscape alteration, and water quality has been well documented by the Connecticut Department of Energy and Environmental Protection (CT DEEP), as measured by watershed impervious cover and biological assessments of streams across the state (Bellucci, 2007): in general, the higher the percentage of impervious cover within a watershed, the lower the water quality and support for aquatic life” Bellucci, C. (2007).

As determined in previous iterations of this permit, and reaffirmed herein, stormwater discharges from designated commercial properties:

- Contribute to violations of water quality standards;
- Represent significant sources of pollutant loading; and
- Must be controlled to meet TMDL waste load allocations (WLAs) and load allocations (LAs) for nutrients or bacteria.

While TMDLs assign specific WLAs and LAs to certain sources, they also identify the need for broad reductions in bacteria and nutrient loads from stormwater sources to meet in-stream water quality standards.

DEEP has determined—based on the administrative record—that controlling stormwater discharges from the specified commercial categories is necessary to achieve compliance with both water quality standards and TMDL requirements. While DEEP currently regulates stormwater through multiple mechanisms (including the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems [MS4s], the individual MS4 permit for the City of Stamford, the Industrial and Construction Stormwater General Permits, and the Connecticut Department of Transportation [CTDOT] MS4 General Permit), these programs do not encompass all types of large impervious surfaces; surfaces associated with commercial businesses and activities, such as parking lots or retail developments, require a separate regulatory mechanism. These improvements to the Commercial Stormwater General Permit address those regulatory gaps by requiring incremental improvements in stormwater quality through an adaptive management framework.

### Phased Implementation Approach

Consistent with U.S. EPA's Guidance for Water Quality-Based Decisions: The TMDL Process, a phased (or adaptive management) approach is appropriate where pollutant sources are complex, data limitations exist, or predictive tools are insufficient for complete characterization of the pollution problem.

Utilizing this approach, the general permit requires implementation of a suite of best management practices (BMPs) designed to prevent pollution and reduce pollutant loads over time. This iteration of the permit strengthens requirements by expanding on-site control measures and enhancing Stormwater Management Plan (SMP) provisions.

Key permit conditions include:

- Routine water quality monitoring;
- Measures to minimize pollutant exposure to stormwater;
- Regular parking lot sweeping;
- Catch basin cleaning and infrastructure maintenance; and
- Actions to consider the impacts of major storm events.

These measures are intended to achieve measurable reductions in stormwater pollutant loads, advance compliance with water quality standards, and progressively close identified regulatory coverage gaps.

## 2.0 Water Quality & Pollutants of Concern

Stormwater is water resulting from rain or snowmelt that runs off surfaces such as rooftops, paved streets, highways, and parking lots. Along the way, stormwater may pick up and transport pollutants including motor oils, gasoline, antifreeze, and brake dust (commonly found on pavements), fertilizers and pesticides (found on landscaped areas), and soils and sediments (from farms and construction sites). The water eventually flows into a local stream, river, or lake, or into a storm drain and continues through the system until it is released – untreated – into a local waterbody. Stormwater can result in significant pollution to surface water affecting primary contact recreation such as swimming and aquatic life use support. Stormwater discharges can be highly intermittent, are usually characterized by high flows occurring over relatively short time intervals, and can carry a variety of pollutants whose source, nature, and extent varies.

The term “pollutant” is defined in CWA section 502(6) and § 122.2 and in RCRA 22a-430-3(a)(3). Pollutants are grouped into three (3) categories: conventional, non-conventional, and toxic. By definition, there are five (5) conventional pollutants: 5-day biochemical oxygen demand (“BOD<sub>5-day</sub>”), total suspended solids (“TSS”), bacteria, pH, and oil and grease. Toxic or “priority” pollutants are those defined in Section 307(a)(1) of the CWA (and listed in 40 CFR §401.15) and include metals and manmade organic compounds. Nonconventional pollutants are those pollutants which do not fall under either of the above categories including such parameters as ammonia, nitrogen, phosphorus, chloride, chemical oxygen demand (“COD”), and whole effluent toxicity (“WET”). Stormwater run-off generated from different land surfaces impacted by the behaviors and activities of humans often contain sediment, bacteria, nutrients, and metals. This draft general permit includes provisions to ensure that discharges do not cause or contribute to exceedances of water quality standards.

Nationally, urban stormwater run-off may contain the following pollutants of concern:

### 2.1 Nutrients

Nutrients such as nitrogen and phosphorus are essential to the health of waterbodies, providing necessary components to support growth. However, when present in excess, nutrients can contribute to the overgrowth of algae resulting in harmful algal blooms. Then, when this excess algae decays, it consumes an outsized amount of the dissolved oxygen typically available in the water, depriving other plants and animals of necessary oxygen and leading to ecological damage. Human-related activities can contribute to this issue. Activities such as soil disturbance, fertilizer overuse, and improper waste disposal practices can all introduce additional nutrients into the environment. Stormwater can then transport these nutrients to receiving waters.

This permit requires permittees to address potential sources of nutrients through permit conditions designed to reduce or eliminate discharges of nutrients through increased awareness, elimination of improper discharges, management of stormwater run-off, and good housekeeping practices.

### 2.2 Bacteria & Pathogens

Bacteria and pathogens occur naturally in the environment but can pose a risk to human health if ingested. Water that has been contaminated with bacteria or pathogens can become unsafe to drink, recreate in, and shellfish harvested from contaminated water can become unsafe to eat. Human-related activities can introduce additional bacteria or pathogens to the environment. Activities such as improper waste disposal practices, manure management, soil disturbance, and poor housekeeping can all contribute to higher amounts of bacteria and pathogens. Stormwater can transport these pollutants to receiving waters.

This permit requires permittees to implement various Best Management Practices to reduce the potential for these constituents to be released into the environment through increased awareness, elimination of improper discharges, and good housekeeping practices.

### 2.3 Sediment

Erosion is a naturally occurring process, but excessive erosion exacerbated by human activities such as construction can cause significant amounts of sediment to be transported to receiving waterbodies, contributing to water quality issues and habitat impacts. While eroded sediment can be transported by various means, the most severe type is transport by water. Stormwater travelling over disturbed soil and impervious surfaces can transport and deposit large quantities of potentially contaminated sediment. Excess sediment transported by stormwater run-off can cause various issues in receiving waterbodies, such as the displacement of aquatic habitats in the receiving waterbodies and excessive turbidity caused by deposited sediment can limit the growth of aquatic plants, damaging aquatic ecosystems. Most troubling is sediment's ability to act as a vector to transport other pollutants such as nutrients and bacteria. Contaminated sediment can cause further damage to water quality and habitats in the receiving waterbody.

This permit requires compliance with the *Connecticut Guidelines for Soil Erosion and Sediment Control* (as amended). Measures outlined in these guidelines are intended to minimize the discharge and unintentional displacement of soil and sediment from land disturbing activities. In addition, this permit requires permittees to implement good housekeeping practices, such as street sweeping and catch basin cleaning, to prevent the accumulation of sediment and potential sediment contaminants on impervious surfaces, reducing the potential for these constituents to be discharged to receiving waterbodies.

