

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
DEEP Programs		
<p><u>Proposed change to the Pretreatment Program:</u> DEEP will continue regulating all SIUs (including Individual Permits and SIU GP) while Non-SIUs covered by the MISC GP will be regulated by the WPCAs. Feedback since Ozzie's recent outreach to the WPCAs indicate there will be significant interest/concern among the WPCAs given that they will not be able to rely on DEEP to review and administer registrations under the proposed MISC GP. The SIU GP and MISC GP were public noticed on January 14, 2019 to allow time for public participation and for WPCAs to prepare and budget for any potential changes. The Department will hold an informational meeting regarding the two proposed general permits on <u>Wednesday, January 23, 2019, from 1:30 pm to 3:30 pm</u> at:</p> <p>Gina McCarthy Auditorium, 5th Floor Connecticut Department of Energy and Environmental Protection 79 Elm Street Hartford, CT 06016</p>		
Program	Status	Comments
Wastewater Permits		
Comprehensive General Permit for Discharges to Surface Water and Groundwater	<p>NO CHANGE</p> <p>Effective 3/30/18 Expires 3/29/2023</p>	<p>The purpose of the Comprehensive General Permit is to provide a single general permit that will encompass discharges from the General Permit for the Discharge of Water Treatment Wastewater, General Permit for the Discharge of Minor Non-contact Cooling and Heat Pump Water, and the General Permit for the Discharge of Hydrostatic Pressure Testing Water. The Comprehensive General Permit will also include coverage for discharges of <u>fire suppression testing wastewater</u>, hydrant flushing wastewater, potable water system tank and pipeline draining wastewater, and boiler blowdown wastewater (to groundwater only).</p> <p>DEEP has included a renewal registration timeline in the GP. If your facility has an existing authorization under the GPs that expire in March 2018, you must file a registration (if a registration is required to be submitted) within 90 days (by 6/28/18).</p>

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
Misc. Wastewater General Permit	Reissued through October 2020. No renewal registration is necessary.	Reissued Without Modification the General Permit: The purpose of the general permit is to provide a legal means of discharging many common industrial and commercial wastewaters (e.g. contact and noncontact cooling water, boiler blowdown, tumbling and cleaning wastewater, water treatment wastewater, etc.) to the sanitary sewer. The Miscellaneous General Permit was first issued in 2001 and revised in 2013 and 2017. DEEP has public noticed a revised MISC GP.
General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW)	Reissued through October 2020. No renewal registration is necessary.	Reissued Without Modification the General Permit: The Categorical General Permit authorizes discharges of wastewater subject to the provisions of 40 CFR 413 (Electroplating Point Source Category) or 40 CFR 433 (Metal Finishing Point Source Category). The Environmental Protection Agency promulgated a streamlining rule, effective November 14, 2005, which allows the use of a general permit for these and other wastewaters subject to categorical provisions. The general permit requires all facilities seeking coverage to register and receive an Approval of Registration. The general permit also requires regular monitoring of discharges and submittal of monthly Discharge Monitoring Reports to demonstrate compliance with applicable effluent limitations. The general permit is a streamlined approach to permitting through which DEEP has reduced the amount of resources necessary to apply for and obtain a wastewater discharge permit for the metal finishing industry while continuing to assure a high level of environmental protection. This GP will be modified and become the Significant Industrial User (SIU) GP. DEEP has public noticed the SIU GP.
Stormwater Permits	REMINDER to set up user accounts in ezFile and subscriber agreements for both ezFile and NetDMR.	Construction and Industrial Stormwater General Permits - Effective January 20, 2016, DEEP's ezFile on-line system should be used to submit stormwater construction and industrial general permit registration(s). Please refer to the Construction Stormwater web page or the Industrial Stormwater web page for details on using ezFile.

