



Response to Comments

National Pollutant Discharge Elimination System General Permit for the Discharge of Stormwater Associated with Commercial Activity

Permit No. CTR010000
October 2025

The Commissioner of the Connecticut Department of Energy and Environmental Protection (“the Commissioner,” “Department,” or “DEEP”) placed the above referenced permit (the “Commercial Stormwater GP”) on public notice for comment from March 20, 2025 through April 21, 2025. Comments received during this notice period are accounted below. The following is a summary of the comments in italics followed by the Commissioner’s response and recommendation. Comments amended for clarity and grouped by topic.

Comments on Language and Conditions:

1. *[Section 2.1] “Eligible activities” should include the impervious cover acreage threshold for accuracy.*

Response: Any commercial activity meeting the definition of “commercial activity” set forth in Section 9 is considered eligible for coverage. Section 2.1 has been updated to include the impervious coverage threshold of sites with more than five acres of contiguous impervious cover.

2. *[Section 2.1.1] The Council notes that the discharge of hydrant flushing water was identified in the draft Comprehensive General Permit for Discharges to Surface Water and Ground Water (Comprehensive GP), under section 2.1. The Council questions if discharges of hydrant flushing are “authorized under this permit” as an allowable non-stormwater discharge, or an eligible activity & discharge under the Comprehensive GP. The Council suggests that DEEP confirm which general permit would authorize the discharge of hydrant flushing water.*

Response: The inclusion of hydrant flushing water in this permit is as an allowable non-stormwater discharge as it relates to hydrant flushing associated with commercial activities. Meaning, should such a discharge of hydrant flushing occur at a site covered under this permit, it is an authorized discharge and will not be considered an unauthorized discharge of this general permit.

3. *[Section 2.1.1] Please consider adding fire pump testing water to the list of allowable non-stormwater discharges (provided best management practices are employed), as a fire pump is tested for the same reason that a fire hydrant is tested (to ensure an adequate supply of water in the event of a fire) and the water being discharged from a fire pump is city drinking water, which is the same as what is being discharged from a hydrant.*

Response: Fire suppression system test water often sits stagnant in pipes for long periods, allowing bacteria (including Legionella and coliforms) to grow. The water can also accumulate metals such as iron, copper, and lead from pipe corrosion, as well as debris, sediment, and treatment chemicals (like corrosion inhibitors or antifreeze additives). Discharging it directly to surface water can introduce these

pollutants, harming aquatic organisms, altering habitat chemistry, and violating water quality regulations. Instead, it should be captured, treated, or directed to a sanitary sewer for proper handling.

Fire hydrant water generally comes directly from the municipal drinking water system and is typically potable – meaning it has already been treated to meet stringent drinking water standards for pathogens, metals, and other contaminants. Unlike stagnant water in fire suppression systems, it is fresh, chlorinated, and generally free of harmful substances. When discharged, the residual chlorine rapidly dissipates, and it generally poses minimal risk to aquatic life or water quality. This makes surface water discharge acceptable in most cases, provided flows are managed to prevent erosion or physical disturbance.

4. *[Section 2.1.1] EPA recommends a qualifier for allowing irrigation water as a discharge so long as it does not contain pesticides or fertilizers.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

5. *[Section 2.1.1] EPA encourages CT DEEP to avoid the use of conjunctions.*

Response: DEEP believes EPA mean “contractions” not “conjunctions” in their comment. Where identified, contractions have been removed.

6. *[Section 2.1.1] EPA encourages CT DEEP to specify the kinds of best management practices that are applicable for allowing hydrant flushing.*

Response: Best management practices for hydrant flushing will be provided as guidance.

7. *[Section 2.1.1] All other non-stormwater discharges not listed in this section should be considered illicit discharges (40 CFR 122.26(b)(2)) and directed to the IDDE section of the permit.*

Response: Clarifying language has been added to Section 2.1.1 regarding discharges not allowable under this permit.

8. *[Section 2.2.1] It seems that the second bullet says that eligible discharges (i.e., stormwater runoff from a commercial site) to publicly or privately owned storm sewers or conveyances are prohibited without written consent from the owner. If this is correct, what is the mechanism under the general permit for a permittee to get written consent for discharging stormwater runoff to a town or city’s storm sewer system?*

Response: The limitation this comment is referring to has been removed for clarity. It is assumed that sites obtained such consent to discharge when the site was initially constructed and thus permittees will not be required to provide proof of consent with the registration.

9. *[Section 2.2.4] The Council supports the protection of endangered and threatened species and their habitat. The Council also supports the protection of all critical habitat for all species. Given that the General Permit might allow for discharges to surface water, the Council encourages DEEP to revise section 2.2.4 to prohibit adverse modification of any critical habitat essential to any species.*

Response: Modifying statutory language, Section 26-306 of the Connecticut General Statutes is beyond the scope of this general permit. The permit condition remains unchanged.

10. *[Section 2.2.5] The Council strongly supports the provisions of the General Permit that protect aquifers and suggests that the General Permit also include provisions to protect public drinking water supply*

watersheds, and any municipal groundwater protection overlay areas including, but not limited to those identified in section 4.3.2 and Appendix B.

Response: Modifying statutory language, Section 22a-354i of the CGS, is beyond the scope of this general permit. The permit condition remains unchanged.

11. *[Section 2.2.7] The Council supports this provision and suggests that the word “direct” be removed so that any activity that could have an adverse effect, both direct and indirect, on the values for which such river designation was established, be prohibited.*

Response: Modifying the intent of the Wild and Scenic Rivers Act (16 U.S.C. 12-71-12-87), is beyond the scope of this general permit. The permit condition remains unchanged.

12. *[Section 2.2.9] How can a permittee or CT DEEP determine the amount of discharge of stormwater to groundwater that is allowable? Are registrations for Underground Injection Control required?*

Response: Section 2.2.9 refers to eligible discharges under this permit and does not speak to whether another permit may be required. If all stormwater at the site is infiltrated or otherwise disposed, there are no surface water discharges of stormwater occurring at or originating from the site and thus registration under this general permit is not required. Please refer to the DEEP’s Water Permitting webpage to determine if an additional permit is required. The permit condition remains unchanged.

13. *[Section 2.2.11] The Council notes that “High Quality Waters” is not defined in the draft General Permit, and suggests that a definition be added that is consistent with or references the Regulations of Connecticut State Agencies (RCSA), Connecticut Water Quality Standards, Section 22a-426-1. Definitions (36).*

Response: A definition for “High Quality Waters” has been added to Section 9.

14. *[Section 2.2.12] The Council notes that discharges to impaired waterbodies would only include those listed in the most recent Connecticut Integrated Water Quality Report. The Council suggests that “impaired waterbodies”, which isn’t defined in the draft General Permit, be replaced with “impaired water(s)”, which is defined in the draft General Permit and would include “any waterbody that does not meet applicable water quality standards, including but not limited to waters listed in categories 5 or 4b on the Connecticut Integrated Report of waters listed pursuant to Clean Water Act section 303(d) and 305(b).”*

Response: The term “impaired waterbody” in Section 2.2.12 has been replaced with “impaired water.”