For more information on sediment and sediment impacts, refer to the Connecticut Soil Erosion and Sediment Control Guidelines: <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines>.

### 2.4 Chlorides

Chlorides are salt components which primarily enter the environment as a result of the application of de-icing materials. During the winter, these de-icing materials are used to prevent the formation of ice on roadways, sidewalks, and other paved surfaces to enhance public safety during winter weather events. Through the season, chlorides build-up on surfaces and can be transported by stormwater run-off (including snowmelt) to waters of the state, potentially violating acute water quality criteria and/or contaminating public and private drinking water wells. Excess chlorides in the environment can cause significant damage that can have far reaching effects that can be very challenging to remediate. Damage to surface waters, groundwaters, and soil have an impact on the health of the ecosystems they support – excess chlorides can lead to declining health in native species of plants and animals which also allows invasive species which may be more resistant to salts to outcompete and displace these species. Chlorides can also cause damage to infrastructure such as roads and parking lots, curbing, signs, and pipes by eroding pavement, concrete, metals, and plastics.

Recognizing the prevalence of these materials and the important role they play in maintaining public safety through the winter, this general permit does not require the elimination of these materials. Permittees are encouraged to optimize their use of de-icing materials while balancing the safety benefits with the potential environmental impacts. Permittees are required to quantify any such efforts by tracking the amount of de-icing material applied each winter season.

For more information on chlorides and chloride impacts, refer to the following CTDEEP webpages:

- Salt Impacts & Our Environment (<https://portal.ct.gov/deep/salt/salt-main-page>)
- Road Salt: More Than Just a Grain of Salt (<https://storymaps.arcgis.com/stories/ab89278ae4df47469c6726924c47d92a>)

## 2.5 Metals

Metals such as lead, zinc, copper, and cadmium are common components of urban stormwater run-off due to their association with vehicle and tire wear. Though present in the environment, in high concentrations metals can bioaccumulate in aquatic plants and animals and can become toxic if not addressed. Stormwater travelling over impervious surfaces like roads, parking lots, and driveways can transport accumulated metals deposited by vehicles to receiving waterbodies.

Due to their relationship to sediment, BMPs effective at controlling sediment will also be effective at reducing the transport of metals by that sediment. This permit requires permittees to implement good housekeeping practices, such as street sweeping and catch basin cleaning, to prevent the accumulation of metals and contaminated sediment on impervious surfaces, reducing the potential for these constituents to be discharged to receiving waterbodies.

## 2.6 Oil and Grease

Oil and Grease is the term for a wide range of organic compounds that can be both petroleum-related (e.g., hydrocarbons) and non-petroleum (e.g., vegetable and animal oils and greases, fats, and waxes). While constituents in this category have many varying properties, oils and greases most commonly float on the surface of receiving waterbodies or absorb into floating or settled sediment. Oil and grease and related compounds can be lethal to fish, benthic organisms, and water-dwelling wildlife. Oil and grease can be introduced to the environment by many human activities, including from vehicles (fluids, lubricants, vehicle and tire wear and tear), maintenance (lubricants, coal-tar sealants used to improve pavement appearance), and poor housekeeping (spills, leakage from dumpsters or other waste storage, illicit discharges from food establishments).

Due to their relationship to sediment, BMPs effective at controlling sediment will also be effective at reducing the transport of oils and greases by that sediment. Good housekeeping practices, such as street sweeping, catch basin cleaning, and proper waste management, prevent the accumulation of oil and grease and contaminated sediment on impervious surfaces, reducing the potential for these constituents to be discharged to receiving waterbodies.

### **3.0 Authorization Under this General Permit**

This general permit authorizes stormwater discharges to waters of the state (direct, to wetlands, or through separate storm sewer systems (municipal or private)) associated with commercial activity from sites with five (5) acres or more of impervious surface. “Commercial Activities” are defined in this permit as those activities or facilities under the Standard Industrial Classifications (“SIC”) and North American Industry Classification System (“NAICS”) codes identified in Appendix A of the general permit. The industrial classification codes identified in Appendix A of the general permit consist primarily of those codes associated with wholesale trade, retail trade, and professional and personal services.

Commercial activities on sites with five (5) acres or more of impervious surface are expected to share common traits, such as large parking areas and outdoor storage of materials or outdoor display of products for sale.

The general permit is issued for a five (5) year duration and applies to the entire State of Connecticut. If the permit is administratively continued, permittees are required to comply with all permit terms and conditions, including the monitoring requirements at the original frequency during the continuance of the permit.

#### **3.1 Who Must Register**

Sites with five (5) or more acres of impervious surface that host one or more of the commercial activities described in Appendix A of the general permit are required to seek authorization under this permit. This five (5) acre impervious surface threshold is consistent with previous iterations of this permit. Sites with less than five (5) acres of impervious surface will not be required to register under this permit unless directed by the Commissioner, however the Commissioner encourages sites under the acreage threshold to evaluate their sites and minimize pollutant discharges to waters of the state.

Under this general permit, the site owner is responsible for submitting a registration and ensuring implementation of the requirements of this permit in most cases. The owner will not be responsible for submitting a registration if the site is operated by a single operator and that operator is solely responsible for the maintenance of the entire parking lot, catch basins, roof, and other impervious cover. In such a case, the operator would be responsible for submitting a registration and ensuring implementation of the requirements of this permit.

##### **3.1.1 Sites Authorized under the 2023 Commercial Stormwater GP**

For sites with existing authorization under the 2023 Commercial Stormwater GP, interim permit coverage will be provided, and permittees will have one-hundred-twenty (120) days from the date of issuance to submit a new registration. If a timely registration is not submitted, authorization may be terminated.

##### **3.1.2 Sites Not Authorized under the 2023 Commercial Stormwater GP**

###### **3.1.2.1 Existing Sites Without Existing Authorization**

For existing sites without existing authorization under the 2023 Commercial Stormwater GP, registrants must submit a complete application within one (1) year after the issuance date of the permit.

###### **3.1.2.2 New Sites**

For new sites (i.e., constructed after the effective date of this permit), registrants must submit a complete application sixty (60) days prior to the date the commercial activity is initiated at such site.

### **3.1.3 Sites with a New Owner or Operator**

This general permit is non-transferable. The existing permittee must submit a Notice of Termination form for any discharge at the site authorized under this general permit which the registrant has been transferred to a new entity. The new entity must submit a new registration for the discharge on or before thirty (30) days following the date of transfer.

