



*STATE OF CONNECTICUT*

**COUNCIL ON ENVIRONMENTAL QUALITY**

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\_\_\_\_\_  
Paul Aresta  
*Executive Director*

***VIA ELECTRONIC MAIL***

May 28, 2025

Brittany Bendel  
Water Permitting and Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Department of Energy and Environmental Protection, (DEEP)  
79 Elm Street, Hartford, CT 06106-5127  
[brittany.bendel@ct.gov](mailto:brittany.bendel@ct.gov)  
[DEEP.Pretreatment@ct.gov](mailto:DEEP.Pretreatment@ct.gov)

Re: General Pretreatment Permit for Non-Significant Industrial User Discharges to Publicly Owned Treatment Works (POTW) (General Permit)

The Council on Environmental Quality (Council) provides the following comments regarding DEEP's proposed General Permit.

***2.1 Eligible Activities***

- *Short-term petroleum underground storage tank ("UST") replacement discharges lasting less than 30 days*
- *Emergency Discharges lasting less than 30 days*
- *Dewatering Wastewater*
- *Remediation Wastewater*

The Council notes that the discharges noted above are also referenced as "*Eligible Activities*" within the draft General Pretreatment Permit for Significant Industrial User Discharges to Publicly Owned Treatment Works (SIU GP). It is unclear which general permit would authorize such discharges, since the wastewater would likely contain the same types of pollutants for each category of discharge. The Council suggest that DEEP clarify which general permit would authorize the eligible activities noted above and/or clarify the threshold(s) used to distinguish between "*eligible activities*" covered by the SIU GP and the non-SIU General Permit.

***2.2.4 Prohibitions***

The Council supports provisions of the General Permit that would help ensure the proper operation and treatment of wastewaters in the state. It is unclear if the phrase "in combination with other discharges" identified in some of the provisions of this subsection applies to discharges from the same site/facility or all discharges within the wastewater conveyance system. The Council suggests that the General Permit clarify if the discharges are from the same site or the wastewater conveyance system. The Council also suggests that DEEP provide clearly defined and enforceable site specific prohibitions for eligible discharges.

*2.2.4.3 The discharge from such activity shall not:*

- *“Contain any substance listed in Appendix E of this general permit, other than a substance for which an effluent limit is specified in this general permit or as otherwise approved by the POTW in accordance with Section 9.1 of this general permit.”*

The Council notes that section 9.1 does not include any reference or provisions for the POTW to issue such approval. While the heading for Section 9 references “*Commissioner’s and POTW Authority’s Powers*”, information regarding the POTW Authority’s powers is missing. The Council suggests that the draft General Permit clarify if the POTW Authority can authorize an alternative effluent limit. Alternatively, the Council suggests that the provisions within the draft General Permit that reference the POTW Authority in Section 9.1 be revised to refer only to the Commissioner’s Powers in Section 9.1. (See also subsection 5.1, footnotes in tables 5.1 and 6.1)

*2.2.6 Endangered and Threatened Species*

*“Such activity does not threaten the continued existence of any species listed pursuant to Section 26-306 of the CGS as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species.”*

The Council supports the protection of endangered and threatened species and their habitat. The Council also supports the protection of all critical habitat for all species. Given that the General Permit might authorize certain wastewaters to a POTW that would eventually discharge to surface water, the Council suggests that subsection 2.2.6 of the General Permit be revised to prohibit adverse modification of any critical habitat essential to any species.

**2.2.9. Wild and Scenic Rivers Act**

*“Such activity must be consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) for those river components and tributaries which have been designated as Wild and Scenic by the United States Congress. Further, such activity must not have a direct and adverse effect on the values for which such river designation was established.”*

Given that the General Permit might authorize certain wastewaters to a POTW that would eventually discharge to surface water, the Council suggests that the word “*direct*” be removed so that any activity that could have an adverse effect, both direct and indirect, on the values for which such river designation was established, be prohibited.

**2.5.3 Authorization for Short-term Discharges**

*“For short-term UST discharges and Emergency Discharges, as defined by this general permit, the date of authorization is the day the discharge initiated and all requirements from the POTW Authority are met. Emergency Discharges lasting more than thirty (30) days must file a Notification form with the POTW Authority and the Commissioner no more than thirty (30) days after the discharge is initiated.”*

**3.3 Who Must File a Notification**

**3.3.1 Notification is not Required**

*“A Notification is not required for short-term discharges occurring as a result of petroleum UST replacement or Emergency Discharges, as defined by this permit, lasting thirty (30) consecutive days or less provided the POTW Authority has approved the discharge.”*

Table 3.1 indicates that short-term UST discharges and Emergency Discharges, which are authorized under this general permit, do not require notification or any submittal to the POTW Authority. It is unclear how a Permittee creating a short-term UST discharge would comply with “*all the requirements from the POTW Authority*” without such notification. The Council suggests that the General Permit clarify the provisions of subsections 2.5.3 and 3.3.1 for short-term UST discharges to ensure that such discharges meet all the requirements of the POTW Authority. To be consistent with the draft SIU GP, the Council also suggests

that the following sentence be added to the draft General Permit: “The *permittee must obtain any local authorization(s) required for such a discharge or associated activities, including written approval from the POTW Authority, if applicable.*”

### **3.5.1 Notification Form**

- “A detailed description of the processes or activities generating each of the discharges reported in the notification.”

The Council suggests that the phrase “or the type and source of contamination for Remediation Wastewater discharges” be added to the bullet in this subsection to more closely align with the SIU GP.

