

## **Response to Public Comments**

### **General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater**

#### **(Miscellaneous General Permit)**

On December 9, 2011, the Department of Energy and Environmental Protection (Department) published notice of its tentative determination to modify the General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewater (“Miscellaneous General Permit” or “general permit”). The notice was published in the Connecticut Post, Hartford Courant, New Haven Register, New London Day, Norwich Bulletin, and the Waterbury Republican American. The notice, Miscellaneous General Permit and Fact Sheet were concurrently posted on the Department’s website.

The notice provided a sixty (60) day comment period for the public to comment on the proposed Miscellaneous General Permit, which ended on February 9, 2012.

The notice also announced an informational meeting regarding the Miscellaneous General Permit, which was held on January 4, 2012 at the Department’s offices located at 79 Elm Street, Hartford, CT.

The Department’s responses to comments received during the comment period are provided below:

#### **A . Department of Corrections (DOC)--January 24, 2012**

**Comment 1:** Under the proposed General Permit (GP), please clarify how air compressor condensate (wastewater which accumulates on the exterior of electrical or mechanical air compressor equipment due to condensation), and fire suppression system testwater will be regulated. It is DOCs understanding, based on the attached DEEP policy memo, that these wastewaters are allowed to be discharged to lawn surfaces without a permit. Requiring the collection and discharge of these wastewaters to the sanitary sewer does not seem practical and would represent a substantial financial burden for many organizations.

**Response 1:** Air compressor condensate and blowdown is included in the current Miscellaneous General Permit as well as the proposed Miscellaneous General Permit as a discharge category that should be directed to the sanitary sewer. Discharges of uncontaminated air compressor condensate that do not contribute to a violation of water quality standards are considered “clean water ” and are not required to be covered under a discharge permit.

Discharges of fire suppression test water are not considered “clean water” and must be covered under an individual permit or general permit. The proposed general permit provides an option for the discharge of what we are now calling “fire suppression system testwater” if the sanitary sewer is available. If the sanitary sewer is not available, the discharge of fire suppression system testwater to ground is expected to be covered by a revised *General Permit for the Discharge of Hydrostatic Pressure Testing Wastewaters*. Additionally, fire suppression testwater “discharges containing no chemical additives (including chlorine) from the flushing of fire protection systems” has been removed from the list of non-stormwater discharges that would be covered under the Industrial Stormwater GP when incidentally combined with stormwater. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 2:** With regard to “Building maintenance wastewater”, it is DOCs understanding that building maintenance wastewater is included under the definition of “Domestic sewage” and is therefore covered under the *General Permit for the Discharge of Domestic Sewage* and not the Miscellaneous General Permit. Please provide clarification on these definitions and how building maintenance wastewater discharges are regulated.

**Response 2:** The definition of “domestic sewage” in the Regulations of Connecticut State Agencies §22a-430-1 speaks of “waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water...” In residential and small commercial buildings, discharges from washing floors and walls is considered to be domestic sewage when no manufacturing or other industrial type operations occur in that space that could lead to the presence or spills of regulated or toxic substances. Other non-residential buildings whose building maintenance wastewater would still be considered domestic sewage include retail buildings, office buildings, schools, hospitals, etc.

In industrial/manufacturing buildings, floor and wall washdowns are considered “building maintenance wastewater” and regulated in the Miscellaneous General Permit because the operations occurring in these buildings produce wastes where residual amounts would be picked up by floor and wall washdowns producing a discharge possibly requiring treatment. Floor and wall washdowns in the residential areas of prisons are considered domestic sewage, yet the floor and wall washdowns from manufacturing and industrial areas of prisons would be considered building maintenance wastewater and would be covered under the Miscellaneous General Permit. BMPs should be used for any spills that might occur in these areas. No change to the Miscellaneous General Permit has been made in response to this comment.

## **B. Dave Monz--Updike, Kelley, & Spellacy—February 1, 2012**

**Comment 1:** Are the Total Maximum Daily Flow Thresholds in Table 4-1 the maximum per Discharge Group authorized under the GP. A) In other words, if an entity discharges non-contact cooling water (a Group II Discharge) at a volume greater than 25,000 gpd is coverage under the GP authorized? B) It appears that such discharge would be covered provided a variance for the maximum daily flow is sought by a qualified professional engineer, correct? C) Would you envision that a discharge of non-contact cooling water above 100,000 gpd would be approved?

**Response 1:** A) Yes, a discharge of greater than 25,000 gpd of non-contact cooling water is covered under the Miscellaneous General Permit as there is no flow limit, as long as the discharge is approved in writing by the receiving Publicly Owned Treatment Works (POTW) authority. B) A variance is not required, but written approval by the receiving POTW authority is required. C) Yes, a discharge of greater than 100,000 gpd of non-contact cooling water would be covered by the general permit provided that such discharge has been approved in writing by the receiving POTW authority. While there are no flow limits that preclude coverage with the written approval of the POTW authority, the Miscellaneous General Permit does require that all permittees implement and maintain practices and/or facilities which, to the maximum extent practicable, result in the minimum amount of wastewater discharged (See Section 5.(g)(1) of the Miscellaneous General Permit citing Regulations of Connecticut State Agencies section 22a-430-3(o)). The Department may not approve coverage if the permittee cannot demonstrate best efforts to comply with Section 5.(g)(1) of the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 2:** Food processing wastewater is covered as a Group II Discharge; however, I do not see any coverage for food preparation wastewater (e.g., associated with the operation of a dining hall). Am I reading that correct? That is, no coverage at all for food preparation wastewater.

**Response 2:** This permit covers “food processing wastewater” which is from certain food manufacturing operations such as large, commercial bakeries or meat packing operations, etc. Food preparation wastewater from restaurants and cafeterias is covered by a different general permit called the *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments* (a.k.a. Fats, Oils, and Grease or FOG general permit) which is not incorporated into this general permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3:** Section 5.(e)(2) requires an O&M Plan and Spill Prevention and Control Plan for certain discharges. However, the lead in paragraph that determines applicability is a bit confusing -- If the total maximum daily flow of the discharge is greater than 25,000 gpd or the discharge requires registration (excluding non-contact cooling water) and a treatment system to comply with the effluent limits of Section 5(a). The confusion is how the "or" and the "and" are applied. For example, does the phrase "and a treatment system to comply with the effluent limits of Section 5(a)" modify both of the previous two clauses? The Section can be read in two ways: (1) all discharges greater than 25,000 gpd are subject to the requirement (regardless of whether treatment is required to comply with the effluent limits); or (2) only discharges greater than 25,000 gpd that require treatment to comply with the effluent limits are subject to the requirement.

**Response 3:** Section 5.(e)(2) of the the general permit has been changed to read, “If the site’s total maximum daily flow of the discharge requires a Registration with Approval in accordance with Section 4.(a)(1) of this general permit, the permittee shall:...”

### **C. Photo Marketing Association International—February 1, 2012**

**Comment 1:** • The General Permit concept is much more acceptable than individual permits.

- The industry supports “no registration” requirements for Group I dischargers - photo processing labs.

- Section 5(b)(1) provides Parameter Monitoring requirements which states that each permittee must monitor parameters specified in Tables 5-2(a) and (b) at defined frequency in accordance with methods specified in 40 CFR Part 136. Table 5-2(a) specifies parameters for photo processing with footnotes that monitoring for silver and pH are only applicable to photo processing discharges. This language generates confusion if this should be understood that all silver monitoring must be done in accordance with 40 CFR Part 136. We suggest that this footnote be amended to include a reference to the Section 5(b)5 requirements. This will clarify that the monitoring for photo processors follows the requirements called out in this section, if that is indeed the case.

**Response 1:** A footnote has been added at the bottom of Table 5-2a referencing the specific instructions at Section 5(b)(5).

**Comment 2:** We suggest that section 5(b)(5)(B) provide specific monitoring requirements such as use of silver test strips. The current language implies that this would be the method of monitoring on a monthly basis but it doesn't specifically state that. Without it being specific as to the use of silver test strips it could be interpreted that a sample must be collected and analyzed in a laboratory on a monthly basis. This would be very economically burdensome on the industry.

Section 5(b)(5)(B)(i) states “discharges from silver recovery systems must be monitored monthly to assure compliance with the silver effluent limit.” Silver test strips do not have the sensitivity to demonstrate compliance with 5.0 or 2.0 mg/l limit. We suggest that this section be changed to read: “...discharges from silver recovery systems must be monitored monthly to assure proper operation of the silver recovery system and the silver effluent limits provided in Table 5-1.”

**Response 2:** Language has been added at Section 5(b)(5)(B) allowing the use of “silver test strips to assure proper operation of the silver recovery system.”

#### **D. University of Connecticut Health Center—February 6, 2012**

##### **Comment 1: Certification by a Professional Engineer (PE) or Qualified Professional Engineer - Section 3(b)(8)**

The DEEP's desire to ensure compliance is reasonable and appropriate. However, the benefit of PE evaluation and certification of simple wastewater discharges is not readily apparent particularly when other, in-house professionals can perform the same task. It seems more reasonable to require PE involvement when a structural change to a system is required, including the installation of a wastewater neutralization system.

**Response 1:** The Miscellaneous General Permit will likely replace wastewater discharge permit coverage for many companies that were previously regulated under an individual permit.

Certification by a PE or other professional that the discharge meets the permit requirements takes the place of the DEEP staff review. The permit is structured to require a professional certification only for higher flows or where treatment is necessary to meet permit conditions.

The permit language has been modified to expand the list of professionals that may certify to include Certified Hazardous Materials Managers (CHMMs) in some cases.

**Comment 2: Action by the Commissioner - Section 4(g)(1)**

It is not clear if a registrant must submit a second fee if the initial submittal has been rejected for reasons other than lack of fee submittal. Please clarify.

**Response 2:** A registration may be rejected for any number of reasons if it does not satisfy the requirements of Section 4(c) or 4(d) of the general permit and more than thirty days (30) have elapsed since the commissioner requested that the registrant submit additional information. Rejection of a registration terminates the processing of such registration and the accompanying fee is not refunded. If a person still seeks coverage under the general permit, a new registration must be filed with the requisite fee. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3: Flow Monitoring – Section 5(b) (3)**

Please confirm that the requirement to monitor a single source, authorized discharge with maximum daily flow of greater than 5,000 gpd applies to a single discharge point rather than the aggregate of multiple, small discharge volumes.

**Response 3:** The language in the general permit needed clarification for situations where the total flow of multiple, small discharges exceeded 5,000 gpd. The language at Section 5(b)(3)(B) has been modified by adding the word “pipe” to indicate that flow monitoring is not expected until the maximum daily flow within a discharge pipe from either a single source or multiple sources exceeds 5,000 gallons per day.

