National Pollutant Discharge Elimination System
General Permit for the Discharge of Stormwater
Associated with Industrial Activities
Permit No. CTR050000

Response to Comments
October 2025

The Commissioner of the Connecticut Department of Energy and Environmental Protection ("the Commissioner," "Department," "DEEP") placed the above-referenced permit (the "IGP") on public notice for comment from December 30, 2024, through January 29, 2025. Comments received during this notice period are accounted for below. The following is a summary of the comments in italics, followed by the Commissioner's response and recommendation. Comments have been amended for clarity. Please note that portions of the final permit and fact sheet have been reorganized to reflect structural adjustments, hence section references in the comments may no longer align with the final documents.

1. *The current General Permit states the following in Section 5(b)(9)(A)(iii): (iii) Containment exemption for certain stationary above-ground storage tanks, containers, and areas 1) The secondary containment requirements of Section 5(b)(9)(A)(i) above do not apply to stationary above-ground storage and treatment tanks and containers, and storage areas if such tanks, containers, and storage areas are associated with a discharge(s) authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes." I did not see this same exemption in the draft General Permit.*

   Response: The language was inadvertently omitted from the draft permit during the reorganization and is reinstated in the permit.

2. *Non -industrial SW discharges from industrial properties (see CT DEEP definition for SW associated with IND activities): Do these non-industrial SW discharges require permitting? If so, what is the regulatory mechanism?*

   Response: The IGP authorizes only those stormwater discharges that are associated with industrial activity; non-industrial stormwater discharges from industrial properties are not covered under this permit. The permit and fact sheet remain unchanged.

3. *For facilities that have IND SW catchment areas that are discharged to the ground through infiltration (basins, rain gardens, leaching galleries, constructed wetlands) NOT part of a natural wetlands, and the areas are not in GA or GAA groundwater areas (rather GB areas), what permitting mechanism will need to be used? Section 7(b)(12) in the IGP speaks to the technical factors that have to be considered for a ground discharge system, but is silent on any required CT DEEP approval or permitting.*

Response: The IGP authorizes stormwater discharges to surface waters. As a standard engineering design practice for stormwater conveyance systems, it is expected that stormwater will infiltrate into the ground. The permit and fact sheet remain unchanged.

4. *USEPA explicitly EXCLUDES certain electric power-related activities from Sector O, namely substations or maintenance (fleet vehicles, equipment storage) areas that are not on a power plant property, and simple cycle power plants (gas turbines) (See 2021 MSGP Part 8, sub-part O – sector O Section 8.0.3.2). Do these activities require SW permitting, and if so, what is the mechanism? Would they be required to be classified in Sector AG?*

   Response: This section has been revised to provide clarification and ensure consistency with the 2021 IGP requirements.

5. *Is CT DEEP continuing the exemption from stormwater permitting for hydro-electric facilities? Historically, these facilities simply maintained spill prevention and control plans for chemicals or oils that were on the site, including a SPCC plan if applicable.*

   Response: Sector O applies to Steam Electric Power Generating Facilities, and hydroelectric facilities do not meet the eligibility requirements under 40 CFR Part 423; however permit coverage—whether under the IGP or another NPDES permit—depends on site-specific factors such as exposure of industrial materials or activities (e.g., oils, lubricants, fueling, chemical storage) to stormwater. Facilities that can certify all industrial activities and materials are fully sheltered from precipitation/runoff may qualify for EPA's conditional "no exposure" exclusion.

6. *It is suggested that CT DEEP provide some expanded explanation and guidance on how Sector AG (non-classified facilities) will be used. It appears that CT DEEP needs to make a determination based upon facility request.*

   Response: In this iteration of the general permit, Sector AG is for small-scale composting. Sector AH is reserved for stormwater discharges designated by the Commissioner. The Commissioner reserves the right to designate and require an entity to obtain a direct discharge permit. The permit and fact sheet remain unchanged.

7. *Indicator Monitoring Only USEPA excluding various Sub- Sectors (B2, C5, D2, E2, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1 and AD1) from benchmark monitoring, rather requiring only "indicator " monitoring for pH, TSS and COD (2021 MSGP Fact Sheet, Part 4.2.1.1.a). Why didn't CT DEEP incorporate these exclusions into the IGP? Has CT DEEP reviewed and analyzed the SW monitoring data that has been provided by permittees in SMRs since 1993 to make a determination as USEPA has that benchmarks are not necessary for these Sub-Sectors?*

   Response: DEEP is not aware of the specific rationale or technical basis used by USEPA in making determinations for the exclusions contained in the 2021 MSGP; therefore, those exclusions have not been incorporated into the IGP. In developing the general permit, DEEP

conducted a technical evaluation using data submitted by permittees during the previous permit cycle. This data was analyzed by sector and parameter, and the results of that analysis are part of the administrative record for this permit. The Fact Sheet provides an executive summary of the evaluation, and the permit itself establishes the applicable benchmarks, effluent limitations, and permit terms and conditions based on that analysis. Due to the volume and format of the underlying data and evaluation, the full analysis was not included in the Fact Sheet but remains available to the public upon request. The permit and fact sheet remain unchanged.

8. *What is CT DEEP's rationale for including indicator monitoring for PAHs in certain sectors, and excluding others? One example is Sector O, where PAHs monitoring is required, even if the steam electric power facility does not use oil or coal as the fuel source. It would appear that the exemption should be included for all sectors except A, D, C (SIC Code 2911), F & O (see above fuel use distinction)*

Response: EPA determined that the included sectors and activities are likely to involve industrial operations where petroleum hydrocarbons could be exposed to precipitation, potentially leading to PAH discharges in stormwater. This determination is based on EPA's sector-specific fact sheets and a detailed literature review (MSGP Docket ID# EPA-HQ-OW-2019-0372). According to the modified 2021 MSGP Fact Sheet (Page 13 of 139), PAH monitoring data will provide operators, states, and EPA with a baseline understanding of industrial stormwater discharge quality. The EPA and states, including CT, intend to use this data to - 1. Conduct an initial quantitative assessment of PAH levels in industrial stormwater, 2. Identify activities likely to discharge PAHs, and 3. Inform future consideration of PAH benchmark monitoring for relevant sectors. The permit and fact sheet remain unchanged.

9. *Benchmarks-CT DEEP has chosen to retain certain benchmarks (COD, TOG, TSS nitrate, TP and TKN) that were developed over 30 years ago. CT DEEP should provide a rationale for this approach, as opposed to utilizing the data that it has received in SMRs for over 30 years, and/or more comprehensive data that USEPA has accumulated (The National Stormwater Quality Database (NSQD), Version 4.02, 2018)*

Response: In developing the general permit, DEEP conducted a technical evaluation using data submitted by permittees during the previous permit cycle. This data was analyzed by sector and parameter, and the results of that analysis form part of the administrative record for this permit. The Fact Sheet provides an executive summary of the evaluation, and the permit itself establishes the applicable benchmarks, effluent limitations, and permit terms and conditions based on that analysis. Due to the volume and format of the underlying data and evaluation, the full analysis was not included in the Fact Sheet but remains available to the public upon request. The permit and fact sheet remain unchanged.

10. *CT DEEP has retained the water quality-based benchmarks for Cu, Zn and Pb. CT DEEP makes reference to a "dilution model " it used over 30 years ago (1 inch rain event and an IWC of 20 %). CT DEEP should publish the modeling assumptions and calculations that were used.*

Response: The development and inclusion of numeric and non-numeric water quality-based effluent limitations and benchmarks have been carried forward and expanded upon to ensure the authorized discharges will be controlled as necessary to meet applicable Water Quality Standards. The historic model is part of the administrative general permit development record. These limits and control measures, when implemented, provide additional measures to protect waters of the state. The permit and fact sheet remain unchanged.

11. *For copper, CT DEEP should use the site-specific freshwater acute criteria (25.7 ug/l) to develop a benchmark for SW discharges into the receiving waters where that criterion applies (See CT WQC, Table 3, Note 10). Using the same dilution factor that was used 30 years ago, the copper benchmark for these circumstances would be 0.106 mg/l.*

Response: Individual NPDES permits are unique, site-specific permits for a single facility, while a general permit covers multiple similar facilities with similar discharges within a particular area. A general permit ensures consistent permit conditions for comparable facilities. The development of benchmarks and/or effluent limits using site-specific WQC is better suited for an individual NPDES permit. The permit and fact sheet remain unchanged.

12. *CT DEEP should delete the total iron (Fe) benchmark as USEPA did in the 2021 MSGP. USEPA provides the rationale in their 2021 MSGP Fact Sheet, page 89 " Suspending the Benchmark Threshold for Iron."*

Response: DEEP will review the US EPA's 2021 MSGP Fact Sheet for consideration in the next iteration of the general permit. The permit and fact sheet remain unchanged.

13. *For the new metal benchmarks (Al, As, Cd, Hg, Se, Ag) and CN that have been added to certain sectors, CT DEEP should consider a dilution model as opposed to simply using the acute water quality criteria. An example for aluminum (Al)would be as follows. Utilize the dilution factor that was used for zinc (2.46), the freshwater benchmark would be 1.4 mg/l. CT DEEP should only impose metal benchmarks for marine receiving water discharges where marine(saline) acute water quality criteria have been adopted. The benchmarks should be based upon a dilution model, valid for marine discharges, not the one used by CT DEEP 30 years ago for freshwater discharge.*

Response: Comment noted for the record. The permit and fact sheet remain unchanged.

14. *For discharges to marine(saline) waters, CT DEEP should specify a marine organism (mysid shrimp) for the aquatic toxicity monitoring specified in the IGP. Using a freshwater organism in this circumstance is not valid for assessing toxicity*

Response: The permit has been updated to include organisms for discharges to saltwater.

15. *Corrective Actions-.Visual Assessment Section 7(d)(2): This section, specifically part (C) is somewhat subjective. The 4th bullet states for item 9, "Other obvious indicators of*

stormwater pollution ". What does "obvious" mean? The 5th bullet states " Whenever the visual assessment shows evidence of stormwater pollution .... " What does evidence mean? There are no numerical criteria for the listed characteristics except suspended solids and TOG. With no numerical criteria, what would be the protocol for taking action as present in Section 7(f). Since visual observations (quarterly) are supposed to be done on the same day as benchmark monitoring (semi-annually), what is the protocol for using the benchmark data for TOG and TSS to make any assessments? If CT DEEP is going to retain Section 7(f)(10), a logical protocol would seem necessary for the implementation of Section7(f)(1). CT DEEP could incorporate this in the IGP or provide it in a guidance document. In summary Section 7(f)(10) is very confusing.

