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DEEP Programs		
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Wastewater Permits Contact: Ozzie Inglese at (860) 424-3725 or oswald.inglese@ct.gov		
Bill No. 837 Public Act No. 21-191	Issued and in effect	An act concerning the use of perfluoroalkyl or polyfluoroalkyl substances in class B Firefighting Foam. As provided by the Act on or after October 1, 2021, no person shall use a class B firefighting foam that contains an intentionally added perfluoroalkyl or polyfluoroalkyl substance for any vapor suppression or firefighting purpose unless such fire is a flammable liquid-based fire and the Commissioner of Energy and Environmental Protection (CTDEEP) fails to identify an alternative to such use on or before July 1, 2021. For any airport-related entity with a facility that utilizes a fire suppression system containing class B firefighting foam that contains an intentionally added perfluoroalkyl or polyfluoroalkyl substance on or before October 1, 2021 mitigation measures shall be employed to prevent releases of such foam into the environment, including the implementation of plans and physical features that are designed to prevent releases of such foam into the environment through the use of containment, treatment and disposal of such foam, event when such foam is deployed in its intended manner. No later than October 1, 2023, any such system shall be removed or repurposed to remove such firefighting foam. Not later than October 1, 2021, the Commissioner of CTDEEP shall develop or identify a take-back program for municipally owned class B firefighting foam containing perfluoroalkyl or polyfluoroalkyl substances that results in the application of best management practices for the disposal of such substances.

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Comprehensive General Permit for Discharges to Surface Water and Groundwater	NO CHANGE Effective 3/30/18 Expires 3/29/2023	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 ***fire suppression testing wastewater***, hydrant flushing wastewater, potable water system tank and pipeline draining wastewater, and boiler blowdown wastewater (to groundwater only). The Swimming Pool GP has been reissued for two more years (expires August 05, 2021) without any changes or re-registration required. It is the intent to eventually consolidate this general permit into the Comprehensive GP in the future.
MIU General Permit (formerly known as MISC Wastewater General Permit)	NO CHANGE Issuance Date: Sept. 29, 2020 Effective Date: October 31, 2020 Expiration Date: October 30, 2025	This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes. https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater This general permit authorizes discharges of Miscellaneous Industrial User (MIU) wastewater to a Publicly Owned Treatment Works (POTW) from an Industrial User which is not a Significant Industrial User, as defined in this general permit, and where such wastewater is: • conveyed by sanitary sewer; or • transported by a licensed waste hauler in accordance with Section 5(e)(4) of this general permit. https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits

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SIU General Permit (formerly known as the General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW))	NO CHANGE Issuance Date: October 30, 2020 Effective Date: October 31, 2020 Expiration Date: October 30, 2025	This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes. https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the following indirect discharges from a Significant Industrial User, as defined in this general permit, to a Publicly Owned Treatment Works (POTW) via sanitary sewer or through transport by a licensed waste hauler in accordance with Section 5(e)(4) of this general permit: (1) Metal finishing wastewater, as defined in this general permit; and/or (2) Process and non-process wastewater that is not subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N. Any discharge of water, substance or material into the waters of the state other than those specified in this section is not authorized by this general permit, and any person or municipality which initiates, creates, originates or maintains such a discharge shall apply for and obtain authorization under section 22a-430 of the Connecticut General Statutes prior to the occurrence of such discharge. https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits
Stormwater Permits Contact: the stormwater group at 860-424-3025 or DEEP.StormwaterStaff @ct.gov	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.

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Industrial Stormwater General Permit	NO CHANGE Permit effective October 1, 2021 ***without modifications posted*** Expires September 30, 2024 No renewal registration is required for existing sources.	The current industrial general permit became effective on October 1, 2011. It was most recently reissued *without modifications* on October 1, 2019 and will expire on September 30, 2021. The DEEP is proposing to **continue permit authorization** by issuing this notice to reissue the industrial general permit *without modifications* for the period beginning on October 1, 2021 and expiring on September 30, 2024. The Department intends to reissue a new industrial general permit *with modifications* prior to the expiration of this proposed reissued general permit *without modifications*. The Department will seek public comment on a notice of tentative decision to reissue the industrial general permit *with modifications* by July 2022. For more information, go to: https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Industrial-Stormwater-GP