**Comment 4: pH Monitoring – Section 5(b)(4 & 5)**

The requirement to perform continuous pH evaluation and recording for discharges of  $\geq 5,000$  gallons per day, including audio and visual alarms with automatic shutdown if the pH spikes beyond the specified range, is potentially expensive and problematic. For many of the included wastewater streams, a significant spike is extremely unlikely. Moreover, in a health care setting, it is conceivable that an unexpected shutdown would affect patient care. It is therefore highly preferable the pH monitoring be required for only those discharges for which pH spike is feasible, and the alarm cause an immediate attention rather than shutdown so that patient care can continue without interruption.

**Response 4:** Upon further review, the department has determined that the language in the Miscellaneous General Permit is not consistent with the language at RCSA 22a-430-3(q).

Therefore, new language has been added to Section 5(b)(4)(B) which references RCSA 22a-430-3(q). In effect, continuous pH monitoring is required only for discharges that require pH adjustment to meet permit limits. However, the regulations do not allow an exclusion from continuous pH monitoring for discharges less than 5,000 gallons per day as was proposed in the general permit.

For the same reasons noted in the paragraph above, the language requiring an automatic shutdown of effluent discharge if the pH moves outside the 5.0 to 12.0 range has been replaced with “Any condition which causes an alarm shall be corrected immediately, or the discharge shall be stopped until the correction is made.”

#### **E. Aquarion Water Company—January 31, 2012**

**Comment 1:** The MISC will eliminate the ability of drinking water utilities presently regulated by the Water Treatment Wastewater General Permit (WTWGP) to discharge alum sludge to a POTW due to the proposed effluent limits (specifically, aluminum [2.0 mg/l] and total suspended solids [600 mg/l]) as described in Section 5(a)(1). The WTWGP does not have such compliance limits placed on our discharges. AWC has historically negotiated with POTWs to accept this material which has provided AWC with a most critical pathway for its treatment plant discharges. Changes in our ability to do so, as presented in the MISC, will result in unattainable compliance and/or significant costs to our customers.

**Response 1:** In response to comments, Department staff further evaluated the need to limit aluminum. It was determined that, given the limited data available at this time, the limit for aluminum was eliminated. However, the requirement to monitor for this parameter was maintained so that sufficient data can be collected to perform an effective reevaluation of the necessity for such limits when the general permit is next reissued.

**Comment 2:** The MISC includes the discharge of "potable water storage tank draining for maintenance purposes" in the definition of Water Treatment Wastewaters (WTW) whereas the WTWGP permit does not include potable water storage tank discharges. DEEP has indicated that the existing WTWGP will remain in effect until it expires in 2015, and registrants will have the option to register WTW sewer discharges under the MISC or the WTWGP until that time. However, because of the differing definitions of WTW under the two general permits, potable water storage tank discharges to POTWs will not be eligible for the WTWGP, and must be registered under the MISC.

**Response 2:** This change in definition was included in the Miscellaneous General Permit to explicitly state that this type of discharge was covered. This expands the permit coverage options for water utilities, but does not mandate that draining tanks to a POTW under the Miscellaneous General Permit is the only option. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3:** The MISC includes the definition of a “Qualified Professional Engineer”(QPE) to be used by Group I registrants (which includes water treatment wastewater) and by Group II

dischargers with flows greater than or equal to 25,000 gallons per day. AWC believes that this requirement is not needed. AWC successfully utilizes the services of many environmental consultants who are highly respected professional engineers in their field. The use of QPEs will add significant costs to all registrations that require such certifications.

**Response 3:** See the Department's response to CBIA's letter (undated), comment J.1(a)(i), below.

**Comment 4:** The MISC specifies fees in Table 4.1 associated with total maximum daily flow thresholds. AWC believes that one fee should be charged per site independent of the volume or discharge location. DEEP may be inadvertently charging one fee for a groundwater or surface water discharge and a second fee for a POTW discharge.

**Response 4:** The total fee for two general permits could be up to \$1500. This is still less costly than obtaining an individual discharge permit, which also incurs the cost of annual fees over the five-year life of the permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 5:** MISC Section 5(b)(4) requires continuous monitoring of pH for flows greater than 5,000 gallons per day (with some exceptions). AWC discharges are from in-line analyzers and possess the same characteristics as non-contact cooling water (which will be exempt from continuous monitoring requirements). AWC recommends eliminating this requirement for sites with existing WTWGP permits or WTWGP 4(A) permit by rule exemptions. Installation of continuous monitoring equipment will add significant expense to compliance monitoring.

**Response 5:** Please see the response to the University of Connecticut Health Center's letter, dated February 6, 2012, comment D.4, above.

**Comment 6:** MISC Section 5(b)(7) requires that samples collected from discharges greater than 10,000 gallons per day be a composite sample. AWC facilities are monitored but most are not continuously manned. Composite sampling will also add significant costs.

**Response 6:** Language at Section 5(b)(7)(B) of the general permit has been modified to better define the composite sampling requirements such that samples are taken at least once every four hours over a full operating day.

**Comment 7:** MISC Section 5(C) requires electronic reporting on a Discharge Monitoring Report (DMR) for certain discharges (including WTW) with flows greater than 5,000 gallons per day. DMRs are currently not required under most existing general permits, and the addition of this requirement may be seen in conflict with the self-governing intent of general permits.

**Response 7:** It is the Department's responsibility to insure compliance with general permit conditions in order to protect the operations of POTWs and eventually, the waters of the state. The submission of monitoring data allows the Department to monitor and assure compliance, which has been demonstrated to increase compliance rates when compared to discharges that are not submitting discharge monitoring reports. The requirement for electronic reporting is limited

to facilities with larger flows and discharges which require treatment. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 8:** The MISC requires the preparation of an Operation and Maintenance Plan and a Spill Prevention and Control Plan for each site that discharges greater than 25,000 gallons per day. Since non-contact cooling water discharges are exempt, consideration should be given to also exempt WTWGP discharges.

**Response 8:** Water treatment wastewaters are not deemed to be characteristically equivalent to non-contact cooling water as they may contain filter backwashes, laboratory wastewaters, etc. If a site's discharge is more than 25,000 gpd, then it is considered to be a Significant Industrial User (SIU) under federal regulations which then warrants additional scrutiny. The federal definition of an SIU excludes noncontact cooling water, but does not exclude water treatment wastewater. No change to the Miscellaneous General Permit has been made in response to this comment.

#### **F. Pfizer—February 7, 2012**

##### **Comment 1: Section 3(b)(9)(C) "Certification Requirements for Registrants and other Individuals" -**

The certification contains the following statement "I certify that our facility does not use products or chemicals or discharge wastewater that contain mercury." Pfizer recommends removing this statement as no facility would be able make this certification due to the ubiquitous use of products such as fluorescent light bulbs, thermostats, and thermometers which contain mercury.

Furthermore, the MISC General Permit, current and proposed revisions, contains a limit for mercury of 0.0002 mg/L.

**Response 1:** See the Department's response to CBIA's letter (undated), comment J.2(b), below.

##### **Comment 2: Section 4 "Registration Requirements" and Section 5 "Conditions of This General Permit"**

The proposed revisions use different language identifying the basis or qualifier for compliance requirements. The terms "Discharge Group", "Discharge", "Category of Wastewater", "each authorized discharge", "continuous discharge", "any discharge" and "the discharge" are used at various places throughout Sections 4 & 5. However, these terms are never defined and it isn't clear if the aggregate flow of a category, a single group or all groups should be used to assess applicability of specific requirements. Furthermore, it is unclear if "discharge" and "each authorized discharge" refer to the aggregate site discharge covered by the registration, the aggregate discharge of Discharge Group I, II, or III, or the aggregate discharge of a category of wastewater.

##### **Example**

A facility has 500 gpd of air compressor blowdown condensate, 1,500 gpd of boiler blowdown,

2,000 gpd of water treatment wastewater, 500 gpd of "other wastewater A", and 2,000 gpd of "other wastewater B". Does the facility sample all of these "categories of wastewater" quarterly, install continuous flow and pH metering on all sources of wastewater and submit NetDMR reports since the aggregate flow is 5,500 gpd (i.e., greater than 5,000 gpd), does the facility sample only boiler blowdown, water treatment wastewater and "other wastewater B" quarterly since the flow for each of these categories of wastewater is greater than 1,000 gpd and NOT install metering or submit NetDMR because each of those categories have flow less than 5,000 gpd?

### **Proposal**

Pfizer contends that the basis or qualifier for specific compliance requirements needs to be clearly defined keeping in mind the need to protect the environment while providing the regulated community with the ability to implement. Pfizer proposes that the compliance requirements should at times be tied to the combined flow of a discharge group (e.g., registration), to a discharge category (e.g., monitoring frequency) and to a specific discharge unit (e.g., pH and flow monitoring). Pfizer specifically recommends:

- 1.) Define "Discharge Group" flow to equal the aggregate of the "categories of wastewaters" within a specific group (i.e., Group 1, Group 2 or Group 3);
- 2.) Define "category of wastewater" to equal a distinct type of wastewater, e.g., air compressor blowdown, boiler blowdown or "other wastewater" as described in the registration;
- 3.) Define "each authorized discharge" to equal a specific, distinct discharge unit;
- 4.) Define "specific discharge unit"; and
- 5.) Modify general permit sections to reflect the changes in the attached table.

**Response 2:** The wording of Section 4(a)(2) of the general permit has been modified and examples provided to help explain the terms "discharge group" and "category of wastewater". A "category of wastewater" is a distinct type of wastewater which is a subset of a discharge group. No clarification for "each authorized discharge" is necessary because the phrase has historically meant any discharge authorized by the general permit.

### **G. Northeast Utilities— dated February 7, 2012**

**Comment 1:** Monitoring and Reporting Frequency: Please clarify that Category I Discharges Less than 1,000 gpd do not have any requirement to sample on a routine basis. It is unclear what, if any, requirements there are to collect and analyze samples on a routine basis.

**Response 1:** Although the permit does not specify a monitoring frequency, the permittee must be able to demonstrate compliance with effluent limits according to RCSA 22a-430-3(j)(1). A footnote has been added at the bottom of Table 5-3 indicating that "Discharges less than 1,000 gpd do not have a prescribed monitoring frequency, but must comply with the effluent limits of Section 5(a)(1)." For facilities with total maximum daily discharges less than 1000 gpd, it is recommended that the facility keep a record of the flow and category of the discharge(s) to be covered by the Miscellaneous General Permit, including laboratory results of a representative sample to demonstrate that the discharge is in compliance with the effluent limits in the general permit. This record is adequate for the term of the general permit unless modifications occur at

the facility that could change the characteristics of the discharge. In this case, the record should be updated.