Response: The IGP requires that qualified and trained professionals implement and comply with the permit's terms and conditions. DEEP expects such professionals to recognize clear indicators of pollution, including color, odor, foam, and oil sheen. Training materials are available on DEEP's stormwater website, and permittees are strongly encouraged to consult federal and state guidance, such as the U.S. EPA's Industrial Stormwater Monitoring and Sampling Guide (April 2021). The permit and fact sheet remain unchanged.

16. *Aquatic Toxicity Section 7(e)(4): This testing is required annually for the first two years of the permit, the same protocol that is part of current IGP. Earlier comment pointed out that a different organism (mysid shrimp) would be more appropriate for discharges into marine waters. Section 7(e)(4)(F) provides the Commissioner with authority to act on "toxicity". However, there are no criteria provided in the IGP to determine if what level of toxicity is actionable. Toxicity does not have a benchmark or effluent limit in the IGP. It is also not included in Section 7(f) Table 10 as a condition requiring corrective action. Further, there is no sub-section in 7(f) that addresses the actions that may be required for "toxicity". CT DEEP needs to explain this requirement since it seems to be open-ended and somewhat confusing.*

Response: The toxicity permit condition is carried forward from the current iteration of the permit. The IGP requires one (1) toxicity test to be performed in the first year after receiving the Notice of Coverage from the Commissioner, and the results are to be reported in NetDMR. The information is used by the Department to evaluate individual sites and industrial sectors. Additional language has been added to the permit to ensure the permittee understands how to evaluate the results of their test. DEEP intends to continue to use this data to evaluate individual sites and industrial sectors as a whole.

17. *Benchmark Exceedances (section 7(f)(2): The current protocol for assessing exceedances (2 years of semi-annual monitoring) is the same as the current IGP. For facilities requiring benchmark monitoring USEPA in the 2021 MSGP uses a protocol that has all testing required to be done in the first year (quarterly sampling). CT DEEP should provide an explanation concerning their retention of the 2-year semi-annual period.*

Response: The semi-annual sampling frequency aligns with the US EPA 2021 MSGP, in that it requires the collection of four (4) samples for the protocol. The permit and fact sheet remain unchanged.

18. *CORRECTIVE ACTION SCHEDULE (Section 7(f)(1)) and IMPLEMENTATION (Sections 7(f)(2) thru 7(F)(10)) CT DEEP needs to provide an explanation on how the corrective action schedule in 7(f)(1) was developed for subsections A thru D. Since monitoring is only required on a semi-annual basis for benchmarks and quarterly for visual assessments, how do the schedule time frames actually work? For 7(f)(1) (D), does the Commissioner provide review and approval of the request for an extended schedule (beyond 45 days)?*

Response: This comment appears to be based on the initial public notice published in early 2024 and does not reflect the permit conditions in the second draft released at the end of 2024. The corrective action section is modeled on the U.S. EPA's 2021 MSGP, and the draft permit establishes a 60-day limit. Regardless of the sampling frequency, the follow-up sampling should be taken within 30 days (or until the next qualifying storm event, should none occur within thirty (30) calendar days) after implementing the required CAM level(s). The guidance regarding follow-up monitoring was updated in the second draft to provide additional clarity. The permit and fact sheet remain unchanged.

19. *The CT DEEP should provide a logic diagram for the implementation of 7(f)(1), 7(f)(2), 7(f)(3) and 7(f)(10).*

Response: The comment is acknowledged for the record. DEEP may provide guidance for the implementation of the corrective actions as needed. The permit and fact sheet remain unchanged.

20. *There is no subsection in 7(f) that provides a protocol for addressing "toxicity ". The IGP does not include benchmarks or effluent limitations for "toxicity"*

Response: The IGP does not establish benchmarks or effluent limits for toxicity. DEEP acknowledges the discrepancy in the draft permit language noted by the commenter and has revised the language in the final permit accordingly.

21. *In Section 7(f)(10), the first sentence concludes that visual assessments can be considered "obvious" indicators of pollution. See earlier comments on Sector 7(d)(2). Further, 7(f)(10)(A) makes reference to "permit effluent limits". However, the permit does not include such limits for visual observations. CT DEEP needs to clarify this apparent contradiction.*

Response: As discussed in the fact sheet, all stormwater permits include both numeric and non-numeric limits. A stormwater visual assessment is a qualitative method used to evaluate stormwater discharges for pollution by observing characteristics such as color, turbidity, floating solids, foam, oil sheen, and odor, rather than measuring specific chemical or numerical limits. These observations function as non-numeric effluent limits under the IGP and are

intended to provide immediate information on potential pollution sources that may require corrective action. The IGP requires that qualified and trained professionals implement and comply with the permit terms and conditions, and DEEP expects such professionals to recognize these indicators of contamination. Training materials are available on DEEP's stormwater website, and permittees are strongly encouraged to consult federal and state guidance, including the U.S. EPA's Industrial Stormwater Monitoring and Sampling Guide (April 2021). The permit and fact sheet remain unchanged.

22. *Section 7(f)(13) " Waiver for Corrective Action": Provide a definition for an "abnormal event"*

Response: An "abnormal event" is reasonably interpreted by the professional community as an incident that is beyond the permittee's reasonable control. The comment is acknowledged for the record. The permit and fact sheet remain unchanged.

23. *The requirement for an "annual" report is another administrative burden on permittees. Permittees will continue to submit SMRs (now called DMRs) on a semi-annual or quarterly basis. Where effluent limitations apply, exceedances require notification as specified in the RCSA (section 7(f)(3). Operating records (inspections, training, semi-annual comprehensive inspections, corrective actions) and visual assessment reports will continue to be retained on site.*

Response: As outlined in greater detail within the fact sheet, the inclusion of the Annual Report permit condition brings Connecticut into alignment with national requirements and furnishes DEEP with a comprehensive summary of site inspection and visual assessment findings, documented instances of noncompliance, and any associated corrective actions – all of which are required by the permittee to perform, document, and report. DEEP is working to create an online report to provide a streamlined service to the community and will provide updates of its development on the Stormwater webpage. The permit condition and fact sheet remain unchanged.

24. *CT DEEP needs to explain the rationale for the benchmark for copper being deleted from Sectors Q, R, and AG.*

Response: DEEP identified a computational error in the statistical analysis that informed the recommendation to incorporate the benchmark into the draft permit published for public notice.. Following correction of the analytical error, DEEP concluded that the applicable industrial sectors would be unable to attain the proposed benchmark values through the implementation of best management practices (BMPs) and control measures generally in practice today. The permit condition and fact sheet remain unchanged.

25. *CT DEEP needs to explain the rationale for the increase in monitoring for certain benchmarks (Hg, Fe,Cu) in certain Sectors from semi-annual to quarterly*

Response: DEEP performed a review of the previous and final iterations of the IGP and was unable to identify the circumstances mentioned by the commentor. The permit condition remains and the fact sheet remains unchanged.

26. *In various parts of the GP, CT DEEP has specified the benchmark "test " for four consecutive samples where semi-annual sampling is required (a two-year period). CT DEEP needs to clarify how this "test " is used, where the benchmark sampling frequency has been increased to quarterly. An example is iron benchmark monitoring in Sectors M,N & O and mercury and aluminum in Sectors M & N. Is the "test " applicable after the first year (4 samples), or the second year) 8 samples)*

Response: DEEP performed a review of the draft permit and was unable to determine what the commentor is referring to. The comment is unclear and does not provide sufficient detail for DEEP to evaluate or prepare a substantive response. The permit and fact sheet remain unchanged.

27. *Citation: (Multiple Pages) Liquid De-Icing Material Storage "The permittee must provide containers for liquid de-icing materials be constructed with impermeable secondary containment which will hold at least 110% of the volume of the container without overflow from the containment area." Comment: We recommend a de minimis quantity for the secondary containment requirements (i.e greater than 10 gallons). It is common to have smaller containers of liquid deicing containers dedicated to stairways and other potential slip hazards that are less than 10 gallons. Providing secondary containment for these containers is not warranted due to their small quantity.*

Response: Given the potential for any outdoor chemical storage to result in a release that could discharge into surface waters, the requirement will be retained to mitigate the associated environmental risk. The permit condition and fact sheet remain unchanged.

28. *Citation: (Multiple Pages) Liquid Storage Tanks "Minimize contamination of stormwater from above-ground liquid storage tanks by implementing the following control measures or equivalent measures (list not exclusive): using protective guards around tanks; using containment curbs; installing spill and overflow protection; or using dry cleanup methods. Comment: The majority of the above statements mirror those in the EPA Multisector permit. However, the phrase underlined "or equivalent measure" is not used put rather the phrase "where determined to be feasible" is used. We suggest using the EPA language of where determined to be feasible as it removes the uncertainty of determining what equivalent measures are.*

Response: The phrase "or equivalent measures" has been intentionally included in the requirement for managing stormwater contamination from above-ground liquid storage tanks to provide both regulatory clarity and implementation flexibility. This language establishes a clear expectation that control measures must be implemented, while also allowing for site-specific alternatives that achieve an equivalent level of environmental protection. By using "or equivalent measures," the permit maintains a performance-based standard, ensuring that

the core objective—minimizing contamination of stormwater—is met, regardless of the specific method used. This approach accommodates variations in site layout, operational constraints, and technological advancements, while avoiding overly prescriptive mandates that may not be appropriate or effective for all facilities.

In contrast, using the phrase "where determined to be feasible" could unintentionally create ambiguity around when and how measures must be implemented. Feasibility determinations are often subjective and may lead to inconsistent application or even the omission of controls that are necessary to protect water quality. The permit condition remains unchanged.

29. *Citation: Section 7(e)(5) Monitoring Discharges to Impaired Waters. "For monitoring of impaired waters, the draft permit directs permittees to refer to the Connecticut DEEP Water Quality Plans and Assessment Map to determine impairment status and relevant Total Maximum Daily Loads (TMDLs) of receiving water for stormwater discharges. Comment: The link provided is recommended to go directly to the Connecticut DEEP Water Quality Plans and Assessment Map. The previous link contained multiple documents that can be confusing to the reader. For the current permit, there is a guidance document (dated 2011) that provides a table with all of the impaired water bodies for the state. It is recommended that an updated guidance document is provided to accompany the new permit (Impaired Water Monitoring Table (ct.gov).*

Response: The comment is acknowledged for the record. The permit condition and fact sheet remain unchanged.