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
Industrial Stormwater General Permit	NO CHANGE Reissued without modifications through September 30, 2019	Early 2019 public notice of a draft GP. Renewal registration is not necessary for permittees currently registered under this general permit DEEP is working on modifications to make the General Permit more closely aligned with EPA's multi-sector General Permit, with CT-specific requirements. The public notice for the proposed reissuance/modification of the Industrial GP is expected to follow later this year or early next year.
Stormwater and Dewatering Wastewaters from Construction Activities	NO CHANGE Reissued without modifications through September 30, 2019	Renewal registration is not necessary for permittees currently registered under this general permit. The proposed reissuance/modification of the Construction GP is still being planned to go out to public notice this year, but will be done in phases over the coming months. NOTE: EPA's 2017 Construction General Permit (CGP), which provides coverage to eligible stormwater discharges from certain construction activities where EPA is the permitting authority. The CGP became effective on February 16, 2017. Shortly after EPA issued the 2017 CGP, both the National Association of Home Builders and the Chesapeake Bay Foundation filed petitions for review of the permit in the D.C. Circuit. EPA intends to pursue through notice and comment proceedings a permit modification to the 2017 CGP to provide clarification of certain permit conditions.
Water Diversion Program	CTDEEP is revising applicable reporting forms and instructions	Any water diversions whether consumptive or non-consumptive in nature that are not exempt or registered require permitting if over applicable thresholds. Work group has been established on this topic. Meeting with stakeholder to gather feedback has been held on 10/04/2018. Another meeting is scheduled for 01/24/2019 at DEEP. For more information on to http://www.ct.gov/deep/site/ click on Programs and Services on top and then on Water Diversion at the bottom.
Safe Drinking Water Act	DPH safe drinking water primacy assessments collection from Community public water systems	Section 676 of Public Act 17-2 (June Spec. Sess.), signed into law in October 2017, authorizes the Department of Public Health (DPH) to collect an assessment from water companies that own Non-Transient Non-Community public water systems (NTNC) and Community public water systems (CWS). Assessment fees are established within the Public Act, based upon the classification and size of the owned system. The DPH will begin collecting the assessment, in accordance with a timeline specified in the Public Act, to support the department's ability to maintain primacy under the federal Safe Drinking Water Act (SDWA). Primacy is the responsibility to implement and enforce the SDWA. Since 1977, the DPH has been delegated primacy from the U.S. Environmental Protection Agency

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
Water Quality Standards	NO CHANGE	EPA released 2017 draft updated aluminum aquatic life ambient water quality criteria for freshwater. The recommended level of aluminum in freshwater depends on a site's water quality parameters. Unlike the fixed values found in the 1988 criteria document, these criteria use a Multiple Linear Regression (MLR) model to normalize the data, and the criteria are based on a site's pH, DOC, and hardness. EPA accepted public comments on the draft criteria document through October 26, 2017. 2013-2014 Triennial Report Findings (Plan Forward) is available on DEEP website: http://www.ct.gov/deep/cwp/view.asp?a=2719&q=534238&deepNav_GID=1654 Next report was due in 2017; however, no info on the website about the review.
Stream Flow Standards and Regulations	NO CHANGE Initial Reporting for Dams on Classified Streams in the Connecticut River Basin	Owners or operators of certain dams located in the Connecticut River Basin MAY BE required to submit an initial reporting form to the Department of Energy and Environmental Protection (DEEP) under the Stream Flow Standards and Regulations (§26-141b-7(a) of the Regulations of Connecticut State Agencies) by February 6, 2019 . Extensive effort by DEEP and numerous stakeholder work groups culminated in adoption of the Stream Flow Standards and Regulations on December 12, 2011. The process of classifying the streams and rivers of the State began with the Southeast Coastal, Pawcatuck and Thames Major basins and the stream flow classifications were finalized on October 7, 2014. Stream flow classifications for the South Central Coastal River Basin were finalized on September 6, 2016. Stream flow classifications for the Connecticut River Basin were finalized on February 6, 2018. The remaining basins (Housatonic, Hudson and Southwestern Coastal Complex) are anticipated to be completed by the beginning of 2019. Once classified, owners of dams along the classified streams have ten years to begin making releases to support stream flow below the dam in accordance with the regulations. Classifications and response to public comments posted on DEEP website. The maps are available on-line at: www.ct.gov/deep/streamflow .