**Comment 2:** Variances: a) CTDEEP indicated during the informational session that the modifications to the MISC permit came out of National Pollution Discharge Elimination System (NPDES) Lean Process Refinements and Public Act 10-158, the intent of which was to streamline the permit process to decrease workloads for the reduced number of staff at the CTDEEP. NUSCO questions how requiring registrants who have existing variances under the current MISC GP, to reapply for and CTDEEP to reapprove the same variances conforms with the intent of the Lean Process and PA 10-158. In fact, this repetitive process requires more work for both the registrants and the CTDEEP. NUSCO suggests that variances issued under the current MISC GP be carried forward under the new modified MISC GP.

b) In addition, NUSCO further requests that variances be allowed for conditions beyond effluent limits, for example, where compliance with a permit requirement is deemed impractical.

**Response 2:** a) All variances must be requested and reviewed at each registration cycle because conditions may change over time, e.g. revised POTW effluent limits, changing regulatory requirements, etc. No previous variances shall be carried forward. No change to the Miscellaneous General Permit has been made in response to this comment.

b) The general permit program is not designed for case by case evaluation of permit conditions. A facility unable to meet the conditions of a general permit has the option of applying for an individual permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3:** Effluent Limits: While most of the effluent limits presented in the modified MISC GP appear to be the same as those found in the previously issued permits, it is worth noting that the Maximum Instantaneous Concentration for Total Fats, Oils and Grease has been reduced from 150 mg/L to 100 mg/L. NUSCO requests CTDEEP to provide the basis for the reduction in the allowable Total Fats, Oil and Grease Maximum Instantaneous Concentration.

**Response 3:** Sewer line blockages are still a common problem for POTWs around the state. The *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments* (a.k.a. FOG general permit) was developed to address this problem. The Total Fats, Oils and Grease limit in the FOG general permit is 100 mg/l. The *General Permit for the Discharge of Food Processing Wastewater* (Food Processing general permit) was recently revised and reissued with sewer blockages and the FOG general permit in mind. The Total Fats, Oils and Grease limit in the Food Processing general permit is 100 mg/l. And because the Food Processing general permit is one of the many general permits that discharge to sanitary sewer that is being consolidated into the Miscellaneous General Permit, it is necessary for the Department to maintain a consistent Fats, Oil, and Grease limit of 100 mg/l. This 100 mg/l limit better protects against sewer line blockages. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 4:** Registration Requirements: Please clarify that the registration requirement for cumulative maximum daily flow applies to each individual discharge group and there are no requirements to add together the discharges from the Categories I, II and III to determine registration requirements. Thus, please confirm that, if Total Maximum Daily Flow is below the thresholds for registration for each of the three Categories (say, less than 900 gpd (Group I), less than 4,000 gpd (Group II) and less than 10,000 gpd (Group III), registration is not required.

**Response 4:** Discharge Groups I, II and III are aggregated separately to determine registration requirements **except** in the case of determining if Group I and Group II discharges together discharge greater than 25,000 gpd. There is no registration requirement for discharges identified in Group III. A footnote has been added to Table 4-1 to clarify that Group I and Group II discharges must be aggregated to determine if a facility's flow is greater than 25,000 gpd which warrants the QPE certification or QCHMM certification. In the given example, registration would not be required.

**Comment 5:** Continuous Flow Monitoring: Consider allowing other means to estimate flow. The additional costs for installing and maintaining continuous flow monitoring systems can be significant. Methods allowed under previously issued GP's for estimating flow should be maintained and allowed under the new MISC GP.

**Response 5:** The language in the general permit has been changed to allow the registrant to submit with the registration an alternate flow monitoring plan for approval by the commissioner.

**Comment 6:** Flow Monitoring Frequency: Please clarify the discrepancies between the requirements of Section 5(b)(3)(A) and (B) and the frequency of monitoring listed in Table 5-3.

**Response 6:** The language at Section 5(b)(3)(A) has been modified to indicate that flow monitoring is expected on the day of discharge sampling. Requirements at Section 5(b)(3)(B) for continuous monitoring are in addition to the flow monitoring referenced in Section 5(b)(3)(A).

**Comment 7:** Definition: Please add fire suppression system testwater to the definition of miscellaneous sewer compatible wastewater.

**Response 7:** Fire suppression system testwater has been added to the definition of miscellaneous sewer compatible wastewater.

**H. Jay Kulowiec, Principal Environmental Engineer, Arcadis U.S., Inc., February 8, 2012**  
**letter**

**Comment 1:** The definition for a QPE, provided in Appendix I of the Miscellaneous General Permit, contains provisions that are burdensome to both the professional engineering profession and registrants. There is no rationale for the exclusion of professional engineers who have worked previously in the planning, design and operational assessment of a permittee's treatment system.

**Response 1:** See the Department’s response to CBIA’s letter (undated), comment J.1(a)(i), below.

**Comment 2:** In accordance with the definition for QPE provided in Appendix I of the Miscellaneous General Permit, a QPE is a person who has, for a minimum of eight years, engaged in the planning or designing of engineered systems for the treatment of industrial and commercial wastewaters. There is no precedent for specifying this eight (8) year requirement. The definition should be amended to require a minimum of four years experience, engaged in the planning, designing of and operational assessment of engineered systems to treat commercial and industrial wastewaters.

**Response 2:** See the Department’s response to the CT Society of Professional Engineers’ letter dated February 9, 2012, Comment K.1, below.

**Comment 3:** Recommends modification to language provided in Section 3(b)(8)(D) of the Miscellaneous General Permit, primarily by eliminating the use of the terms “best professional judgment” and “will protect the waters of the state from pollution”.

**Response 3:** See the Department’s responses to the CT Society of Professional Engineers’ letter dated February 9, 2012, Comment K.2., and CBIA’s letter (undated), comment J.1(e), below.

**Comment 4:** Due to concerns associated with liability language contained in professional service contracts between engineers and clients and liability insurance policies, the term “best professional judgment” should be revised in Sections 3(b)(8)(E) of the Miscellaneous General Permit.

**Response 4:** See the Department’s response to the CT Society of Professional Engineers’ letter dated February 9, 2012, Comment K.2., below.

**Comment 5:** In accordance with Section 3(b)(8)(G)(ii) of the Miscellaneous General Permit, the DEEP may pursue disciplinary action against any QPE for any violation noted in Section 3(b)(8)(G)(i) of the general permit. The specific authority cited in Section 4-182 of the general statutes should be provided in the fact sheet.

**Response 5:** See the Department’s response to CBIA’s letter (undated), comment J.1(f), below.

### **I. Yale Environmental Health and Safety—February 8, 2012**

**Comment 1:** Although the DEEP has obviously devoted a substantial amount of time and energy to the development of the MISC General Permit, and should be commended for its efforts, the current draft contains a number of requirements that may be impracticable to implement in a large, decentralized campus with multiple buildings that have separate points of discharge. For example, due to the permit's grouping of similar discharge types, decentralized facilities with numerous wastewater discharge types (such as Yale) would be required to monitor numerous discharge points, even though the discharge volume at each point may be quite low. In addition, some of the technical requirements may be difficult to implement in any setting-particularly

those requirements related to pH monitoring and automated process shutdown. Please consider the following comments.

**Response 1:** No response is necessary for this comment. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 2: Certification of No Mercury Use**

Section 3. (b)(9)(C) contains a requirement that a registrant certify that the facility does not use products or chemicals, or discharge wastewaters, that contain mercury. However, given the presence of trace amounts of mercury in numerous common products, such as fluorescent light bulbs, thermometers and vaccines, virtually **no** facility will be able to make this certification. We believe that this issue is better addressed through the maximum instantaneous concentration for mercury listed in Section 5.

**Response 2:** See the Department's response to CBIA's letter (undated), comment J.2(b), below.

**Comment 3: Registration Certification Requirements**

Table 4.1 establishes the certification requirements for registrations based upon volume of Group Discharges and treatment requirements. We understand the rationale for requiring an independent "qualified professional engineer" review for engineered wastewater treatment systems. However, we do not believe that this requirement is either necessary or appropriate for decentralized facilities with numerous small discharge units that only collectively exceed Discharge Group volume limits, as well as facilities that contain standard treatment systems, such as oil-water separators or silver recovery cartridges.

We suggest eliminating the volume-based (25,000 gpd and greater) requirement for an independent qualified professional engineer certification and instead require this certification only for site-specific engineered treatment systems. Further, we suggest that professional certification be required only for those individual discharges that exceed the 25,000 gpd volume limit. These changes will impact Table 4.1 and Sections 4. (c)(2)(Q) and (R).

**Response 3:** Facilities with flows greater than 25,000 gpd are considered to be SIU's under the federal Clean Water Act and merit further scrutiny. A QPE is taking the place of a review by Department personnel and is warranted for larger facilities with complex discharge situations. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 4: Flow Monitoring**

Section 5. (b)(3)(B) requires flow meter monitoring for "each authorized discharge having a maximum daily flow of greater than 5,000 gpd." However, it is unclear whether several smaller discharges within the same Discharge Group that collectively discharge greater than 5,000 gpd would trigger the requirement to install recording flow meters at each discharge point. For facilities with numerous points of small discharge volume, such an approach would be very

costly and unduly burdensome. We suggest that flow meter installation be required only for discharges  $\geq 5,000$  gpd at any particular discharge point.

**Response 4:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.3, above.

**Comment 5: pH Monitoring**

Sections 5. (b)(4)(A) and 5. (b)(4)(B) pertain to installation, maintenance, and calibration of pH monitoring and recording equipment, and automatic shutdown of discharge. Although we believe that these requirements are appropriate for discharges for which pH neutralization is provided, we do not think that the requirements should attach to other discharge categories, where pH range does not need to be controlled through use of an automated system. Discharges without pH neutralization systems typically discharge directly to sewer, without the use of a holding tank. The measurement of pH taken from continually flowing water in pipes may not be accurate. We suggest that the MISC General permit be modified to require pH monitoring and recording equipment only for discharges with pH neutralization systems. We also suggest that the MISC General Permit be revised to eliminate the requirement that the alarm system "automatically discontinue discharge during alarm conditions," and instead provide for manual shutdown by the registrant in the event of an alarm condition. This will allow for, if required, the safe shutdown of process equipment, and prevent overflow of treatment system tanks.

**Response 5:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.4, above.

**Comment 6: Parameter Monitoring**

Table 5-3 establishes parameter monitoring frequency and reporting based upon flow threshold by Discharge Group. As currently proposed, this structure may require that a particular low flow discharge category be sampled monthly simply because of the presence of another high flow discharge category within the same Group. We believe that a more appropriate structure would base monitoring frequency on the volume of each specific discharge category. (We support DEEP'S allowances for representative sampling from one source, when multiple sources of a specific category exist.)

**Response 6:** The wording in the 2<sup>nd</sup> column of Table 5-3 has been modified to base parameter monitoring on maximum daily flow of discharge categories rather than discharge groups.