### **3.1.4 Sites with Authorization under Another NPDES Permit**

Sites from which all stormwater discharges are covered by another NPDES permit (such as the *General Permit for the Discharge of Stormwater Associated with Industrial Activity*, the *General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems*, or an individual NPDES permit) will not be required to obtain authorization under this permit. Sites from which only a portion of the stormwater discharges are covered by another NPDES permit which meet the requirements of this permit must submit a registration for those stormwater discharges not authorized under another NPDES permit. Sites from which discharges other than stormwater are authorized under another NPDES are not exempt from this permit.

## **3.2 Obtaining Permit Coverage**

Any person who initiates, creates, originates, or maintains a discharge authorized by this general permit shall file a registration with the Commissioner that meets the registration requirements of the general permit. Such registration shall be submitted within the timeframe specified in the general permit, include the applicable fee, and a copy of the site's Stormwater Management Plan ("SMP").

### **3.2.1 Registration Process**

On October 22, 2015, the United States Environmental Protection Agency published the National Pollutant Discharge Elimination System ("NPDES") Electronic Reporting Rule ("NPDES eRule"), 40 CFR 127. The rule replaces most paper-based NPDES reporting requirements with electronic reporting, and details in Appendix A to Part 127 – Minimum Set of NPDES Data, the data required to be sent to EPA's Central Data Exchange ("CDX"). To comply with the federal regulations, in 2016 DEEP developed an eRule Implementation Plan. As part of that plan, on November 6, 2023, DEEP signed a Memorandum of Understanding ("MOU") with US EPA to develop an online application system.

Additionally, working towards meeting DEEPs 20by26 Goal 10, "Expand Tools for Online Services," DEEP is modernizing the current paper-based application submittal process.

For more information on the registration process, refer to the Commercial Stormwater webpage: <https://portal.ct.gov/deep/water-regulating-and-discharges/stormwater/commercial-stormwater>

### **3.2.2 Registration Review Timelines**

Upon receipt of a complete application, DEEP will review it in accordance with agency policies and the application review regulations (see Section 22a-430 of the RCSA). If an application is found to be incomplete, the registrant will be notified and, depending on the nature of the

deficiency, may be given the opportunity to provide the missing information. Applications that remain incomplete will be rejected, and the registrant will be required to submit a new application along with a new fee; please note that the registration fee is non-refundable. Once an application is determined to be complete, DEEP's Water Permitting and Enforcement Division ("WPED") will begin the technical review for further processing. During this stage, WPED staff may request additional information as needed to complete the review and issue a final decision.

If a complete application is submitted, applicants should expect the process to take approximately ninety (90) to one-hundred-eighty (180) days from the submittal of the registration fee to the receipt of a decision. Delays are possible near the registration deadlines set forth in the permit, as a large volume of registrations are anticipated to be submitted at once. Registrants are encouraged to submit registrations prior to the deadline.

For more information on registration timelines, refer to DEEP's 20by26 Initiative: <https://portal.ct.gov/deep/about/20by26/20by26-initiative/timely-permitting-decisions>

### **3.2.3 Limitations on Coverage**

Discharges must meet the requirements of authorization set forth in Section 2.2 of the general permit. The requirements of authorization are summarized below:

- A complete registration must be filed with the Commissioner.
- Discharges consist entirely of the eligible discharge – discharges of water, substance, or material other than the eligible discharge are prohibited.
- Discharges must not contain polychlorinated biphenyl ("PCB") compounds.
- Discharges must not contain mercury.
- Activities must be consistent with all applicable goals and policies of the Coastal Management Act (CGS §22a-92) and must not cause adverse impacts to coastal resources (as defined in CGS §22a-93(15)).
- Activities must not threaten the continued existence of any species listed pursuant to CGS §26-306 and will not result in the destruction or adverse modification of habitat designated as essential to such species.
- Activities located within an aquifer protection area (CGS §22a-354b) must comply with the regulations set forth in CGS §22a-354i.
- Activities located within a conservation or preservation restriction area must comply with CGS §47-42d by providing documentation to the Commissioner which provides 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.
- Activities 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 and such activities must not have a direct and adverse effect on the values for which such river designation was established.

- Stormwater must not be discharged to a Publicly Owned Treatment Works (“POTW”) unless the discharge to the POTW consists only of run-off from areas of the site associated with gardening or nursery materials.
  - This permit provides coverage to portions of the site associated with commercial activity discharging to surface waters or a municipal separate storm sewer.
- Discharge must not be discharged entirely to groundwater.
- Activities must be consistent with the Antidegradation Standards set forth in RCSA §22a-426-8.
- New or increased discharges to High Quality Waters must document compliance with the Connecticut Antidegradation Implementation Policy in the Water Quality Standards, as amended, at least thirty (30) days prior to the commencement of the discharge.
- New or increased discharges to impaired waters are not authorized unless the permittee provides to the Commissioner documentation demonstrating that the discharge is not expected to cause or contribute to an exceedance of the Water Quality Standard(s) that caused the impairment.
- Sites?? Permittees?? must obtain all other state and/or local authorizations necessary for the discharge.

## 4.0 Summary of Proposed Changes to the General Permit

The general permit contains substantial changes that are summarized below:

### 4.1 Standardized Language and Fees

The format and language of the general permit has been updated to be consistent with DEEP and division formats. This change is primarily cosmetic and does not affect the conditions of the permit.

Permit application fees have been increased from \$300 to \$625 to align with recently issued general permits. Under Section 22a-6(b) of the Connecticut General Statutes, municipalities pay half the application fee.

### 4.2 Permit Coverage

Under previous iterations of this permit, activities had been designated as “commercial activities” by use of the *Standard Industrial Classification Manual* (“SIC Manual”). The SIC Manual was last updated in 1987 and has since been superseded by the *North American Industrial Classification System Manual* (“NAICS Manual”). The general permit utilizes both the 1987 SIC Manual and the 2022 NAICS Manual to designate activities as “commercial activities.” The use of both manuals preserves the intent of previously issued permits while establishing a vector for forward growth.

In addition to the use of both the above-mentioned classification systems, DEEP is also designating several additional SIC/NAICS codes as “commercial activities” to accommodate differences between the two classification systems while providing coverage for activities which are expected to have similar property types (i.e., large amounts of impervious surface and/or the outdoor storage of materials and products) to those activities covered under previous iterations of this permit.

Commercial activities referred to here by their SIC designations, include:

- 078 – Landscaping and Horticultural Services
- 60 – Depository Institutions
- 61 – Non-depository Institutions
- 62 – Security and Commodity Brokers, Dealers, Exchanges, and Services
- 63 – Insurance Carriers
- 6512 – Operators of Nonresidential Buildings
- 6531 – Real Estate Agents and Managers
- 80 – Health Services
- 81 – Legal Services
- 82 – Educational Services
- 83 – Social Services
- 84 – Museums, Art Galleries, and Botanical and Zoological Gardens
- 86 – Membership Organizations
- 87 – Engineering, Accounting, Research, Management, and Related Services

A full list of SIC/NAICS codes and descriptions covered under this general permit can be found in Appendix A of the permit.