15. *[Section 2.2.12] Is this section applicable to a permittee who discharges stormwater to a surface water through a municipal storm sewer system? If not, it is recommended that it be made clear in this section. If the answer is yes, how could a permittee comply with 2.2.12.1, since at the point of discharge to the waterbody, the permittee’s stormwater is mixed with stormwater runoff from other sites?*

Response: Yes, this section is applicable to permittees who discharges to municipal separate storm sewer systems (“MS4s”). The permittee would be responsible for sampling the discharge from their site at a point prior to where the system discharges to the MS4 and comingles with other discharges. The permit condition remains unchanged.

16. *[Section 2.2.12] CT DEEP should amend the Draft Commercial General Permit to mirror the General Permit for the Discharge of Stormwater Associated with Industrial Activity (Industrial Permit). The*

Industrial Permit specifically requires that existing discharges from existing properties be compliant with TMDL criteria. See Industrial Permit at Section 5(g)(2).

CT DEEP should amend the authorization language in the Draft Commercial General Permit to include all the applicable properties that require TMDL requirements and monitoring. In Section 2.2.1, the Permit uses the term “New Discharges,” referring to new construction. Permit Section 3.1.1 includes the category “New Sites with Existing Discharges,” and requires them to obtain a permit. However, those sites are not required to follow Section 2. CT DEEP should streamline this approach by applying the same TMDL requirements for both groups of properties.

Without this change, when an existing property is added to the Draft Commercial General Permit, it would not be required to comply with Section 2. That section includes the requirement to comply with outfall criteria of the receiving waters’ Total Daily Maximum Load (TMDL).

Response: The requirements of Section 2.2.12 require that new discharges – which are not directly represented in the TMDL – to submit additional documentation to DEEP to determine if there are sufficient remaining allocation support the additional discharge. In general, new discharges are accounted for by the margin of safety in TMDL.

17. *[Section 2.6.1] Prior to receipt of approval in the Commissioner’s Notice of Coverage letter, is a permittee required to comply with any of the requirements of the general permit? Please clarify.*

Response: All surface water discharges must comply with applicable state, federal, and local laws.

For sites authorized under the previous version of this permit, interim coverage is being provided for a limited time while preparing to re-register; the site is required to comply with the conditions of the new permit upon issuance of the permit, prior to receiving the Notice of Coverage.

For sites with existing discharges, but which have not been previously authorized under this permit and that have determined that they are eligible for coverage, it is considered good practice to comply with the requirements of the permit while preparing to register and waiting approval from the Commissioner via the Notice of Coverage letter; once such notice is received, the registrant is required to comply with all requirements of the permit.

For new sites without an existing discharge, commercial activities cannot commence until a Notice of Coverage is received. The permit condition remains unchanged.

18. *[Section 2.6.1] Why is CT DEEP proposing to terminate non-filers instead of investigating or issues a Notice to the permittee?*

Response: Language has been clarified to state that termination of coverage is a potential consequence of failure to submit a timely application.

19. *[Section 2.7] Does CT DEEP require Notices of Termination? If so, this should be included here or reference to Section 3.10 should be made.*

Response: Section 2, “Authorization Under This General Permit,” provides permit terms and conditions for an applicant to be authorized under the general permit. In the event that a permittee was transferring authorization to another type of permit (as described in Section 2.7) the cancellation of the coverage under this general permit automatically expires and a Notice of Termination would not be required. The permit condition remains unchanged.

20. *[Section 3.1] The Council questions why registration is only required for sites with five or more acres of “contiguous” impervious surface and suggests that the threshold for registration should be based on the projected “Water Quality Volume” that would be discharged to a surface water body or wetland.*

Response: The eligible activities, as provided in Section 2.1, are carried forward from the last version of the general permit. At this time, the DEEP lacks the technical basis necessary to evaluate the potential statewide impacts associated with implementing an alternative threshold, such as the Water Quality Volume. The permit condition remains unchanged.

21. *Under the Draft Commercial Stormwater GP, only commercial sites with five or more acres of impervious surface are required to seek authorization under this permit. While the largest malls and box stores likely meet the five-acre threshold, many, if not most, commercial sites in Connecticut do not. By way of example, Vermont maintains a list of registrants under its general stormwater permit for sites that have “impervious surfaces of three or more acres” (referred to as “three-acre sites”). This list shows the amount of impervious surface each registrant has. Notably, it shows that many commercial sites fall under the five-acre threshold, including self-storage facilities, stores, shopping plazas, and hotels. Based on this list, there are most likely similar commercial properties in Connecticut that fall under the five-acre threshold.*

Despite containing less than five acres of impervious surface, commercial properties of this size can still significantly impact water quality. This is particularly true given that commercial land is typically more densely developed than other land uses. As a result, a commercial property with just one acre of impervious surface can be connected to another commercial property with another acre of impervious surface, and so on. Cumulatively, these smaller commercial properties can contain dozens of acres of impervious surface.

As a result, they can cumulatively have a significant impact on water quality and quantity. Impervious cover “prevents precipitation from infiltrating into the ground thus increasing surface runoff” (thereby impacting water quantity) “and pollutant transport to the receiving water” (thereby impacting quality). To better address these impacts, Save the Sound recommends lowering the threshold acreage for permit coverage from five acres to one acre.

Response: In recent years several, as a result of several court rulings, NPDES permits have been issued in other states, such as the permit out of Vermont referenced by the commentor, which are intended to authorize discharges of stormwater from commercial sites similar to DEEP’s Commercial Stormwater General Permit, first issued in the 1990s. However, unlike DEEP’s Commercial Stormwater General Permit, the scope of these permits is limited specific watersheds. These permits address a specific impairment of a specific receiving water, with the conditions of coverage being determined following extensive watershed modelling to address the impairment.

As DEEP’s Commercial Stormwater General Permit is applicable statewide, the highly-specific watershed modelling that was used to make the determination that is the basis for similar permits is not replicable at this scale and thus DEEP cannot rely on such determinations – no matter how similar they may appear on the surface.

22. *The Draft Commercial General Permit currently only requires sites with five or more acres of impervious surface to apply for coverage. CT DEEP should amend this provision to require all commercial properties with one-acre or more of impervious surface to seek authorization for coverage under the Permit. The Registration Requirements that currently refer to “five (5) acres or more of contiguous impervious surface” should be amended to say “one (1) acre or more contiguous impervious surface.” See Permit, Section 3.1.*

In CLF’s petition to CT DEEP to exercise Residual Designation Authority (RDA), CLF proposed that properties of one-half acre of impervious surface be regulated. The largest of these properties are multi-acre parking lots and the roofs of big-box stores, some of which are immediately adjacent to impaired waterbodies. While these properties are the most obvious sources of stormwater runoff in the watersheds, there are also numerous smaller properties with a one-acre or more of impervious surface whose cumulative impact is significant. These contributing commercial sources must be subject to NPDES permit requirements to limit stormwater pollution and help these rivers maintain their integrity.