30. *Citation: Section 7(e)(5)(D) "No further monitoring is required after the first year of monitoring if the indicator pollutant is not detected above natural background levels and the permittee has documented these findings in accordance with Section 7(c). The permittee must provide such documentation to the Commissioner and obtain affirmative determination to discontinue monitoring." Comment: Where will information regarding what is and what is not background levels be? Are there any impairments that this rule does not apply to?*

Response: Thank you for your thoughtful comment and for raising important questions about how "natural background" levels would be defined and applied. Upon review, we have removed the language regarding "natural background" from the permit to avoid placing an undue burden on permittees to prove that a pollutant originates from natural conditions. Instead, the permit continues to provide flexibility for permittees where exceedances are attributable solely to off-site "run-on." Under this provision, no corrective action or additional benchmark monitoring is required if the permittee can demonstrate that: 1) The statistical average of benchmark monitoring results is less than or equal to pollutant concentrations in off-site run-on, 2) Changes in pH are attributable to rainfall, supported by representative rainfall sample data submitted to the Commissioner, 3) The SWPPP includes documented rationale and supporting data demonstrating that exceedances are due exclusively to off-site run-on, and 4) Engineering analysis shows that diversion of off-site run-on at these pollutant levels is infeasible.

This approach provides a clear, consistent framework for addressing pollutants from off-site sources, while avoiding the challenges and uncertainty associated with establishing and proving "natural background" conditions.

31. *Citation: Section 7(g)(3) - Discharge Monitoring Reports. "Discharge monitoring reports (DMRs) for all monitoring types listed in Table (Section 7(e)) must be submitted thirty (30) days after receipt of sample results in the first full semi-annual period after discharge authorization (i.e., permit approval). The transition to electronic submission of DMRs will occur within one (1) year of permit issuance and monitoring must be conducted in accordance with the schedule listed in Table 10, below." Comment: Guidance for stormwater sampling under the current permit is not provided if the approval of the new permit occurs after October 1st, 2024. Since we still do not have a date for the new permit, what sampling is currently required? Please provide an estimated date for the submittal of the final permit and if facilities are to continue sampling under the old permit even though it has not officially been administratively continued.*

Response: The draft permit, published for public notice, included language indicating that the final permit would contain specific sampling and reporting requirements. Upon issuance of the general permit, permittees with existing coverage will be required to conduct monitoring and submit Discharge Monitoring Reports in accordance with the updated requirements. Updated Discharge Monitoring Report (DMR) forms will be made available on the DEEP website and must be submitted electronically to the new e-mail address until the transition to NetDMR is complete. Additional guidance and instructions will be provided on the DEEP Stormwater website. The permit and fact sheet have been updated.

32. *Citation: Section 7(g)(3) - Discharge Monitoring Reports. "Discharge monitoring reports (DMRs) for all monitoring types listed in Table (Section 7(e)) must be submitted thirty (30) days after receipt of sample results in the first full semi-annual period after discharge authorization (i.e., permit approval). The transition to electronic submission of DMRs will occur within one (1) year of permit issuance, and monitoring must be conducted in accordance with the schedule listed in Table 10, below." The original submittal time was 90 days and was based on the date of sampling rather than receipt of sample results. Comment: The original submittal time was 90 days and was based on the date of sampling rather than receipt of sample results. If the period for submittal is based on receipt of sample results, how do we address different receipt dates for the same discharge taken in one storm event?*

Response: See response and comment to number 31 above.

33. *Citation: Section 7(e)(l)(E)(i) "An exemption for sample pH cannot be earned until exemptions for all other parameters are met." Comment: What is the scientific basis for this requirement? A similar requirement could not be identified in the 2021 MSGP.*

Response: The Department acknowledges the comment. Unlike other parameters expressed in mass per unit volume (e.g., mg/L), pH is a logarithmic measure of hydrogen ion concentration. Because of this logarithmic scale, pH values cannot be mathematically

averaged. Accordingly, exemption determinations must be based on the evaluation of pH results independently of other parameters. The permit and fact sheet remain unchanged.

34. *Citation: Section 7(d)(2)(C)(2) "The permittee must assess the sample they collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as it if feasible to do so after the first 30 minutes, and the permittee must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge and a qualifying storm event;" Comment: Please provide the mechanism for the permittee to document reasons that the sample could not be collected within 30 minutes. Additionally, what does it mean when snowmelt is present, but no qualifying event happens?*

Response: An explanation section for not collecting the sample within the first 30 minutes of discharge can be added to the DMR. The sample must be taken during a discharge event. The permit condition and fact sheet remains unchanged.

35. *Citation: Table 6. Summary of Effluent Limitation Guidelines Parameters and Applicable Sectors Comment: Sector O is not specified as being subject to effluent limitation guidelines on Table 5, however, Table 6 shows Sector O having an ELG for TSS as 50 mg/L. Note Table O (page 170) states that there are no effluent limits for this sector.*

Response: The permit has been updated to correct the typographical error. Sector 0 has an effluent limit of 50 mg/L for TSS.

36. *Citation: Section 7(j)(15) Table O Comment: Correction needed to Table O. Table O has one location where there is a superscripted "2". There is no corresponding note explaining the number 2 superscript.*

Response: The permit has been updated.

37. *Citation: Section 7(d)(5)(B) (Areas that Receive Snow): This exception applies only to quarterly visual assessments. If the facility is in an area that typically receives snow and the facility receives snow at least once over a period of four quarters, at least one quarterly visual assessment must capture snowmelt discharge, if feasible*

Response: Comment noted for the record. The permit condition and fact sheet remains unchanged.

38. *Citation: Section 7(d)(5)(A) (Adverse Weather Conditions): This exception applies only to quarterly visual assessments. Comment: Please clarify why this exemption would only apply to quarterly visual samples. There are quarterly sampling requirements that seemingly would not be afforded this same exemption but would be exposed to the same, potentially greater, difficulties and time constraints.*

Response: Please refer to Section 5.5 for permit language regarding the inability to collect samples. The permit condition and fact sheet remains unchanged.

39. *Citation: Proposed regulation: 7(e)(8)(D) That "in no case shall one outfall test be substituted for more than five (5) outfalls", Comment: There are no similar restrictions to Substantially Identical Discharge Points (SIDP) in the draft 2026 EPA MSGP. Please provide a rationale for the limitation of 5 outfalls when determining SIDPs.*

Response: The referenced permit is currently in draft form and subject to change. The comment is noted for the record. The permit condition and fact sheet remains unchanged.

40. *Citation: 7(f)(1(B) "If the permittee determines that additional actions are necessary beyond those implemented as immediate measures, the permittee must complete the corrective actions (e.g., install a new or modified control measure or complete the repair) before the next storm event, if possible, and within fourteen (14) calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within fourteen (14) calendar days, the permittee must document why it is infeasible to complete the corrective action within the 14-day timeframe. The permittee must also identify a schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than sixty (60) days after discovery." Comment: Due to long lead times and planning/financial limitations, it will likely be difficult to implement corrective actions, with structural and treatment control measures in particular, within a 14/60 day timeframes An increase to the corrective action implementation timeframe (in lieu of requesting an extension from the Commissioner) from the current 45-day limit to six (6) months. This will allow a more realistic implementation timeframe for corrective action measures.*

Response: It is understood that a range of corrective actions may be identified and implemented over the course of the permit term. The expectation is that a well-established Stormwater Program will anticipate and account for potential control measure challenges to minimize the necessity for extended lead times. The permit condition and fact sheet remains unchanged.

41. *Citation: Section 7(b)(3) – Liquid and Wastewater Containment "To prevent unauthorized discharges of liquid chemicals or wastewater from commingling with or polluting a facility's stormwater discharges, or otherwise causing pollution to the waters of the state, the permittee must comply with the following requirements as applicable" (i.e., Sections 7(b)(3)(A), (B), & (C)) Comment: The absence of an exemption for wastewater treatment tanks covered under a permit marks a significant departure from the current permit. Requiring secondary containment for all above-ground tanks, containers, and storage areas used for the collection, storage, or treatment of wastewater would impose considerable costs and may be infeasible in many cases. Under the current permit, Section 5(b)(9)(A)(iii)(1) provides an exemption for stationary above-ground storage and treatment tanks, containers, and storage areas associated with discharges authorized by a permit issued under Section 22a-430 or 22a-430b of the Connecticut General Statutes. We request that this same exemption be carried over to the new permit.*

Response: See response and comment to number 1 above.

42. *Citation: Section 7(f)(3)(H) - Visual Assessment Shows Evidence of Pollution "If any inspection (monthly routine, quarterly visual, or semi-annual comprehensive) or observation reveals color, odor, floating solids, settled solids, suspended solids, or foam in the stormwater discharge, then a CAM is triggered. Failure to take corrective action in accordance with this section is a permit violation. The Commissioner will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations. "Comment: We would like to reiterate our concern regarding the requirement that a Corrective Action Measure (CAM) could be triggered based on a visual assessment of the stormwater discharge. The current draft permit specifies that any observation revealing the presence of color, odor, floating solids, settled solids, suspended solids, or foam automatically triggers a CAM, potentially escalating to Level 3 CAM after just three quarterly visual assessments. This could result in facilities being forced to implement structural treatment controls, even if solids present in the discharge are below benchmark thresholds as determined by chemical analysis. Visual assessments are subjective and can be influenced by personal interpretation. Additionally, stormwater samples often contain trace amounts of organic materials or solids, which may not pose any significant environmental risk, particularly if the chemical analysis shows levels below the benchmark thresholds. We believe that visual assessments should only serve as data collection tools for reporting purposes and should not dictate corrective actions. If the permit condition remains, we urge DEEP to revise the permit to clarify what constitutes "evidence of stormwater pollution" in a visual assessment. However, our preference would be to remove the condition for a CAM to be required based on a visual assessment. It is important to note that the design and selection of treatment technologies should be based on analytical results that reflect actual pollutant concentrations, not subjective visual assessments. Designing and installing structural treatment systems based on a visual assessment could lead to unnecessary/significant capital expenditures for facilities, as they may be forced to invest in expensive treatment systems that are not required or are ineffective in addressing the actual stormwater pollution. This could result in costly and unnecessary infrastructure investments, while potentially providing little or no environmental benefit if the discharge is still within acceptable pollutant thresholds. We recommend that the permit focuses on data-driven decision-making rather than visual observations to ensure that corrective actions implemented are appropriate.*

Response: DEEP appreciates the concern regarding the use of visual assessments to trigger Corrective Action Measures (CAMs). Visual assessments are a long-standing tool in the NPDES Industrial Stormwater Program and serve an important function in identifying potential water quality problems that may not be captured through periodic analytical sampling alone. The intent of this requirement is not to substitute subjective observation for scientific analysis, but to ensure that facilities respond to observable indicators of pollution that, if unaddressed, could lead to exceedances of benchmarks or water quality standards.

