



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

May 28, 2025

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Re: General Pretreatment Permit for 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.

2.2.4 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.

2.2.6 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 Publicly Owned Treatment Works (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.

2.5.2 Authorization to Discharge for New Registrants

“A facility that has never been authorized to discharge under the General Permit for the Discharge of Wastewaters from Significant Industrial Users (SIU), issued October 30, 2020, (“New Registrants”) will be authorized to discharge under the terms and conditions of this general permit on the first day of the month following the issuance date of an Approval of Registration.”

3.4.2.2 Registrants without Existing Authorization to Discharge

“New Registrants shall submit a complete Registration for this general permit to the Commissioner in accordance with the requirements of this general permit 180 days prior to the date of discharge. Such discharge is authorized under this general permit on the date the Approval of Registration is issued by the Commissioner.”

It is unclear if “New Registrants” would be authorized to discharge “on the first day of the month following the issuance date of an Approval of Registration” or “on the date the Approval of Registration is issued by the Commissioner.” The Council suggests that the General Permit clarify the date when discharges are authorized by the General Permit.

3.6.4 Site Information

- *“For Dewatering and Remediation Wastewaters only: A statement whether or not the site is or was listed on the National Priority List under Comprehensive Environmental Response, Compensation, and Liability Act (“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.

- *“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 owners of the well, if known, in addition to the required general statement.

3.6.9 Site Plan (Attachment D)

- *“For Dewatering and Remediation Wastewater discharges, the site plan shall include the location of existing and planned recovery, soil venting, and drinking water wells thereon; the location of all monitoring wells and other places where chemical, physical, or biological monitoring does or will take place; the existing or planned treatment system for the subject wastewater; and the location, if any, of all tidal wetlands and of all inland wetlands and watercourses.”*

The Council suggests that the General Permit also require that the site plan depict the location(s) of all erosion and sediment controls and energy dissipation structures, consistent with the provisions of subsections 3.6.18 and 7.6.

3.6.10.2 Analytical Data

- *“Name, address, and telephone number of the laboratory(ies) used for the associated analyses.*
- *A copy of the lab report associated with the analytical results provided.”*

The Council suggests adding a requirement for the laboratory's certification numbers and a copy of the chain of custody with the submitted analytical data.

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 Registrant shall notify the Commissioner of the following actual or anticipated noncompliance with the terms or conditions of this permit within two (2) hours of becoming aware of the circumstances. All other actual or anticipated violations of the permit shall be reported to the 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. Furthermore, the Council suggests that the registrant be required to notify the appropriate POTW authority, in addition to the Commissioner. The Council suggests that the following 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.

4.9.2.2 Resampling in the Event of an Effluent Limit Violation

"If any sample analysis violates an effluent limit, a second sample of the effluent, using the same sample type, shall be collected and analyzed for the parameter(s) in question and the results reported to DEEP within thirty (30) days of the exceedance using the 30-day follow-up form referenced in Section 4.9.2.3 of this general permit and NetDMR."

The Council notes that subsection 4.9.2.3 references a "*Five-Day Follow Up Report*". The Council suggests that the General Permit clarify or reference the appropriate subsection for the required 30-day follow up form.

4.14 PFAS Source Reduction Plan

"Permittees with discharges associated with any of the following Industry Categories or those registering 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 that require permittees to identify sources, review chemical substitutions, treatment, and operational changes to minimize the amount of PFAS discharged to the POTW.

References:

3.5 When to Submit a Notice of Change to Request a Modification

The Council suggests that subsection 9.23 referenced in this subsection be revised to 9.24.

4.9.2.4 Additional Notification Requirements

The Council suggests that the references in this subsection and elsewhere in the document to RSCA be revised to RCSA.

7.3.2 When to Perform Start-up Procedures for Remediation Wastewater

The Council suggests that the reference to Section 6.3 be revised to 7.3

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 11 General Definitions

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

- “*Pass through*” - the Council suggests adding the definition of “pass through” to this section;
- “*Upset*” - the Council suggests adding the definition of “upset” to this section
- “*Pretreatment*” – the Council suggests adding the definition of “pretreatment”¹ 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

¹ 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.”