### **4.3 Expanded Stormwater Management Plan Requirements**

The following changes will allow DEEP to assess eligibility and compliance more efficiently under this permit.

DEEP is requiring permittees to submit a comprehensive Stormwater Management Plan (“SMP”) at the time of registration. Previously, permittees were required to develop a SMP but were not required to submit the document to DEEP unless requested.

DEEP is expanding the documentation permittees must provide within the SMP. Permittees will be required to provide a detailed description of the facility as well as a detailed site map including, but not limited to, the extent of the property and the location of existing buildings and structures, stormwater control structures (such as outfalls and catch basins), and certain activities (such as fueling and material storage).

### **4.4 Expanded Control Measure Implementation**

DEEP is increasing the water quality protections offered by this permit by expanding the control measures permittees are required to implement at their sites. Control measures are either structural or non-structural measures which are designed to prevent and/or reduce the discharge of pollutants from a site. Structural control measures such as stormwater retention ponds are typically used to control the quantity of stormwater at a site, therefore minimizing discharges and potentially mitigating flooding. Non-structural control measures are practices or behaviors such as street sweeping and routine inspections which are typically used to prevent the accumulation of pollutants, therefore improving discharge quality.

Many of the control measures included in this permit are intended to improve both understanding and management of site-specific conditions, which helps permittees to identify potential pollutant sources, strengthen operational practices, and proactively address stormwater risks before they result in water quality impacts. By fostering greater awareness and planning, these measures reduce the likelihood of pollutants entering stormwater discharges and ultimately provide stronger protection for receiving waters. These requirements create a comprehensive framework that not only supports compliance but also advances the overall goal of safeguarding water quality.

Some existing control measures in this general permit have been modified and several new control measures have been added.

#### **4.4.1 Modified Existing Control Measures:**

- Sweeping Schedule

Regular sweeping of impervious surfaces removes surface pollutants, reducing the amount of potential pollutants which may be transported by stormwater run-off. To increase the beneficial effects of sweeping, the draft general permit proposes to increase the required frequency of sweeping from twice per year (once in the fall and once in the spring) to four (4) times per year (twice in the fall and twice in the spring).

- Catch Basin Cleaning Schedule

Catch basins become less effective at both pollutant reduction and flood mitigation when excessively loaded with sediment, trash, and debris; by keeping them clean permittees can ensure that catch basins retain their efficiency over time. The rate at which catch basins become

full of sediment and trash, however, is dependent on site conditions and use. Therefore, the general permit changes the frequency from once per year, to a minimum frequency based on regular inspections of the catch basin in accordance with the inspection requirements set forth in Section 4.4.1.3 of the permit.

- Routine Site Inspection Schedule

Routine site inspections ensure that the permittee is aware of the conditions of the site and can respond to potential issues in a timely manner. To promote greater awareness, the general permit requires additional daily inspections in sensitive areas such as battery storage areas and lawn and garden centers for signs of spills, leaks, or other potential containment issues.

#### **4.4.2 New Control Measures Proposed in this General Permit:**

- Floor Drains

Interior floor drains may be inappropriately connected to and discharging to the stormwater collection system. The general permit requires permittees ensure that all interior floors drains are either appropriately authorized or sealed to prevent unlawful discharges.

- Roof Areas

Exhausts, ducts, and other mechanisms typically located on roofs may be subject to drippage which can comingle with stormwater run-off. The general permit requires permittees to inspect roof areas to determine if there are any sources of potential pollution and mitigate discharges from such sources if identified.

- Minimize Exposure

Certain materials may have a higher potential to contribute pollutants than others; by limiting exposure of these materials to stormwater, the permittee limits their potential to contaminate stormwater run-off. The general permit requires permittees to inventory materials stored outdoors and establish procedures to minimize exposure of such materials to stormwater.

- Sediment and Erosion Control

Areas with steep slopes or other factors which make them more susceptible to erosion may contribute sediment to the stormwater collection system or receiving water. The general permit requires permittees to identify and limit erosion from such areas.

- Management of Run-off

If a permittee observes the need for additional or improved stormwater management at a site, the general permit requires permittees ensure that any evaluation, construction, or design of such systems be performed by a professional engineer licensed to practice in the state of Connecticut. Where structural measures are implemented, the permit requires compliance with the Stormwater Quality Manual, as amended, ensuring design considerations are made relating to stormwater quality and quantity.

- Winter Maintenance Activities

De-icing materials (such as road salt) provide essential public safety benefits; however, these materials can also contribute significant pollution to receiving waters. Therefore, it is essential to optimize applications of de-icing materials to ensure safety while minimizing environmental

impacts. The general permit requires permittees to consider methods to optimize de-icing material application and track the amount of de-icing material applied each season to quantify such efforts.

- **Loading Docks**

Spills occurring at loading docks have a higher potential to contribute pollutants due to the wide variety of products and materials that are handled in these areas. The general permit requires permittees to maintain catch basins in such areas to ensure spills or other releases in these areas do not discharge to the stormwater collection system.

- **Fueling**

Fueling areas have a higher potential to contribute pollutants due to the quantity and type of materials stored in these areas. The general permit requires permittees to take measures to reduce the risk of such materials being discharged to the stormwater collection system, such as providing accessible spill kits and utilizing dry clean-up methods in such areas.

- **Vehicle and Equipment Maintenance**

Areas where vehicle and equipment maintenance is performed outdoors have higher potential to contribute pollutants due the activities performed and type of materials stored in these areas. The general permit requires permittees to take measures to reduce the risk of such materials being discharged to the stormwater collection system, such as utilizing drip pans and dry clean-up methods in such areas.

- **Lawn and Garden Centers**

Lawn and Garden Centers areas have a higher potential to contribute pollutants due to the quantity and type of materials stored in these areas. The general permit requires permittees to take measures to reduce the risk of such materials being discharged to the stormwater collection system, such as storing materials under cover, utilizing dry clean-up methods, and minimizing the overwatering of plants.

## **4.5 Outfall and Visual Monitoring**

DEEP is requiring, for the first time, analytical monitoring for all permittees under this general permit. The monitoring program consists of nineteen parameters to be sampled annually for each stormwater outfall at the site. These parameters were chosen based on known pollutants of concern related to pavement and other impervious surfaces. The analytical monitoring is “report-only” and does not have associated effluent limits or benchmark thresholds or other baseline values for comparison. Samples for analytical monitoring must be collected during a storm event that generates a discharge at the outfall and which occurs at least 72 hours after the previous storm event which generated a discharge.

Monitoring data collected through this permit will be used to inform future iterations of the permit, including the need for additional or advanced control measures and or BMPs, the need for continued analytical monitoring, and the applicability of the five (5) acre impervious surface threshold.