The presence of color, odor, floating solids, settled solids, suspended solids, or foam in stormwater discharges is considered evidence of stormwater pollution under both federal and

state program guidance. While the Department acknowledges that trace amounts of naturally occurring materials may occasionally be present, recurring visual evidence of these conditions warrants closer review of a facility's stormwater controls. The CAM framework provides a structured, tiered approach to address these findings, beginning with operational and housekeeping evaluations before progressing to structural treatment controls. The escalation to higher CAM levels is not automatic and is based on a facility's overall implementation, responsiveness, and pollutant control needs.

DEEP also notes that corrective actions resulting from visual observations are intended to be proportional and site-specific. The requirement does not mandate that every instance of a visual observation will result in the installation of structural controls. Accordingly, the Department does not agree that visual assessments should be limited to data collection only. The permit and fact sheet remain unchanged.

43. *Citation: Section 4(a)(1) - Registration Procedures "Any industrial activity authorized for discharge by the previous general permit (issued on October 1st, 2021) must submit a registration under this general permit by January 31st, 2025, or 120 days after the issuance of this general permit, whichever is later."Comment: Due to the substantial changes that will be required to the existing SWPPPs, we would like to request that the 120-day period to register under the new IGP be extended to 270 days from issuance to allow registrants (and consultants) sufficient time to update the SWPPPs and prepare the registrations. Or alternatively, we would request that the registration period requirement remain the same, but that a 150-day extension following registration be added to the General Permit to update the SWPPPs.*

Response: The Department acknowledges that modifications have been made to the permit; however, it does not consider these changes to be substantive enough to justify extending the timelines established under the general permit for SWPPP development. That said, given the introduction of new registration and reporting requirements, the Department agrees that additional time is warranted to support compliance with these processes.

44. *Citation: Section 7(e) - Monitoring Requirements "Monitoring must commence the first full semi-annual period after the date of discharge authorization (see Section 7(g)(3) for reporting schedules). If the permit is administratively continued, monitoring requirements remain in force and effect at their original frequency during any continuance for operators that were permitted prior to permit expiration." Comment: We would like to request that there be a delay in starting up with the new stormwater monitoring requirements – similar to the new RI MSGP that was just issued last year which allowed a 6-month period where no chemical monitoring was required for that time period to allow registrants (and consultants) time to get up to speed with the new permit requirements.*

Response: The draft permit, published for public notice, included language indicating that the final permit would contain specific sampling and reporting requirements. Please refer to the final permit for the sector-specific monitoring and reporting obligations.

45. *I have a question/comment pertaining to the period in between rain events for it to be a qualifying rain event. In the MS4 General Permit, it only requires 48 hours of dry period/no discharge for it to be a qualifying rain event, was there any consideration in making the Industrial General Permit have the same time period in between events, instead of the 72-hour requirement? This would potentially allow for additional rain events for collecting samples. We had a lot of difficulties collecting samples over the summer with the limited rain events and switching to 48 hours could help everyone trying to collect samples.*

Response: The distinction between the minimum interval for qualifying storm events under the industrial stormwater permit (72 hours) and the municipal separate storm sewer system (MS4) permit (48 hours) is based on technical and programmatic considerations specific to each sector. The IGP considers the 1) Recharge and Pollutant Accumulation: The 72-hour dry period allows for the accumulation of pollutants on impervious surfaces. The "first flush" of a storm event, which occurs within the first 30 minutes of rainfall, typically carries the highest concentration of pollutants; 2) Representative Sample: Requiring 72 hours of dry weather ensures that the collected sample is representative of the pollutants that have accumulated over time, rather than a less concentrated discharge from a subsequent, closely-timed rainfall; and 3) Stormwater Controls: Sampling a QSE provides the most accurate data for evaluating the effectiveness of a facility's BMPs and Stormwater Pollution Prevention Plan (SWPPP).

The 48-hour interval is primarily a design standard, not a discharge interval, and is most relevant for stormwater management controls like infiltration systems. Connecticut's Stormwater Quality Manual requires infiltration systems to be designed to completely drain within 48 hours. This allows the system's storage capacity to be fully available for the next rainfall event. The permit condition and fact sheet remains unchanged.

46. *In Section 7(b)(4)(B), there appear to words missing in the first sentence of the first paragraph*

Response: Comment noted for the record and language updated.

47. *In Section 7(c)(2)(D)(ii), it appears that the items should be bulleted*

Response: Comment noted for the record.

48. *In Section 7(c)(2)(D)(iii), items (6) thru (8) should be subsections under item (5)*

Response: Comment noted for the record.

49. *In Section 7(d)(3)(A), it appears that the items should be bulleted.*

Response: Comment noted for the record.

50. *5(e) (2)(B) " That in no case shall one outfall test be submitted for more than five (5) outfalls." Issue: Currently, in less than 2 acre portion of the facility there are 42 outfalls.*

The average watershed of each outfall is approx. 2,000 ft2 and each are contains the exact same operations, potential pollutants of concern and control measures. Based on the proposed regulation there would be (9) separate sample locations in the 2 acre area, nearly doubling the sampling quantity at the facility. suggested amendment: ...in no case shall one outfall test be substituted for more than five (5) outfalls unless approved by the commissioner.

Response: Comment noted for the record. Please see response and comment to number 39 above. The permit and fact sheet remains unchanged.

51. *7(e)(8)(A) "All samples shall be collected from discharges resulting from a storm event that occurs at least 72 hours after any previous storm event generating a stormwater discharge." Issue: Waiting 72 hrs from previous storm cause difficulty (i.e rainfall timing and weather patterns) with collecting samples within the semi-annual sampling requirement. Comment 8 response of attached 2024 RIDPDES Multi-sector General Permit for Stormwater Discharge Associate with Industrial Activity denotes the necessary evidence for modifications to decrease the timeframe 2 hours4 from8 hours 72hours to 48hours to provide additional opportunities for permittees to sample and maintain comp. Suggested amendment- sample with the c 48 hours of preonsistentvious storm, consistent with proposed Visual Sampling*

Response: See response and comment to number 45 above. The permit and fact sheet remain unchanged.

52. *Existing regulation 5(b)(9)(A)(iv) [proposed regulation: 7(b)(3)©] "The impermeable secondary containment area as required for either Stationary or Moblie Liquid Storage must be roofed in a manner which minimizes stormwater entry to the containment area, except for a containment area which stores tanks or container of 100-gallon capacity or more, in which a roof is not required." Issue: certain containers with <100-gallon capacity requiring secondary containment would be very difficult to keep roofed, due to project constraints (i.e. mobility requirements, location limitations, spatial restrictions, etc.) Suggested: If the facility is able to maintain secondary containment through alternate means the permittee is not required to roof secondary containment for containers <100-gallon capacity. Examples of alternate means include but are not limited to: pumping out containments to prevent overflow promptly.*

Response: The requirement to roof secondary containment areas is intended to minimize stormwater entry, reduce the potential for contaminated discharges, and ensure adequate capacity is maintained in the event of a release. Containers with a capacity of 100 gallons or greater remain subject to this requirement due to the higher risk they pose.

For containers under 100 gallons, the Department acknowledges that roofing secondary containment can at times pose a challenge, however, the responsibility to ensure secondary containment is properly maintained remains with the permittee.

53. *Bulk Solid De-Icing Material Storage (Sector AE) Current Industrial Stormwater GP Provisions The Draft Industrial Stormwater GP provides that facilities with less than 30,000*

tons of solid de-icing material storage piles ("stockpiles") that are in place for more than 180 consecutive days "must be enclosed or covered by a rigid or flexible roof or other structural means. Such a structure must not allow for the migration or release of material outside the structure through its sidewalls" However, facilities with the capacity to store, at any one time, 30,000 tons or more of solid de-icing materials are currently exempt from the requirement to cover them by structural means. Instead, these facilities may use an impermeable, polyethylene cover and implement best management practices to reduce the discharge of de-icing material to waters of the state, such as sweeping the site and locating the stockpile on an impermeable surface. While we appreciate the inclusion of these best practices into the Industrial Stormwater GP, we believe that they are (and will continue to be) insufficient to protect water quality so long as stockpiles are not covered by structural means. This is because using any other means, such as an impermeable cover, requires uncovering the stockpiles during receipt and delivery of de-icing material, and this routinely exposes the stockpiles to wind and stormwater. In addition, impermeable covers are easily ripped during handling or improperly anchored and blown off by high winds," which can lead to exposure of the stockpiles to wind and stormwater for significant periods. Particularly as climate change is expected to increase the frequency and severity of storms, it is paramount that the methods used to contain pollutants such as salt can reliably do so under these storm conditions.

Response: The DEEP appreciates the comment and recognizes the concern regarding the potential for exposure of bulk de-icing materials to stormwater. Additional BMPs and controls have been added to the permit to strengthen protections, including requirements for impermeable covers, siting stockpiles on impermeable surfaces, and implementing housekeeping practices such as sweeping, wheel washes, etc. to minimize migration of material. The DEEP acknowledges that rigid or structural enclosures provide the highest level of protection but notes that requiring such measures for all facilities, including those with stockpiles exceeding 30,000 tons, would not be practicable in all cases due to several factors. The permit therefore maintains a distinction between structural coverage requirements for smaller, long-term stockpiles and enhanced BMP requirements for larger stockpiles. This approach reflects both risk management and the operational realities of facilities handling large volumes of de-icing materials.

DEEP will continue to evaluate the effectiveness of these practices and may revisit requirements in future permit cycles if warranted.

54. *Impacts of Stockpile Exposure to Stormwater Exposure of de-icing material storage facilities to stormwater can have profound impacts. EPA has estimated that "rain will reduce a salt pile at the rate of about ¼% per annual inch of precipitation." While that figure may appear insignificant, "in an area with 40 inc. (101 cm) of precipitation each year, a salt pile left exposed for half a year will lose 5% of its volume. An exposed salt pile of 500 tons (450 t) would lose 25 tons (23 t) under these conditions, not counting losses due to wind." As DEEP is well aware, salt contamination of surface and groundwater can have devastating impacts on drinking water supplies.6 For instance, that hypothetical "25 tons (23 t) of salt carried off the 500-ton (450 t) salt pile cited above is sufficient to pollute almost 15 million gal. (56.7*

million l) of water to the 250 milligrams per liter (mg/l) chloride maximum recommended by the US Public Health Service for drinking water supplies." It is also "capable of raising the sodium content in almost 120 million gallons (454 million l) of water to threshold level (20 mg/l) beyond which it becomes dangerous to medical patients restricted to low sodium diets." In some states such as Massachusetts and Ohio, seepage from salt storage piles has been determined to contaminate drinking water. We fear that the bulk solid de-icing material storage facilities may be having the same impact in Connecticut. In addition, we are concerned about the impact that uncovered solid de-icing material storage facilities have on aquatic life. Elevated amounts of salts in surface waters can be toxic to fish and other organisms. When these salts "mobilize heavy metals, nutrients, and radionuclides, they can create even more potent 'chemical cocktails' which are mixtures of chemical that may have synergistic toxic effects that may be difficult to treat and remove."