**Comment 7:** Section 5. (b)(7)(B), for discharges greater than 10,000 gpd, requires a composite sample with aliquots taken at intervals of no less than four hours, but does not specify a sampling period. We suggest that this be an eight (8) hour composite sample. A longer compositing period will likely require registrants to sample during off-shift periods, which may require staffing for the sole purpose of sampling. Such an outcome would be undesirable and burdensome. If the DEEP does not feel that 3 aliquots over an 8-hour period is sufficiently representative, please consider reducing the sampling interval to "no less than two hours" over an 8-hour period. Also,

please note that the compositing requirement as it applies under the MISC General Permit for fats, oils and grease is inconsistent with the requirement in the prescribed EPA Method 1664-A (Section 8.3) which requires grab samples and does not allow for field compositing.

**Response 7:** The language at Section 5.(b)(7)(B) has been modified to read “samples shall be composite with aliquots taken at intervals at least once every four hours over a full operating day”. Language was also added indicating that “Sampling to determine Total Fats, Oils and Grease cannot be a composite and must be a grab.”

**Comment 8: Operation and Maintenance and Spill Prevention and Control Plans**

Section 5. (e)(2) requires an Operating and Maintenance Plan, and Spill Prevention and Control Plan, for discharges that either exceed 25,000 gpd, or that require registration and utilize a treatment system for compliance. We believe that these Plans are appropriate for individual discharge points from which greater than 25,000 gpd of MISC wastewater is discharged; however, we do not believe that such Plans should be required for decentralized facilities with numerous smaller discharge points from which 25,000 gpd is discharged only on a cumulative basis. Such discharges simply do not present the same risks as those that exceed the 25,000 gpd threshold. Accordingly, we suggest that the MISC General Permit be modified to require these Plans only for large individual discharge points from which greater than 25,000 gpd is discharged, and those discharges that require registration and utilize a treatment system for compliance.

**Response 8:** The 25,000 gpd discharge threshold, in part, characterizes “Significant Industrial Users” (SIUs) defined at 40 CFR 403.3(v). Because the Department has been authorized by EPA to administer the National Pretreatment Program under the Clean Water Act, we must scrutinize the operations of SIUs to a greater degree than non-SIUs. The creation and implementation of Operation and Maintenance and Spill Prevention and Control Plans provides forethought that precludes potentially future polluting situations. Decentralized facilities can contain many floor drains that could potentially receive spills. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 9: Photo-processing silver recovery**

Section 5. (f)((4)(C)(iv) requires a weekly inspection of each silver recovery system. In our experience, monthly inspections are sufficient to properly maintain these units and ensure 99% silver recovery. As a result, photo-processor service contracts typically specify monthly servicing of these recovery units. Accordingly, in an effort to make the MISC General Permit terms consistent with standard industry practice, we suggest that this inspection requirement be changed to monthly.

**Response 9:** An inspection does not require sampling although provides the opportunity for a quick test using a test strip. Users of photoprocessing equipment can be trained to undertake a quick weekly inspection before use of the equipment. The weekly inspection has been a requirement of the *General Permit for the Discharge of Printing and Publishing Wastewater* and

will remain in the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

#### **J. Connecticut Business & Industry Association—(undated)**

**Comment 1(a)(i):** Qualified Professional Engineer (QPE): Qualified Professional Engineer as defined in Appendix A would result in unnecessary additional review by an engineer that may not be as qualified to review systems and plans as an engineer that has performed the services in the past. A QPE should not be required to be an ‘independent third party’ because a third party engineer could add undue cost and delay completion of registrations.

**Response 1(a)(i):** Pursuant to the authority recently vested in the Department under CGS Section 22a-430b, as amended by Public Act 12-172, the Department may require that a Qualified Professional Engineer review and certify to certain documentation in support of a registration application in lieu of Department staff. The purpose of the Qualified Professional Engineer’s review and certification is to streamline and expedite the processing of general permit registration applications. To assure integrity in the review of the supporting documentation, the Department deems it necessary that the qualified professional have the appropriate degree of experience, independence, and objectivity in the review of such documents consistent with what is expected when such documents are reviewed by Department staff. Therefore, like Department staff, a Qualified Professional Engineer must be independent of both the registrant and the design engineer in order to insure impartiality and objectivity when making a determination on behalf of the Department. For these reasons, no change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 1(a)(ii):** The requirements associated with a QPE’s experience are extensive. Specifically, the amount of experience specified in the Miscellaneous General Permit for a QPE does not consider that professional engineers undergo rigorous training and their respective license requires that they only provide services in areas of demonstrated competence.

**Response 1(a)(ii):** To make the appropriate certifications required by the Miscellaneous General Permit, a QPE must possess additional qualifications beyond what is required for a professional engineer as defined in CGS Section 20-299(1) to be licensed to practice in the State of Connecticut. In particular, it is necessary such QPE must have sufficient experience associated with the planning and designing of engineered systems for the treatment of industrial and commercial wastewaters. See the Department’s response to CT Society of Professional Engineers’ e-mail dated February 9, 2012, Comment K.1 below for further detail. For these reasons, no change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 1(b):** In accordance with Section 3(b)(8)(C) of the Miscellaneous General Permit, the QPE must completely and thoroughly review the general permit and six specific areas. Two of these six areas (items (ii) and (vi)) should be allowed to be completed by an agent of the QPE, and not necessarily by the QPE himself/herself.

**Response 1(b):** To assure integrity, as well as, quality, impartiality, and objectivity in the review and certification processes, the Department requires all six specific areas to be completed by a Qualified Professional Engineer. For these reasons, no change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 1(c):** In accordance with Section 3(b)(8)(D)(i) of the Miscellaneous General Permit, the QPE is required to certify that the wastewater collection and treatment system, as well as monitoring equipment have been designed and installed in accordance with ‘best engineering practices’. The use of this phrase has implications associated with an engineer’s professional liability insurance.

**Response 1(c):** See the Department’s response to CT Society of Professional Engineers’ email dated February 9, 2012, Comment K.2 below.

**Comment 1(d):** In accordance with Section 3(b)(8)(D)(ii) of the Miscellaneous General Permit, the QPE is required to certify that the wastewater collection system and treatment system, and monitoring equipment “are functioning properly”. This requirement should be changed to “will function properly based on visual inspection and/or permittee operating records and implementation of proper system O&M.”

**Response 1(d):** Section 3(b)(8)(D)(ii)(bb) of the Miscellaneous General Permit has been revised to read: “...will function properly as designed based on visual inspection, compliance and operating records and implementation of the operation and maintenance plan;...”.

**Comment 1(e):** In accordance with Section 3(b)(8)(D)(iv) of the Miscellaneous General Permit, the QPE is required to certify that all wastewater collection and treatment systems and monitoring equipment be protective of the waters of the state. This requirement should be removed because it goes beyond the duties and responsibilities of the QPE.

**Response 1(e):** The language has been eliminated from Section 3(b)(8)(D) of the Miscellaneous General Permit.

**Comment 1(f):** In accordance with Section 3(b)(8)(F) of the Miscellaneous General Permit, the Commissioner may require any information prepared in accordance with the general permit be independently certified by a QPE acting as a third party. It is not necessary to impose this requirement.

**Response 1(f):** Subsequent to the Public Notice of the Department’s Tentative Determination to issue the Miscellaneous General Permit on December 9, 2011, Section 22a-430b of the CGS was amended by Public Act 12-172. This act supersedes Sections 3(b)(8)(F), 3(b)(8)(G) and 3(b)(8)(H) of the Miscellaneous General Permit. In accordance with this act, the Department may require a QPE to review and certify to certain documentation in support of a registration. For this reason, Sections 3(b)(8)(F), 3(b)(8)(G) and 3(b)(8)(H) of the Miscellaneous General Permit have been eliminated and the certification required in accordance with section 3(b)(8)(E)

of the general permit now references Section 22a-430b of the CGS as amended by Public Act 12-172.

**Comment 1(g):** In accordance with Section 3(b)(8)(G) of the Miscellaneous General Permit, the DEEP may pursue disciplinary action against any QPE for any violation noted in Section 3(b)(8)(G)(i) of the general permit. The Department of Consumer Protection already maintains this process and it may be the appropriate avenue to address the DEEP's concerns.

**Response 1(g):** See the Department's response to Comment J.1 (f), above, which explains the respective section of the general permit that will be revised to reflect Section 22a-430b of the CGS as amended by Public Act 12-172.

**Comment 2(a):** Permittee Certification: There may be a number of individuals involved with preparing an application. Therefore, the phrase: "...and any other individual or individuals responsible for preparing the registration", should be deleted from certification requirements listed in Section 3(b)(9) of the Miscellaneous General Permit.

**Response 2(a):** See the Department's response to CT Society of Professional Engineers' letter dated February 9, 2012 Comment K.3, below, which explains the respective section of the general permit that will be revised as proposed.

**Comment 2(b):** There may be items used at the facility, such as fluorescent bulbs, that contain mercury. Therefore, the phrase: "...our facility does not use products or chemicals... that contain mercury", should be deleted from certification requirements listed in Section 3(b)(9)(C) of the Miscellaneous General Permit.

**Response 2(b):** The intent of this certification was to prevent the discharge of mercury in wastewater discharges covered by the Miscellaneous General Permit. However, the Department concurs that the language contained in the draft Miscellaneous General Permit creates an unintended condition of prohibiting mercury at a facility. The Department has modified certification language provided in Section 3(b)(9)(C) of the Miscellaneous General permit to read, "...I certify that our facility does not use products or chemicals that may result in a discharge of mercury..."

### **Comment 3: DMR Reporting – Section 4(c)(2)(R) and Section 5(c)(1)(A)**

The Miscellaneous General Permit requires registrants to submit compliance monitoring online in NetDMRs. Registrants should be allowed an option to opt out and file paper DMRs similar to provisions allowed in individual wastewater permits.

**Response 3:** The Department is undertaking major initiatives to modernize and transform its information management and compliance monitoring systems to more effectively and efficiently utilize its limited resources. One example of this is the Department's use of EPA's electronic system for filing Discharge Monitoring Reports, known as NetDMR. EPA deployed the NetDMR system in 2009 and it has been approved by EPA for use by permittees in Connecticut

since January 2010. Consistent with the Department's efforts to develop an expedited permitting process, certain registrants seeking coverage under the streamlined permitting process of the Miscellaneous General Permit will be required to submit their DMRs using NetDMR. For this reason, no change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 4: Effluent Limit for Aluminum**

Table 5-1 of the General Permit includes an effluent limitation for aluminum of 2.0 mg/l. The concentration of aluminum was not limited in the previous general permits that this General Permit will replace. This limit is of concern for two primary reasons. First, aluminum may be a primary metal that is processed in tumbling and cleaning operations and, therefore, may be generated during these operations. Second, aluminum is often used as a flocculent in water and wastewater treatment chemicals in the form of alum. As such, a number of affected facilities may not be able to meet the proposed limit. We therefore request that a higher limit be considered by the Department.