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Stormwater and Dewatering Wastewaters from Construction Activities	NO CHANGE **Issued: 12/21/2020; Effective Date: 12/31/2020 Renewal registration is required within 120 days. Notice of Reissuance of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities	The Department of Energy & Environmental Protection (DEEP) hereby gives notice of the reissuance with modifications of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (construction general permit). The reissued construction general permit will be effective December 31, 2020. The Public Notice of Tentative Decision to modify the construction general permit was published in newspapers statewide on December 31, 2019 and January 2, 2020 and a public informational meeting was held on January 8, 2020. Two hundred and four (204) comment letters or emails and a petition for hearing were received during the 45-day comment period for the general permit. Staff from the Water Permitting and Enforcement Division met with a workgroup of consulting engineers, representatives from the solar industry, and other intervening parties from June to October 2020 to reach agreement on the final construction general permit. The petition for hearing was withdrawn on October 23, 2020. Further information on the general permit and a Response to Comments is available on the DEEP website at https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP. **Current Permittees Under the construction general permit**--Permittees currently authorized to discharge under the construction general permit must submit a reregistration electronically via DEEP's eZFile portal within 120 days of the date of issuance of the general permit in order to continue authorization. For more information, search for 'construction stormwater' on the DEEP website.

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Stormwater Associated with Commercial Activity	NO CHANGE Reissued 9/10/2020 Expires 5/14/2022	The DEEP will be reissuing without modifications for two years – no registration required for existing registrants. Registrants are expected to comply with the terms and conditions of the current Commercial Stormwater General Permit in the interim until such time the reissued general permit becomes effective. The current commercial general permit became effective on May 15, 2017 and expired on May 14, 2020. The DEEP is proposing to continue permit authorization by issuing a notice to reissue the commercial general permit without modifications for the period beginning on the date of issuance by the Commissioner and expiring on May 14, 2022. For more information, go to: https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Commercial-Stormwater
Water Diversion Program Contact: Land and Water Resources Division at (860) 424-3019	NO CHANGE 2020 Annual Water Use Reporting Form for reporting of both registered and permitted diversions	July 14, 2020 – Letter from the Commissioner Re *Notice of Availability of Forms for the Reporting of Operating Data for Registered Diversions and Submission Deadline* In accordance with Section 22a-368a of the General Statutes of Connecticut, the Commissioner of the Connecticut Department of Energy and Environmental Protection hereby gives notice that a form for the reporting of operating data for water diversions registered pursuant to Section 22a-368 CGS is available on-line at www.ct.gov/deep/waterdiversionreporting. The deadline for diversion registrants to submit their first completed reporting form was January 31, 2021. This form will contain daily diversion operating data for the year 2020. All registrants expected to submit annual reports were mailed individual notices dated September 30, 2019. Anyone requiring more information regarding this matter may visit the Department's Water Diversion Reporting website at www.ct.gov/deep/waterdiversionreporting or contact the Department by email at deep.waterdiversionreporting@ct.gov or by phone at 860-424-3020. Department staff has limited access to phones during the on-going health crisis therefore email contact is preferred. NOTE: In light of COVID-19, timely renewal for individual diversion permits has been reduced to 30 days prior to expiration.