Response: DEEP shares the concern about salt intrusion and contamination of drinking water, particularly from exposed de-icing material stockpiles. While DEEP does not have control over local zoning or facility siting, the permit includes strong BMPs and structural controls aimed at minimizing stormwater contact and salt migration. We believe these protections, together with the added controls, are sufficient for the present permit cycle. See DEEP's "Salt Impacts & Our Environment" webpage for further information: https://portal.ct.gov/deep/salt/salt-main-page

55. *Stockpile Storage & Impacts on the Mill River While we are concerned about these impacts statewide, we have been repeatedly alarmed by the siting and maintenance of the stockpiles located along the Mill River at 347 Chapel Street in New Haven, Connecticut. These stockpiles—covered under Sector AE of the Industrial Stormwater GP—are directly on the edge of the Mill River and at least partially in a FEMA-designated Special Flood Hazard Area (SFHA).13 Additionally, they are in an overburdened Environmental Justice Community, very near a residential neighborhood and sensitive receptors such as the Cold Spring Middle School and Criscuolo Park. However, because the Industrial Stormwater GP exempts bulk solid de-icing material storage facilities from the requirement to cover stockpiles with a permanent structure, they are covered intermittently only by an impermeable cover. As a result, we fear that stormwater runoff is discharging substantial amounts of salt and other pollutants into the Mill River and surrounding waterbodies. Additionally, while this facility is located in an Environmental Justice Community, it has not been subject to the public participation requirements of Connecticut's Environmental Justice Law because it is covered under a general, rather than an individual, permit. While the Industrial Stormwater GP requires this facility to cover the stockpiles to the maximum extent practicable and comply with good housekeeping practices, DEEP has cited this facility for failure to do both. Based on our observations, these piles are routinely uncovered for days at a time. But as EPA has noted, stockpiles must be covered, and even "[c]overed piles require exceptional measures in housekeeping to prevent salt-brine runoff." As with many of the salt storage facilities EPA has surveyed, this facility appears to lack the meticulous maintenance required for good outdoor storage of stockpiles."*

Response: DEEP appreciates the concerns raised regarding the facility located at 347 Chapel Street in New Haven and acknowledges the potential impacts from bulk solid de-icing material storage along the Mill River. The Department is also mindful of the facility's location within a Special Flood Hazard Area and an Environmental Justice community.

The Industrial Stormwater General Permit requires stockpiles to be covered to the maximum extent practicable and mandates housekeeping and BMPs to minimize exposure to stormwater. The Department has taken enforcement action against this facility for non-compliance with permit terms and conditions, along with many other industrial sites, and will continue to monitor for compliance. While the permit exempts large stockpiles from structural coverage due to operational constraints, the inclusion of additional BMPs and controls in the current draft permit is intended to strengthen protections against stormwater impacts.

56. *Recommendations: To address the above-mentioned concerns, we urge DEEP to consider the following measures, which are consistent with the recommendations in EPA's Manual:*
• Require bulk solid de-icing material storage facilities to completely cover their stockpiles by structural means, rather than an impermeable cover.
• Require all brine runoff to be contained in a lined catchment basin and disposed of appropriately.
• Require bulk solid de-icing material storage facilities, or at least those located in a sensitive environmental area or Environmental Justice Community to obtain an individual, rather than a general permit

Response: Comment noted for the record. The permit and fact sheet have been updated.

57. *PFAS and 6PPD-quinone Monitoring Emerging contaminants such as PFAS and 6PPD can cause significant adverse impacts on human health and the environment. As DEEP is aware, PFAS can move through soils to contaminate drinking water sources and bioaccumulate in fish and wildlife. In December 2024, EPA issued a draft general permit for stormwater discharges associated with industrial activities, and this draft requires indicator monitoring of PFAS using EPA Method 1633.21 This monitoring would apply to Sectors A, B, C, D, F, I, K, L, M, N, P, R, S, T, U, V, W, X, Y, Z, AA, AB, and AC. We urge DEEP to follow this example and include PFAS monitoring in the Industrial Stormwater GP. 6PPD-quinone, the primary toxic breakdown product of 6PPD (N-(1,3-dimethylbutyl)-N'- phenyl-p-phenylenediamine), is currently under a regulatory investigation by the EPA under the Toxic Substances Control Act. However, ample evidence already demonstrates that 6PDD- quinone can be acutely toxic to aquatic life. While EPA does not yet require permittees to monitor for 6PPD-quinone, it is soliciting comments on this matter. Additionally, it has published a draft method to test for this substance. We urge DEEP to consider the results of EPA's regulatory investigation of 6PPD-quinone in reissuing the Industrial Stormwater GP in the future. As soon as methods for testing 6PPD-quinone are approved, we urge DEEP to require monitoring for it in the Industrial Stormwater GP.*

Response: The referenced permit is still in draft form and is subject to change. THE DEPARTMENT continues to monitor the published research. The comment is noted for the record. The permit and fact sheet remain unchanged.

Informational Hearing for the General Permit for the Discharge of Stormwater Industrial Activities

During the public notice period, DEEP received a petition concerning section 7(j)(31) Sector AE – Bulk Solid De-icing Material Storage. DEEP posted a 30-day public notice and held a public informational hearing to receive comments on the General Permit on May 13, 2025. The following is a summary of the comments and the Departments disposition, followed by the comments received during and before the close of the notice period. Comments are in italics, followed by the Commissioner's response and recommendation. Please note the verbal comments were transcribed and may have some errors or discrepancies between the spoken words and their written representation.

Consolidated Response – Bulk Solid De-Icing Material (Salt) Storage

The Department appreciates the extensive public input regarding bulk salt storage and its potential effects on water quality, Environmental Justice (EJ) communities, and nearby neighborhoods. Chloride and associated pollutants can impair surface and groundwater, affect aquatic life, and degrade infrastructure and soils. The IGP addresses these risks by requiring controls that minimize exposure of salt to stormwater and reduce pollutant migration.

Permit Approach (Summary)

- **Coverage/Exposure Controls.** Facilities must minimize exposure of salt to stormwater through impermeable covers, siting on impervious pads, containment, and enhanced housekeeping/BMPs (e.g., sweeping, timely repair/maintenance, accumulated water management, inspection and prompt correction).
- **Structural Enclosures.** The permit does not mandate permanent structural buildings for large stockpiles due to operational/logistical constraints; instead, it requires impermeable covering and strengthened BMPs. Smaller, long-term stockpiles are subject to a structural coverage requirement.
- **Inspection, Maintenance, and Enforcement.** Facilities must inspect, maintain, and promptly correct deficiencies. DEEP conducts inspections and takes enforcement actions when conditions are not met; repeated or serious noncompliance may result in escalated enforcement.
- **Discharge Pathways.** Permit obligations apply whether runoff enters a conveyance (e.g., catch basin) or flows directly to a waterbody; "end-of-pipe" is not a prerequisite for coverage/compliance.

Responses to Key Themes Raised

1. **Require permanent buildings for all piles.**
   The Department recognizes structural enclosures provide the highest level of protection. At this time, the IGP maintains a risk-based approach: structural coverage for smaller long-term piles and impermeable covers + enhanced BMPs for large stockpiles. DEEP

will evaluate performance data and compliance outcomes and may revisit requirements in future cycles if warranted.

2. **Tarps are permeable/tear and fail; piles observed uncovered.**
The permit requires impermeable covering materials (not permeable landscaping fabrics), proper anchoring, routine inspection, and prompt repair/replacement. Observed failures or uncovered conditions are violations subject to enforcement. DEEP has cited facilities for such deficiencies and will continue to do so.

3. **Proximity to impaired waters, floodplains, schools, and EJ communities.**
The permit strengthens BMPs and exposure controls to protect water quality across settings, including EJ areas.

   Siting, zoning, and floodplain development approvals are outside the scope of this general permit and are addressed by local land-use authorities and other state/federal programs. DEEP remains committed to protecting overburdened communities through robust stormwater compliance and enforcement.

4. **Legacy contamination and remediation.**
Site remediation, consent orders, and legacy contamination management are administered under separate programs/authorities, not through the IGP. The stormwater permit still requires current operations to prevent pollutant migration via stormwater.

5. **Public oversight and transparency.**
DEEP conducts unannounced inspections, complaint response, and enforcement. The public may submit observations (e.g., turbidity, sheens, uncovered piles, failed covers) via DEEP's online Water Pollution Reporting form (see Resources).

Resources:

- **DEEP Water Pollution Reporting (*public complaint/observation form*):**
https://survey123.arcgis.com/share/a9722a92e2be442ba90662f8c4a72821

- **DEEP Integrated Water Quality Report (Draft 2024 List and information) -** waterbody status, impairments, ***public comment period is open***.
September 12, 2025 to October 14, 2025. A public meeting will be held via zoom (registration required) on September 17, 2025 from 11:00 a.m. - 12:30 p.m.
https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

- **DEEP Salt Impacts & Our Environment (program overview, practices, and educational materials):**
https://portal.ct.gov/deep/salt/salt-main-page

Disposition: The Department will continue inspections and enforcement to ensure compliance with the IGP controls and BMPs. The draft permit's approach to bulk salt storage—impermeable covers with enhanced BMPs for large stockpiles—remains unchanged for this permit cycle. Data from monitoring and compliance outcomes will inform whether future revisions are warranted.