**Response 4:** Please see the Department's response to the Aquarion Water Company letter dated January 31, 2012, Comment E.1 above.

**Comment 5: Continuous pH Monitoring (Section 5(b)(4))**

Section 5(b)(4) of the General Permit requires the permittee, under most circumstances, for discharges of greater than 5,000 gallons per day (gpd) to monitor their discharges continuously for pH. Many wastewater discharges of this magnitude are "neutral"; in effect, the chemistry of the discharge is unaltered in the process they are used. In these cases, it does not make sense that the discharge be equipped with the means of a continuous pH monitoring system. Such systems are expensive and require routine operation and maintenance. We recommend that the DEEP modify this section to require continuous pH monitoring for discharges greater than 5,000 gpd only if the wastewater requires pH adjustment prior to discharge.

**Response:** Please see the response to The University of Connecticut Health Center's letter dated February 6, 2012, Comment D.4 above.

**Comment 6: pH Monitoring Interlock (Section 5(b)(5)(B))**

In accordance with Section 5(b)(4)(B) of the Miscellaneous General Permit, the discharge system shall be equipped with audio and visual pH alarms to alert responding personnel when the pH of the discharge approaches respective limits. This section also identifies a requirement for a system to automatically discontinue the effluent discharge during alarm conditions. Such a system could add significant expense to existing systems not currently equipped and without adequate storage capacity, the system could result in overflows and/or releases to the environment.

**Response 6:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.4, above.

**Comment 7: Flow Monitoring (Section 5(b)(3)(B))**

The General Permit requires a flow meter for each “authorized discharge” having a maximum daily flow of greater than 5,000 gallons per day. We believe that the intent is to require a flow meter for each individual discharge with a maximum daily flow of greater than 5,000 gallons per day. Therefore, we request that this section be revised to indicate each such discharge rather than “authorized discharge.” (See comment 8 below.)

**Response 7:** Please see the response to the University of Connecticut Health Center’s letter dated February 6, 2012, comment D.3 above.

**Comment 8: Clarification of Discharge Category Requirements**

The proposed General Permit uses different language to identify the basis or qualifier for compliance requirements. The terms “discharge group”, “discharge”, “category of wastewater”, “each authorized discharge”, “continuous discharge”, “any discharge”, and “discharge” are used under various requirements of the General Permit; however, they are not defined in the General Permit. This language makes the intent of the specific requirements ambiguous. We therefore request that clarification and consistency in the use of these terms be incorporated into the proposed General Permit.

**Response 8:** Please see the response to Pfizer letter dated February 7, 2012, comment F.2, above

**Comment 9: Composite Sampling (Section 5(b)(7)(B))**

Section 5(b)(7)(B) requires that composite samples be collected for discharges of greater than 10,000 gpd. Composite sampling is not required in the current General Permit nor is it required in seven of the other General Permits that this permit is intended to replace. Composite samples are much more challenging to collect than grab samples and, therefore, will add to the cost and complexity of complying with this General Permit. We request that this requirement be removed.

**Response 9:** Section 5(b)(7)(B) of the general permit was revised to read, “...discharges greater than 10,000 gpd *from a single pipe* [emphasis added],...” to clarify that the composite sampling requirement applies only to a pipe rather than an aggregate of separate discharges. The Department has determined that discharges from a single pipe of this flow or greater require composite sampling to be representative of the discharge. Please also see the response to the Yale Environmental Health and Safety’s letter dated February 8, 2012, comment I.7 above.

**Comment 10: O&M Plan (Section 5(e)(2))**

For discharges greater than 25,000 gpd, Section 5(e)(2) requires that the permittee prepare and maintain an Operation & Maintenance (O&M) Plan for the wastewater collection and treatment

system, regardless of whether the discharge requires treatment. The current Misc. General Permit does not include this provision. Therefore, we request that this requirement be removed.

**Response 10:** Please see the response to the Yale Environmental Health and Safety's letter dated February 8, 2012, comment I.8, above.

**Comment 11: Spill Prevention and Control (SPC) Plan (Section 5(e)(2))**

For discharges greater than 25,000 gpd, Section 5(e)(2) requires that the permittee prepare and maintain an SPC Plan for the facility. The current Misc. General Permit does not include this provision. Therefore, we request that this requirement be removed.

**Response 11:** Please see the response to the Yale Environmental Health and Safety's letter dated February 8, 2012, comment I.8, above.

**Comment 12: Silver Recovery System (Section (5)(f)(4)(C))**

The requirement for silver treatment to achieve a 99 percent reduction will be challenging for many small silver recovery systems. The current photoprocessing General Permit requires a 90 percent silver reduction. We suggest DEEP adopt language similar to that in the current Printing & Publishing General Permit which includes a graduated scale for silver recovery based on flow. Specifically, for smaller discharges (< 10 gpd) the requirement is for 90 percent recovery; for medium-sized discharges (10 to 100 gpd) the requirement is for 95 percent recovery; and for discharges of greater than 100 gpd, the requirement is for 99 percent recovery.

**Response 12:** The graduated scale for silver recovery was eliminated from the most recent Printing and Publishing General Permit. Rather than including a graduated scale, the wording in the general permit has been changed to require a single removal efficiency of 90 percent at section 5(f)(4)(C)(i) which matches the current photographic processing general permit.

**Comment 13: Commercial Laundries (Section 5(f)(10)(B))**

The proposed General Permit bans commercial laundries from the use of detergents that contain Alkylphenol Ethoxylates (APEs) or any of its derivatives. As water quality criteria for this chemical has not been established under the Connecticut water quality standards nor is it identified as a toxic or hazardous substance under RCSA 22a-430, we request that this restriction be removed.

**Response 13:** Alternate detergents exist that do not contain APEs. Research has shown that these compounds have the potential to pass through a POTW, and pose a risk of adversely affecting aquatic life. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 14: Collection & Transport (Section 5(e)(4)(A))**

We believe that permittees should be provided the option of hauling certain wastewaters regardless of whether their facility is connected to the sanitary sewer system. Section 5(e)(4)(A) provides that only those permittees that do not have direct access to the sanitary sewer are authorized to haul wastewaters. We suggest modifying the language to read: “Any permittee who is authorized to discharge wastewater to a sanitary sewer under this general permit via a collection and transport system shall...”

**Response 14:** The current Miscellaneous General Permit does not allow the transport of wastewater except when there is no direct access to the sanitary sewer. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 15: Definition of Miscellaneous Wastewater**

We understand that DEEP intends for this General Permit to include laboratory discharges and that DEEP does not intend to issue a separate general permit for laboratory discharges. Therefore, we suggest that the definition of Miscellaneous Wastewater be expanded to include laboratory wastewater.

**Response 15:** “Miscellaneous sewer compatible wastewater”, as defined in the Miscellaneous General Permit, is not limited to the categories cited in the definition. Therefore, laboratory wastewaters do not need to be specifically listed. Most of the categories listed were either wastewater types associated with a general permit which is being superseded by the Miscellaneous General Permit or categories designated in the current Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 16:** Lastly, based on the proposed changes, we request that a transition period be included in the issuance of this General Permit to provide time for permittees to transition from the current applicable general permit to the revised/reissued Miscellaneous General Permit. Specifically, we request that the permittees be provided a grace period, such as six months following issuance of this General Permit, to transition from the existing general permit conditions to the revised conditions proposed in the General Permit.

**Response 16:** Section 2(b) has been modified to allow for a 90-day period for existing discharges to be reregistered for coverage under the Miscellaneous General Permit.

**K. Anne E. Proctor, PE, Vice President at Large, Connecticut Society of Professional Engineers, February 9, 2012 (e-mail attachment)**

**Comment 1:** Qualified Professional Engineer (QPE): The proposed definition for QPE includes two requirements (Requirements (1) and (4) in the definition) that are onerous and difficult to comply with. The issues are:

Requirement (1): It is not clear who will decide and approve of the “eight years, engaged in the planning or designing of engineered systems for the treatment of industrial and commercial wastewaters including, but not limited to, a minimum of four years in responsible charge of the planning or designing of engineered systems for such discharges”. A Professional Engineer must already meet experience requirements to be licensed by the state and regulations require that Professional Engineers only practice within their areas of competence and it is not clear how this separate QPE qualification will be administered, juried, policed, or that such an administrative burden is necessary in addition to the existing requirements to become a licensed Professional Engineer.

Requirement (4): A Professional Engineer’s certification indicates that such PE has been in “Responsible Charge” of the work and has the institutional knowledge and control over the work to attest to its applicability. The requirement that the QPE be a Professional Engineer that “has not engaged in any activities associated with the preparation, planning, design or engineering of the plans and specifications for the engineered treatment systems for which a certification is being submitted” is in direct contraction to the concept that the certifying Professional Engineer is in Responsible Charge. Creating circumstances that mandate two Professional Engineers, one in Responsible Charge and one to certify the design, dilutes the roles of both without clear responsibility.

**Response 1:** In making the certification, the Qualified Professional Engineer is attesting to meeting the qualifications specified in the Miscellaneous General Permit. The Department does not “pre-approve” the qualifications of such professional making the certification. However, the Department may, as recently authorized under CGS Section 22a-430b, as amended by P.A. 12-172, specify in a general permit the qualifications for a Qualified Professional Engineer, audit the qualifications for such Qualified Professional Engineer to determine if the qualifications specified in the general permit have been met, and take appropriate action where such qualifications have not been met. To make a certification in accordance with the Miscellaneous General Permit, the Qualified Professional Engineer must possess additional qualifications beyond what is required for a professional engineer as defined in CGS Section 20-299(1) to be licensed to practice in the State in Connecticut. In particular, such professional must have experience “in responsible charge”, and must have not engaged in any activities associated with the preparation, planning, design or engineering of the plans and specifications for the engineered treatment systems for which a certification is being submitted (i.e., an independent third-party).