In a series of exchanges with CT DEEP in 2024, CLF proposed to DEEP that the Draft Commercial Permit should regulate properties with a minimum impervious surface cover of one acre, because the use of the one-acre minimum has been routinely accepted by the EPA. The Vermont, Massachusetts, and Rhode Island General Permits approved the one-acre threshold to improve water quality in RDA actions based on the determination that properties with one-acre or more of impervious surfaces contribute significant stormwater pollution to receiving water bodies. Robust documentation supported including one-acre, or less than five-acre, impervious surfaces in its commercial permits. CT DEEP should follow the science—and neighboring states’ example—and require properties with one-acre of impervious surface to manage their stormwater in keeping with permit limits to mitigate current and future stormwater pollution.

Permits should be proactive, not only reactive: CT DEEP should not wait until the state’s water resources are further polluted to institute regulations. Regulating one-acre impervious properties will prevent the deterioration of the state’s water resources. Numerous courts and regulatory agencies have approved regulation of properties containing one-acre impervious surface. Connecticut should follow suit and ensure the Draft Commercial General Permit regulates commercial properties of one-acre or more impervious surface.

Response: See response to comment 21.

23. [Section 3.1] Please provide clarification regarding:

- *If a site has 5 separate buildings, each with 1 acre of impervious surface, with only grass in between each of the buildings, I think the 5 acres of impervious surfaces are not contiguous and therefore registration is not required. Please confirm.*
- *If a site has five separate buildings and there is a sidewalk that connects the five buildings to each other, does this make more than 5 acres of contiguous impervious surface and therefore a registration is required? Please confirm.*
- *If a site is 20 acres in size and has 5 acres of contiguous impervious surface and 15 acres of impervious surfaces that are not contiguous, are the entire 20 acres covered by the general permit, or are just the 5 acres of contiguous impervious surfaces covered? Please confirm.*

Response: “Contiguous,” as it is used in this permit, refers impervious surface that is not separated by a public right-of-way, as outlined in the definition of “site” in Section 9. In the above scenarios, separate pieces of impervious surface owned by the same entity would be considered contiguous unless they are separated by a public right-of-way.

Impervious surfaces are considered “contiguous” if they are physically connected or close together, and they are not separated by a public right-of-way (like a public street or road owned by the city or state).

Impervious surfaces are not considered “contiguous” if there is a public right-of-way between them – even if they belong to the same owner.

By way of example, if a single 20-acre site was owned by one entity and on that site were four separate 4-acre pieces of impervious surface and the rest of the site consisted entirely of grass, that site would be required to register for the permit. If the same site had public roads separating all four pieces of impervious surface, the site would not be required to register. However, if the roads separating the four pieces of impervious surface were controlled by the property owner, the site would be required to register.

24. *[Section 3.1] “Who must file a registration” mentioned the term contiguous site for the first time. This term should be defined and mentioned in the Applicability section.*

Response: See response to comment 23. The term “site” is defined in Section 9 of the permit and provides direction. The permit condition remains unchanged.

25. *[Section 3.1.1.2] EPA recommends that CT DEEP includes the term “Operator” in the title of this section to avoid confusion and be consistent with future permit terminology.*

Response: The heading of Section 3.1.1.2 has been changed from “Other as the Responsible Party” to “Operator as the Responsible Party.”

26. *[Section 3.1.2] How will CT DEEP handle non-filers?*

Response: DEEP published a public notice of the draft permit on March 20, 2025, for the renewal of the general permit notifying the regulated community of its intent to renew the permit. Additionally, if resources allow, DEEP may notify sites that may meet the expanded eligibility criteria for permit coverage. Such sites may either apply for an individual permit or obtain coverage under the general permit, provided all eligibility requirements are satisfied.

27. *[Section 3.1.2] How are sites handled that are being newly developed and will have an Appendix A relevant SIC/NAICS code, however, an owner has not yet been determined? The permit mentions that as soon as a discharge occurs, the site requires coverage. However, since the discharge consists of stormwater and not process water, EPA is questioning how this provision should be implemented.*

Response: This permit regulates sites by the primary activity being performed at the site. Until the commercial activity commences, coverage is not required for stormwater discharges leaving the site. Newly constructed sites must seek authorization and submit a registration at least sixty (60) days prior to commencing the regulated activity in accordance with Section 3.1.1 of the permit.

28. *[Section 3.1.4] How will CT DEEP handle non-filers?*

Response: See response to comment 26.

29. *[Section 3.3.1.2] EPA encourages CT DEEP to specify and provide additional detail on how the permittee can pay the registration fee.*

Response: Section 3.8, “Where to File a Registration,” provides information on where the applicant can file the registration. Additionally, DEEP is in the process of modernizing its application intake process and changes to this process are likely to take place during the term of this permit. Instructions on submitting the registration fee will be provided on the registration form and in guidance provided by DEEP.

30. *[Section 3.3.2.3] The Council notes that separate storm sewer systems and wetlands might not be “named” and suggests that the information required for the registration form might also include the latitude and longitude coordinates for the proposed stormwater discharge location.*

Response: Latitude and longitude coordinates are required for all discharge locations pursuant to Section 3.3.2.3.b. The permit condition remains unchanged.

31. *[Section 3.3.2.6] EPA encourages CT DEEP to develop more specific language on where the permittee may find additional forms for the special conditions listed.*

Response: Instructions on submitting the registration, including the availability and location of additional forms, are provided on the registration form and in guidance provided by DEEP.

32. *[Section 3.4.3 & 3.4.4] The Council suggests that “such general permit” be replaced in both sections with “National Pollutant Discharge Elimination System (NPDES) General Permit for Discharge of Stormwater Associated with Commercial Activity” the first time it is used in the certification language.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

33. *[Section 3.9] Can CT DEEP discuss how applications will be processed and in what timeframe so permittees can anticipate when requirements begin? If CT DEEP does not want to be held to these conditions, a discussion of this should be added to the Fact Sheet.*

Response: The general permit authorizes eligible discharges to surface waters of the State of Connecticut, while the accompanying Fact Sheet serves as a regulatory document that provides the technical background and scientific rationale. Although communication and processing timelines for applications are important considerations, they are outside the scope of these documents. Please visit the DEEP website to learn more about application processing. Section 3.4 of the Fact Sheet has been updated to discuss the registration process and a new section (Section 3.5) has been added to the Fact Sheet to discuss typical registration timelines.

34. *[Section 3.10] This information [on how to file to terminate coverage under this permit] is relevant to Section 2.7.*

Response: See response to comment 19.