DEEP is also requiring quarterly visual monitoring for all permittees under this general permit. Visual monitoring consists of collecting a stormwater sample from an outfall and observing it for indicators of pollution, such as color, odor, or sheen. Permittees are required to keep a record of observations, but no analytical testing is required for samples collected for visual evaluations. The results of visual

monitoring are to be used by the permittee to assess the implementation of control measures at their site.

## 5.0 Conditions of this General Permit

Under this general permit, the permittee shall ensure all authorized activities and discharges are conducted in accordance with the following general permit conditions: Stormwater Management Plan (“SMP”), Control Measures, Monitoring, Reporting, and Record Keeping.

### 5.1 Discharges to a Waterbody With or Without Total Maximum Daily Loads

DEEP is required by Section 303(d) of the federal Clean Water Act to assess state waterbodies to determine if such waterbodies are meeting their designated use(s). If a waterbody is not meeting the designated use, the waterbody is listed as impaired and DEEP is required to develop a plan – such as a Total Maximum Daily Load (“TMDL”) or Action Plan – which identifies potential sources that may be contributing to the impairment and sets forth a plan aimed at restoring and/or maintaining the designated use of the waterbody.

The permit continues to implement these TMDLs and Action Plans through permit requirements designed to reduce or eliminate the discharge of pollutants. The majority of waterbodies that have been identified as impaired (with or without TMDLs) for which stormwater is a potential source, are caused by excess discharges of phosphorus, nitrogen, bacteria, and sediment.

#### 5.1.1 Long Island Sound Nitrogen TMDL

Long Island Sound (“LIS”) has an approved TMDL to achieve water quality standards for dissolved oxygen by addressing sources of nitrogen in the watershed. The watershed for the LIS encompasses virtually the entire state of Connecticut as well as portions of Massachusetts, Vermont, New Hampshire, New York, and Quebec, Canada. Nitrogen is the primary limiting nutrient for the growth of algal blooms in LIS. Algal growth and decay contribute to low dissolved oxygen levels and the subsequent impairment of the designated uses of the waterbody. While nitrogen naturally occurs in the environment and is essential to the health of the waterbody, excess nitrogen caused by human-related disturbances can have significant impacts on the receiving water. Stormwater run-off from urban areas is considered to be a significant source of nitrogen into LIS.

The permit continues to address potential sources of nitrogen throughout the state through permit conditions designed to reduce or eliminate discharges of nitrogen through awareness, elimination of improper discharges, management of stormwater run-off, and good housekeeping practices.

For more information on the Long Island Sound Nitrogen TMDL, refer to the core document: [https://portal.ct.gov/-/media/DEEP/water/lis\\_water\\_quality/nitrogen\\_control\\_program/tmdlpdf.pdf](https://portal.ct.gov/-/media/DEEP/water/lis_water_quality/nitrogen_control_program/tmdlpdf.pdf).

#### 5.1.2 Connecticut Statewide Bacteria TMDL

The presence of bacteria and other pathogens in surface waters can pose a risk to human health through contact with and ingestion of contaminated waters or through consumption of shellfish harvested from contaminated waters. The draft revised Connecticut Statewide Bacteria TMDL Core Document (2024) identifies several ways by which bacteria and other pathogens can be deposited in surface waters including water pollution control facilities, urban stormwater run-off, construction activities, illicit connections, failing subsurface disposal systems (i.e., septic systems), and waste from pets, livestock, and wildlife. Connecticut uses indicator bacteria such as

Total Coliform, Escherichia coli (“E. coli”), fecal coliform bacteria, and Enterococcus as evidence of pathogenic contamination.

The general permit continues to address potential sources of bacteria throughout the state through permit conditions designed to reduce or eliminate discharges of bacteria through awareness, elimination of improper discharges, management of stormwater run-off, and good housekeeping practices.

For more information on the Connecticut Statewide Bacteria TMDL, refer to the core document: [https://portal.ct.gov/-/media/deep/water/water-quality-action-plans/tmdl/2024\\_draft\\_bacteria\\_tmdls/ctbacteriatmdl\\_core-doc\\_2024draft.pdf?rev=9e525ad1214b470eb90d9159c85e2b39&hash=1987CA3CC64531CE6EE027878C332D30](https://portal.ct.gov/-/media/deep/water/water-quality-action-plans/tmdl/2024_draft_bacteria_tmdls/ctbacteriatmdl_core-doc_2024draft.pdf?rev=9e525ad1214b470eb90d9159c85e2b39&hash=1987CA3CC64531CE6EE027878C332D30).

### **5.1.3 Connecticut Advance Restoration Plan for Total Phosphorus**

While phosphorus naturally occurs in the environment and is essential to the health of the waterbody, excess phosphorus caused by human-related disturbances can have significant impacts on the receiving water, such as the promotion of algal blooms and subsequent low dissolved oxygen. The Connecticut Advance Restoration Plan for Total Phosphorus in Non-Tidal Surface Waters (2024) identifies erosion and stormwater run-off from urban areas as potential sources of phosphorus.

The general permit continues to address potential sources of phosphorus throughout the state through permit conditions designed to reduce or eliminate discharges of phosphorus through awareness, elimination of improper discharges, management of stormwater run-off, and good housekeeping practices.

For more information on the Connecticut Advance Restoration Plan for Total Phosphorus, refer to the core document: <https://www.epa.gov/system/files/documents/2024-12/ct-statewide-phosphorus-advance-restoration-plan-for-freshwater-rivers.pdf>.

### **5.1.4 Northeast Regional Mercury TMDL**

The presence of mercury in surface waters can pose a risk to human health primarily through consumption of fish or shellfish harvested from mercury contaminated waters. The majority of mercury released into the environment is released into the air and reaches waterbodies via atmospheric deposition. Although stormwater run-off is included in this TMDL as a potential source, it is expected that “all significant decreases in mercury loading to the region will come from reductions in atmospheric deposition” (Northeast Regional Mercury TMDL, 2007).

The general permit continues to address potential sources of mercury throughout the state through permit conditions designed to reduce or eliminate discharges of mercury through awareness and good housekeeping practices.

For more information on the Northeast Regional Mercury TMDL, refer to the core document: [https://portal.ct.gov/-/media/DEEP/water/tmdl/CTFinalTMDL/ne\\_hg\\_tmdl](https://portal.ct.gov/-/media/DEEP/water/tmdl/CTFinalTMDL/ne_hg_tmdl).

## **5.2 Water Quality and Technology Based Effluent Limits**

Similar to the approach taken with other EPA stormwater permits, this general permit requires permittees to comply with non-numeric technology-based and water quality-based effluent limits

expressed narratively by implementing control measures, commonly referred to as best management practices (“BMPs”). In limited circumstances, BMPs take the place of numeric effluent limitations to control or abate the discharge of pollutants, including, but not limited to, control of stormwater discharges authorized under section 402(p) of the CWA and where reasonable to achieve effluent limitations and standards or to carry out the purpose of the CWA (40 CFR § 122.44(k)(3) and (4)). Due to the variability associated with stormwater and in accordance with 40 CFR § 122.44(k)(3), BMPs are currently the most appropriate method to regulate discharges of stormwater from conveyance systems under this general permit. At the same time, where necessary, DEEP also includes clear, specific, and measurable permit requirements to protect water quality standards.