First Commentor:
I'm out here at the gateway site. On Quinnipiac Avenue. You're going to see a number of things that I have questions about. I was trying to get this to turn around the other way. Let's see if I can do that. There we go, alright. There we go. So here we have a salt pile that has not been covered since this winter. and it's active, and you'll notice that meaning. It's not covered, but the water is washing down. You can see the staining the stuff at the bottom, but as we pan across this site, when I was listening to the gateway person, they were saying, Oh, no! Vehicles are stored at at any of our sites, and here they are. They have some vehicles and some equipment. You'll notice that all the paving here has big cracks in it where the water and salt, then permeate into the underlying soils that are heavily contaminated with Pcbs. And then that runoff into the Mill River. Right here and there you can see the waterfowl over on that side? You'll notice in the distance there's a tarp that was just or was put on a while ago, but you'll notice that it's failed. and that there's 2 big gaps in in it, so that that is a failure of inspection. And even though they've been madly running around, getting all their uncovered other salt piles covered. They've been covering them with permeable tarps. I'm a landscaper. I know what a landscape tarp looks like when I walk up to these, which I can walk over at that particular site and walk literally up to the tarp, and you can see through the tarp. So the tarps are totally permeable. And I hear people, you know, when you were 1st person was doing the presentation, it all tends to be end of pipe. But what if it doesn't get to a pipe? And it just is permeable into the location. As we look over here, you can see the storage containers, and this red one over on the corner here is to collect all the booms from all the oil. Right now, as I speak. There is oil both in the river and inside the booms that are coming from the site just in the distance. There! Let's see if I can get it on the zoom just sort of hard to see, but there is a catch basin, but the catch basin is higher, or at least it looks like a catch basin. I'm not sure what it is. But all outside this concrete wall is all gravel. There is no paved surface there, and this is where the when any storm event, you can see the water flowing directly into the river, so there is no into a pipe, into a discharge, into the river, and when they are doing these testings, are they doing them? During a storm event?

I had been at the other sites that are located down in the port, and you can see the water running right off of the site into the city street and then down into the city storm drain. There's a storm drain on the site. and those piles are left uncovered for a majority of time. if if you give me a minute I can show you the oil sheen and the river on both sides of the booms, which I think is important. and here is the gravel. That's where the water runs off into the into the river right there and then there we go. You probably can see the oil sheen on this side of the boom and in the river. and that is right. Now we're at I think it's an incoming tide. But this flows in and out daily from this site, and I believe that the salt piles the weight of them is a contributing factor to why these emissions, but also just that the whole site is permeable, and

the salt, I believe, is helping to contribute to the pollution of the river, and that's a discharge. Thank you.

Response: The Department appreciates the detailed observations regarding site conditions at the Gateway facility on Quinnipiac Avenue, including uncovered or inadequately covered salt stockpiles, permeable or damaged tarps, deteriorated pavement, equipment storage, and the presence of oil sheens in the Mill River. The Department is also mindful of the site's proximity to the river and the potential for direct runoff from unpaved areas.

The Industrial Stormwater General Permit requires facilities to minimize exposure of salt and other potential pollutants to stormwater through proper covering, impermeable surfaces, inspection, and maintenance of secondary containment and BMPs. DEEP has cited this facility for non-compliance in the past and will continue to conduct inspections and take enforcement action where permit conditions are not met. The Department notes that sampling must occur during qualifying storm events and that discharges to surface waters are regulated regardless of whether runoff enters a conveyance or flows directly to a receiving waterbody.

While the general permit establishes the required practices and controls, the Department also relies on site inspections, enforcement actions, and coordination with other regulatory programs to address the kinds of issues described. These concerns underscore the importance of strict adherence to permit requirements.

Second Commentor:
My name is Nicole Davis. I'm the Watersheds Project Manager with save the sound. And I've part of the ecological Restoration team who's been working with community partners throughout the Mill River watershed, where the gateway terminal salt piles are located. Since 2018. These piles are located adjacent to an impaired water body that was identified by deep as part of the 2022 integrated water quality report. It's also within the Usdot designated air quality, non attainment area, and a close proximity to an elementary school and residential neighborhood. and gateway and structure have been operating these piles on the west side of the Mill River. For decades they've been expanding their operations onto the east side of the river over the past several years. Both sides of the river experienced significant erosion and significant water quality issues. We have several concerns over the operations of the piles. In addition to what Jessica mentioned in supporting what she said. Both piles. our 1st and foremost have inadequate stormwater management practices. I think Chris Ozek showed us a number of them in person, and that was just on the west side of the river, on the east side of the river. The piles are also chronically uncovered in an even lower lying area. You'll probably hear this. Well, you've already heard this several times with the piles are chronically left uncovered. The salt debris regularly covers the adjacent roadways and neighbors have seen people snow blowing spills or snow blowing leaf, blowing spills from the distribution areas into the city, storm drains and into the gutters of the street. It's my understanding that the Mill River salt piles are currently being regulated as temporary storage, based on the way the operations are which may preclude them from being permanently covered, which is inadequate for the way the operation is currently running.

The west side stop pile is located on a former Connecticut, Natural Gas and Southern Connecticut Gasification plant site, and there are a number of concerns over the underlying contamination of subsoils based on the previous use of the site, and having that heavyweight constantly fluxing on top of the water, can contribute to those kind of oil sheens that we're seeing in the river. The booms that are in place that Chris showed have been in place, sometimes shifting with the tides, and sometimes getting fouled up both by debris birds and just shifting. I don't think that is an adequate way to handle kind of that kind of contamination going into the river long term. It's not a realistic solution on a contaminated site, especially with water seeping into the cracks and having groundwater intrusion. It should also be noted that the east side pile is within the floodplain, and that there are no stormwater controls on that side of the site.

It also looks like from the bridge where you can see the site that they have materials being stored within the riverbed. Additional trolls need to be in place to minimize the impacts of these structures the same way that they would be regulated. Any building or structure in the floodplain would be regulated, and when it comes to managing and regulating both storage and de-icing materials, we know that we can do better and should do better. We need better housekeeping practices and permanent cover of these structures. Thank you.

Response: The Department acknowledges the concerns regarding the Gateway Terminal salt piles along the Mill River, including their proximity to impaired waters, floodplains, residential areas, and schools. The Industrial Stormwater General Permit requires salt stockpiles to be covered to the maximum extent practicable, BMPs to be implemented, and discharges to be controlled, and DEEP has taken and will continue to take enforcement action where these requirements are not met. While issues such as siting, legacy contamination, and land use are beyond the scope of the general permit, the added BMPs and controls in the draft permit strengthen protections for water quality.

For more information, see DEEP's 2022 Integrated Water Quality Report: https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-305b-303d-Integrated-Report

And

Draft 2024 Integrated Water Quality Report (IWQR), which includes the 2024 List of Impaired Waters and public review period: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

3rd Commentor:
This is Anstris Falwell with the New Haven Urban Design League.
I have lived near this area for a long time and have observed the piles the salt blowing onto the sidewalk on Chapel Street, and I noted Chris Ozik, said Quinnipiac Avenue. I think he meant Chapel Street, but a few things to follow up on what Nicole Davis said about the gasification site. It's important that this site gets remediated.
And so not only are the salt piles contributing to pollution from the site going into the river. The salt piles are an impediment to the really 1st priority work of getting this highly polluted

area remediated so that the Mill River area and the residential neighborhoods around it can have improvement in the environmental quality.
This is an Ej area. and there's many polluting uses, and I fully support what, save the sound is recommended about the individual permit, because it doesn't seem that the new general regulations have specific language to look at the combination of impacts that typically happen in Ej communities.
I'd also like to note that while this is near the port district, it is not in the port district. It is in a industrial zone, but it is not in the port district. And Oh! The zone is likely to change.
The city has encouraged more mixed use. Housing in the area, including the housing authority and the direction of the city, is not to expand heavy industrial uses in this area, so both to clean up the site and to protect the river, we really should be looking at when we can end this use and do something equitable and fair about using all this new rail and Infrastructure to distribute the location of salt piles throughout the State and to the other States that make use of it. I'd also say, you know, you know, general way, that wherever these permanent structures are built, this is also better environmentally. the waste of throwing away tarps that are probably Pcv. And other materials is something that we should be looking at. And I'd like to say that for the whole time the salt pile has been there. There have been endless community complaints and endless confusion about who can we hold accountable? And it's the problem has gotten worse. And to, after all of these years of complaints, to see that they were granted a special exception to enlarge the pile rather than remove. It is really hard to come to terms with. I would like to know more about the lease terms. This land is owned by Adventgrid, and it's supposed to get cleaned up under a final consent order with Pura. and we also need to know what else is stored on site. There's other things drums of materials that smell like solvents. The railroad tracks go through. You see orange films in standing water, and I think before. But we need to examine all the factors that affect the site and heard that there are stormwater drains, and that's contrary.

Response: The Department acknowledges the concerns raised regarding the Chapel Street site, including salt migration, legacy contamination, and the site's location in an Environmental Justice community. The Industrial Stormwater General Permit establishes requirements to minimize exposure of salt to stormwater, maintain BMPs, and control discharges, and DEEP has taken and will continue to take enforcement action where violations occur. Broader issues such as site remediation, land ownership, zoning, redevelopment, and lease conditions are outside the scope of this general permit and are addressed through other regulatory programs and authorities.

Fourth Commentor -
I live in New Haven since 1990, and I live right above the port area where the sewer plant is, which is a little bit down from this site, but there have been several major oil spills into the harbor from this area in general. I'm not quite sure why, but I think the last major one was from a large pipe leak that was underneath pavement. and I've been asking for quite a while. Who's responsible for the maintenance of all of the underground pipes that pipe oil over to the East Shore terminal for gateway? And also, you know the buckeye pipeline, and this area is full of underground pipes, and given that the salt leaches into the into the ground because it's not an impervious surfaces, as the previous respondents have testified. You know, the

salinity under the groundwater must be huge, and it's very corrosive, you know. What's the effect on all of these underground pipes, and, you know, has anybody inspected them for leaking? Yeah, it's leaking around the boom on both sides. Is that is that from a pipe that's leaking, or something else, you know, we don't really know. But I you know I'm kind of concerned about the groundwater contamination, the salinity that must be there. I don't see how it can't be there, but that's my main complaint. And then I agree with the previous people and stress rates some great points. And I second, that you consider those. Yeah, thank you. That's it.

Response: The Department acknowledges the concerns regarding oil spills, underground pipelines, and potential impacts from salt intrusion on groundwater and infrastructure in the New Haven port area. The Industrial Stormwater General Permit addresses the management of stormwater discharges, including requirements to minimize pollutant exposure, implement BMPs, and maintain proper controls, but it does not regulate the operation or maintenance of underground petroleum pipelines. Oversight of pipelines and remediation of releases falls under other federal and state regulatory authorities. DEEP will continue to inspect stormwater controls at covered facilities and take enforcement action where violations of the permit occur.