35. *Should a site change ownership and the permit is no longer applicable because the new SIC or NAISCS code is not listed in Appendix A, can the permittee seek a termination of the permit?*

Response: Yes, if the primary activity occurring at the site changes to one that is not regulated by this permit, the permittee may seek termination of coverage. Please note that this permit is non-transferable; in the scenario in question, the previous ownership would have applied to terminate permit coverage and the new ownership would not have been required to register.

36. *The Draft Commercial Stormwater GP does not require Stormwater Management Plans (SMPs) to be made publicly available, nor does it require DEEP to post a list of registrants. However, public review of SMPs and registrations can help hold commercial properties accountable to the terms of this permit. Under other stormwater permits, the permittee is required to make stormwater plans available for such review. For instance, both the Connecticut Industrial Stormwater General Permit and MS4 Permit provide that permittees must “provide an internet address (URL) where the [required plan] is accessible for public review.” Additionally, DEEP posts a list of registrants under these permits.*

To promote accountability, Save the Sound recommends DEEP do the same in this context and require SMPs and a list of registrants for the Commercial Stormwater GP to be made publicly available. Confidential business information could still be protected, as it is in the context of the Industrial Stormwater GP.

Response: DEEP is in the process of updating our online application systems for document viewing and the vision is to make documents available through these systems when they are complete. In a parallel process, CT DEEP was working with U.S EPA to expand additional online services and the federal funding was discontinued in the late spring of 2025.

37. *[Section 4.1.1] “Proximity to tidal wetlands” should specify the commercial activity is consistent with those listed in Appendix A.*

Response: The definition of “Commercial Activity” in Section 9 of the permit states that the term is specific to those listed in Appendix A.

38. *[Section 4.1.2] The Council questions if the requirement to obtain the permits noted in the section only applies to “the municipality”. If the permit requirement(s) of the section are applicable to any “permittee”, the Council suggests that the draft General Permit specify whom must obtain the applicable permit(s).*

Response: Section 4.1.2 has been updated to reflect current preferred language. The preferred language specifies that “any person who or municipality” discharging stormwater below the coastal jurisdiction line is responsible for obtaining the relevant permits for such discharge from DEEP. Due to this change, a definition of “coastal jurisdiction line” has been added to Section 9.

39. *[Section 4.1.4] How does the permittee comply with this requirement? The permit does not require WET testing or other toxicity measures.*

Response: The commentor is referencing a narrative permit condition regarding toxicity and, similar to EPA’s own expectations regarding compliance with narrative effluent limits, DEEP expects the permittee to implement best management practices to control the source(s) of pollution. DEEP does not expect the facility to prove the absence of toxicity in every discharge, but rather to prove they are managing their operations in such a way that toxicity is not likely to occur. A permittee can demonstrate compliance with this permit condition without sampling by implementing and documenting BMPs, maintaining treatment systems, performing routine inspections and visual monitoring, and keeping clear records that demonstrate pollutants are controlled to prevent toxic impacts. Additional information regarding narrative effluent limits can be found in the fact sheet.

40. *[Section 4.2.2.6] EPA encourages CT DEEP to require the permittee to include operations and maintenance logs in the case that the permittee chooses to implement a structural control on their site.*

Response: Section 4.3.1.8, “Preventative Measures Program,” requires permittees to implement a program to regularly inspect and maintain stormwater management devices and on-site equipment. Under this program, permittees are required to maintain records and logs of these efforts in the Stormwater Management Plan.

41. *[Section 4.2.2.7] The Council suggests that the draft General Permit include additional detail regarding the type of information requested in the “description” of the non-stormwater discharges, such as volume, type of material, solubility, etc.*

Response: Additional detail regarding what must be included when describing a non-stormwater discharge has been incorporated into Section 4.2.2.7.

42. *[Section 4.3.1.5] The Council notes that the word “minimize” is vague and potentially unenforceable. As a control measure applicable to all sites for potential pollutant sources, the objective would be to eliminate or prohibit exposure of potential pollutant sources to stormwater. The Council also notes that “minimize” is used in several locations in the draft General Permit, such as: section 4.2.2.4(b), which includes a requirement for “materials management practices employed to minimize contact of materials with stormwater runoff.”; sections 4.3.2.2 and 4.3.2.3, which include a requirement to “minimize discharge of pollutants to nearby stormwater infrastructure or catch basins”; and section 4.3.2.5(d), which includes a requirement to “minimize overwatering to prevent discharge of water to floor drains, storm drains, stormwater sewer conveyance systems, or catch basins”. The Council suggests that additional guidance be provided to potential permittees so they might better conform to DEEP’s expectations for compliance with the provisions of the General Permit.*

Response: Although the U.S. EPA does not provide a formal definition of the term “minimize,” the professional and regulated community generally interprets it to mean a reduction to the extent achievable through the use of best management practices (“BMPs”) that are technologically available, economically feasible, practicable, and consistent with best industry practice. Where appropriate, additional clarifying language has been incorporated into the referenced sections. Further guidance on DEEP’s expectations regarding what constitutes “minimizing” is provided in the Stormwater Management Plan Guidance document issued by DEEP. As an example, see DEEP Response to Comment 45, below, regarding the overwatering of plants stored outdoors.

43. *[Section 4.3.1.7] [...] section 4.3.1.7 has the permittee "considering" implementation of stormwater management. Instead, shouldn't it be that the permittee "shall implement" stormwater management?*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

44. *[Section 4.3.1.7] EPA encourages CT DEEP to be more stringent about requiring logs of regular O&M activities to demonstrate that structural controls operate as designed.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

45. *[Section 4.3.1.12] EPA strongly encourages CT DEEP to strengthen the requirements of this section. Consequences from overuse of deicing materials have altered water chemistry in inland waters. Only asking permittees to consider methods to optimize their deicing materials application does not result in measurable benefits to water quality. At a minimum, the requirements of this section should be made more stringent for waters that are impaired for deicing related chemicals.*

Response: DEEP recognizes the legitimate concern about the impacts of de-icing materials and acknowledge that we, like many states, face the difficult challenge of balancing public safety with environmental protection. To better address these concerns, permit conditions have been strengthened to include additional reporting requirements and recommendations. DEEP strongly encourages EPA to continue leading the regional dialogue on identifying long-term, sustainable solutions to this issue.

The Winter Maintenance Management Program remains focused on raising awareness and promoting optimization of de-icing practices. DEEP recommends that private applicators obtain training on proper deicing material application. Permittees who engage trained applicators can expect measurable improvements in both water quality and site safety, with the added potential of lowering costs over time.

DEEP also continues to prioritize public education on this issue and has launched a dedicated website highlighting the challenges associated with deicing materials:

<https://storymaps.arcgis.com/stories/ab89278ae4df47469c6726924c47d92a>.

46. *[Section 4.3.1.16] EPA strongly encourages CT DEEP to be specific about the types of training topics that are relevant for permittees and recommends that CT DEEP develop a clearinghouse of relevant trainings on a technical assistance website for this permit.*

Response: Additional details regarding employee training have been added to Section 4.3.1.16.