### **5.3 Stormwater Management Plan**

The Stormwater Management Plan (“SMP”) is a site-specific document developed by the permittee which describes, in detail, current site conditions and the measures in place to comply with the general permit requirements. It describes how the site will be managed and operated to minimize or eliminate the potential to discharge pollutants through stormwater run-off from the site. By having a comprehensive understanding of conditions present at the site, permittees can better anticipate stormwater issues and effectively respond to pollution concerns should they occur. The SMP is a living document and is intended to be updated regularly to reflect current site conditions.

The SMP must address, at minimum, the following elements (these elements are described in more detail in Section 4 of the proposed general permit):

- Facility description – detailed description of activities taking place at the site.
- General location map – map showing the site and the surrounding features such as roads and receiving waters.
- Detailed site map – map showing the boundaries of the site and the locations of buildings, facilities, stormwater structures, and certain activities.
- Inventory and management of potential pollutant sources – inventory of potential pollutant sources at the site and a description of how they are managed.
- Spills and leaks – inventory of spills and leaks of more than five (5) gallons that have occurred at the site which could affect the quality of stormwater run-off.
- Control measures – description of the measures implemented at the site to comply with each of the measures listed in Section 4 of the general permit.
- Non-stormwater discharges – description of all known non-stormwater discharges at the site which may commingle with stormwater run-off.

Permittees are responsible for keeping the SMP up to date. The SMP should be evaluated annually and updated whenever there is a change at the site that may affect stormwater discharges (including how control measures are implemented), the actions of the SMP fail to adequately protect against pollution, or the Commissioner requests modification of the SMP.

### **5.4 Control Measures**

Control Measures are measures designed to prevent and/or reduce the discharge of pollutants from a site. The permittee shall describe how each Control Measure is implemented at their site in the Stormwater Management Plan and implemented to the Maximum Extent Achievable (“MEA”).

The proposed general permit divides Control Measures into two categories: “Control Measures applicable to all sites” and “Control Measures applicable to sites with certain conditions.” This division was made in recognition that commercial sites have a wide variety of conditions and that not all conditions will apply to every site.

#### **5.4.1 Measures Applicable to All Permittees**

- Good Housekeeping – requires that permittees maintain a clean and orderly site.
- Washwater – requires permittees prohibit the discharge of washwater from washing, rinsing, or cleaning to a stormwater collection system or waters of the state (except in accordance with a permit issued by DEEP).
- Floor Drains – requires permittees to confirm that no interior floor drain discharges to a stormwater collection system or waters of the state (except in accordance with a permit issued by DEEP).
- Roof Areas – requires permittees inspect roof areas for potential pollution sources and, if sources are identified, minimize the potential of pollution from such sources.
- Minimize Exposure – requires permittees to minimize the exposure of potential pollutant sources to stormwater.
- Sediment and Erosion Control – requires permittees to identify areas of the site with potential soil erosion and limit erosion in such areas.
- Management of Run-off – requires permittees to investigate the need for stormwater management or treatment practices at the site and install and maintain any deemed reasonable and appropriate.
- Preventative Measures – requires permittees to implement a preventive maintenance program to regularly inspect, test, evaluate, and repair equipment with may result in a discharge of pollutants if malfunction were to occur.
- Sweeping – requires permittees to sweep impervious surfaces at least four times a year – twice in the fall (September 1 to December 31) and twice in the spring (March 1 to May 30) – and perform additional sweeping as needed.
- Outside Storage – requires permittees to maintain materials stored outside in such a way that minimizes the potential of stormwater exposure or contamination.
- Winter Maintenance Activities – requires permittees to consider methods to optimize the application of de-icing materials at the site and record the type and weight of material applied each winter season.
- Spill Prevention and Response – requires permittees to minimize the potential for leaks, spills, and other uncontrolled releases and the impact from such releases by identifying potential risks and establishing appropriate response procedures.
- Dumpsters – requires permittees to ensure dumpsters and other temporary waste storage containers are in sound, watertight condition and have intact covers and drain plugs.
- Loading Docks – requires permittees to maintain loading areas in such a way to prevent spilled materials from entering the stormwater collection system.

- Employee Training – requires permittees provide annual training to employees on implementation of the Stormwater Management Plan.

#### **5.4.2 Measures Applicable to Sites with Certain Activities**

- Solid De-icing Material Storage – requires permittees storing de-icing materials outdoors at the site to provide cover for such materials when not in use; different requirements exist for temporary and permanent storage of de-icing materials, as well as for de-icing materials stored outdoors in certain areas.
- Fueling – requires permittees with outdoor fueling of vehicles and/or equipment to provide accessible spills kits, utilize dry clean-up methods, and minimize the discharge of pollutants within fueling areas.
- Vehicle and Equipment Maintenance – requires permittees performing vehicle and equipment maintenance outdoors to utilize drip pans and dry clean-up methods in such areas and treat and/or recycle collected stormwater run-off from such areas.
- Outdoor Storage or Liquid Materials – requires permittees with liquid materials stored outdoors to provide sufficient containment for such materials (110% of the volume of the largest container in an area or 10% of all the containers in an area, whichever is larger).
- Lawn and Garden Centers – requires permittees with lawn and garden centers located on-site to maintain such areas in such a way to prevent the discharge of pollutants, including utilizing dry clean-up methods, storing certain liquid materials indoors, storing certain solid materials under cover, and minimizing overwatering of plants.

### **5.5 Inspections and Maintenance**

Permittees are required to regularly evaluate the condition of the site and respond to observed issues in a timely manner. There are two types of inspection: “routine site inspections” and “comprehensive site inspections.”

#### **5.5.1 Routine Site Inspections**

Assess the condition of the site and the implementation of the control measures established by the SMP. These inspections are to be performed at the following intervals:

- Daily – inspect sensitive areas such as battery storage areas, lawn and garden centers, and outdoor storage areas for evidence of containment issues, such as spills and leaks.
- Weekly – inspect the site for surface debris such as accumulating litter or sediment.
- Monthly – inspect all areas covered by the SMP to evaluate control measure implementation and inspect all stormwater structures for debris and sediment accumulation.

#### **5.5.2 Comprehensive Site Inspections**

Evaluate the implementation of all Control Measures in the permittee’s SMP, including a report assessing the sufficiency of those measures and the documentation kept. These inspections are to be performed semi-annually (i.e., twice per year). A report summarizing the findings of the inspection will be reviewed and signed by the permittee and maintained with the Stormwater Management Plan.