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Water Quality Standards Contact: Bureau of Water Protection and Land Reuse at (860) 424-3020	NO CHANGE Triennial Review Process underway?	9/17/2020 From Phil Trowbridge (since retired): "DEEP is currently finalizing our response to comments on the list of topics to be considered for rule changes. After that, we will need to submit the document to EPA for approval. Once approved, we will post the document on our website and email all those who commented. I expect that we will be done with these steps by the end of the year. The next step after that would be to start the rulemaking process for making changes to the standards, which is a long process by itself." Topics under Consideration for Revision within the WQS Regulations include Updates to Numeric Water Quality Criteria, Revise the Low Flow Statistic Applicable to Fresh Waters, Extended Disinfection Period, Define Highest Attainable Use, Downstream Protection, and Water Quality Classification Maps. More information including the public comments can be found at https://www.ct.gov/deep/cwp/view.asp?a=2719&q=325618&deepNav_GID=1654 or by searching the DEEP website for "water quality standards".
EPA Programs		
PFOA, PFOS and Other PFASs	On-going EPA Announces First Validated Laboratory Method to Test for PFAS in Wastewater, Surface Water, Groundwater, Soils EPA's PFAS website at https://www.epa.gov/pfas	Sept 2, 2021 - the U.S. Environmental Protection Agency (EPA), in collaboration with the U.S. Department of Defense (DoD), published a draft of the first EPA-validated laboratory analytical method to test for per- and polyfluoroalkyl substances (PFAS) in eight different environmental media, including wastewater, surface water, groundwater, and soils. This method provides certainty and consistency and advances PFAS monitoring that is essential to protecting public health. "This new testing method advances the science and our understanding of PFAS in the environment, so we can better protect people from exposure," said EPA Administrator Michael S. Regan. "This illustrates the progress we can make when working with federal partners in an all of government approach. I want to thank the Department of Defense for its leadership on this issue and for working with us to achieve this important milestone." A partnership between EPA and the Department of Defense's Strategic Environmental Research and Development Program has produced draft Method 1633, a single-laboratory validated method to test for 40 PFAS compounds in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue. Until now, regulated entities and environmental laboratories relied upon modified EPA methods or in-house laboratory standard operating procedures to analyze PFAS in these settings. With the support of the agency's Council on PFAS, EPA and DoD will continue to collaborate to complete a multi-laboratory validation study of the method in 2022.

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		"This is one of many examples of strong EPA – DoD Collaboration on issues of national importance. Currently the Department is working with EPA, other federal agencies, academic institutions, and industry on over 130 PFAS-related research efforts, and we expect further progress in the future," said Deputy Assistant Secretary of Defense for Environment and Energy Resilience Richard Kidd. This draft method can be used in various applications, including National Pollutant Discharge Elimination System (NPDES) permits. The method will support NPDES implementation by providing a consistent PFAS method that has been tested in a wide variety of wastewaters and contains all the required quality control procedures for a Clean Water Act (CWA) method. While the method is not nationally required for CWA compliance monitoring until EPA has promulgated it through rulemaking, it is recommended now for use in individual permits. Draft Method 1633 complements existing validated methods to test for PFAS in drinking water and non-potable water. For more information on CWA Analytical Methods for PFAS, visit: https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas. For Frequent Questions about PFAS Methods for NPDES Permits, visit: https://www.epa.gov/cwa-methods/frequent-questions-about-pfas-methods-npdes-permits. Background: Draft Method 1633 complements existing Safe Drinking Water Act methods to test for 29 PFAS compounds in drinking water and a Resource Conservation and Recovery Act method for 24 PFAS compounds in non-potable water. EPA publishes laboratory analytical methods (test procedures) that are used by industries, municipalities, researchers, regulatory authorities and other stakeholders to analyze the chemical, physical, and biological components of wastewater and other environmental samples. EPA regularly publishes methods for CWA compliance monitoring on its CWA Methods website. Doing so does not impose any national requirements to use the method. Only after EPA promulgates a CWA analytical method through rulemaking (at 40 CFR Part 136) does it become nationally required for use in NPDES permit applications and permits. The work the agency is doing to provide new laboratory analytical methods reflects the work that the EPA Council on PFAS is undertaking to support federal, state, local, and Tribal efforts to protect all communities from the harmful impacts of PFAS contamination.