47. *[Section 4.3.2.4.a] The Council notes that the word “relevant” is not specific and relies on the permittee to determine relevancy. The Council suggests that the General Permit include additional language to reference the material being stored, specify certain pollutants of concern, and/or reference the monitoring parameters specified in table 4.1, if applicable.*

Response: An in-line definition for “relevant pollutant” has been added to Section 4.3.2.4.

48. *[Section 4.3.2.5] The Council notes that “excessive” is vague and suggests that additional guidance be provided to potential permittees so they might better conform to DEEP’s expectations for compliance with the provisions of the General Permit.*

Response: The qualifier “excessive” has been removed. Additional details regarding the watering of plants for sale stored outdoors have been added to Section 4.3.2.5.d.

49. *[Section 4.3.2.5.a] The Council notes that “appropriately trained” is vague and might not apply to the identification of the discharge location of floor drains. The Council suggests that the General Permit specify the training that might be required to ensure compliance with the requirements of this section of the General Permit.*

Response: Additional details regarding employee training have been added to Section 4.3.1.16 and references to training in Section 4.3.2.5.a have been removed.

50. *[Section 4.3.2.5] EPA encourages CT DEEP to define what “excessive watering” means. [...] EPA encourages that CT DEEP is specific about the language around plugging floor drains. Is this a recommendation or requirement? How would water that would otherwise enter the floor drain be handled? CT DEEP should also consider being more specific about the content of the training that is required in this section.*

Response: See response to comment 48 regarding the use of the qualifier “excessive” relating to discharges from the watering of plants. Requirements for floor drains located in lawn and garden centers have been aligned with requirements regarding interior floor drains. Additionally, see response to comment 49 regarding training for lawn and garden centers.

51. *The Council questions if the General Permit should include provisions for commercial sites located within a floodplain or flood hazard area given the projected increase in sea level and potentially more significant precipitation events.*

Response: To enhance understanding of potential risks, DEEP has added a new section – Section 4.3.1.17, “Awareness of Flood Hazards.” This section does not impose new regulatory requirements. Instead, it recommends that permittees proactively identify areas of their sites that are subject to frequent

flooding, as well as locations within designated floodplains or flood hazard areas. By elevating awareness of these potential hazards, DEEP seeks to encourage more responsible site management and promote practices that protect both safety and the environment.

52. *EPA notes that no structural requirements to reduce runoff generated from permitted sites are required. The Fact Sheet mentions structural control under the section explaining expanded control measure implementation. However, the permit does not mention any such controls. While the controls listed in the permit can contribute to improvements in water quality, EPA recommends that CT DEEP consider requiring structural controls for the management of runoff from sites.*

Response: Permittees retain the flexibility to select control measures that are most appropriate for their specific sites, provided those measures meet all applicable permit conditions. The permit, however, emphasizes the importance of structural controls such as permanent roof structures, berming, and structural containment—which are required or recommended in several sections to ensure stormwater is effectively protected from contamination.

53. *How do sites that remove impervious cover to below 5 acres get handled in this permit?*

Response: Sites that reduce impervious cover to less than (5) five contiguous acres would no longer meet the eligibility criteria for the general permit.

54. *EPA notes that the permit does not incentivize impervious cover reduction as a stormwater control measure. This type of control measure not only reduces the amount of runoff from the site, but can also have a positive impact on water quality.*

Response: DEEP recognizes that reducing impervious cover can, at times, be impractical for commercial sites, since a certain amount of paved surface is required to meet local ordinances and accessibility regulations. The five-acre threshold, however, is intended to provide a meaningful incentive for permittees to evaluate opportunities to reduce impervious surface below the permitting threshold. In addition, any redevelopment activity at a site must comply with the Stormwater Quality Manual, which requires developers to either retain the full water quality volume on-site or, where retention is infeasible, to provide appropriate treatment. Redevelopment projects must also incorporate consideration of low impact development (“LID”) practices to further minimize impacts to water quality.

55. *[...] the amount of impervious surface “affects both the quality and quantity of water resources.” Commercial properties typically contain a large portion of impervious cover. According to a USGS study, parking lots alone represent about 25% of impervious cover, and “commercial land has consistently contained the highest percentage of parking lot coverage.” However, reducing the amount of DCIA, through retrofits or redevelopment projects, is one of the most effective means of protecting water quality. Parking lots, which many commercial properties have, can “be ideal candidates for a wide range of stormwater retrofits” that reduce DCIA.*

Considering the retrofit opportunities available for commercial properties and the impact that these retrofits could have, Save the Sound urges DEEP to require commercial stormwater permittees to reduce their DCIA, using the Draft MS4 Permit’s “DCIA Reduction Program” as a model. This DCIA Reduction Program requires MS4 permittees to implement retrofit projects with the goal of reducing, to the MEP, one percent (1%) of DCIA for the fourth and fifth years of the permit. The Commercial Stormwater GP could incorporate the same or similar goal.

In cases where this goal cannot be met, DEEP could approve “a fee to be deposited into a dedicated account of the permittee for use by the permittee to fund in whole or in part the retrofit of one or more

existing DCIA projects” in the next permit term.” This practice is currently in place in the MS4 context where a permittee cannot meet the runoff reduction requirements. Save the Sound urges DEEP to consider doing this in the commercial stormwater context as well.

Response: DEEP acknowledges the concern raised regarding the amount of impervious cover on commercial properties and agrees that impervious surfaces such as parking lots can significantly affect both the quality and quantity of stormwater runoff. We also recognize that stormwater retrofits and redevelopment projects present opportunities to reduce Directly Connected Impervious Area (“DCIA”) and improve water quality outcomes. However, the Small MS4 General Permit (“MS4 GP”) and the Commercial Stormwater General Permit regulate fundamentally different entities and communities.

The MS4 GP is designed for municipalities and other regulated systems that manage stormwater across a wide range of public infrastructure, whereas the Commercial Stormwater GP applies to private commercial and industrial properties with very different operational, financial, and legal frameworks. For this reason, permit conditions from one program cannot be applied to the other without careful and thoughtful analysis. These permits conditions are not “cookie-cutter” in nature and must be tailored to the distinct needs, authorities, and responsibilities of the regulated entities.

In the context of commercial properties, retrofit opportunities are addressed through multiple existing regulatory pathways. For example, when planning redevelopment projects, commercial properties are already required under DEEP’s Construction Stormwater General Permit to retain the Water Quality Volume (“WQV”) or provide appropriate treatment where full retention is not feasible, while also incorporating consideration of Low Impact Development (“LID”) practices. This framework ensures that redevelopment activities actively reduce pollutant loads and mitigate stormwater impacts.

While DEEP appreciates the suggestion to incorporate a DCIA Reduction Program similar to the MS4 GP into the Commercial Stormwater GP, at this time DEEP does not believe that a direct transfer of such requirements is appropriate due to the significant differences between the regulated communities. DEEP will continue to encourage commercial property owners to evaluate feasible retrofit and LID opportunities during redevelopment and site improvements. In addition, DEEP will continue to participate in regional and national discussions with EPA and stakeholders on long-term strategies to address the challenges posed by impervious cover.