The additional qualifications that a Qualified Professional Engineer must possess serve a specific regulatory purpose. When a Qualified Professional Engineer is conducting an independent review and making a certification regarding certain documentation and other information required by the Miscellaneous General Permit, such professional is doing so in lieu of the Department performing such review and determination. These additional qualifications are, by design, intended to assure the integrity of the review and the certification made under this Miscellaneous General Permit and to reduce the time it takes for the Department to process an application. For these reasons it is necessary for a QPE to have the minimum experience

requirements listed in the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

However, the Department recognizes that a definition that describes “in responsible charge” would provide further clarification. The Department will revise Appendix A of the Miscellaneous General Permit to include the following definition for “In responsible charge”:

“*In responsible charge*” means: (A) when used in the Qualified Professional Engineer definition in this general permit, professional experience for which the Commissioner determines that a professional’s primary duties consistently involve a high level of responsibility and decision making in the planning and designing of engineered systems for the treatment of industrial and commercial wastewaters; or (B) when used in the Qualified Certified Hazardous Materials Manager definition in this general permit, professional experience for which the Commissioner determines that a professional’s primary duties consistently involve a high level of responsibility and decision making in the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters. The Commissioner shall consider the following in determining whether a professional’s experience qualifies as responsible charge experience:

- (1) the level of independent decision-making exercised;
- (2) the number of individuals and the disciplines of the other professionals that the professional supervised or coordinated;
- (3) the extent to which a professional’s responsibilities consistently involved the review of work performed by other professionals involved the planning and designing of engineered systems or the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters;
- (4) the extent to which a professional’s responsibilities consistently involved the planning and designing of engineered systems or the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters and whether such responsibilities were an integral and substantial component of the professional’s position;
- (5) the nature of a professional’s employer's primary business interests and the relation of those interests to planning and designing of engineered systems or the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters;
- (6) the extent to which a professional has engaged in the evaluation and selection of scientific or technical methodologies for planning and designing of engineered systems or the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters;
- (7) the extent to which a professional drew technical conclusions, made recommendations, and issued opinions based on the results of planning and designing of engineered systems or the planning and compliance certification of pre-engineered systems for the treatment of industrial and commercial wastewaters; and
- (8) any other factor that the Commissioner deems relevant.”

**Comment 2:** Due to concerns associated with an engineer’s professional liability insurance policies, the references to “best professional judgment” should be omitted from Sections 3(b)(8)(D) and (E) of the Miscellaneous General Permit.

**Response 2:** The term “best professional judgment” has been replaced with other changes and are reflected in Sections 3(b)(8) and 3(b)(9) of the revised Miscellaneous General Permit.

**Comment 3:** Individual(s), other than the Permittee or Owner, responsible for preparing the registration do not have the financial or supervisory authority to make the affirmative determination and certification in accordance with Sections 3(b)(9)(B), 3(b)(9)(C) and 4(c)(2)(Q) of the Miscellaneous General Permit.

**Response 3:** The Department removed the term “and any other individual or individuals responsible for preparing the registration and signing the certification pursuant to this general permit” from Sections 3(b)(9)(B) and 3(b)(9)(C) of the Miscellaneous General Permit. Individuals responsible for preparing the registration, other than the registrant, will now certify to the truth, accuracy and completeness of the application under a separate certification provided in Section 3(b)(9)(D) of the general permit. This certification is required of such individuals in accordance with Section 22a-3a-5 of the RCSA.

**Comment 4:** The time frame to respond with additional information in accordance with Section 4(g)(1) of the Miscellaneous General Permit should be extended from thirty (30) to sixty (60) days.

**Response 4:** The Department has determined that thirty (30) days is a sufficient amount of time to respond to any request for missing or incomplete sections of the general permit registration. For this reason, no change to the Miscellaneous General Permit has been made in response to this comment

**L. Elizabeth Gara, Connecticut Water Works Association February 10, 2012 email with attached letter**

**Comment 1: Effluent Limits** – We share concerns raised by Aquarion Water Company and the CT Section AWWA Residuals Committee that the proposed effluent limits in the draft MISC permit will prohibit water companies presently regulated by the General Permit for the Discharge of Water Treatment Wastewater (WTW) from discharging alum sludge to a Publicly Owned Treatment Works (POTW). Currently, discharges under the WTW permit are not subject to such effluent limits. Because aluminum sulfate is often the primary coagulant in the water treatment process, water treatment residuals and dewatering wastewaters generally contain a significant amount of aluminum. While other coagulant aids, such as ferric chloride, have some applicability, they are not generally considered viable alternatives for aluminum sulfate. Recognizing this, discharges under the existing WTW permit are not subject to alum sludge discharge limits. POTWs have negotiated user fees with water companies to accept water treatment plant discharges in an arrangement that has been mutually beneficial. CWWA

recommends that this issue be addressed, either by grandfathering those facilities with existing WTW permits to enable them to continue to discharge to a POTW or by modifying the proposed effluent limits to accommodate such discharges.

**Response 1:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.1 above.

**Comment 2: Discharge of Potable Water Storage Tank** – As currently drafted, the MISC GP includes the discharge of “potable water storage tank draining for maintenance purposes” in the definition of WTW. However, the existing WTW permit does not include this change in its definition. Given that the WTW permit will remain in effect until 2015 and registrants may register WTW sewer discharges under the MISC General Permit or the WTW permit until 2015, this creates some confusion. CWWA therefore recommends deleting the discharge of potable water storage tank draining for maintenance purposes from the definition of WTW to make it consistent with the existing WTW permit. DEEP also needs to clarify water treatment plant wastewaters being discharged to the sanitary sewer and those being trucked to a POTW via the 454 program. Under the 454 program, residuals should be allowed to exceed TSS and aluminum values. Limited POTWs have 454 programs and are set-up to accept higher strength wastewaters.

**Response 2:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.2 above. Regarding the transport of residuals to a POTW, the aluminum limit has been removed from the general permit and water companies can either apply for a variance from the TSS limit as provided in Section 7(a) of the general permit or apply for an individual discharge permit.

**Comment 3: Qualified Professional Engineer** – CWWA supports the use of professional engineers as a critical tool in ensuring that permits are processed quickly and efficiently, particularly in view of the Department's ongoing staffing constraints. However, CWWA recommends that the requirement to use a qualified professional engineer for registering discharges greater than 25,000 gallons per day be removed in order to recognize the qualifications and integrity of professional engineers who we have been relied on to prepare such applications. In addition, there are certain circumstances where a certification from a professional engineer will simply add unnecessary costs to the application process. For example, certain public water suppliers will have to retain a Qualified Professional Engineer to obtain a permit to perform tank maintenance on a storage tank, which is unnecessary. CWWA therefore recommends that these provisions be removed to provide applicants with greater flexibility to choose professional engineers and reduce unnecessary cost burdens. Years ago, the DEEP Industrial Stormwater General Permit was revised in draft form to require that the P.E. providing the two necessary P.E. stamps not be in the regular employ of the facility. There was such an outcry that this was changed. A P.E. who certifies a permit without proper review, etc. runs the risk of losing his/her license.

**Response 3:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(a)(i), above.

**Comment 4: Continuous pH Monitoring** – Continuous monitoring of pH for flows greater than 5,000 gallons per day is unnecessary inasmuch as water company discharges are generally from in-line analyzers and, as such, have characteristics that are consistent with non-contact cooling water which *is* exempt from such monitoring requirements. Moreover, the pH for water treatment wastewater does not fall below 5.0 or above 12.0 standard units. This requirement also adds unnecessary costs because the installation of continuous pH monitoring equipment is estimated at \$15,000-\$20,000 per discharge. CWWA supports Aquarion’s recommendation to eliminate this requirement for sites with existing WTW permits or WTW 4(A) permit by rule exemptions.

**Response 4:** Please see the response to the University of Connecticut Health Center’s letter dated February 6, 2012, comment D.4, above.

**Comment 5: Collection of Composite Samples** – As drafted, Section 5(b)(7) of the MISC GP requires composite samples from discharges greater than 10,000 gallons per day. This requirement would impose unnecessary costs on water company facilities to purchase automatic samplers for each site because such sites, although monitored, are generally not continuously staffed. CWWA therefore recommends that this provision be deleted.

**Response 5:** Please see the response to the Aquarion Water Company’s letter dated January 31, 2012, comment E.6, above.

**Comment 6: Table 4.1 Fees** – Water companies are already subject to numerous state and federal permit fees and other regulatory costs, which are becoming increasingly burdensome in view of declining revenues. CWWA therefore recommends that the fees should be limited to one fee per site regardless of the volume or discharge location.

**Response 6:** Please see the response to the Aquarion Water Company’s letter dated January 31, 2012, comment E.4, above.

**Comment 7: Electronic Reporting on a Discharge Monitoring Report** - Section 5(C) of the draft MISC permit requires electronic reporting on a Discharge Monitoring Report for flows greater than 5,000 gallons per day. Again, such discharges should be treated similarly to non-contact cooling water and be exempt from such reporting for existing WTW discharges.

**Response 7:** Please see the response to the Aquarion Water Company’s letter dated January 31, 2012, comment E.7, above.

**Comment 8: Operations and Maintenance Plan/Spill Prevention and Control Plan** – Provisions requiring the preparation of an Operation and Maintenance Plan and a Spill Prevention and Control Plan for each site that discharges greater than 25,000 gallons per day should be deleted. Again, such discharges should be treated similarly to non-contact cooling water which is exempt from such requirements.

**Response 8:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.8, above.

**M. Adam Barbash & Chris Ecsedy, Fuss & O'Neil, February 9, 2012 letter**

**Comment 1:** Appendix A to the General Permit contains a definition of a "Qualified Professional Engineer" ("QPE") and includes a requirement that such individual not be engaged in any activities associated with the preparation, planning, design or engineering of the plans and specifications for the engineered treatment systems for which a certification is being submitted. We believe that the engineer involved with the facility from a permitting or design perspective would best know the characteristics of the wastewater treatment system and facility operations. It is our view that the QPE does not need to be an independent third party. A third party engineer would essentially repeat work already done by a professional engineer in order to make the certifications required by the General Permit and potentially raise issues on matters open to interpretation and opinion which would hold up the permitting process. This would be counter to the purpose of the General Permit program. We request that parts (2), (3), (4) and (5) of the definition be removed in their entirety.

**Response 1:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(a)(i), above.

**Comment 2:** Section 3(b)(8)(C) of the General Permit requires that the "Professional Engineer" ("P.E.") or QPE who signs the certification, at a minimum, completely and thoroughly review the General Permit and six specific areas of the registration package. We recommend that this section allows for the P.E.'s or QPE's agent to conduct such inspections and reviews and document their investigations on his or her behalf.

**Response 2:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(b), above.

**Comment 3:** Section 3(b)(8)(D)(i) requires the P.E. or QPE to certify that all wastewater collection and treatment systems and monitoring equipment. . ." have been designed and installed in accordance with *best engineering practice*. . .". The use of the term best engineering practice is inappropriate in that it implies that the systems referred to are in fact the best available, not just appropriate to meet the requirements. Further, the use of the phrase best engineering practice has warranty implications that are typically not covered under engineer's professional liability insurance. As such, we recommend that "best engineering practice" be changed to "generally accepted engineering practice."

**Response 3:** The term "best engineering practice" has been removed and alternate language has been placed in Sections 3(b)(8) and 3(b)(9) of the Miscellaneous General Permit.