## 5.6 Monitoring

Sampling and analyzing stormwater discharges from the site informs permittees as to the effectiveness of the Control Measures implemented on the site. Samples must be collected during wet-weather events that generate a discharge at the outfall occurring after a period of seventy-two (72) hours or more of dry-weather. Monitoring is separated into two categories: “Outfall Monitoring” and “Visual Monitoring.”

### 5.6.1 Outfall Monitoring

Permittees are required to collect a stormwater sample and have that sample analyzed for nineteen (19) parameters. These parameters were chosen to represent known sources of pollution likely to be present at commercial sites. Permittees are required to conduct outfall monitoring once annually for each outfall at the site and submit the results of the analysis electronically to DEEP. The parameters to be sampled are as follows:

Parameter, Unit	Parameter, Unit
Total Oil & Grease, mg/l	Total Suspended Solids (TSS), mg/l
pH, s.u.	Total Dissolved Solids (TDS), mg/l
Conductivity, umhos/cm	Total Phosphorus, mg/l
Hardness, mg/l	Total Kjeldahl Nitrogen (TKN), mg/l
Total Copper, mg/l	Nitrate as Nitrogen, mg/l
Total Lead, mg/l	Nitrite as Nitrogen, mg/l
Total Zinc, mg/l	Ammonia as Nitrogen, mg/l
Total Aluminum, mg/l	Chloride, mg/l
Iron, mg/l	Bacteria*, CFU/100 ml
Chemical Oxygen Demand (COD), mg/l	
*Samples collected for discharges to fresh water must sample for Escherichia Coli (E-coli) and Total Coliform. Samples collected for discharges to salt water or estuary (brackish) must sample for Enterococci and Fecal Coliform.	

The outfall monitoring is “report-only” and does not have associated benchmark thresholds or other baseline values for comparison.

### 5.6.2 Visual Monitoring

Permittees are required to observe a stormwater sample for discernable indicators of pollution such as color, odor, foam, and oil sheen. Permittees are required to conduct visual monitoring quarterly and maintain records of observations with the SMP.

## 5.7 Recordkeeping and Reporting

Permittees are responsible for retaining copies of all records required under this general permit for a minimum period of five (5) years after the date of termination of the permit or after the permit expires.

All stormwater data collected must be submitted through EPA’s online NetDMR portal as identified in the permit and required by the eRule, or otherwise specified by the Commissioner. Additional information and guidance can be found on DEEP’s [Stormwater Management webpage](#).

DEEP encourages existing permittees to educate themselves with the current training tools available on EPA’s website.

## **5.8 Duty to Correct, Record, and Report Violations**

Consistent with the Regulations of Connecticut State Agencies, permittees are required to immediately take all reasonable actions to correct known noncompliance with the conditions of this general permit. In the event that such noncompliance may endanger human health or the environment, the permittee must notify DEEP. This section was modified to provide concise and consistent requirements for how and when to report a permit violation. DEEP has developed an online Noncompliance Reporting web-based platform accessible on our website: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Stormwater-Management>.

Permittees must report violations as soon as knowledge of the violation becomes available and submit the required five (5) day follow-up report. If the permittee discharges through a municipal separate storm sewer system (MS4), these reports must also be submitted to the MS4 owner/operator.

## **5.9 Analytical Methods**

All sample analysis required 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 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.

## **5.10 Regulations of Connecticut State Agencies**

The permittee shall comply with sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as is fully set forth herein.

## **5.11 Federal Standard Conditions**

The federal and state standard conditions in 40 CFR 122.41-Conditions applicable to all permits, are hereby incorporated into this general permit, as is fully set forth herein.

## **5.12 Antidegradation**

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

## **5.13 Appendix A of the General Permit– Applicable SIC & NAICS Codes**

Appendix A of the general permit lists those SIC and NAICS codes considered to be “commercial activities.” Discharges of stormwater from sites where the primary activity occurring at the site can be most accurately described by one of the codes (SIC or NAICS) listed in this appendix are eligible for coverage under this general permit. Those sites that are eligible for coverage which have five (5) or more acres of impervious surface are required to seek authorization under this general permit. This permit includes both of these classification systems to provide clarity to the permitted community on who must register.

Section A.1 describes SIC codes considered to be “commercial activities.” Of these codes, all those listed under “SIC Division H: Finance, Insurance, and Real Estate,” those codes beginning with 8 listed under “SIC Division I: Services,” and the industry “Landscape and Horticultural Services” are newly added to the definition of commercial activity. These codes were added due to their similarity to codes previously included in this general permit.

Section A.2 describes NAICS codes considered to be “commercial activities.” As NAICS were not previously included in the definition of commercial activities, all codes in this section are newly added. NAICS codes were added to the definition of commercial activities in order to preserve the intent of the previous permits while establishing a vector for forward growth.

#### **5.14 Appendix B of the General Permit – Aquifer Protection Areas and Other Groundwater Drinking Supply Areas**

Appendix B of the general permit provides guidance to permittees regarding stormwater management in aquifer protection areas.

## 6.0 RDA References

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- EPA, Clean Water Act Residual Designation Determination for Certain Stormwater Discharges in the Charles, Mystic, and Neponset River Watersheds, in Massachusetts, (Sept. 14, 2022) <https://www.epa.gov/system/files/documents/2022-09/epa-r1-rda-determination-charlesmystic-neponset-2022-combine-signed.pdf>.
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- EPA's Residual Designation Authority: <https://www.epa.gov/npdes/epas-residual-designation-authority>. 40 CFR 122.26(a)(9)(i)(C) and (D): <https://www.govinfo.gov/content/pkg/CFR-2015-title40vol22/pdf/CFR-2015-title40-vol22-sec122-26.pdf>
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## 7.0 Summary of Significant Changes Following Public Comment Period

Summary of changes from the draft permit and fact sheet posted March 20, 2025 made in response to comments received.