56. *EPA strongly encourages CT DEEP to be more prescriptive on implementing an operations and maintenance program for sites that have structural controls implemented. Proper operations and maintenance procedures for structural controls ensure the operations of the structural control as designed.*

Response: Comment acknowledged for the record. The permit incorporates requirements regarding proper maintenance of systems and equipment. The permit remains unchanged.

57. *[Section 4.4.2] EPA encourages CT DEEP to change the language from requiring site inspections twice per year to once every 6 months to ensure permittees do not conduct inspections too close in time.*

Response: Required frequency for comprehensive site inspections have been changed from “twice a year” to “semi-annually.”

58. *Save the Sound appreciates the inclusion of indicator monitoring in this permit, especially considering there was no monitoring required in the previous permit. However, these limits are “report only”—there are no benchmark or effluent limits to hold permittees accountable. Save the Sound understands that there may not be data available to inform these limits in the Commercial Stormwater GP, but we*

urge DEEP to use the data obtained from this monitoring to inform monitoring limits that can be included in the next iteration of this permit.

Response: Comment acknowledged for the record.

59. *[Section 4.5.1.1] This section states that stormwater monitoring must be conducted annually. Is annually based on a calendar year or a permit year? Please confirm.*

Response: “Annually,” as it is used in this permit, means a calendar year (i.e., January 1 to December 31). Clarifying language has been added to Section 4.5.1.1 and a definition for “calendar year” has been added to Section 9.

60. *[Section 4.5.1.1] EPA encourages CT DEEP to be more specific about the seasons or conditions during which the monitoring should take place. Is a certain storm size required? This comment also applies to Section 4.5.2.1.*

Response: A sample to be used for outfall monitoring (either analytical or visual) can be collected during any storm event that generates a stormwater discharge from the site, so long as that storm event occurs at least 72 hours after any previous storm event. The sample must be collected during the first 30 minutes of the discharge at the stormwater outfall and be sufficient in volume.

61. *[Section 4.5.1.2] In the event that a visual assessment indicates that control measures for the site are inadequate what is the required timeframe for remediating the situation? EPA also strongly recommends that CT DEEP provides either training or guidance on how a permittee conducts the visual sample assessment. It is EPAs concern that this kind of assessment could vary significantly based on interpretation or experience and a standard should be set to ensure adequate reporting.*

Response: See response to comment 74 regarding remediation timelines.

DEEP provides training materials regarding visual sampling on the stormwater management webpage. In addition, DEEP highly recommends permittees utilize existing state and federal guidance on the topic, such as U.S. EPA’s Industrial Stormwater Monitoring And Sampling Guide, April 2021 (www.epa.gov/sites/default/files/2015-11/documents/msgp_monitoring_guide.pdf).

62. *[Section 9] [...] there are several definitions that are not used in the body of the permit. For example "interconnections" and "stormwater discharge associated with commercial activity." Also, the word "discharger" is used once in the text (section 4.6.2) and once in the definitions (as part of the defined term "new dischargers" which also is not used in the text). I suggest you change "discharger" to "permittee" for consistency with the rest of the permit.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

63. *[Fact sheet] The Fact Sheet lacks citations of original sources. A significant body of research exists on the impacts of stormwater runoff from impervious cover on water quality. EPA requests that an updated fact sheet, as part of the administrative record, includes all required information as outlined in 40 CFR 123.25(a)(27) and 40 CFR 124.8. Further, CT DEEP should update its fact sheet to contain citations to statutory or regulatory provisions, primary literature, and reports, as required by, as required by 40 CFR 124.8(b) and 40 CFR 123.25(a)(32).*

Response: The Fact Sheet was developed to meet applicable state and federal requirements. In addition, DEEP sought to support user experience by including information that helps link complex technical

concepts with regulatory requirements and policy. While the cited regulations do not require fact sheets to include “primary literature and reports,” DEEP appreciates the value of clear, accessible information and has worked to provide it wherever possible.

64. *[Fact sheet] In the section on limitations of coverage, the Fact Sheet does not mention any restrictions related to the Coastal Management Act, Endangered and Threatened Species Act, Conservation and Preservation Restrictions, and Wild and Scenic Rivers Act. While the Draft Permit outlines restrictions related to these Acts, the Fact Sheet does not. EPA requests that these two documents be made consistent. The Fact Sheet also lacks mention of limitations of coverage related to New or Increased Discharges to High Quality Waters and New or Increased Discharges to Impaired Waters. Based on 40 CFR 131.12, consideration has to be given to the State’s antidegradation policy and no new or increased discharges shall be allowed to impaired waters, based on Clean Water Act section 303(d) and 305(b).*

Response: A summary of limitations on coverage has been added to the Fact Sheet as Section 3.2.3.

65. *[Fact sheet] The Fact Sheet also does not set forth that both private and public properties are covered by this permit. The Draft Sheet should clarify that both types of properties are covered under this general permit, especially how it related to MS4 permit coverage.*

Response: Section 2.1 of the permit and Section 3.0 of the Fact Sheet broadly state that the permit authorizes stormwater discharges “from or associated with commercial activity as defined in this general permit to waters of the state of Connecticut” and does not make a distinction between public and private properties. Section 3.5 of the permit and 3.1.4 of the Fact Sheet identifies that stormwater discharges which are already covered under another NPDES (including other stormwater general permits) are not required to register for this permit. The permit condition remains unchanged.

66. *[Fact sheet] In Section 2 of the Fact Sheet DEEP needs to expand on its discussion on the connection between commercial activity and stormwater pollution and pollutants. The Fact Sheet discusses the types of pollutants in stormwater, but the connection between the commercial activity and the pollutants could be made clearer.*

- *In Section 2.3 of the Fact Sheet “Sediment” more detail should be added about the potential for water quality impacts from both uncontaminated and contaminated sediment.*
- *In section 2.4 “Chlorides” more discussion is needed on the negative impact of de-icing practices on water quality and the difficulty of treating chlorides once in the ecosystem. Significant research has been conducted on the increasing chloride levels in inland waters, CT DEEP should include some of these sources in this discussion.*
- *Section 2.5 “Metals” The second sentence has a typographical error and should read “Though present ...” not “Through present...”.*
- *Section 2.6 “Oil and Grease” is not complete. Many organic compounds have the ability to dissolve and travel in stormwater in the dissolved phase, i.e., not all compounds float and are insoluble. The Fact Sheet primarily discusses organic compounds like oil, that float. However, a significant body of research, spearheaded by USGS has demonstrated that organic compounds like PAHs can travel in stormwater from parking lots in the dissolved form (<https://www.usgs.gov/mission-areas/water-resources/science/coal-tar-based-pavement-sealcoat-pahs-and-environmental>). Further, the fact sheet needs to include other processes that treat organic compound in stormwater. While street sweeping is impactful, filtration and sorption to soil particles is an important process that is overlooked here.*

Response: Additional details have been added to these sections where warranted and typographical errors have been addressed.