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		In December 2019, EPA accomplished a key milestone in the PFAS Action Plan by publishing a new validated method to accurately test for 11 additional PFAS in drinking water. Method 533 complements EPA Method 537.1, and the agency can now measure 29 chemicals. In November 2020, EPA issued a memo detailing an interim National Pollutant Discharge Elimination (NPDES) permitting strategy for PFAS. The agency also released information on progress in developing new analytical methods to test for PFAS compounds in wastewater and other environmental media. In January 2021, EPA announced final determinations to regulate PFOS and PFOA in drinking water and a proposal to require monitoring for 29 PFAS in drinking water under the fifth Unregulated Contaminant Monitoring Rule. In January 2021, EPA finalized Effluent Guidelines Program Plan 14 and announced an Advanced Notice of Proposed Rulemaking to collect data and information regarding PFAS manufacturers that will help inform whether these industrial sources warrant regulation through national Effluent Limitation Guidelines to address PFAS discharges. February 2020 - EPA released the PFAS Action Plan: Program Update. The Agency's PFAS Action Plan is the first multi-media, multi-program, national research, management, and risk communication plan to address a challenge like PFAS. From issuing groundwater cleanup guidance to proposing a positive regulatory determination for both PFOA and PFOS, EPA has made progress under every aspect of the Action Plan. The actions EPA has taken reflect the comprehensive and coordinated approach that was outlined in the February 2019 PFAS Action Plan. Available at https://www.epa.gov/pfas/pfas-action-plan-program-update-february-2020 On November 4, 2019, Governor Ned Lamont officially released the finalized PFAS Action Plan prepared by the Connecticut Interagency PFAS Task Force. CT PFAS Action Plan and more information available on www.ct.gov/ctpfastaskforce . As of August 2020, DEEP and the Department of Emergency Services and Public Protection (DESPP) have begun planning for the take-back and safe disposal of aqueous film-forming foam (AFFF) containing PFAS from state and municipal fire departments. In addition, DEEP is developing a Geographic Information System (GIS) project specific to potential PFAS sources for use as a tool to evaluate the vulnerability of sensitive receptors, including drinking water supplies and surface water bodies, to PFAS pollution. This GIS project will assist DEEP and DPH in prioritizing future site investigations throughout the state. Furthermore,

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		DEEP is planning initial testing at about one third of the state's wastewater treatment plants. This testing will include analysis of influent to and effluent from the treatment facilities. For more information on steps being taken by DEEP and DPH, please contact: •Shannon Pociu - CT DEEP Remediation Division •Lori Mathieu -CT DPG Environmental Health and Drinking Water Branch •Pat Bisacky- CT DPH Drinking Water Section
Waters of the United States (WOTUS) Rulemaking	On-going Litigation WOTUS to be mired in legal uncertainty for many years Definition of "Waters of the United States" - Please visit https://www.epa.gov/nwpr for more information.	Order Vacating and Remanding the Navigable Waters Protection Rule - The Environmental Protection Agency and U.S. Army Corps of Engineers (the agencies) are in receipt of the U.S. District Court for the District of Arizona's August 30, 2021, order vacating and remanding the Navigable Waters Protection Rule in the case of Pascua Yaqui Tribe v. U.S. Environmental Protection Agency. In light of this order, the agencies have halted implementation of the Navigable Waters Protection Rule and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice. The agencies continue to review the order and consider next steps. This includes working expeditiously to move forward with the rulemakings announced on June 9, 2021, in order to better protect our nation's vital water resources that support public health, environmental protection, agricultural activity, and economic growth. The agencies remain committed to crafting a durable definition of "waters of the United States" that is informed by diverse perspectives and based on an inclusive foundation.
Water Quality Standards Variances	Ninth Circuit Upholds Montana Nutrients Variance in Significant Win for Clean Water Community	October 7, 2021 - In a major victory for clean water utilities, the U.S. Court of Appeals for the Ninth Circuit this week affirmed that states can take compliance costs into account when setting Clean Water Act (CWA) water quality standards variances, and that such variances do not have to ultimately result in attainment of the underlying water quality standard by the end of the variance's term.