**Comment 4:** Section 3(b)(8)(D)(ii) indicates that the P.E. or QPE must certify that all wastewater collection and treatment systems and monitoring equipment "are functioning

properly". . . We recommend that this provision be revised as follows: (ii) *will function properly as determined through visual inspection and review of available records.*

**Response 4:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(d), above.

**Comment 5:** Section 3(b)(8)(D)(iv) requires the P.E. or QPE to certify that all wastewater collection and treatment systems and monitoring equipment be protective of the waters of the state. This requirement is unduly broad, open to interpretation, and beyond the scope of the duties and responsibilities of a P.E. We request that Section 3(b)(8)(D)(iv) be removed.

**Response 5:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(e), above.

**Comment 6:** Section 3(b)(8)(F) of the General Permit indicates that the Commissioner may require that any information prepared in accordance with the General Permit be independently certified by a P.E. or QPE acting as a third party. We do not believe that it is necessary to impose this requirement over and above the certification requirements required of a P.E. P.E.'s, by certifying and stamping documents, attest that the document(s) are accurate and correct to the best of his or her knowledge. Further, this requirement is not required by regulation and would result in delaying the permitting process which is counter to the goals of the General Permit program. For the reason stated here and in item 1 above, we request that this potential requirement be removed.

**Response 6:** Please see the response to Connecticut Business and Industry Association's letter (undated) in comment J.1(a)(i), above.

**Comment 7:** Section 3(b)(8)(G) of the General Permit states that DEEP may pursue disciplinary actions against P.E.s and QPEs. We believe that this section should be removed in its entirety. Concerns regarding conduct should continue to be addressed by the Department of Consumer Protection (DCP). In the event that DEEP is concerned with the conduct of a Professional Engineer, the appropriate avenue would be for the DEEP to issue a complaint to the DCP.

**Response 7:** Please see the Department's response to Connecticut Business and Industry Association's letter (undated), comments J.1(f) and J.1 (g), above.

**Comment 8:** Section 5(d)(5) of the General Permit states that within 60 days after the deadline for submitting the report specified in Section 5(d)(4), the permittee must submit to commissioner a certification signed by a P.E. certifying that all discharges comply with all conditions of the General Permit. We believe that this is too rigorous and inclusive and, in the case of a large facility, would involve conducting a costly, large-scale audit and investigation for the P.E. to feel confident in signing this certification. Therefore, we recommend that the certification be revised to read "I certify that in my professional judgment *and reasonable investigation by myself or my agent* that all. . ."

**Response 8:** The language in Section 5(d)(5) of the general permit has been modified to read as follows: "I certify that in my professional judgment, based on reasonable investigation,

including my inquiry of those individuals responsible for obtaining information pursuant to section 5(d)(4) of the General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater that all discharge(s) which are maintained on the site referenced herein...” .

#### **N. Department Of Defense (DOD) Letter—Received February 9, 2012**

##### **Comment 1: Continuous pH Monitoring**

**Proposed Requirement:** General Permit Section 5 (4) (A) requires continuous pH monitoring for continuous discharges exceeding 5,000 gallons per day (except for discharges which occur less than once per week or discharges consisting solely of noncontact cooling water).

We agree that discharges occurring less than once per week and discharges consisting solely of non-contact cooling water should be exempted from continuous pH monitoring. However, applying the 5,000 GPD exemption criteria to all other continuous discharges appears arbitrary. We suggest this exemption would be appropriate for additional discharges authorized under the proposed General Permit. Examples would include:

- a. Discharge from any process where there is little to no chance the pH would ever violate the permit limits of <5 or >12 SU. This might include situations where the pH is inherently stable, well within limits and there is no reason for a significant pH variation based on existing data or process knowledge.
- b. Discharge from any process where there is some potential to violate limits, but the pH deviation from permit limitations would be minor. This might include situations where only small pH adjustments are required and the method of pH adjustment and the strength of the acid or base is relatively weak.
- c. Discharges where the percentage of process water flow to the total influent wastewater treatment plant flow is so low that the possibility of a plant upset is remote or non-existent.

In these instances, it's unlikely the benefit received would warrant the cost to operate and maintain continuous pH monitoring equipment.

**Recommendation:** Recommend CT DEEP allow additional exemptions from continuous pH monitoring in situations where there is little chance to violate pH limits or upset treatment at the receiving wastewater treatment facility.

**Response 1:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.4, above.

##### **Comment 2: pH Alarms**

**Proposed Requirement:** General Permit Section 5 (4) (B) requires all discharges continuously monitored for pH to also have both audio and visual alarms alerting appropriate personnel capable of responding to incidents when the pH of the discharge goes below 5.0 or above 12.0

standard units. In addition, the alarm system must automatically stop the effluent discharge during alarm conditions until the effluent pH is within permit limits.

It is doubtful the benefit to the wastewater treatment plant, any piping, or the environment would warrant the cost of the alarm and discharge shutoff system for any flow greater than 5,000 GPD. An additional cost to consider would be lost production time. We suggest there would be numerous situations where plant personnel could easily manually correct an alarm condition, including stopping the discharge, prior to any harm resulting at the process or the receiving wastewater treatment plant.

**Recommendation:** Recommend the CT DEEP establish criteria and a process for allowing manual response to an alarm condition in situations where the benefit from automatic shutoff controls would not justify the cost of installing and maintaining such a system.

**Response 2:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.4, above.

#### **O. Department of Corrections—Received February 9, 2012**

**Comment 1:** The notice states that the GHT, GBB, GCW, and GTC are scheduled to expire June 11, 2012. The notice also states that the GHT and GCW will continue in effect until June 11, 2013. Your PowerPoint slide says that the GHT and GCW will remain in effect until 2015.

**Response 1:** GHT and GCW were previously reissued and extended until 2015. Any permittee who submitted a registration under these permits since 2002 will not be required to submit a registration or fee to extend coverage until 2015.

The GBB and GTC were extended until December 11, 2013 in order to extend coverage until the Department completed reissuance of the Miscellaneous General Permit. After that time, permittees will be expected to seek coverage under the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 2:** The GHT and GCW are proposed to be issued for a five-year term. I assume that the five-year term will begin upon issuance as opposed to five years from the GHT and GCW 2015 expiration dates.

**Response 2:** The GHT and GCW were reissued for five year term in 2010 and will expire on March 29, 2015. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3:** In the final Misc GP I would suggest a table of the affected GPs with expiration dates. It should also be clarified in the table which type of discharge (POTW, surface water, groundwater) the permits cover.

**Response 3:** This information will be provided in a fact sheet or guidance document that will accompany the Miscellaneous General Permit. No change to the Miscellaneous General Permit

has been made in response to this comment.

**Comment 4:** Please clarify the status of existing Water Treatment Wastewater GPs. How will these GPs be affected by the proposed Misc GP?

**Response 4:** No change to the General Permit for the Discharge of Water Treatment Wastewater is recommended at this time. Any permittee registered since 2010 may continue to operate under this permit until it expires on March 29, 2015. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 5:** The notice and proposed Misc GP do not mention anything about existing Photographic Processing, Printing and Publishing and Water Treatment GPs. It should be clarified that these existing permits will remain in effect until they expire. This could also be included in the table. It should also be clarified that even though these permits remain in effect for several more years, once the new, final Misc GP is issued permittees will have the option of switching coverage to the Misc GP.

**Response 5:** The Minor Photographic Processing general permit and the Printing and Publishing general permit will remain in effect until their respective expiration dates. After that time, permittees must obtain coverage under the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 6:** After the new, final Misc GP is issued if a permittee decides to continue operation under an existing photo processing, printing/publishing, GHT, GCW or water treatment wastewater GP it should be clarified that these discharges are not counted with other Group I or II Discharges in determining the proposed Misc GP requirements. Also, if a permittee decides to continue operation under these existing GPs the conditions of the existing GPs are to be followed. The new Misc GP would only apply to new discharges and discharges for which permits have expired. Existing permitted discharges would be covered under the new Misc GP only after any existing permits/extensions have expired.

**Response 6:** This is correct. Only those discharges listed on a registration for coverage under the Miscellaneous General Permit will be regulated under such general permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 7:** We have several Photographic Processing Wastewater GPs for medical and dental x-ray discharges through silver recovery systems, yet the proposed Misc GP makes no mention of this type of discharge. The proposed definition of Printing and photographic processing wastewater should be expanded to include x-ray discharges so that it is clear that x-ray discharges are also covered.

**Response 7:** The definition has been expanded to include wastewater from x-ray discharges.

#### **P. South Central Connecticut Regional Water Authority—dated February 9, 2012**

**Comment 1:** The draft MISC permit establishes effluent limits for aluminum and total suspended solids (TSS) at 2.0 mg/l and 600.0 mg/l, respectively. The existing General Permit for

the Discharge of Water Treatment Wastewaters (WTWGP) does not include such limits for discharges to POTWs. The SCCRWA uses aluminum sulfate as the primary coagulant in the water treatment process which results in a significant amount of aluminum and TSS in water treatment residuals (WTR) as well as their dewatering wastewaters. The SCCRWA discharges dewatering wastewaters directly to a POTW, and transports liquid WTR via tanker truck to a POTW where they are dewatered and incinerated. Such discharges would not be able to meet these effluent limits and would thus not be eligible for the MISC general permit. The SCCRWA recommends providing an exemption to allow such discharges to POTWs or allowing effluent limits to be individually established by POTWs.

**Response 1:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.1, above.

**Comment 2:** Under the draft MISC permit, registrations for Group I (which includes water treatment wastewater) and Group II discharges with flows greater than or equal to 25,000 gallons per day must be certified by a "Qualified" Professional Engineer. This requirement to obtain certification from a third-party professional engineer who has not engaged in any design or engineering work at the site, or is not employed by the permittee or the engineering firm engaged in any design or engineering work, will add significant costs and inefficiencies to preparing registrations that require such certifications. We believe that certification by an engineer intimately familiar with the design of the site and its facilities best serves the CTDEEP's interests and that current Professional Engineer licensing requirements will adequately ensure the integrity of the general permit registration process. The SCCRWA recommends the removal of the Qualified Professional Engineer certification requirement.

**Response 2:** Please see the Department's response to CBIA's letter (undated), comment J.1(a)(i), above.

**Comment 3:** The draft MISC permit requires continuous pH monitoring for continuous discharges of greater than 5,000 gallons per day. The pH of water treatment wastewaters (WTW) does not typically fall below 5 or exceed 12 standard units. As such, installation of continuous pH monitoring equipment for water treatment wastewaters is unnecessary and will add significant expense (est. \$15,000-\$20,000 per discharge) to compliance monitoring. The SCCRWA recommends that this requirement be eliminated for water treatment wastewater discharges.

**Response 3:** Please see the response to the University of Connecticut Health Center's letter dated February 6, 2012, comment D.4, above.