67. *[Fact sheet] In Section 3.1 “Who must register” the first paragraph states “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 proposed general permit are required to seek authorization under this permit.” Does this mean that mixed use properties are included in this designation?*

Response: At this time, mixed-use properties consisting of both commercial and residential uses (called “mixed-use developments” in this permit) are not covered under this general permit. Refer to comment 20 for clarification in determining site eligibility.

68. *[Fact Sheet] In section 3.1.1 “Sites Authorized under the 2023 Commercial Stormwater GP” the Fact Sheet states that “If a timely registration is not submitted, authorization will be terminated.” Instead of immediate permit termination, why would CT DEEP not consider outreach to existing permittees through their permitting or enforcement office to confirm whether permits should be terminated?*

Response: Language has clarified to state that termination of coverage is a potential result of failure to submit a timely application.

69. *[Fact Sheet] EPA recommends that CT DEEP uses languages such as “register within 90 days” rather than “register on or before 90 days”.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

70. *[Fact sheet] In section 4.2 of the Fact Sheet “Expanded Permit Coverage” CT DEEP writes that it has expanded the designated sites that are eligible for permit coverage. In previous iterations of this permit, CT DEEP identified sites as requiring permit coverage by selecting a subset of Standard Industrial Classification Manual (SIC Manual) activities as that can generally be summarized to cover wholesale trade, retail trade, and professional and personal services as outlined in the last updated 1987 edition of the SIC Manual. In this Draft Permit, CT DEEP is proposing to include codes from the North American Industrial Classification System Manual (NAICS Manual) as a more recent (2022) source to identify additional eligible sites as requiring permit coverage. CT DEEP needs to provide a basis for the expansion and additional information on the estimated water quality benefits from this expansion. Essentially, CT DEEP is designating additional sites for NPDES permit coverage and therefore is required provide a determination and technical analysis that demonstrates the expected benefits to water quality that this expanded designation is estimated to achieve.*

- *In the same section, CT DEEP should list the SIC/NAICS codes associated with activities newly identified to be included in the permit.*
- *What procedures did CT DEEP follow to ensure proper notification to permittees of the proposed expanded coverage of NPDES permits? 40 CFR 25.4(c) requires proper notification of the proposed action to interested and affected parties.*

Response: These changes are primarily meant to clarify the extent of existing coverage, provide a crosswalk between the SIC and NAICS codes, and to close loop holes. As the commenter notes, previous iterations of this general permit can be generalized to have covered the SIC codes associated with “wholesale trade, retail trade, and professional and personal services” as they are categorized in the SIC Manual; the SIC Manual calls these groups “Divisions” and their subdivisions “Major Groups.” Division F (“Wholesale Trade,” Major Groups 50 & 51) and Division G (“Retail Trade,” Major Groups 52 through

59) were fully incorporated into previous iterations of the permit. However, Division I (“Services,” Major Groups 70 through 89) was only partially incorporated, requiring coverage for Major Groups 70 through 79 but not 80 through 89. However, Major Groups 80-89 are not significantly different from Major Groups 70-79 – emphasized by their inclusion under the same Division, “Services.” In the NAICS, “services” are grouped more broadly, spanning eight Sectors (the NAICS equivalent of Divisions). As NAICS is a more modern classification system than the SIC system, it incorporates many industries which were not included in the SIC system; subsequently, the two systems often have significant discrepancies. To best align them in a way that is inclusive to all the relevant industries without being needlessly complex, DEEP included the full range of services from the SIC system to best align with the NAICS.

While DEEP has always intended that sites such as strip malls be designated for coverage under this permit, owners and operators of these sites have used the SIC designations 6512 (“Operators of Nonresidential Buildings”) and 6531 (“Real Estate Agents and Managers”), stating that real estate management is the activity that the company is conducting at the site. Thus, DEEP decided to explicitly include such SIC codes in the permit to close known loophole(s).

Additional detail regarding this decision has been added to Section 4.2 of the Fact Sheet.

Notification of the General Permit

The initial Notice of Tentative Determination (“NTD”) was published on March 20, 2025, notifying the public of DEEP’s intent to renew the permit, the location of the draft permit and fact sheet, duration of the comment period, and public participation process. The notice was published in six (6) newspapers in major circulation (the Hartford Courant, the Connecticut Post, the Waterbury Republican-American, the New London Day, the New Haven Register and The Chronicle) and on DEEP’s Public Notice webpage. The draft permit package was posted on the Commercial Stormwater webpage – the primary webpage for this general permit – and additional outreach was performed throughout the comment period to interested parties during multiple presentations to the various interested associations, such as the Connecticut Business and Industry Association, the Environmental Business Council, the Connecticut Council of Small Towns, Connecticut Environmental Forum, and the Society of Women Environment Professionals.

71. *[Fact sheet] Section 4.4 “Expanded Control Measure Implementation” needs more detail and basis for why some of the new requirements are being proposed. What are the anticipated water quality benefits? How are some of the provisions tied to improved water quality?*

Response: The Fact Sheet was developed to meet applicable state and federal requirements. In addition, DEEP sought to support user experience by including information that helps link complex technical concepts with regulatory requirements and policy. DEEP appreciates the value of clear, accessible information and has worked to provide it wherever possible. Language has been added to Section 4.4 of the Fact Sheet.

72. *[Fact Sheet] Modified Existing Control Measures: Catch Basin Cleaning Schedule: What is a “regular inspection of the catch basin”? are there specific conditions that need to be met? Any markers that the permittee should use to build a regular schedule? How is this going to improve water quality?*

Response: Regular inspection of catch basins refers to the inspection requirements set forth in Section 4.4.1.3 of the permit to inspect catch basins as part of the permittee’s monthly inspection. Details on the requirements relating to routine site inspections are provided in Section 5.5.1 of the Fact Sheet. See response to comment 71, above, regarding inclusion of anticipated effects on water quality.

73. *[Fact Sheet] Modified Existing Control Measures: Routine Site Inspections: What kind of conditions should the permittee be on the look out for? How are inspections going to improve water quality?*

Response: Reducing exposure of materials to stormwater minimizes the potential of run-off to become contaminated. Implementation of these measures will be monitored by the permittee through the routine and comprehensive inspections set forth in Section 4.4.1 of the permit. See response to comment 71, regarding inclusion of anticipated effects on water quality.

74. *[Fact Sheet] New Control Measures Proposed: Floor Drains and Roof Areas: EPA appreciates the attention paid to increase awareness of illicit discharges. What timeframe is DEEP proposing for removal once an illicit connection is identified?*

Response: DEEP expects the permittee to remove the illicit discharge. The permit condition remains unchanged.

75. *[Fact Sheet] New Control Measures Proposed: Minimize Exposure: This section in the fact sheet lacks significant detail and needs to be built out. The fact sheet needs to state what benefits this provision would have. What grounds for enforcement are there for this provision?*

Response: The comment is acknowledged for the record. See response to comment 71.