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	Source: Ninth Circuit Upholds Montana Nutrients Variance in Significant Win for Clean Water Community (nacwa.org)	Siding with arguments made by NACWA, the Montana League of Cities and Towns (League), the U.S. Department of Justice, and the Montana Department of Environmental Quality, the three-judge panel in Upper Missouri Waterkeeper v. EPA unanimously rejected claims made by environmental organizations that the CWA precludes consideration of compliance costs in the development of water quality standards. Many wastewater treatment plant variances are premised upon the widespread economic harm implementation of the stringent underlying standards would cause to communities. The Ninth Circuit's affirmation that such variances are lawful and actually further the overall aims of the CWA therefore provides critical judicial precedent in support of municipal variances throughout the country. The panel likewise rejected the holding of the U.S. District Court of the District of Montana that water quality standards variances must require that permittees meet the "highest attainable condition" set by the variance immediately, and ultimately comply with the more stringent underlying water quality standard by the end of the variance's term. That holding significantly nullified the usefulness of variances, which are utilized by states where it is in fact unclear if clean water utilities can ever meet the underlying standards. Holding that such an interpretation of what water quality standards variances require "reflects a misunderstanding of the nature and purpose of a variance," the Ninth Circuit pointed to arguments NACWA and the League made throughout the case that variances are specifically designed to result in incremental water quality improvements in a manner that is "fully consistent with the goals of the CWA."
NPDES	EPA Rescinds Maui Guidance, Raises New Questions on NPDES Implementation Source: September 2021	In a memorandum sent on September 15 to the EPA Regions and Water Division Directors, EPA Assistant Administrator for the Office of Water Radhika Fox revoked the previous administration's January 2021 guidance document, "Applying the Supreme Court's *County of Maui v. Hawaii Wildlife Fund* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit (NPDES) Program." Citing to both substantive flaws and a lack of sufficient interagency coordination, the two-page memorandum takes the long-anticipated step of rescinding the Trump-era guidance on how to apply the landmark *Maui* decision, in which the Supreme Court outlined seven factors to consider when

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	Regulatory Update (nacwa.org) For more information visit: https://www.epa.gov/npdes/releases-point-source-groundwater.	determining if indirect discharges from a point source to "waters of the United States" require NPDES coverage because they are "functionally equivalent" to direct discharges. The now-rescinded guidance had been derided by environmental organizations as creating loopholes for dischargers to evade Clean Water Act permitting requirements, particularly its identification of system design and performance as an "eighth factor" to consider in any "functional equivalent" analysis. Importantly, EPA's new memo states that considering system design and performance in a *Maui* analysis inappropriately "introduces an element of intent" that is not consistent with the Supreme Court's decision. However, NACWA had supported consideration of the design and performance of features such as green infrastructure in proactively determining whether NPDES permits are necessary, and it is unclear how the statements in EPA's memo could impact on-the-ground permitting determinations. The guidance also reiterates EPA's position that, consistent with the *Maui d*ecision, the existence of a state groundwater program that may regulate a discharge does not obviate the need for applying the *Maui* test to determine whether an NPDES permit is required. Such language appears to be intended to address claims made by industry in on-going litigation that discharges subject to regulation under state groundwater programs categorically do not require NPDES coverage. The memo states that EPA is evaluating appropriate next steps and will for the time being make NPDES determinations on a case-by-case basis, which had long been agency practice prior to the issuance of the *Maui* decision.
Effluent Guidelines	Preliminary Effluent Guidelines Program Plan More info at https://www.epa.gov/eg/preliminary-effluent-guidelines-program-plan	The **Preliminary Effluent Guidelines Program Plan 15 (Preliminary Plan 15)** announces the status of EPA's efforts since the publication of Final Plan 14 (January 11, 2021), including the initiation of new rulemakings and detailed studies. Comments to Preliminary Plan 15 can be submitted at regulations.gov and are due by **October 14, 2021**. In particular, EPA is announcing the following actions in Preliminary Plan 15: • the beginning of a rulemaking to revise limitations for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) category to address the discharge of per- and polyfluoroalkyl substances (PFAS) from facilities that manufacture PFAS.

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		• the initiation of a rulemaking to revise limitations for the Metal Finishing category to address PFAS discharges from chromium plating operations. • the completion of its detailed study of the Meat and Poultry Products category and initiation of a rulemaking to revise the existing discharge standards for the industry. • the intention to publish a proposed Supplemental Rulemaking for the Steam Electric Power Generating category. • the initiation of detailed studies of PFAS discharges from the Landfills and Textile Mills categories. Preliminary Plan 15 also provides initial results from EPA's studies of multiple categories, including the Metal Products and Machinery, Explosives Manufacturing, and Landfills industries; and provides an update on the PFAS Multi-Industry Study.