### **3.5.4 Dewatering and Remediation Wastewater Form – Attachment C**

- “A statement whether the subject discharge will take place within ¼-mile of any public or private drinking water well.”

The Council suggests that the General Permit should require the street address(es) or geographic coordinates (latitude and longitude) for public or private drinking water well(s) and their owners, if known, in addition to the required general statement.

- “A statement whether or not the subject discharge will take place at a site listed on the National Priority List, under CERCLA, or is a State or Federal Superfund Site.”

The Council suggests that this statement include sites that are listed as brownfields, under an environmental land use restriction (ELUR), significant environmental hazard, or any other site designated as contaminated or potentially contaminated site.

- “If the raw untreated wastewater is reasonably expected to be impacted by gasoline, the untreated wastewater shall be analyzed for oxygenates, including tertiary butyl alcohol (“TBA”), methyl tert-butyl ether (“MTBE”), tert-amyl methyl ether (“TAME”), and related compounds known to be added to the gasoline released.”

The Council questions if the General Permit should specify the analysis method that is noted in the draft SIU GP as “Analysis shall be by EPA Method 624.1, or other methodology approved pursuant to 40 CFR 136.”

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

### **4.9.2 Noncompliance Notifications**

“In accordance with Sections 22a-430-3(j)(8), 22a-430-3(j)(11)(D), 22a-430-3(k)(4), and 22a-430-3(i)(3) of the RSCA, the Permittee shall notify the POTW Authority and Commissioner of the following actual or anticipated noncompliance with the terms or conditions of this permit within two hours of becoming aware of the circumstances. All other actual or anticipated violations of the permit shall be reported to the POTW Authority and Commissioner within twenty-four (24) hours of becoming aware of the circumstances:”

It is unclear if the phrase “the following actual or anticipated noncompliance” applies to the bulleted list in subsection 4.9.2 for the two hour notification or the twenty-four hour notification. If the bulleted list applies to the two-hour notification, the Council suggests that the sentence “All other actual or anticipated violations of the permit shall be reported to the POTW Authority and Commissioner within twenty-four (24) hours of becoming aware of the circumstances” follow the bulleted list to avoid any confusion regarding the notification requirements.

#### **4.14 PFAS Source Reduction Plan**

- *“Permittees associated with any of the following Industry Categories or those with discharges where per- and polyfluoroalkyl substances (“PFAS”) are Expected Present shall develop and implement a PFAS Source Identification and Reduction Plan (“PFAS Plan”) to identify and minimize PFAS discharged to the POTW:”*

The Council strongly supports the addition of 1) the PFAS monitoring requirements for facilities in specific industry categories and those with known or suspected concentrations of PFAS in their effluent, and 2) the provisions of the PFAS Minimization Plan to identify sources, review chemical substitutions, treatment, and operational changes to minimize the amount of PFAS discharged to the POTW.

#### **5.4.4 Hydrostatic Pressure Testing**

- *“For all used tanks: cleaning with compressed air, high pressure water spray, or both. Any wastewater resulting from this prior cleaning must be analyzed to determine if it can be discharged under the authority of this general permit.”*
- *“Wastewater generated from any of the cleaning procedures above are not considered an eligible discharge under this general permit.”*

The Council questions if the phrase *“if it can be discharged under the authority of this general permit”* in the second sentence of the first paragraph above might contradict the second sentence. The Council suggests that the General Permit clarify if the *“wastewater resulting from this prior cleaning”* would be an eligible discharge. If not, the Council suggests that the phrase noted above be removed, consistent with the language in the SIU GP.

#### **6.1 Effluent Limits of Dewatering and Remediation Wastewaters**

The Council suggests the removal of a duplicate sentence in the paragraph in this subsection.

#### **References:**

##### **2.2.1 Non-SIU Determination**

The Council suggests that the subsection referenced to 3.3.3.1 be revised to 3.3.3.

##### **8.20.2 Duly Authorized Representative**

The Council suggests that the subsections referenced to 8.19.1 be revised to 8.20.1. It is also unclear if the subsection referenced in subsection 8.24 should be 8.21.

#### **Appendix B: Spill Prevention and Control Plan**

The Council suggests that the reference to element 2 in list item 6 be revised to element 1.

#### **Section 10 General Definitions**

The Council has the following questions/comments regarding the “General Definitions”:

- *“Applicant”* - the Council suggests the definition of “Applicant” be relocated within this section before the definition for “Authorized Activity” to make it easier for readers;
- *“Excessive foaming”* - the Council suggests adding the definition of “excessive foaming” to this section;
- *“Notification”* – the Council questions if *“notification”* should be narrowly defined to only include the *“notification form filed with the POTW Authority”* since the General Permit references notifications to the Commissioner/DEEP;
- *“Pass through”* - the Council suggests adding the definition of “pass through” to this section;
- *“Per- and polyfluoroalkyl substances (“PFAS”)”* – the Council suggests adding the definition of PFAS to this section;

- “*Pretreatment*” – the Council suggests adding a definition of “*pretreatment*”<sup>1</sup> to this section; and
- “*Upset*”- the Council suggests adding the definition of “upset” to this section.

Thank you for your consideration of the Council’s comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style.

Paul Aresta,  
Executive Director

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<sup>1</sup> The term "pretreatment" is defined in the General Permit fact sheet as “the requirement that non-domestic sources or indirect users discharging wastewater to POTWs control their discharges, and meet limits established by EPA, and the State of Connecticut (“Control Authority”) on the amount of pollutants allowed to be discharged.”