76. *[Fact Sheet] New Control Measures Proposed: Management of Runoff: The fact sheet needs to state what benefits this provision would have. What grounds for enforcement are there for this provision?*

Response: The comment is acknowledged for the record. The permit includes the enforceable permit terms and conditions and failure to comply with those terms and conditions will result in noncompliance and DEEP's ability to initiate an enforcement action.

77. *[Fact sheet] Section 4.5 "Outfall and Visual Monitoring" is unclear about when the monitoring should take place. Is there a seasonal component to the outfall monitoring? Are certain weather conditions required? Further, EPA strongly encourages DEEP to provide training to permittees to ensure that the visual monitoring results are interpreted in an appropriate manner and is being evaluated similarly between permittees.*

Response: There are no seasonal components to the monitoring requirements of this permit as DEEP is seeking a wide range of seasonal data to best inform future iterations of the permit. Samples must be collected during a storm event which generates a discharge at the site that occurs at least 72 hours after the previous storm event.

DEEP intends to update existing guidance materials on how to collect an analytical sample and how to conduct visual monitoring.

78. *[Fact sheet] Section 5.3 "Stormwater Management Plan" lists the items required as part of the permit. CT DEEP should go into more detail on how these requirements benefit water quality, especially if they are new requirements.*

Response: All elements listed in Section 5.3 of the Fact Sheet aside from "control measures" are intended to promote awareness and understanding of the site conditions, reduce potential sources of pollution at the site, and allow permittees to better anticipate and safeguard against potential stormwater issues. Control measures are outlined in Section 5.4 of the Fact Sheet. See response to comment 71, above, regarding inclusion of anticipated effects on water quality.

79. *[Fact Sheet] EPA strongly encourages CT DEEP to tie inspections and maintenance schedules/logs as to implementation of structural controls.*

Response: Permittees are required to maintain records of any inspection or maintenance activity required by the permit with the Stormwater Management Plan. Templates for inspection and maintenance logs are included in the Commercial Stormwater Management Plan Guidance document.

80. *[Fact sheet] In Section 5.5.2 “Comprehensive Inspection” EPA encourages CT DEEP to specify that the inspections are to be completed every 6 months instead of twice per year. CT DEEP may be more specific and identify a season or quarter during which the inspections are to take place.*

Response: Required frequency for comprehensive site inspections have been changed from “twice a year” to “semi-annually.”

81. *[Fact sheet] Section 5.6 “Monitoring” CT DEEP set forth that samples must be collected during wet weather conditions. Do certain storm conditions (intensity, depth) need to be met?*

- *Under Section 5.6.1 “Outfall Monitoring” EPA recommends that CT DEEP consider a season during which the sample shall be collected for analysis.*
- *The analyte “bacteria” is not specific enough. What kind of bacteria is CT DEEP seeking as part of the analyte list? The units should also be CFU/100 ml or MPU/100 ml.*

Response: Storm intensity must be enough to generate a discharge at the site; this intensity is different for every site and thus a specific depth is not provided. DEEP is seeking a wide range of seasonal data to best inform future iterations of the permit and thus did not incorporate a seasonal requirement for monitoring.

The indicator species for bacteria are noted in footnote 1 of Table 4-1; the footnote has been incorporated into the Fact Sheet. Units “col/100 ml” has been changed to “CFU/100 ml” in Table 4-1 of the permit and Section 5.6.1 of the Fact Sheet.

Comments on Grammar and Related:

82. *[Section 3.4.2] ... section 3.4.2 just doesn't seem to read right. [...]*

I suggest that it be revised to read: ...

The permittee and any other individual or individuals responsible for preparing the registration and signing the certification has, based on the review described in Section 3.7.1 of this general permit, made an affirmative determination that the permittee shall: ~~to each of the following:~~

- *comply with the terms and conditions of this general permit-;*
- *maintain compliance with all plans and documents prepared pursuant to this general permit-; and*
- *properly operate and maintain all stormwater conveyance and treatment systems and monitoring equipment in compliance with the terms and conditions of this general permit to protect the waters of the state from pollution.*

Response: The comment is acknowledged for the record. The permit condition remains unchanged.

83. *[Section 3.4.3] ... the certification language within section 3.4.3 references section 3.7.2 of “this general permit”; however, section 3.7.2 does not exist.*

Response: The reference to “Section 3.7.2” has been corrected to “Section 3.4.2.”

84. *[Section 5.2.2] The Council notes that the first sentence might be missing a reference or section number – “in accordance with [section] of this permit”.*

Response: The missing reference has been removed.

85. *The Draft Permit is inconsistent in whether it capitalizes the work Commissioner. Please be consistent.*

Response: All instances of “commissioner” have been replaced with “Commissioner.”

86. *The Draft Permit should include hyperlinks to manuals or other references the Permittee may need to rely on, including email addresses. The hyperlinks can be included in footnotes. Comments below specify sections where links could be added.*

- *[Section 2.2.12] Can CT DEEP provide a hyperlink to the location where the permittee can locate this list?*
- *[Section 2.2.12.2] provide a hyperlink to Table 3 of Section 22a-426-9 of the RCSA.*
- *[Section 3.2] The draft permit mentions a form for registration. Can CT DEEP provide the location of the form via hyperlink?*
- *[Section 3.2.1] EPA recommends creating a hyperlink for the listed email.*
- *[Section 4.1.1] CT DEEP should also provide a hyperlink to the Stormwater Quality Manual or the location on the web where a permittee may access the manual.*
- *[Section 4.3] EPA encourages CT DEEP to hyperlink to the Connecticut Stormwater Quality Manual.*
- *[Section 4.3.1.6] EPA encourages CT DEEP to hyperlink to the Connecticut Guidelines for Soil Erosion and Sediment Control.*
- *[Section 4.3.1.12] [...] this section should also include links to Trainings and the Stormwater Quality Manual.*
- *[Fact sheet] Section 5.9 “Analytical Methods” should provide a reference or link to the methods mentioned.*

Response: Links and hyperlinks are convenient but may become inactive over time and cannot be reliably maintained for the full duration of the permit. For this reason, they are included in the permit only when necessary. Forms and guidance documents, which can be updated more easily, include links and hyperlinks when appropriate.

87. *[Fact Sheet] The word runoff is spelled either as runoff run off or run-off. Please be consistent.*

Response: All instances of “runoff” have been replaced with “run-off.”

88. *[Fact Sheet] The word deicing is spelled as either de-icing or deicing. Please be consistent*

Response: All instances of “deicing” have been replaced with “de-icing.”

89. *[Fact Sheet] In section 3.3, please define the acronym WPED.*

Response: “WPED” has been replaced with “DEEP.”

90. *[Fact sheet] [...] Spelling of catch basin should be consistent.*

Response: All instances of “catchbasin” have been replaced with “catch basin.”