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
CT State Water Plan (Public Act 14-163)	NO CHANGE 11/09/2018 -- The Connecticut Water Planning Council adopted a revised Connecticut Drought Preparedness and Response Plan on November 6, 2018. Download the plan at www.ct.gov/water	The draft plan recommends a framework for managing Connecticut's water into the future and for achieving balance with our many human and environmental needs as climate trends emerge and new needs develop. It addresses the quality and quantity of water for drinking, ecology, recreation, business, industry, agriculture, energy, and wastewater assimilation. The creation of the State Water Plan was required following the adoption of a new state law, Public Act 14-163, which directed the Water Planning Council (WPC) to formulate a plan that will help planners, regulators, and lawmakers make decisions about managing Connecticut's water in a manner that is consistent throughout the state. The group's draft plan reflects the input of various stakeholders, committee members and public participants. The public comment period on the draft State Water Plan closed on November 20, 2017. Comments have been reviewed and addressed by the Water Planning Council. The Water Planning Council voted on 1/23/2018 to approve the Final Draft State Water Plan for submission to the Connecticut General Assembly. They intend to present a final document to the Governor and various legislative committees in 2018.
LIS Blue Plan	Draft Policy Plan available for review	The first draft of the policies proposed to be included in the Long Island Sound Blue Plan is available on the Blue Plan Policy webpage. The LIS Blue Plan is a State of Connecticut initiative to protect the ecological resources and traditional human uses of Long Island Sound while allowing for compatible future uses. The policies of the Blue Plan will provide greater clarity and enforceable guidance for how future permitting decisions are to be made in relation to Ecologically Significant Areas as well as Significant Human Use Areas, under existing state regulatory programs. Public meetings were held in December 2018. More can be found on the Blue Plan at www.ct.gov/deep/lisblueplan .
EPA Programs		
PFOA, PFOS and Other PFASs	NO CHANGE GenX and PFBS Draft Toxicity Assessments (chronic & subchronic RfD (mg/kg-d))	EPA has released draft toxicity assessments for GenX chemicals and PFBS. Comments must be received on or before January 22, 2019. Following closure of this 60-day public comment period, the EPA will consider the comments, revise the draft documents, as appropriate, and then publish final toxicity assessments. Goto https://www.epa.gov/pfas/genx-and-pfbs-draft-toxicity-assessments for more information.
Waters of the United	12/28/2018 EPA	The U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) are

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

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States (WOTUS) Rulemaking	and Army Corps of Engineers provided notice of public hearing regarding proposed revised definition.	<p>proposing a clear, understandable, and implementable definition of “waters of the United States” that clarifies federal authority under the Clean Water Act. Unlike the Obama administration's 2015 definition of “waters of the United States,” today’s proposal contains a straightforward definition that would result in significant cost savings, protect the nation’s navigable waters, help sustain economic growth, and reduce barriers to business development.</p> <p>The agencies’ proposal is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with President Trump's February 2017 Executive Order entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The Executive Order states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the states under the Constitution.</p> <p>The agencies’ proposed rule would provide clarity, predictability and consistency so that the regulated community can easily understand where the Clean Water Act applies—and where it does not. Under the agencies’ proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. It also details what are not “waters of the United States,” such as features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems.</p> <p>More information including a pre-publication version of the Federal Register notice, the supporting analyses and fact sheets are available at: https://www.epa.gov/wotus-rule.</p> <p>On December 28, 2018, the U.S. Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) provided a notice of public hearing regarding their proposed revised definition of “Waters of the United States” (WOTUS) in the federal register. The public hearing for interested parties to present data, views, or information regarding the proposed revised definition is currently scheduled for January 23, 2019, in Kansas City – this date may be affected by government shutdown.</p>
EPA's 2017	NO CHANGE	EPA will address question of liability and shared responsibilities in stormwater permit redo. The

Water Task Force Status Summary

CBIA e² Council

Revised January 2019

Program	Status	Comments
Construction General Permit (CGP)	EPA Revisiting Stormwater Permit for Construction Sites	<p>current permit will remain in effect until EPA finalizes changes.</p> <p>The EPA will clarify whether multiple builders working at a single construction site should be held liable for the actions of one as it revisits a nationwide permit to prevent erosion and pollutants from running off work sites.</p> <p>Specifically, the Environmental Protection Agency said it will look at the question of operator liability and clarify responsibilities of multiple operators at a single construction site, among other changes to a general stormwater permit originally issued in 2017.</p>