### 7.1 Changes to Permit

- Grammatical and spelling errors corrected throughout the permit.
- Minor language changes not affecting permit conditions made throughout the permit for clarity and ease of reading; language changes potentially affecting permit conditions listed separately.
- Section 2.1: Impervious cover threshold added to eligible activities statement.
- Section 2.1: The phrase “the Commissioner may determine that other commercial activities not covered by the SIC or NAICS codes identified in Appendix A may be subject to this general permit” was added to Section 2.1 (this phrase was previously in the permit as part of the definition of “Commercial Activity”).
- Section 2.2.1: Limitation stating that eligible discharges which discharge to publicly or privately owned storm sewers or conveyances must receive written consent to discharge to such system from the system owner removed.
- Section 2.6.1: The statement that, should an existing permittee fail to submit a timely application, “authorization under this permit will terminate on the due date for the registration under the reissued general permit unless otherwise specified in the reissued general permit” has been modified to state that, in the same situation, “DEEP may terminate authorization under this general permit.”
- Sections 3.1.2 & 3.1.3: “Sites With Existing Discharge Authorization” (previously Section 3.1.3) has been moved to before “Sites Without Existing Discharge Authorization” (previously Section 3.1.2).
- Section 3.1.2: The deadline to submit an application and an updated SMP has been increased from ninety (90) days to one-hundred-twenty (120) days.
- Section 3.1.3: The Section has been subdivided into two subsections, “Existing Sites Without Existing Discharge Authorization” (Section 3.1.3.1) and “New Sites” (Section 3.1.3.2).
- Section 3.1.3.1: The deadline to submit an application and a SMP has been increased from ninety (90) days to one (1) year.
- Section 3.1.3.2: The deadline to submit an application and a SMP has been increased from thirty (30) days prior to initiating commercial activity to sixty (60) days prior to initiating commercial activity.
- Section 3.3.2.2.f: The word “contiguous” was removed.
- Section 3.4.2: Section reference corrected from “3.7.1” to “3.4.1.”
- Section 3.4.3: Section reference corrected from “3.7.2” to “3.4.2.”
- Section 4.1.2: Outdated standard language replaced with current standard language.
- Section 4.2.2.4.b: Material management practices updated to include both run-on and run-off.

- Section 4.2.2.7: “Discharge that could occur” changed to “discharges that occur or are likely to occur.” Clarification of details to include in the description of non-stormwater discharges added.
- Section 4.3.1.5: Clarification has been added that efforts to minimize exposure should be “through adherence to management of such materials established in 4.2.2.4.b.”
- Section 4.3.1.12: “Methods considered and implemented” has been clarified to “methods considered and methods implemented,” indicating that both are expected to be included in the SMP. The name of the CT Training and Technical Assistance Center has been corrected.
- Section 4.3.1.16: Additional details regarding which employees must receive training, and the topics of said training have been added.
- Section 4.3.1.17: The new section “Awareness of Flood Hazards” has been added.
- Section 4.3.2.2: “DEEP highly recommends” has been modified to be consistent with the format of other recommendations made in the permit.
- Section 4.3.2.3: Clarification has been added to the recommendation that, when maintenance is performed outdoors, run-on to the maintenance area be minimized.
- Section 4.3.2.4: The in-line definition “relevant pollutant” has been added to the list of definitions applicable to this section.
- Section 4.3.2.5: The qualifier “excessive” has been removed.
- Section 4.3.2.4.a: Section has been made consistent with Section 4.3.1.3.
- Section 4.3.2.4.d: Clarification has added to plant watering discharges.
- Section 4.4: Added clarification concerning recordkeeping requirements.
- Section 4.4.1: Additional details added on records of routine inspections.
- Section 4.4.2.3: “weather conditions during the inspection” added.
- Section 4.5.1.1: Title of section changed to “Analytical Monitoring Requirements.” Added that monitoring must be conducted at least annually for the entire permit term, with additional clarification that annually refers to the permit year. Clarification that samples for analytical monitoring must be collected pursuant to Section 4.5.2.
- Table 4-1: NetDMR Codes have been added. The units for the bacteria parameter have been changed to CFU/100 ml.
- Sections 7.15 & 7.27: Redundant “Duty to Reapply” section removed.
- Section 9: The following changes have been made to definitions in this section:
  - Definition of “Calendar Year” added.
  - Definition of “Coastal Jurisdiction Line” added.
  - Definition of “Coastal Waters” moved.
  - Definition of “Commercial Activity” modified to remove the phrases “An activity, site, or facility with a SIC or NAICS code already authorized by the General Permit for the Discharge of Stormwater Associated with Industrial Activity is not included in this definition” and “the

Commissioner may determine that other commercial activities not covered by the SIC or NAICS codes identified in Appendix A may be subject to this general permit.”

- Definition of “High Quality Waters” added.
- Definition of “Hydrant Flushing” added.
- Definition of “Quarterly” changed to calendar quarter and additional clarification added.
- Definition of “Stormwater” modified to reflect definition in 40 CFR 122.26.
- Definition of “Surface Water” replaced with references to Sections 22a-426-1 and 22a-430-3 of the Regulations of Connecticut State Agencies.

## **7.2 Changes to Fact Sheet**

- Grammatical and spelling errors corrected throughout the permit.
- Minor language changes not affecting permit conditions made throughout the fact sheet for clarity and ease of reading; language changes potentially affecting permit conditions listed separately.
- Section 1.4: Section added with additional information on RDA.
- Sections 2.4 & 2.6: Additional information on pollutants and their effects have been added to Sections 2.4 (“Chlorides”) and 2.6 (“Oil & Grease”) for informational purposes.
- Section 3.1: Registration timelines updated to reflect changes to the permit.
- Section 3.1.1: Registration timeline updated from ninety (90) days to one-hundred-twenty (120) days after effective date.
- Section 3.1.2: The Section has been subdivided into two subsections, “Existing Sites Without Existing Discharge Authorization” (Section 3.1.2.1) and “New Sites” (Section 3.1.2.2).
- Section 3.1.2.1: Registration deadline for new permittees increased from ninety (90) days to one (1) year.
- Section 3.1.2.2: Registration deadline increased from thirty (30) days prior to initiating commercial activity to sixty (60) days prior to initiating commercial activity.
- Section 3.1.4: Added examples of common NPDES permits which may overlap with this permit.
- Section 3.2.1: Section demoted from Section 3.3 to 3.2.1.
- Section 3.2.2: Section added discussing typical registration timelines.
- Section 3.2.3: Section added summarizing the limitation on coverage set forth in Section 2.2 of the permit.
- Section 4.2: SIC codes added to list of SIC descriptions of newly designated commercial activities.
- Section 4.4: Addition information on the environmental benefits of control measures added for informational purposes.
- Sections 4.4.1 & 4.4.2: Additional information on the environmental benefits of control measures added for informational purposes.
- Section 4.5: Clarification added concerning when a stormwater sample can be collected.

- Section 5.3: Additional information regarding benefits of the Stormwater Management Plan added for informational purposes.
- Section 5.5.2: Frequency of Comprehensive Site Inspections changed from “twice a year” to “semi-annually” to reflect changes to the permit. Clarification regarding document retention added.
- Section 5.6.1: Units for bacteria results changed from “col/100 ml” to “CFU/100 ml.” Footnote added describing what species of bacteria must be sampled in certain conditions.

## **8.0 Public Participation**

On March 20, 2025, DEEP’s Water Permitting & Enforcement Division (“WPED”) published notice of its tentative determination to reissue the Commercial Stormwater General Permit. The notice of tentative determination and draft copy of the permit and its fact sheet were concurrently posted on DEEP’s website. The notice provided a thirty (30) day public comment period.

Public comments were received during the notice period. The comments have been evaluated and WPED has made changes to the final proposed permit in response. The public comments and WPED’s responses are included in the Response to Comment document.

No petitions for hearing were received during the public comment period. The proposed final permit and fact sheet includes revisions from those published with the notice of tentative determination.