**Comment 4:** The draft MISC permit requires submittal of Discharge Monitoring Reports (DMRs) for certain discharges with total flows greater than 5,000 gallons per day. DMRs are currently not required under most existing general permits, and the addition of this requirement is in conflict with the self-governing intent of general permits. Furthermore, most general permits include self-reporting requirements for violations, which the SCCRWA feels are sufficient. The SCCRWA recommends that the DMR requirement be eliminated.

**Response 4:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.7, above.

**Comment 5:** The draft MISC permit's definition of WTW includes "potable water storage tank draining for maintenance purposes," which is not included in the definition under the existing WTWGP. These conflicting definitions could be confusing for registrants given that the existing WTWGP will remain in effect until 2015. The SCCRWA recommends that the definition of WTW remain consistent in the two general permits until the existing WTWGP is revised.

**Response 5:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.2, above.

**Comment 6:** The draft MISC permit requires the preparation of an Operations and Maintenance Plan and a Spill Prevention and Control Plan for each site that discharges greater than 25,000 gallons per day. The SCCRWA feels these requirements are excessive and their objectives are already met under other existing regulatory programs (e.g., EPA's SPCC Rule, OSHA HAZWOPER, stormwater permitting, etc.). As such, these requirements should be eliminated.

**Response 6:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.8, above.

**Comment 7:** The SCCRWA understands that the existing WTWGP will remain in effect until it is scheduled to expire in 2015. Water treatment facilities will have the option to register WTW sewer discharges under either the MISC permit or WTWGP until that time. However, after 2015 water treatment facilities will have to register WTW sewer discharges under the MISC permit, and all other WTW discharges under a modified WTWGP. As such, two separate general permits and two registration fees will be required for such facilities, whereas currently there is only a requirement for one general permit and one fee for all WTW discharges. The SCCRWA recommends that the CTDEEP take into consideration the additional costs and complications that will arise in 2015 for water treatment facilities.

**Response 7:** Please see the response to the Aquarion Water Company's letter dated January 31, 2012, comment E.4, above.

**Q. Boehringer Ingelheim Pharmaceuticals Inc.—Dated February 24, 2012**

**Comment 1:** DEEP's intent in creating this new MISC Permit is to reduce a facility's overall number of individual discharge permits by providing a general permit that would encompass many discharges that currently require individual permits. Ideally the majority of industrial users could register under one general permit instead of multiple individual permits. Combining a number of general permits under this one permit would reduce a site's compliance burden by reducing the total number of general permits a site would have to manage. BIPI believes the concept has the potential to reduce the compliance burden on industry while continuing to effectively protect the environment. BIPI also believes that many of the changes proposed under the MISC Permit to the existing general permits are great improvements. However, the proposed general permit will not result in one permit for the BIPI facility in Connecticut. While BIPI

would be able to consolidate some of its general permit registrations under this MISC Permit, it would not address all and therefore multiple permits would still be required.

**Response 1:** Although the Department would prefer to consolidate all sanitary sewer discharge general permits into one, it was not possible to do at this time. The Department will consider further opportunities for streamlining and consolidating permitting mechanisms in the future. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 2:** The proposed general permit will improve several existing permits. BIPI's experience with some of these permits and details of the expected improvements are detailed below.

BIPI is registered under the Hydrostatic Pressure Testing General Permit. The current permit seems to have been written for tank testing and does not work well for ongoing operations that are very different in nature such as hydrostatic pressure testing of new and modified piping systems, which can routinely be expected during construction projects. A strict interpretation of the current permit requires a Professional Engineer to certify each pipe test. While the volumes can range greatly, the current permit has no de-minimus volume. With the exception of clear guidance on quarterly sampling of one-time, discreet discharges, as described below, this new permit addresses these concerns.

Furthermore, fire suppression system test water and building maintenance wastewater are welcomed additions to the MISC Permit.

**Response 2:** No response necessary. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 3:** As a research-based pharmaceutical company, BIPI is subject to Federal Categorical Pretreatment Standards on this discharge under 40 CFR 439 subparts D and E. BIPI currently holds an Individual Pretreatment Permit SP0000021 that incorporates these federal requirements. BIPI's final discharge point (DSN-001) contains domestic sewage combined with process wastewaters which are discharged to the municipal POTW. In order for BIPI to replace the current individual permit with the proposed MISC permit, DEEP would have to incorporate aspects of the Federal Categorical Pretreatment Standards, referenced above, into this MISC Permit and make an allowance for combined domestic sewage and process wastewater discharges under the MISC Permit. Furthermore, BIPI has process discharges upstream of this final discharge point that are covered by this same individual permit. These discharges are also subject to Federal Categorical Pretreatment Standards. In order for BIPI to register these upstream discharge points under MISC permit as a replacement to our individual site permit, DEEP would have to incorporate aspects of the Federal Categorical Pretreatment Standards referenced above into this MISC Permit.

Therefore, since the BIPI facility is subject to a Federal Effluent Guideline and discharges combined process wastewater and domestic sewage, the MISC would not cover all discharges at the facility and the facility would still require multiple permits.

**Response 3:** It is correct that facilities subject to federal categorical pretreatment standards cannot cover those process wastewaters under the Miscellaneous General Permit. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 4:** The proposed general permit is unclear on flow monitoring requirements for discharges from multiple units with similar discharges. A few examples are presented below.

BIPI is registered under the Minor Non-Contact Cooling and Heat Pump Water General Permit to discharge wastewater from multiple cooling towers to the final discharge point DSN-001. The proposed general permit is unclear on the flow monitoring requirement for multiple units discharging to a single outfall. If the volume of discharge is cumulative, this new permit places an increased regulatory burden on BIPI including; certification by a PE, discharge monitoring quarterly, development of a SPCP and an O&M plan. This increased regulatory burden would not result in a corresponding improvement to the environment.

BIPI is registered under the Water Treatment Wastewater General Permit. BIPI operates three reverse osmosis (RO) systems that are located in different buildings and discharge to the site's final discharge point DSN-001. Flow monitoring requirements are not clearly defined. If the volume of discharge is cumulative, this new permit places an increased regulatory burden on BIPI in the form of quarterly reporting via NetDMR

Further clarification of flow monitoring from hydrostatic testing is still needed. As proposed, large non routine discharges, for example from pipe modifications, have a requirement for quarterly monitoring. The DEEP needs to clarify the monitoring of these one time, discrete or intermittent discharges, from greater than 5000 gallon per discharge tests, of piping systems. The quarterly monitoring model does not fit these discharges. If the intent of this part of the permit is for tanks and not pipes, then that needs to be clarified. Also please clarify in the BMP where the water used to clean the pipe prior to testing should be discharged.

Many of BIPIs other MISC discharges are intermittent and discrete. A quarterly sampling model will not work well. The DEEP needs to clarify sampling requirements for these intermittent and discrete discharges.

Finally, further clarification is needed for discharges of less than 5000 GPD. These discharges have no required monitoring. DEEP needs to clarify the expectation for recordkeeping to demonstrate compliance with permit parameters when no monitoring is required.

In general, flow monitoring requirements for sites with multiple units of similar type should be clarified and should not increase the regulatory burden without demonstrating a corresponding environmental improvement.

**Response 4:** Modifications to the Miscellaneous General Permit have been made where monitoring is now determined based on category of discharge and not just discharge group. This will eliminate monitoring of low flow discharges. In reducing the number of sanitary sewer

discharge general permits from ten to one, it is difficult to construct a general permit that satisfies all varying facility discharge scenarios. The Department recognizes that it may be more appropriate for a facility to maintain an individual permit in order to provide case-by-case monitoring or permit conditions. No change to the Miscellaneous General Permit has been made in response to this comment.

**Comment 5:** The current MISC general permit allows for over-the-road transport of combined wastewaters, classified as Group IV Wastewater, to an appropriate receiving facility. This capability is needed periodically, typically in cases of routine and non-routine maintenance.

The proposed permit indicates that over the road transport of MISC Sewer Compatible Wastewater are covered in the MISC general permit as Group IV Wastewater. However, as already discussed, combined discharges containing both domestic sewage and process water discharges would not be covered by the proposed MISC general permit. Therefore it is unclear if Categorical wastewater containing domestic sewage could be considered a Group IV discharge under the proposed general permit. Clarification of this point is needed.

**Response 5:** Only discharges that meet the definition of Miscellaneous sewer compatible wastewater as described in this general permit may be combined and transported as a Group IV wastewater. Provided that monitoring of Miscellaneous sewer compatible wastewater is performed prior to combination with domestic sewage in accordance with Section 5(b)(6) of the general permit, the language at Section 5(e)(4) of the general permit does not prohibit the transport of Miscellaneous sewer compatible wastewater combined with domestic sewage. No change to the Miscellaneous General Permit has been made in response to this comment.

#### **R. Public Hearing Request from the Connecticut Chapter of the Academy of Certified Hazardous Materials Managers**

Attached to a letter dated January 12, 2012 from the Connecticut Chapter of the Academy of Certified Hazardous Materials Managers (CTACHMM) a petition for a public hearing was filed with the Department on the basis that Certified Hazardous Material Managers (CHMM) should be allowed to certify Miscellaneous General Permit registrations as they had for the current Miscellaneous General Permit issued April 30, 2011 and other DEEP wastewater general permits.

DEEP Water Permitting and Enforcement Division staff and members of the CTACHMM met on February 23, 2012 to discuss the Miscellaneous General Permit modifications that would allow CHMMs to certify permit registrations for facilities that use either certain pre-engineered wastewater treatment or no wastewater treatment. These modifications are as follows:

- Definitions for Certified Hazardous Materials Manager and Qualified Certified Hazardous Materials Manager (QCHMM) added to Appendix A of the Miscellaneous General Permit.

- CHMM and/or QCHMM added to Section 3(b)(8)(A), (C), (D)(ii), and (E)(ii), Section 3(b)(9)(C), Section 4(a)(2), Section 4(c)(2)(Q) and (R), Section 5(d)(4) and (5) and definition of “in responsible charge” in the Miscellaneous General Permit.

CTACHMM subsequently submitted letters dated March 8, 2012 and October 17, 2013 withdrawing their request for a public hearing, which can be found in the compilation of received comments attached to this document.

**Additional Revisions Associated with Appendix VI of the Miscellaneous General Permit:**

1. The Town of Canaan POTW was incorrectly identified as a “Challenged POTW” for copper within Table 2 of the Miscellaneous General Permit. This POTW should have been identified as a “Challenged POTW” for copper and zinc within Table 3. Appendix D of the general permit has been revised to exclude the Town of Canaan POTW from Table 2 and include it within Table 3.

2. The Town of Ridgefield (Route 7) POTW was inadvertently left off the list of “Challenged POTW”s for copper in Table 2. This POTW should have been identified on this list. Appendix D of the general permit has been revised to include the Town of Ridgefield (Route 7) within Table 2.