Fifth commentator-
I'm Lys Gant from save the sound and as Nicole has so graciously mentioned, we've been working with folks from the Mill River watershed since about 2018. I'm also a member of the Ecological Restoration team where I have lived and worked in New Haven for over a decade. I'm here today to talk about some of the various impacts of long-term exposure to chloride pollution like that which comes from municipal salt storage. what that can have on both humans and the environment. Studies have shown that the infiltration of runoff with high concentrations of salt will over time affect the infiltration capacity of certain drainage areas. Soil structure is often altered over time due to ion exchange between sodium and other ions in the soil, which could also include previously absorbed heavy metals, such as zinc and copper, and in a recent case study radium. as many suspect, anthropogenic activities, such as road salt, application and storage can contribute to a number of geochemical changes. A 2021 case study carried out in Southern New Jersey served to confirm these geochemical changes. Concentrations from samples increased from less than an EPA max contaminant level to greater than the Max contaminant level. In less than 10 years increases in radium exposure. Concentrations in the soil are inferred to be related to sustained high rates of application of road salt. The results of this study are directly applicable to the conversation of municipal salt storage we have come to discuss today. in addition to the impacts on heavy metal availability as root salt leashes into the ground and changes, soil, composition, there are seem to be negative impacts on the following plant survivability, damaged vegetation and soils along the shoulders of roads which cause erosion, deterioration of buildings, bridges, and paved surfaces, clogs and stormwater catch basins and stream beds resulting in higher potential to flooding.

I now pivot to the impacts. Chloride can have on air quality. chloride exposure can have a direct impact on chronic conditions like asthma overall the current asthma prevalence was

higher in the northeast than anywhere else in the nation, and highest among persons with family incomes which fall below the Federal poverty level. According to the American community, survey from the Us. Census bureau. The average family size in New Haven County is 3.1 4 people. The amount of income to designate one makes less than 125% of the Federal poverty level annually in Connecticut, for a family of 3 is $33,313. The medium income for a household in the census area of Fairhaven. Downwind of the gateway terminal salt storage is $27,429. This leads to the natural conclusion that the baseline levels of asthma are higher in certain areas of New Haven than in many other areas of Connecticut. Recent research has shown that in areas that experience snow or large scale salt storage road salts can become aerosolized, creating sodium and chloride particulate matter. Additionally, it has been discovered recently that there is some ground level ozone formation due to salt drying and wind exposure, as cited from John Hopkins University in 2023, which can have additional negative impacts on chronic lung conditions. With regards to more generalized environmental impacts, the information is boundless. Additional points of concern are increases in invasive species, occurrence and resilience reduced biodiversity reduction in recreational and market fishing. In addition to high economic costs. For all of these reasons I urge Ctd to hold accountable to parties involved in bulk salt storage throughout the State, and encourage action to be taken in ensuring more rigorous regulation for the future health of Long Island sounds estuary, and the vulnerable communities encompassed within it. Thank you.

Response: The Department acknowledges the concerns regarding long-term chloride pollution and its potential impacts on soils, vegetation, infrastructure, air quality, and human health, including disproportionate effects in Environmental Justice communities. The Industrial Stormwater General Permit addresses salt storage by requiring stockpiles to be covered to the maximum extent practicable, siting on impermeable surfaces, and implementation of BMPs to minimize exposure to stormwater and migration of pollutants. While broader issues such as legacy contamination, health outcomes, and air quality are outside the scope of this general permit, DEEP remains committed to strengthening protections for water quality and monitoring impacts through statewide water quality assessments.

For more information, see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

Sixth Commentor:
I am Laura Kahn. I Chair the New Haven Environmental Advisory Council, where the city board that deals with environmental issues. My last name is spelled CAHN. I have some suggestions.

1, Every delivery and distribution should result in a report to Deep. If that isn't already happening, and that report should include the name of every delivery or distribution, entity, company, organization, municipality, whatever it is. and

2, every delivery and distribution of material should be videotaped, and the videotape should be submitted to deep. Along with the report.

3, preferably a deep inspector, should be on site to monitor every delivery and distribution. If New Haven is the only place, de-icing material is being delivered in the State, then that should not be difficult, for deep to have a person from the stormwater group monitoring this situation,

Response: The Department acknowledges the suggestions regarding enhanced oversight of bulk salt deliveries and distributions, including reporting, video documentation, and on-site inspection. While the Industrial Stormwater General Permit establishes requirements for covering, containment, and BMP implementation to minimize exposure of salt to stormwater, it does not impose specific reporting or monitoring obligations for each delivery or require DEEP inspectors to be present during distribution activities. DEEP will continue to enforce compliance with permit conditions through unannounced inspections, complaint response, and enforcement actions as appropriate. Members of the public may also report suspected water pollution through DEEP's reporting website: https://survey123.arcgis.com/share/a9722a92e2be442ba90662f8c4a72821

4, salt should be put on rail cars as soon as possible after delivery and distributed around Connecticut and the other States gateway serves for storage until the next needed use, and maybe that is, but maybe that's the plan that is happening because of the new rail cars vehicles picking up salt, cause another source of contamination that affects New Haven water ultra fine particulates from emissions, especially when the vehicles are idling. These particles land on the ground and then are washed into the. If you need confirmation of this Tufts University, Professor Nolakshmi Huda studied vehicle emissions on roads. And there's a Youtube video that you can watch. That was made by a group of mit graduate students.

5, *De-icing material is not a water dependent use, and it does not need to be near water, and it should not be near water. In New Haven. We have enough other things that do need to be on the water, and we want the waterfront for use, for wonderful things. Not necessarily industrial problems, and*

6, deep should not schedule more than one event at the same time that New Haveners would likely want to attend such as this hearing and the Pura Ease meeting at the New Haven Ives library going on at this moment. And again the Environmental Advisory Council has had a number of complaints about these salt piles over a number of years, and I hope we can solve these problems. Thank you so much.

Response: The Department acknowledges the suggestions regarding salt distribution by rail, vehicle emissions, siting of de-icing material storage, and public meeting scheduling. While the Industrial Stormwater General Permit regulates the management of stormwater discharges through requirements for covering, containment, and BMPs, it does not govern transportation logistics, land use decisions, or vehicle emissions, which fall under other regulatory authorities. DEEP also notes that de-icing material storage is not considered a water-

dependent use; however, siting and zoning are determined by local land use authorities. The Department will continue to address stormwater impacts through inspections, enforcement, and compliance monitoring, and appreciates the concerns raised regarding community impacts and participation.

Seventh Commentator-
I can only speak to the general permit with respect to what I see going on with the piles and road salt along the Mill River in New Haven, the gateway facility which I ride my bike past literally every day. So everything I'm saying is based on firsthand observation. What I see with my own 2 eyes and applying a modicum of common sense. And it's cute that it's cute. That gateway has esg goals. But the idea there's adequate or meaningful stormwater controls at this site is contradicted by about 4Â GB of documentary photo and video evidence. I personally collected over the last 11 years. So I'm actually somewhat hesitant to suggest changes to the general permit requirements, because maybe let's work on compliance with the current set of regulations before devising a more stringent code. That also won't be be enforced. But okay, so diagnosing the problem, we have photographic evidence going back to at least 2014 of de-icing material, literally blowing across Chapel Street, near the Alderman Dow Scrapyard, not just a little bit on the sidewalk, but waves of salt billowing into the roadway itself, so that cars actually are swerving around it.

And the issue, you know, that's 2014. But the issue with these piles has gotten so much worse since 2021, when the facility in New London State Pier closed and New Haven became the primary location for fulfillment of wholesale roadside contracts. We now have trucks coming from all over the State, lining up for 4, 6, 8Â h, idling their vehicles. It's absolute chaos when we talk about environmental injustice and cumulative impacts. This is what we're talking about. The entire burden of this industry concentrated in one already massively overburdened community. Simply the scale of these piles has made them impossible to adequately regulate, not to mention. There's now a monopoly in the economic and political distortion that that creates. I understand the general permit doesn't require permanent structures to cover the piles, I guess, requires no setback at all from the river or public right away. which is frankly quite shocking, and maybe that's partly a municipal zoning issue. But, as far as I can tell, the permit does require impermeable covering, except in narrowly prescribed circumstances, when in practice. What you see on this site is on the occasion that the tarps are actually used. The tarps are ripped. They have massive holes in them. They're not large enough to cover even half of the total area of the piles. They're not secured properly. They're blowing around. I simply don't understand how it's productive to have a tarp covering only 1 3rd of a salt pile during a massive rainstorm, which is what I witnessed just last Friday. That just seems like a mockery of the regulation. Meanwhile the site has all kinds of other issues, large areas of standing water, rodent and bird feces. The fence is collapsing. It doesn't keep the salt from blowing into the street, let alone the river. The site's not properly secured. I've seen dirt bikers trespassing and using these piles as a kind of Cyclocross course, just on and on and on. What's the impact?

Fairhaven, the Mill River district, in particular, suffers from the worst Heat island effect. In the entire state there's wildly deficient tree cover as deep zone urban foresters can attest. And one of the reasons it's it's virtually impossible to grow anything. let alone a healthy tree on Chapel Street, in the vicinity of these salt piles. It's a vegetation, wasteland, where not even Japanese knotweed will grow. and you can grow Japanese knotweed in a nuclear blast zone. And just finally, you know another impact. You know. Many on the zoom know about my recurring nightmare about the bulkhead on the south side of Ball Island, being taken out by a 14 foot storm surge from a category, 5 hurricane barreling into New Haven Harbor, and that bulkhead is all that's preventing English station from sliding into the harbor, and I think it's pretty logical to conclude the presence of these salt piles, less than 150 yards from Ball Island is accelerating to some degree the corrosion of that bulkhead, and increasing the risk of catastrophic failure of the bulkhead structure and the nightmare scenario that would entail. That's not to mention other critical infrastructure like the Chapel Street Bridge, less than a hundred yards away on an emergency evacuation route. And I don't think that's being positively impacted by the presence of these piles either. So I'll just conclude by urging you not just to help our community, but to help the Department of Energy and Environmental Protection, and stopping the damage to its credibility by allowing what is taking place on this site to continue. Thanks

Response: The Department acknowledges the concerns regarding the Gateway facility on Chapel Street, including inadequate covering of salt stockpiles, stormwater management deficiencies, vehicle emissions, and cumulative impacts in an Environmental Justice community. The Industrial Stormwater General Permit requires salt stockpiles to be covered to the maximum extent practicable, BMPs to be implemented, and discharges to be controlled, and DEEP has cited this facility for non-compliance and will continue to inspect and take enforcement action where violations occur. Broader issues such as site siting, zoning, and long-term structural risks fall outside the scope of this general permit but may be addressed through other state and local authorities.

For more information on waterbody status, see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

Written comments:

1. *(5 commentors) I respectfully submit the following comments on the Draft General Permit for the Discharge of Stormwater Associated with Industrial Activities ("Draft Industrial Stormwater GP").*
   Stormwater runoff from salt piles is a big environmental concern for the Long Island Sound region. The chemicals in de-icing salt can contaminate groundwater, impacting our drinking water supply, and be toxic to fish and other aquatic life.

   The current Industrial Stormwater General Permit does not go far enough to protect water quality, because it exempts bulk storage facilities from the requirement to be covered by structural means. In other words, it allows the largest salt piles to be only intermittently

covered by an impermeable cover, rather than a permanent structure as is best practice. As a result, these large salt piles may be uncovered and exposed to the elements for significant periods of time. When stormwater washes over them, it can discharge significant amounts of salt and other contaminants into surrounding waters.

DEEP could address this problem by requiring these large salt piles to be covered by a permanent structure, as it does for smaller salt piles.

Response: The Department acknowledges the concern regarding stormwater impacts from bulk salt storage and agrees that chloride contamination can affect drinking water supplies and aquatic life. The Industrial Stormwater General Permit requires large salt stockpiles to be covered with impermeable covers, located on impermeable surfaces, and managed with enhanced BMPs to minimize exposure, but does not require permanent structural enclosures for these facilities due to operational and logistical constraints. DEEP will continue to monitor compliance and evaluate the effectiveness of these practices, and may revisit requirements in future permit cycles if warranted.

For more information on waterbody status, see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

The following comments are in regard to a permanent structure:

2. *To DEEP, As a resident of Newtown, CT, I have enjoyed Long Island Sound for thirty years. From its banks and beaches and from its swells when out sailing, I know that it is a wondrous state resource to be protected and treasured. It is from this vantage point that I respectfully submit the following comments on the Draft General Permit for the Discharge of Stormwater Associated with Industrial Activities ("Draft Industrial Stormwater GP"). Imagine for a moment that this treasure of water and shellfish and seabirds and sea breezes ran through your own property and you got to enjoy it daily through every change of season. You'd begin to think of it as your own, to care for it the way you would your lawn and your home. You would never stand for someone coming along and willfully damaging it and willfully threatening to spoil your backyard 'playground'. That is what the uncovered salt piles in Fair Haven, just yards from Long Island Sound, are doing: Willful neglect and purposeful polluting of this amazing natural resource we all share, right in Connecticut's back yard playground. Please address this problem of salt and other contaminants by requiring that these large salt piles be covered by a permanent structure as best environmental practice would require.*

3. *I live next to Long Island Sound in Branford and am keenly aware of the environmental issues impacting the multitude of species that live in its water and subjacent to it. Run off from large salt piles is toxic to aquatic life. Also, we humans do not want this salt and its de-icing chemicals in our ground water. Please institute permanent covers for these large piles.*

4. *Currently the permit does not require the largest salt piles to have a permanent covering structure, leaving them vulnerable to stormwater runoff for significant periods of time. Please protect water quality by requiring permanent structures over salt piles.*

5. *It has come to my attention that the Industrial Stormwater General Permit, which regulates stormwater runoff from salt piles across Connecticut, currently does not require salt piles (such as road salt) to have a permanent covering structure. When it rains, the salt washes into rivers and other bodies of water, where it is likely to impact water quality, wildlife, and public health. I am recommending effective structures over salt piles to eliminate stormwater runoff of the salt. Please consider my comment in your public hearing on May 13th.*

Response for Comments 1 thru 5 above: The Department appreciates the strong concerns expressed about the uncovered bulk salt piles and their potential impacts on Long Island Sound, groundwater, aquatic life, and nearby communities. We recognize that the Sound is a treasured natural resource for Connecticut residents and agree that protecting it from unnecessary pollution is of critical importance. The Industrial Stormwater General Permit requires large salt stockpiles to be placed on impermeable surfaces, covered with impermeable covers, and managed with enhanced best management practices to minimize pollutant exposure. At this time, the permit does not require permanent structural enclosures for these facilities, given operational and logistical constraints, but DEEP will continue to monitor compliance, take enforcement action where necessary, and evaluate whether further measures should be considered in future permit cycles.

For more information on current waterbody status, please see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

6. *I appreciate the opportunity your office provided on May 13, 2024 to for the public to speak about the Draft General Permit for the Discharge of Stormwater Associated with Industrial Activities. While the presentation by Karen Abbott of CT DEEP noted changes and clarifications proposed for these regulations, our experience with salt piles here in New Haven suggests that the General Permit needs further revisions, as outlined here:*

   comment 1. The Draft General Permit does not address Environmental Justice process (i.e., notification and community meetings) or issues (i.e., evaluation on impacts on human health and quality of life, combined impacts with other polluting activities). If applying for a General Permit for a facility in an EJ community was not permitted, and any application for bulk storage of salt required an Individual Permit, this omission of EJ provisions from the General Permit regulations might be acceptable. Otherwise, the Daft General Permit needs further revision to meet the exigencies of EJ communities.

   Comment 2. The Draft General permit considers the impact of salt piles on drinking water, the permit language needs to make a holistic evaluation of the impact of a salt pile's operation on the environment, including rivers and coastal waters, air quality, natural systems, plants and animals, and human health.

Comment 3. The Draft General Permit does not address conditions, such as the site owned by Avangrid in New Haven, that will be included in a Consent Order for remediation. Perhaps in these cases too, a General Permit would be unavailable to an operation on a site subject to a Consent Order, until the terms of the Consent Order are fulfilled. The key consideration is to not inadvertently establish a situation — a permanent building or a long-term use — that would impede the public's central benefit in having a contamined site remediated.

Comments 4. And 5. The General Permit should not be available to applicants requesting exceptions to the size of a salt pile — i.e., gigantic salt piles. The General Permit should only be available to bulk salt storage operations 1) using enclosed buildings, and 2) not in a critical flood zone. Any application for a salt pile using tarps should be subject to an Individual Permit. We have seen that tarps fail, and that they fail in such a regular way that it it not reasonable to posit that they offer any environmental protection — any claim to efficacy is not backed up by the evidence of ongoing pollution at the salt pile site. Despite public complains for 30 years, the only change has been increased pollution. Additionally, the traps themselves are a source of pollution, both in their manufacturing and in their disposal.

Comment 6. Just as the tarps are a step backwards from meeting sustainability goals, so is locating and operating one gigantic salt pile. The current pile on Avangrid's Chapel and East Streets site brings heavy truck traffic into a neighborhood area. While the parcel is zoned industrial, it is not in the Port District, and it is close to schools and homes. This is typical od urban zoning. In the interest of equity and sustainability, the salt piles need to be distributed State-wide, close to the source of demand.

Response: The Department acknowledges the concerns regarding Environmental Justice, holistic environmental impacts, remediation sites, and the siting and scale of bulk salt storage operations. The Industrial Stormwater General Permit is limited to regulating stormwater discharges through requirements for covering, containment, and BMPs, and it does not establish separate Environmental Justice procedures, govern zoning or siting, or override Consent Orders that address site remediation. Large stockpiles are subject to enhanced BMP requirements, and the use of tarps, while not equivalent to permanent structures, remains permissible under the permit with strict conditions for impermeable coverage, inspection, and maintenance. Broader issues such as site siting, cumulative impacts in EJ communities, and distribution of salt storage facilities fall outside the scope of this general permit and are addressed through other programs and regulatory authorities. DEEP will continue to enforce permit conditions, evaluate effectiveness, and consider further revisions in future permit cycles.

For more information on waterbody status, see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

7. *I write as a resident of New Haven whose child attends kindergarten less than a half mile from the salt piles and the Mill River. I recently read "Waterfront Salt Piles Debated" in the New Haven Independent, and I want to echo the concerns expressed by residents and environmental advocates. While we know that the entire area needs to be remediated, we should not allow the environmental catastrophe to worsen while we wait for full remediation. The current salt piles are actively causing harm. DEEP needs to require permanent indoor*

structures to hold the salt piles. Every time I pass the salt piles I see exposed salt. The tarp coverings are not sufficient. Long-time Fair Haven residents have told me that the salt has poisoned the soil so much that Chapel Street has lost many of its oak trees. Finally, I question whether it is wise to place even a permanent salt structure so close to the Mill River. I do not live directly next to the salt piles, so this is not NIMBYism. This is a genuine concern for the welfare of the entire region. The Mill River should be a valued part of our community. This means that we should not place salt this close to the Mill River. I dream of my child being able to walk from his elementary school down to the Mill River and enjoy the waterside. Currently there are many environmental reasons why this is not possible — but the degradation from the salt piles does not need to be one of those reasons. You have the power to make a positive difference. Please do.

Response: The Department appreciates the heartfelt concerns raised about the Gateway salt piles and their proximity to the Mill River, schools, and neighborhoods. We recognize that families want to see the Mill River restored as a safe, healthy resource for the community, and we share the commitment to protecting water quality and public health. The Industrial Stormwater General Permit requires salt stockpiles to be placed on impermeable surfaces, covered to the maximum extent practicable with impermeable materials, and managed with enhanced BMPs to minimize stormwater impacts. While permanent structures are not required under this general permit due to operational and logistical constraints, DEEP will continue to monitor these facilities closely, enforce compliance where violations occur, and evaluate the effectiveness of current controls. Broader issues such as siting and long-term redevelopment of the area are outside the scope of the general permit but remain important priorities for the agency.

For more information on current waterbody status, see DEEP's Draft 2024 Integrated Water Quality Report: https://portal.ct.gov/deep/water/water-quality/water-quality-305b-report-to-congress

8. *I am submitting the question below about the new permit on behalf of a client: In both the EPA MSGP and the CT permit, sites that discharge to impaired waters without an established TMDL are required to monitor annually for the cause of the impairment. In the EPA MSGP, starting on the fourth year of permit coverage, sites only have to monitor for pollutants causing impairments if the pollutant is associated with the industrial activity and/or is listed as a benchmark parameter for the site. Please explain why the new draft permit does not contain a similar exemption.*

   Response: Unlike the federal MSGP, the CT Industrial Stormwater General Permit does not include an exemption in the fourth year of coverage because the Department has determined that annual monitoring remains necessary to evaluate the potential contribution of stormwater discharges to impaired waters in the state. This approach provides a consistent dataset over the full permit term and reflects Connecticut's water quality priorities.